

**No. 74**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**91st Legislature**  
**REGULAR SESSION OF 2002**

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House Chamber, Lansing, Wednesday, December 11, 2002.

12:00 Noon.

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 — e/d/s
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 — present	Neumann — present	Stewart — present
Brown, Bob — present	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 — e/d/s	Jacobs — present	Pappageorge — present	Toy — present
Cassis — present	Jamnick — present	Patterson — present	Van Woerkom — present
Caul — present	Jansen — present	Pestka — present	Vander Roest — present
Clark — present	Jelinek — present	Phillips — present	Vander Veen — present
Clarke — present	Johnson, Rick — present	Plakas — present	Veal — 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 — excused	Woronchak — present
Ehardt — present	LaSata — present	Rivet — present	Zelenko — present
Faunce — excused	Lemmons — present		

e/d/s = entered during session

Rep. Judith Scranton, from the 66th District, offered the following invocation:

“Our Father Who art in Heaven, hallowed be Thy name. Thy kingdom come, Thy will be done on earth as it is in Heaven. Give us this day our daily bread. Forgive us our trespasses as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil. For Thine is the kingdom and the power and the glory forever and ever. Amen.”

Rep. Jacobs moved that Rep. Rison 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.

### Messages from the Senate

The Speaker laid before the House

#### House Bill No. 5363, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 11, 213, 216, 217, 217c, 222, 226, 226a, 233b, 244, 248, 249, 251, and 251a (MCL 257.11, 257.213, 257.216, 257.217, 257.217c, 257.222, 257.226, 257.226a, 257.233b, 257.244, 257.248, 257.249, 257.251, and 257.251a), section 11 as amended by 1990 PA 154, section 216 as amended by 1996 PA 141, sections 217, 222, and 251 as amended by 2000 PA 397, sections 217c and 249 as amended by 1993 PA 300, section 226 as amended by 2000 PA 36, section 226a as amended by 1998 PA 384, section 233b as added by 1994 PA 305, section 244 as amended by 2000 PA 369, section 248 as amended by 1999 PA 172, and section 251a as added by 1990 PA 265.

(The bill was received from the Senate on December 10, with substitute (S-2), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 73, p. 2901.)

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

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

#### Roll Call No. 1238

#### Yeas—96

Adamini	Frank	Lemmons	Richardville
Allen	Garza	Lipsey	Richner
Anderson	George	Lockwood	Rivet
Basham	Gielegem	Mans	Rocca
Bernero	Gilbert	McConico	Schauer
Birkholz	Hager	Mead	Scranton
Bisbee	Hale	Meyer	Shackleton
Bishop	Hansen	Middaugh	Shulman
Bogardus	Hardman	Minore	Spade
Bovin	Hart	Mortimer	Stallworth
Brown, B.	Howell	Murphy	Stamas
Brown, C.	Hummel	Neumann	Stewart
Brown, R.	Jacobs	Newell	Switalski
Cassis	Jamnick	O’Neil	Tabor
Caul	Jansen	Palmer	Toy
Clark, I.	Jelinek	Pappageorge	Van Woerkom
Clarke, H.	Johnson, Rick	Patterson	Vander Veen
Daniels	Johnson, Ruth	Pestka	Waters
Dennis	Julian	Phillips	Whitmer

DeRossett	Koetje	Plakas	Williams
DeVuyst	Kolb	Pumford	Wojno
DeWeese	Kooiman	Quarles	Woodward
Durhal	Kowall	Raczkowski	Woronchak
Ehardt	LaSata	Reeves	Zelenko

**Nays—8**

Bradstreet	Gosselin	Sheltrown	Vear
Drolet	Kuipers	Vander Roest	Voorhees

In The Chair: Julian

The House agreed to the title as amended.

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

**Second Reading of Bills****Senate Bill No. 1250, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 36 of chapter IX and section 14m of chapter XVII (MCL 769.36 and 777.14m), section 36 of chapter IX as added by 2001 PA 246 and section 14m of chapter XVII as added by 2002 PA 29.

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. 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. 1250, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 36 of chapter IX and section 14m of chapter XVII (MCL 769.36 and 777.14m), section 36 of chapter IX as added by 2001 PA 246 and section 14m of chapter XVII as added by 2002 PA 29.

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

**Roll Call No. 1239****Yeas—105**

Adamini	Garza	Lemmons	Rivet
Allen	George	Lipsey	Rocca
Anderson	Gielegem	Lockwood	Schauer
Basham	Gilbert	Mans	Scranton
Bernero	Godchaux	McConico	Shackleton
Birkholz	Gosselin	Mead	Sheltrown
Bisbee	Hager	Meyer	Shulman
Bishop	Hale	Middaugh	Spade
Bogardus	Hansen	Minore	Stallworth
Bovin	Hardman	Mortimer	Stamas
Bradstreet	Hart	Murphy	Stewart

Brown, B.	Howell	Neumann	Switalski
Brown, C.	Hummel	Newell	Tabor
Brown, R.	Jacobs	O'Neil	Toy
Cassis	Jamnack	Palmer	Van Woerkom
Caul	Jansen	Pappageorge	Vander Roest
Clark, I.	Jelinek	Patterson	Vander Veen
Clarke, H.	Johnson, Rick	Pestka	Vear
Daniels	Johnson, Ruth	Phillips	Voorhees
Dennis	Julian	Plakas	Waters
DeRossett	Koetje	Pumford	Whitmer
DeVuyst	Kolb	Quarles	Williams
DeWeese	Kooiman	Raczkowski	Wojno
Drolet	Kowall	Reeves	Woodward
Durhal	Kuipers	Richardville	Woronchak
Ehardt	LaSata	Richner	Zelenko
Frank			

### 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 1927 PA 175, entitled "An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending sections 26 and 28 of chapter V, section 36 of chapter IX, and section 14m of chapter XVII (MCL 765.26, 765.28, 769.36, and 777.14m), section 36 of chapter IX as added by 2001 PA 246 and section 14m of chapter XVII as added by 2002 PA 29.

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

#### Senate Bill No. 1251, entitled

A bill to amend 1993 PA 354, entitled "Railroad code of 1993," by amending sections 105, 109, 353, 357, 359, 361, and 365 (MCL 462.105, 462.109, 462.353, 462.357, 462.359, 462.361, and 462.365); and to repeal acts and parts of acts.

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Criminal Justice (for amendment, see House Journal No. 73, p. 2915),

The amendment was 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. Adamini moved that Rep. Rich Brown 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. 1251, entitled**

A bill to amend 1993 PA 354, entitled “Railroad code of 1993,” by amending sections 105, 109, 353, 357, 359, 361, and 365 (MCL 462.105, 462.109, 462.353, 462.357, 462.359, 462.361, and 462.365); 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. 1240**

**Yeas—102**

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

**Nays—0**

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

“An act to revise, consolidate, and codify the laws relating to railroads and their employees; to prescribe powers and duties of certain state and local agencies and officials; to prescribe fees; to create certain funds; to provide for the disposition of certain money; to provide remedies and penalties; and to repeal certain 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.

### **Announcement by the Clerk of Printing and Enrollment**

The Clerk announced that the following bills had been printed and placed upon the files of the members, Thursday, December 5:

**Senate Bill Nos. 1521 1522 1523**

By unanimous consent the House returned to the order of

### **Reports of Standing Committees**

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

#### **Senate Bill No. 1213, entitled**

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending sections 456, 2236, 2401, and 2601 (MCL 500.456, 500.2236, 500.2401, and 500.2601), section 456 as amended by 2002 PA 26, section 2236 as amended by 1993 PA 200, and section 2401 as amended by 1982 PA 8.

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 1213 To Report Out:**

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

Nays: Reps. Anderson, Clark, Durhal, Woodward.

### 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, December 11, 2002, at 10:30 a.m.,

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

Absent: Reps. Ehardt, Wojno, Daniels,

Excused: Reps. Ehardt, Wojno, Daniels.

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

#### **House Bill No. 6274, entitled**

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 627 (MCL 257.627), as amended by 1990 PA 165.

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 6274 To Report Out:**

Yeas: Reps. Gilbert, George, DeRossett, Drolet, Hart, Hummel, Ruth Johnson, Palmer, Scranton, Anderson, Bovin, Jannick, Murphy, Neumann,

Nays: None.

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

**Senate Bill No. 614, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 217i. 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 614** To Report Out:

Yeas: Reps. Gilbert, DeRossett, Hart, Hummel, Ruth Johnson, Palmer, Anderson, Jannick, Neumann,

Nays: None.

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

**Senate Bill No. 694, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 725a (MCL 257.725a), as amended by 1980 PA 311.

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 694** To Report Out:

Yeas: Reps. Gilbert, George, DeRossett, Drolet, Hart, Hummel, Ruth Johnson, Palmer, Scranton, Anderson, Bovin, Jannick, Murphy, Neumann,

Nays: None.

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

**Senate Bill No. 1398, entitled**

A bill to amend 1990 PA 187, entitled "The pupil transportation act," by amending sections 7 and 10a (MCL 257.1807 and 257.1810a), as amended by 2000 PA 49.

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 1398** To Report Out:

Yeas: Reps. Gilbert, DeRossett, Drolet, Hart, Hummel, Palmer, Scranton, Anderson, Bovin, Jannick,

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: Wednesday, December 11, 2002, at 9:00 a.m.,

Present: Reps. Gilbert, George, DeRossett, Drolet, Hart, Hummel, Ruth Johnson, Palmer, Scranton, Anderson, Bovin, Jannick, Murphy, Neumann,

Absent: Reps. Julian, Daniels, Durhal,

Excused: Reps. Julian, Daniels, Durhal.

The Committee on Tax Policy, by Rep. Cassis, Chair, reported

**Senate Bill No. 1500, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending sections 39b and 39e (MCL 208.39b and 208.39e), section 39b as added by 1996 PA 441 and section 39e as added by 2002 PA 531.

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 1500** To Report Out:

Yeas: Reps. Cassis, Vear, Birkholz, Drolet, Gosselin, Kowall, Meyer, Richardville, Quarles, Basham, Bob Brown, Minore, Wojno,

Nays: None.

## COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Cassis, Chair, of the Committee on Tax Policy, was received and read:

Meeting held on: Wednesday, December 11, 2002, at 10:30 a.m.,

Present: Reps. Cassis, Vear, Birkholz, Drolet, Gosselin, Kowall, Meyer, Richardville, Quarles, Basham, Bob Brown, Minore, Wojno,

Absent: Reps. Newell, Woronchak, Hale, O'Neil,

Excused: Reps. Newell, Woronchak, Hale, O'Neil.

## COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, December 11, 2002, at 10:00 a.m.,

Present: Reps. Shulman, LaSata, Cameron Brown, Caul, Godchaux, Jansen, Jelinek, Kooiman, Mead, Mortimer, Newell, Pappageorge, Pumford, Shackleton, Stamas, Stewart, Toy, Vander Roest, Frank, Rich Brown, Clarke, Lockwood, Pestka, Phillips, Plakas, Reeves, Stallworth, Switalski, Whitmer.

By unanimous consent the House returned to the order of

**Motions and Resolutions**

Rep. Palmer offered the following resolution:

**House Resolution No. 634.**

A resolution honoring American Megacom, Contract Counsel, Pioneer Mortgage, Inc., The Services Source, and Veri-Tek International, Inc., upon being named among Inc. Magazine's 2002 List of America's 500 Fastest-Growing Private Companies.

Whereas, It is with deep appreciation for the significance of this milestone that we commend the management and staff of these companies as they receive this exemplary honor. We are proud to recognize the important role that these businesses play in contributing to both the economic well-being of the state of Michigan and the lives of countless citizens; and

Whereas, Their success in maintaining competitiveness during an era of numerous challenges is the direct result of the commitment of the employees of these companies and their ability to work together to offer the best products and services over the years; and

Whereas, Their faith in Michigan's future, as evidenced by the investment these companies have made, is hereby recognized and applauded. We are grateful for their contribution to Michigan and hope that their future brings even further success; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body honor American Megacom, Contract Council, Pioneer Mortgage, Inc., The Services Source, and Veri-Tek International, Inc., upon being named among Inc. Magazine's 2002 List of America's 500 Fastest-Growing Private Companies. We wish them well in the years to come; and be it further

Resolved, That copies of this resolution be transmitted to American Megacom, Contract Counsel, Pioneer Mortgage, Inc., The Services Source, and Veri-Tek International, 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.



Rep. Bob Brown offered the following resolution:

**House Resolution No. 635.**

A resolution honoring Peter Stevens for his 49 years of service as Director of the Dearborn Heights District #7 (D-7) Dads Club.

Whereas, With deep appreciation of the talents and energy that must come together to cofound and direct a youth athletics program, we honor Peter Stevens upon the occasion of his 49 years of service as Director of the Dearborn Heights District #7 (D-7) Dads Club. As Peter Stevens continues his service as Director, we add our voice of thanks to those of the children, coaches, and parents throughout the city of Dearborn Heights whose lives he has touched; and

Whereas, Through his dedicated efforts as the Director of the Dearborn Heights District #7 Dads Club, as well as his active role in his community, Peter Stevens has clearly demonstrated the highest qualities of citizenship and unselfishness. In 1953, Peter Stevens and his cofounder and dear friend, Unk Harris, determined to establish a baseball program for their kids. What started as one baseball team soon expanded to two teams that played each other. Then, over the years, they added softball, hockey, flag football, cheerleading, and basketball. D-7 Dads Club is now a program that offers sports to over a thousand children each year. One can only imagine how many tireless hours Peter Stevens has donated to the D-7 Dads Club over his 49 years. He is still volunteering his hours especially on Saturdays and Mondays to run the time clock at hockey games and to oversee the managers and teams; and

Whereas, Peter Stevens is married to Patricia. He has children, grandchildren, and even great-grandchildren. He played football in high school where he developed his life-long appreciation for the benefits of youth athletics programs. Peter Stevens worked for General Motors as a tool and dye leader before his retirement. He has also served on the Dearborn Heights School District #7 School Board as treasurer. Although busy, Pete still finds plenty of time for the Dads Club. As his friend Gary Barkoff states, "Pete Stevens is the Dads Club."; and

Whereas, In his work as Director of the D-7 Dads Club over the past 49 years, Peter Stevens has been a fantastic role model for children and adults alike. With his heartfelt concern for young people and the realization of the importance of physical fitness in our changing world, Peter Stevens has helped countless children and strengthened our state and its future; now, therefore, be it

Resolved by the Michigan House of Representatives, That the members of this legislative body honor Peter Stevens for his 49 years of service as Director of the Dearborn Heights District #7 (D-7) Dads Club; and be it further

Resolved, That a copy of this resolution be transmitted to Peter Stevens 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.

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:

**House Resolution No. 636.**

A resolution for the Honorable Jennifer Faunce.

Whereas, It is with great admiration for her commitment to the people of the Twenty-ninth District, as well as the entire state, that we honor Representative Jennifer Faunce as she ends her tenure of service as a member of this legislative body. Her expertise in criminal law and commitment to excellence in public service greatly enriched the efforts of the legislature over the past four years; and

Whereas, Jennifer Faunce earned her bachelor's degree from Michigan State University and her J.D. degree from the University of Detroit School of Law. Prior to her election to the House of Representatives she served as Assistant Prosecuting Attorney and Chief of Juvenile Court with the Macomb County Prosecuting Attorney's Office. She was also involved as a member and volunteer with numerous professional, civic, and community organizations, including the Macomb County Bar Association, Women Lawyers Association of Michigan, the Humane Society, and Mothers Against Drunk Driving; and

Whereas, As the first woman and first freshman legislator to be appointed as chair of the Criminal Law and Corrections Committee, Representative Faunce has surely etched a place for her name and her contributions in the annals of the Michigan Legislature. Her steadfast commitment to addressing the complexities of criminal issues has been of great value and benefit to this state; now, therefore, be it

Resolved by the House of Representatives, That we offer this expression of our gratitude to the Honorable Jennifer Faunce as she brings to a close her tenure in this legislative body; and be it further

Resolved, That a copy of this resolution be transmitted to Representative Faunce as evidence of our gratitude and best wishes.

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.

The Speaker, on behalf of the entire membership of the House of Representatives offered the following resolution:  
**House Resolution No. 637.**

A resolution of tribute for the Honorable Jud Gilbert.

Whereas, It is with great admiration for his commitment to the people of the Eighty-second District and the state of Michigan that we honor our colleague Representative Jud Gilbert as he ends his tenure of service as a member of this legislative body. His six years of service have proven to be an enrichment to the legislature and to the legislative process; and

Whereas, Representative Gilbert attended St. Clair Community College and the Wayne State School of Mortuary Science before embarking on his career as a licensed funeral director in 1974. He has also been active within his community as a member of the Algonac Rotary Club, the Downriver Recreation Commission, and his church, St. Andrews Episcopal Church; and

Whereas, Since his election to the House in 1998, Representative Gilbert has served this legislative body as chair of the Transportation Committee and as a member of the Agriculture and Resource Management, Commerce, Local Government, Urban Policy, and Capitol Committees. We appreciate his efforts; now, a member therefore, be it

Resolved by the House of Representatives, That we offer this expression of our gratitude to the Honorable Jud Gilbert as he brings to a close his service to this legislative body; and be it further

Resolved, That a copy of this resolution be transmitted to Representative Gilbert as evidence of our admiration and best wishes.

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.

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:  
**House Resolution No. 638.**

A resolution of tribute for the Honorable Pan Godchaux.

Whereas, It is a privilege to extend the congratulations of this legislative body to Representative Pan Godchaux as she completes her service in the House of Representatives. Her election in 1996 gave her the opportunity to represent the citizens of the Fortieth Legislative District. Representative Godchaux has been an outspoken leader on issues that impact the lives of citizens across this state; and

Whereas, Representative Godchaux brought to the legislature a wealth of experience that includes years of service as a teacher with the Detroit Public Schools, work as a Peace Corps volunteer, and her contributions to numerous committees and task forces both inside and outside of the legislature. She has channeled her energies through the Birmingham Board of Education, the Oakland County Coordinating Council Against Domestic Violence, and many other groups; and

Whereas, Representative Godchaux incorporated her insights and ideals on public policy issues into her work as a legislator. She has contributed a great deal to the appropriations process as a member of the House Appropriations Committee and to the legislative body throughout her years of service; now, therefore, be it

Resolved by the House of Representatives, That we offer this expression of admiration and thanks to Representative Pan Godchaux for her dedication to the people of this state as a member of the House of Representatives; and be it further

Resolved, That a copy of this resolution be transmitted to Representative Godchaux as evidence of our gratitude and best wishes.

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.

The Speaker, on behalf of the entire membership of the House of Representatives offered the following resolution:  
**House Resolution No. 639.**

A resolution of tribute to the Honorable Robert Gosselin.

Whereas, The members of this legislative body are proud to commend and thank our colleague Representative Robert Gosselin as he brings to a close his distinguished service to the Michigan House of Representatives. His knowledge has been an invaluable resource during his tenure as chair of the Employment Relations, Training and Safety Committee; and

Whereas, A man of strong conviction and dedication to the commonweal, Representative Gosselin brought diverse public and private sector experience to the Capitol, which has been a great asset to the legislature. His career accomplishments and contributions include studies at the Lawrence Institute of Technology, fifteen years of service as a design engineer at General Motors, and many years of experience as a home builder and real estate agent. He has also held public office as a member of the Troy City Council and Troy Mayor Pro Tem; and

Whereas, In addition to his contributions to state and local government, Representative Gosselin has been involved in numerous civic, community, and professional organizations. He has served the citizens of the Forty-second District with distinction; now, therefore, be it

Resolved by the House of Representatives, That we offer this expression of tribute to commend and thank the Honorable Robert Gosselin for his notable contributions to this legislative body; and be it further

Resolved, That a copy of this resolution be transmitted to Representative Gosselin as evidence of our gratitude and best wishes.

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.

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:

**House Resolution No. 640.**

A resolution for the Honorable Gilda Jacobs.

Whereas, The members of this legislative body deem it a great honor to congratulate and commend our friend Gilda Jacobs at the end of her outstanding tenure in the Michigan House of Representatives. Her vision, experience, and leadership have been invaluable assets to all of us throughout the past four years, and we look forward to hearing of even greater accomplishments as she begins her service in the Michigan Senate; and

Whereas, A graduate of the University of Michigan, a former legislative assistant, and former special education teacher, Gilda Jacobs proved her mettle in a host of local government leadership positions, including as Mayor Pro Tem of the City of Huntington Woods and the first woman to serve as a member of the Huntington Woods City Commission. She also distinguished herself as a board member of both the South Oakland NAACP and the Tri-Community Coalition, and with the Berkley High School P.T.O; and

Whereas, Throughout the last two legislative sessions, Gilda Jacobs has utilized her many skills and abilities as a leader of this legislative body. She has been a pioneer as the first woman to serve as the Democratic Floor Leader in the House. Moreover, she has succeeded admirably as minority vice chair of the Committee on House Oversight and Operations and as a member of the Legislative Council and the House Fiscal Agency Governing Board. In each of these capacities, Gilda Jacobs has been a leader and a visionary, and she has earned our respect for all that she has achieved; now, therefore, be it

Resolved by the House of Representatives, That we offer this resolution as an expression of our gratitude to the Honorable Gilda Jacobs for her many contributions to the people of Michigan; and be it further

Resolved, That a copy of this document be transmitted to Representative Jacobs as a token of our high regard for her efforts.

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.

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:

**House Resolution No. 641.**

A resolution for the Honorable Mark C. Jansen.

Whereas, It is with great appreciation for his hard work and dedication over the past six years that we salute Mark Jansen upon the completion of his duties as a member of the Michigan House of Representatives. His knowledge and his deep personal belief in our system of self-government have made him a most effective contributor to the legislative process. His work has benefited not only the people of his Kent County district, but also the entire state; and

Whereas, Mark Jansen, who studied at Grand Valley State University and Calvin College, came to Lansing and the Capitol following his 1996 election. He brought with him considerable experience with computers and an impressive background in human services, including extensive work leading church youth ministries. The unselfishness and concern for others he demonstrated in these responsibilities were also evident in his civic activities, especially his involvement in local government as Gaines Township Clerk; and

Whereas, Representative Jansen has provided leadership in the budget process, a task that is fundamental to the operation of state government. In addition to his membership on the House Appropriations Committee, he served as the chair of the subcommittee for the Family Independence Agency and as a member of the subcommittees handling the budgets for Natural Resources and Environmental Quality, Community Health, and Higher Education. The impact of his legislative efforts has strengthened our state in many ways; now, therefore, be it

Resolved by the House of Representatives, That we offer this expression of tribute to commend and thank the Honorable Mark C. Jansen for his notable contributions to this legislative body and to our entire state; and be it further

Resolved, That a copy of this resolution be transmitted to Representative Jansen as evidence of our gratitude and best wishes.

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.

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:  
**House Resolution No. 642.**

A resolution for the Honorable Ron Jelinek.

Whereas, It is a great pleasure to commend and thank Ron Jelinek as he brings to a close his service to the House of Representatives. His thoughtfulness, personal integrity, and deep sense of respect for the legislative process have been greatly appreciated by the members and staff of this legislative body; and

Whereas, A native of Berrien County who earned a bachelor's degree in agriculture education at Michigan State University and a master's degree in science education at Western Michigan University, Ron Jelinek has devoted his life to education, farming, and community involvement. As a member and leader of numerous civic, youth, farm, and school groups, he developed relationships within his community that have served his district and state well during his six years in the House of Representatives; and

Whereas, Elected to the first of his three consecutive terms in 1996, Representative Jelinek has incorporated his insights and ideas into the wide-ranging policy debates in the full House and in his committee responsibilities. He has been especially active in the budget process as a member of the House Appropriations Committee. He has served with distinction on the subcommittees on Agriculture, Community Colleges, Consumer and Industry Services and has chaired the subcommittee on School Aid and the Department of Education; now, therefore, be it

Resolved by the House of Representatives, That we offer this expression of tribute to commend and thank the Honorable Ron Jelinek for his notable contributions to this legislative body and to our entire state; and be it further

Resolved, That a copy of this resolution be transmitted to Representative Jelinek as evidence of our gratitude and best wishes.

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.

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:  
**House Resolution No. 643.**

A resolution for the Honorable Mike Kowall.

Whereas, It is with gratitude for his dedication over the past four years as a lawmaker that we salute Mike Kowall and thank him for his efforts as a member of this legislative body. His insights, talents, and commitment to our system of self-government have contributed to the development of sound policies in Michigan. We appreciate his perspectives and the manner in which he has spoken for the people of his Oakland County district; and

Whereas, First elected to the House of Representatives in 1998, Mike Kowall came to the Capitol in Lansing with a diverse background in private business, civic organizations, and numerous positions in local government. This background, which included operating a family business and leadership through several White Lake Township entities, gave him firsthand knowledge directly applicable to the responsibilities he faced in the Michigan Legislature; and

Whereas, A key part of Representative Kowall's work as a legislator was his work at the committee level. He shared his knowledge and vision as a member of the Conservation and Outdoor Recreation, Criminal Justice, Energy and Technology, and Tax Policy Committees and served on the Appropriations Subcommittee on Corrections. His active participation in the legislative process and his respect for the institution earned him the respect of his colleagues and staff members; now, therefore, be it

Resolved by the House of Representatives, That we offer this expression of tribute to commend and thank the Honorable Mike Kowall for his notable contributions to this legislative body and to our entire state; and be it further Resolved, That a copy of this resolution be transmitted to Representative Kowall as evidence of our gratitude and best wishes.

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.

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:  
**House Resolution No. 644.**

A resolution for the Honorable Wayne Kuipers.

Whereas, As he brings to a close his tenure with the Michigan House of Representatives, it is a pleasure to offer this expression of respect and thanks to Wayne Kuipers for his contributions to this legislative body. His sense of commitment, dedication, and energy have been beneficial not only to his Ottawa County district, but also our entire state; and

Whereas, Wayne Kuipers, who earned his bachelor's degree at Calvin College and his master's degree at Aquinas College, has long been an active leader in the Holland area community. A former project manager, general manager, and vice president of Hollandia Gardens, he has been a leader within the Holland Area Chamber of Commerce. In addition, he has been very committed to working with disadvantaged young people through various organizations, mentoring groups, and ministries. These activities have given him insights that have proven invaluable in public policy debates in Lansing; and

Whereas, Representative Kuipers has contributed to the work of the Employment Relations, Training and Safety; the Senior Health, Security, and Retirement; and the House Oversight and Operations Committees and has provided leadership as the chair of the House Education Committee. His work in the House over the past four years has been deeply appreciated by his colleague and staff members, as well as the people of his district and our state; now, therefore, be it

Resolved by the House of Representatives, That we offer this expression of tribute to commend and thank the Honorable Wayne Kuipers for his notable contributions to this legislative body and to our entire state; and be it further

Resolved, That a copy of this resolution be transmitted to Representative Kuipers as evidence of our gratitude and best wishes.

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.

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:  
**House Resolution No. 645.**

A resolution for the Honorable LaMar Lemmons.

Whereas, It is with deep appreciation for the energy, commitment, and dedication with which he carried out his efforts as a lawmaker that we offer this expression of our thanks and best wishes to LaMar Lemmons as he brings to a close his service with the Michigan House of Representatives. His public-mindedness and concern for the future of his community of Detroit and our entire state strengthened the quality of debate in many ways; and

Whereas, First elected in 1998, LaMar Lemmons came to Michigan's Capitol with numerous experiences working within his district and in the public arena at the local and state levels. He was a former social studies teacher who also carved out a career in civic involvement. His responsibilities included working with young people through many groups, including the Inner City Community Center, serving as a reading instructor, coach, and member of religious organizations. He also distinguished himself as a legislative analyst working with the Speaker of the Michigan House of Representatives and as a special assistant in Wayne County government; and

Whereas, Representative Lemmons has shared his insights with House colleagues and staff members in many ways over the past two terms. He has been an active contributor to the work of the Commerce, Gaming and Casino Oversight, Health Policy, and Redistricting and Elections Committees. We appreciate all his hard work; now, therefore, be it

Resolved by the House of Representatives, That we offer this expression of tribute to commend and thank the Honorable LaMar Lemmons for his notable contributions to this legislative body and to our entire state; and be it further

Resolved, That a copy of this resolution be transmitted to Representative Lemmons as evidence of our gratitude and best wishes.

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.

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:

**House Resolution No. 646.**

A resolution for the Honorable Patricia A. Lockwood.

Whereas, It is with deep respect for her consistent efforts as a lawmaker working to articulate the needs of her district and our state that we salute Representative Patricia Lockwood as she completes her service to the Michigan House of Representatives. Her belief in our system of self-government and her heartfelt concern for Michigan's future have been evident throughout her tenure. Her colleagues and staff members at the Capitol have appreciated her outstanding work; and

Whereas, Patricia Lockwood's work since coming to the Michigan Legislature following her 1998 election has been an extension of her long and impressive tenure of public service at the local level. Her spirit of unselfishness and commitment has been known to many individuals and organizations in Genesee County for many years, especially within the community of Fenton. Her distinguished record of community leadership includes service with the Fenton City Council and 10 years as the city's mayor; and

Whereas, Representative Lockwood, who also brought to Lansing valuable experience in economic development efforts and chamber of commerce initiatives, was elected to the first of her two terms as a state lawmaker in 1998. Since that time, her talents and insights have been put to good use on the House Appropriations Committee. She has worked hard as a member of the subcommittees working on the budgets for Consumer and Industry Services/Michigan Economic Development Corporation, Joint Capital Outlay, Retirement, and Transportation; now, therefore, be it

Resolved by the House of Representatives, That we offer this expression of tribute to commend and thank the Honorable Patricia A. Lockwood for her notable contributions to this legislative body and to our entire state; and be it further

Resolved, That a copy of this resolution be transmitted to Representative Lockwood as evidence of our gratitude and best wishes.

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.

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:

**House Resolution No. 647.**

A resolution for the Honorable George W. Mans.

Whereas, As he completes his service with the House of Representatives, it is most appropriate to salute George Mans and to thank him for his contributions to this legislative body. His belief in our state and his affection for the people of his district have benefited our state in many ways; and

Whereas, George Mans is a proud graduate of the University of Michigan, where he was captain of the football team. His background includes considerable coaching activities, at his alma mater and at Eastern Michigan University and Michigan Technological University. He also devoted many years to civic leadership and public service at the local level. Prior to his 1996 election as a state lawmaker, he served several years on the Trenton School Board of Education and as the mayor of Trenton; and

Whereas, In addition to his experience working with young people and his familiarity with local issues, George Mans also came to Lansing with considerable business experience. He has served with distinction as a member of several committees over the past six years, serving on the House Veterans Affairs Committee during the Ninety-first Legislature; now, therefore, be it

Resolved by the House of Representatives, That we offer this expression of tribute to commend and thank the Honorable George W. Mans for his notable contributions to this legislative body and to our entire state; and be it further

Resolved, That a copy of this resolution be transmitted to Representative Mans as evidence of our gratitude and best wishes.

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.

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:  
**House Resolution No. 648.**

A resolution for the Honorable David Mead.

Whereas, It is with great respect for his many contributions to our state during his years as a lawmaker that we honor and thank David Mead. His diligent efforts while a member of the Michigan House of Representatives have been appreciated by both members and staff, and his high standards have helped in the development of legislation and public policy decisions that will serve our state well in the years to come; and

Whereas, A veteran of service with the United States Air Force from 1965 to 1968, David Mead has been head of a family fruit farm operation for more than three decades. His long years in farming have led to his involvement in a host of agricultural groups, as well as his leadership with numerous civic groups in the Frankfort area and along Michigan's northwestern Lower Peninsula fruit belt. Prior to his 1998 election as a State Representative, he also served as township supervisor and as a county commissioner; and

Whereas, With great sensitivity to the challenge of matching financial resources with needs, Representative Mead has been an effective member of the House Appropriations Committee. His talents and insight have been especially beneficial to the subcommittees on Agriculture, the Family Independence Agency, Higher Education, and Natural Resources and Environmental Quality, which he has chaired; now, therefore, be it

Resolved by the House of Representatives, That we offer this expression of tribute to commend and thank the Honorable David Mead for his notable contributions to this legislative body and to our entire state; and be it further

Resolved, That a copy of this resolution be transmitted to Representative Mead as evidence of our gratitude and best wishes.

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.

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:  
**House Resolution No. 649.**

A resolution of tribute for the Honorable Mickey Mortimer.

Whereas, On the occasion of Representative Mickey Mortimer's departure from the House of Representatives, it is a privilege to congratulate him. His successful tenure in this legislative body benefited his district and the people of Michigan. Representative Mortimer may be proud of the standard for public service and good government that he has set during his time in the Legislature; and

Whereas, Mickey Mortimer brought a wealth of community and local government experience to the Legislature. Graduating from Ferris State University with a bachelor's degree in business and associate degree in real estate, Mickey Mortimer went on to excel in the private sector. He worked in the financial services industry, with experience as an auditor. He entered local government service when he was elected in 1992 to the position of County Clerk in Jackson County. His community involvement spanned a diverse assortment of youth groups, health advocacy groups, civic organizations, and community groups. This commitment to grass roots community involvement is commendable; and

Whereas, In 1998, having built an already admirable record of public service, Mickey Mortimer was elected to the Michigan House of Representatives. His expertise was invaluable in his work on ad hoc legislative advisory committees. Representative Mortimer's excellence was recognized with a fellowship at the Bowhay Institute for Legislative Leadership Development. His financial background has been an asset on the House Commerce Committee and on the House Appropriations Committee. He chaired that committee's Community Health Subcommittee and served on the Corrections and Capital Joint Outlay Subcommittees as well; now, therefore, be it

Resolved by the House of Representatives, That we honor Representative Mickey Mortimer as he concludes his service with the Michigan House of Representatives; and be it further

Resolved, That a copy of this resolution be transmitted to Representative Mortimer 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.

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:  
**House Resolution No. 650.**

A resolution of tribute for the Honorable Bruce Patterson.

Whereas, It is an honor for the members of this legislative body to recognize Representative Bruce Patterson for his outstanding work on the behalf of his constituents of the Twenty-first District and the people of Michigan. His expertise and thoughtful consideration of the issues at hand have enriched the legislative process throughout his two terms in Lansing; and

Whereas, A native of Canton Township, Bruce Patterson earned a B.A. and a J.D. at Wayne State University. Over the years, he has been an active and tireless advocate for his community. Bruce Patterson is a former two term member of the Wayne County Commission and the past president of the Canton Economic Club. From 1991 to 1994, he was the director of Planned Giving at Eastern Michigan University. Further, from 1989 to 1997, he was on the board of directors for the Educational Excellence Foundation for Plymouth-Canton Public Schools; and

Whereas, Mr. Patterson was elected to the Michigan House in 1998. He was the first freshman ever elected by his caucus to the leadership position of Associate Speaker Pro Tempore. In 2000, his colleagues selected him as their Majority Floor Leader. During the Ninety-first Legislature, Representative Patterson chaired both the House Oversight and Operations Committee and the Redistricting and Elections Committee. He vice chaired the House Television and Oversight Committee, as well as being on the Gaming and Casino Oversight Committee and the Veterans Affairs Committee. His numerous legislative accomplishments include sponsoring legislation to require nursing homes to post the name, title, location, and telephone number of the staff person who is responsible for conducting complaint investigations; being the lead sponsor of the successful 2002 Ballot Proposal 02-02, which asked state voters to authorize up to \$1 billion in state bonds for local water pollution control projects; and sponsored legislation creating a process for the Secretary of State to implement a uniform voting system; now, therefore, be it

Resolved by the House of Representatives, That we honor Representative Bruce Patterson as he concludes his service with the Michigan House of Representatives; and be it further

Resolved, That a copy of this resolution be transmitted to Representative Patterson as a tribute to his dedication to public service.

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.

The Speaker, on behalf of the entire membership of the House of Representatives offered the following resolution:  
**House Resolution No. 651.**

A resolution of tribute to the Honorable Nancy Quarles.

Whereas, It is a pleasure to extend this expression of thanks to Representative Nancy Quarles as she brings to a close her tenure with the Michigan House of Representatives. Since her election to the legislature in 1996, Representative Quarles has been an important contributor in addressing the issues of relevance to the citizens of this state through the initiation and support of sound public policy; and

Whereas, Representative Quarles brought to the legislature years of previous public service in local government. In addition to her tenure on the Oakland County Board of Commissioners, she was also involved with the Oakland County Economic Development Commission. She has also exercised her leadership as a member of the Dr. Martin Luther King, Jr. Holiday Task Force, and the Women's Political Caucus; and

Whereas, Throughout her tenure with the House, Representative Quarles has exhibited a true commitment to representing her constituents. She has been a most effective member of the Redistricting and Elections Committee and served as minority vice-chair of the Tax Policy Committee and a member of the Capitol Committee. Her contributions have impacted citizens within her district and beyond; now, therefore, be it

Resolved by the House of Representatives, That we offer this expression of our gratitude to the Honorable Nancy Quarles as she brings to a close her notable service to this legislative body; and be it further

Resolved, That a copy of this resolution be transmitted to Representative Quarles as evidence of our admiration and best wishes.

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.

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:  
**House Resolution No. 652.**

A resolution for the Honorable Andrew Raczkowski.

Whereas, With the completion of his third term in the Michigan House of Representatives, Andrew Raczkowski is bringing to a close his distinguished service to this legislative body. We are proud to offer him our thanks for his hard work, energy, and commitment to the legislative process. His enthusiasm for public service has benefited his Oakland County district and our entire state; and

Whereas, A native of Detroit who earned his bachelor's degree from Eastern Michigan University, his master's degree from Central Michigan University, and his law degree from the Detroit College of Law, Andrew Raczkowski was first elected to the House in 1996. He brought with him to the Capitol his experience as a small businessman and a record of civic involvement in several types of organizations within the Farmington area. He also has demonstrated his personal sense of duty and patriotism through his ongoing responsibilities in military service as a company commander with the United States Army Reserve; and

Whereas, Representative Raczkowski's background and leadership served this legislative body in many ways. In addition to his committee responsibilities with the Criminal Justice, Health Policy, and Regulatory Reform Committees and the Appropriations Subcommittee on Community Health this term, he also served with distinction as the Majority Floor Leader during the Ninetieth Legislature; now, therefore, be it

Resolved by the House of Representatives, That we offer this expression of tribute to commend and thank the Honorable Andrew Raczkowski for his notable contributions to this legislative body and to our entire state; and be it further

Resolved, That a copy of this resolution be transmitted to Representative Raczkowski as evidence of our gratitude and best wishes.

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.

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:  
**House Resolution No. 653.**

A resolution of tribute for the Honorable Andrew C. Richner.

Whereas, The members of the House of Representatives extend our thanks and best wishes to Representative Andrew C. Richner as he completes his tenure with this legislative body. Representative Richner has been a valuable colleague and a credit to his constituents of the First District; and

Whereas, Born on the Fourth of July, 1961, in Grosse Pointe Park, Andrew C. Richner earned a B.A. degree and a J.D. degree from the University of Michigan. He was a member of the Grosse Pointe Park City Council and served two terms as a Wayne County Commissioner. Andrew C. Richner also serves as a commissioner to the Michigan Commission on Uniform State Laws and the Securities Act Drafting Committee of the National Conference of Commissioners on Uniform State Laws; and

Whereas, Andrew C. Richner was elected to the House of Representatives in 1996. During the Ninety-first Legislature, he vice chaired both the Civil Law and the Judiciary Committee and the Redistricting and Elections Committee. He also served on the Appropriations Subcommittee on Judiciary. In his six years in the Legislature, Representative Richner has sponsored numerous legislative milestones, including the Uniform Electronic Transactions Act; Uniform Child Custody Jurisdiction and Enforcement Act; and a law that allows municipalities to purchase, condemn, and transfer blighted structures or lots for economic development; now, therefore, be it

Resolved by the House of Representatives, That we honor Representative Richner as he concludes his service with the Michigan House; and be it further

Resolved, That a copy of this resolution be transmitted to Representative Richner as a tribute to his dedication to public service.

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.

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:  
**House Resolution No. 654.**

A resolution for the Honorable Vera Rison.

Whereas, It is a pleasure to offer this expression of our thanks and best wishes to Representative Vera Rison as she brings to a close her tenure with the Michigan House of Representatives. Her thoughtfulness, concern for her constituents, and belief in this institution as the voice for all citizens of this state have contributed to her effectiveness as a legislator; and

Whereas, A long-time stalwart of the Flint community, Representative Rison has compiled a public service career that includes contributions at both the local and state levels of government. She has served as a member of the Genesee County Board of Commissioners, where she chaired the Human Services Committee, and has actively participated on a host of other boards and with numerous organizations. For her dedication, the Vera B. Rison Women's Shelter of Hope was named in her honor; and

Whereas, Since her election to the House of Representatives in 1996, Vera Rison has been a tireless advocate for the disadvantaged within her district and around the state. She has served the legislative branch with distinction; now, therefore, be it

Resolved by the House of Representatives, That we offer this expression of tribute to commend and thank the Honorable Vera Rison for her notable contributions to this legislative body; and be it further

Resolved, That a copy of this resolution be transmitted to Representative Rison as evidence of our gratitude and best wishes.

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.

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:  
**House Resolution No. 655.**

A resolution of tribute to the Honorable Mark Schauer.

Whereas, In recognition of his tenure of service with the Michigan House of Representatives, it is a privilege for the members of this legislative body to salute Mark Schauer as he brings to a close his term with the House. Mark Schauer served his constituents, the people of Michigan, and fellow lawmakers with distinction. Indeed, his dedication to service was in evidence in all his efforts as a member of the Michigan House of Representatives; and

Whereas, A graduate of Albion College, Mark Schauer received his M.P.A. at Western Michigan University and undertook his doctoral work at Michigan State University. He has been active in community service with the food bank, Habitat for Humanity, Big Brothers - Big Sisters, and a host of other worthy causes. Mark Schauer has an extensive wealth of experience in human services, urban planning, and community development. He brought his expertise in these and other areas to all of his efforts on behalf of the Michigan House of Representatives; and

Whereas, Clearly, the energy and vision of Mark Schauer have made a lasting contribution to the work of the House. Mark Schauer has served on the Energy and Technology and Health Policy Committees. In past legislatures, the Education Committee, Judiciary Committee, Transportation Committee, and the Committee on Urban Policy and Economic Development have benefited from his insights and hard work; and

Whereas, Mark Schauer has approached his responsibilities with the Michigan House of Representatives with the utmost professionalism and a true sense of duty. We can be sure that these characteristics will continue to exemplify his efforts in all of his future endeavors; now, therefore, be it

Resolved by the House of Representatives, That the highest accolade of tribute be extended to honor Mark Schauer as he brings to a close his term with the Michigan House of Representatives; and be it further

Resolved, That a copy of this resolution be presented to the Honorable Mark Schauer as evidence of our esteem and best wishes for the future.

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.

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:  
**House Resolution No. 656.**

A resolution for the Honorable Gloria Schermesser.

Whereas, The members of this legislative body are proud to offer this expression of our thanks and best wishes to Gloria Schermesser as she brings to a close her tenure of service and accomplishment as a legislator. With her interest

in public policy and her commitment to finding effective solutions to the issues facing our state, she has had significant impact on our state, its institutions, and its citizens; and

Whereas, A native of Lincoln Park who earned her bachelor's degree from Columbia State University, Gloria Schermesser has worked on behalf of the people of the Lincoln Park community in numerous capacities. As mayor pro-tem of Lincoln Park, community liaison and administrative assistant for the Wayne County Commission, Downriver Community Conference instructor, chair of the Friends of Ecorse Creek-Downriver, and member of the Wayne County Parks Task Force, she gathered valuable experience that she put to good use as a State Representative; and

Whereas, Gloria Schermesser brought her experience and ideas to the legislative process in a special election in November of 1996, and subsequent reelections in 1996, 1998 and 2000. She has been effective in articulating the concerns of her district and our state through the legislative process. She has contributed to the work of the Insurance and Services Committee, the Transportation Committee, and the Veterans Affairs Committee; now, therefore, be it

Resolved by the House of Representatives, That we offer this expression of tribute to commend and thank the Honorable Gloria Schermesser for her notable contributions to this legislative body and to our entire state; and be it further

Resolved, That a copy of this resolution be transmitted to Representative Schermesser as evidence of our gratitude and best wishes.

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.

Rep. Lemmons offered the following resolution:

**House Resolution No. 657.**

A resolution honoring Thomas Bolden for his many outstanding years working for the betterment of the people of the city of Detroit.

Whereas, It is with deep appreciation for the hard work, dedication, and professionalism that Thomas Bolden has put forth on behalf of the people of the city of Detroit that we offer this expression of our thanks and best wishes for a job well done. 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 many years of service to the people of the city of Detroit, Thomas Bolden has been working in the public arena during an era of great change. As Thomas Bolden well knows, financial pressures and changing expectations have combined to make the recent past a challenging time to work for the people. With the personal sense of duty that Thomas Bolden brings to work each day, he has been able to meet this challenge with enthusiasm and a genuine interest in efficiency in service. This has been deeply appreciated, both by citizens and organizations in the city of Detroit that have benefited directly from Thomas Bolden's work as well as other public servants who have witnessed this fine example; and

Whereas, Thomas Bolden is the founder and president of Help Save Our Youth of Detroit, a worthwhile organization which works hard to give our community's youth the job and life skills, moral foundations, and attitudes they need to succeed in our modern society. There can be little doubt that the record of Thomas Bolden, in his responsibilities and good works over the past years, will continue to reap rewards for the people of the city of Detroit. We offer our thanks on these personal milestones; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body honor Thomas Bolden for his many outstanding years working for the betterment of the people of the city of Detroit. May he, and the community, continue to enjoy the benefits which he has bestowed on all through his tireless efforts; and be it further

Resolved, That a copy of this resolution be transmitted to Thomas Bolden 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.

Rep. Lemmons offered the following resolution:

**House Resolution No. 658.**

A resolution saluting Cassandra Ann Hill in acknowledgment of her outstanding years of service to her loved ones and to her community.

Whereas, It is with deep appreciation for the hard work, dedication, and professionalism that Cassandra Ann 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; and

Whereas, Kassandra Ann Sheppard was born on December 9, 1952, to Annie L. Smith Sheppard and Dock C. Sheppard. She is the beloved sister to Karolyn Y. Helms, Arnold C. Sheppard, Dorindia L. Sheppard, and Michelle P. Young; and

Whereas, Kassandra Ann Sheppard attended Joyce Elementary, Barbour Jr. High, and Kettering High Schools. In junior high, when she was only 14, she worked in the school office as a secretarial assistant, switchboard operator, and library assistant. She continued to work in the office and library while she was in high school and was head of the day care in her home economics class; and

Whereas, At an early age, she accepted Christ and was baptized under the membership of the late Rev. Broadnax. Ms. Sheppard became a member of the Greater King Solomon Baptist Church at the age of 13, joining the choir and becoming a member of the Usher Board. By age 14, she was babysitting neighborhood kids and working at the Dairy Queen ice cream parlor. A year later, she started working with the March of Dimes on the refreshment committee under the late Leona Head. This began a span of over 35-years of working for the March of Dimes which has garnered her numerous trophies, plaques, and awards for her help in raising thousands of dollars; and

Whereas, Kassandra Ann Sheppard was married at the age of 18 in 1971, and is the proud mother of sons Deandre L. Hill and Omar Thompson, as well as a daughter, Sharonda S. Hill. She is a doting grandmother to Dierra S. Hill and Nasharee D. Hill; and

Whereas, Completing the David Whitney Medical Assistant Program in 1971 and her medical assistance internship at the Kirkwood Hospital, she began working for Jorge F. Rose, MD, running the entire office by herself for the first year. This professional relationship extended over the next 31 years. Ms. Hill became Supervisor of the Pediatrics Department at the Intervale Medical Center. She is now its General Manager and also manages Pediatric Staff PLLC. Kassandra Ann Hill enjoys working closely with the Board of Directors: William C. Heath, MD for 15 years, Ann-Mare Ice MD for 15 years, and Jorge F. Rose, MD for 31 years. Since 1994, she has increased her knowledge and marketability by working hard to earn degrees from Wayne County Community College and the University of Phoenix. This year, she started business as a distributor for Tahitian Noni International, reaching the Jade Status. She is currently working towards her Travel Agent Certification; and

Whereas, Ms. Hill is a former member of the Michigan Chamber of Commerce, Wayne County Community College Alumni Association, Michigan Metro Girl Scout Association, and the Omnicare Health Plan Ad Hoc Advisory Committee. Despite her tireless efforts to improve her little corner of the world, she always finds time for her family and loved ones, especially her soul mate and love of eight years, Harold, and her smallest companion, Little Miss Nikki. 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, There can be little doubt that the record of Kassandra Ann Hill in her responsibilities and good works will continue to reap rewards for the people of the city of Detroit. We offer our thanks on these personal milestones; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body salute Kassandra Ann Hill in acknowledgment of her outstanding years of service to her loved ones and to her community. May she, her loved ones, and community enjoy the benefits she has produced; and be it further

Resolved, That a copy of this resolution be transmitted to Kassandra Ann 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.

Rep. Lemmons offered the following resolution:

**House Resolution No. 659.**

A resolution saluting Paul Taylor, Jr., in acknowledgment of his outstanding work bettering the lives of the people of the city of Detroit.

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

Whereas, Paul Taylor, Jr., was born in Detroit on August 24, 1947, the eldest of eight children. He is a graduate of the Detroit Public School system and is a graduate of Lawrence Tech University, where he earned a Bachelor of Business Science Degree in Industrial Management. Paul is also working on a master's degree in social work from Wayne State University School of Social Work. He is married and the proud father of six beautiful children; and

Whereas, In June of 1969, Paul Taylor, Jr., cofounded the Inner City Sub Center Project, an African-centered and community-based family service center with programs designed to serve the total family and community of children,

adults, and senior citizens. He has served as Executive Director of this worthy organization for over 30 years. Paul Taylor, Jr., has numerous memberships and affiliations, including Wayne State University Education Committee Association of Black Students, National Associations of Black Social Workers, Homes for Black Children, Eastside Concerned Citizens Council, National Human Rights Coalitions, Million Man Alumni Association as vice-chair, New Detroit, Inc. as board member, and Eastside Community Slate as president. His work has been deeply appreciated, both by the citizens and organizations in the city of Detroit that have benefited directly from Paul Taylor, Jr.'s work, as well as other public servants who have witnessed this fine example; and

Whereas, There can be little doubt that the record of Paul Taylor, Jr., over the past years, will continue to reap rewards for the people of the city of Detroit. We offer our thanks on these personal milestones; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body salute Paul Taylor, Jr., in acknowledgment of his outstanding work bettering the lives of the people of the city of Detroit; and be it further

Resolved, That a copy of this resolution be transmitted to Paul Taylor, Jr., 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.

Rep. Lemmons offered the following resolution:

**House Resolution No. 660.**

A resolution saluting Ron Cleveland for his loyal service in working for better lives for the people of Detroit.

Whereas, It is with deep appreciation for the hard work, dedication, and professionalism that Ron Cleveland has put forth on behalf of the people of the city of Detroit, that we offer this expression of our thanks and best wishes to this outstanding activist. 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, Ron Cleveland's dedication to service shows in the varied activities of his life. He has received leadership training from the Detroit Association of Black Organizations, MPS (Motivating People to Succeed) and Associates, and Warren Conner Development Coalition's Project LEAD. In turn, he believes in giving back to the community. He is a youth baseball coach and self-defense instructor. He has been the President of the Anthony Wayne Area Residential Effort (AWARE) since 1989 and serves on the Board of Directors of the Warren Conner Development Coalition from 1990 to the present. Ron Cleveland is Chair of the Eastside Community Resource and Assistance Center and Non-Profit Housing Corporation. He was on the Wayne County Advisory Council from 1992 to 1997, and Co-Chair of Community Reinvestment Strategy (CRS)-Cluster 2 in 1997. Mr. Cleveland is on the Charter Revision Commission Advisory Council for the city of Detroit and is the Senior Warden of Unity Lodge No. 28 F and Am, PHA. He is Vice-President of 5th Precinct Community Relations and in the Maximum Resource Development Organization (MRDO) and Paint the Town. He is Chairperson for CRAC and sits on the Neighborhood First Board for revitalization of the community; and

Whereas, Ron Cleveland has given the Detroit Edison Company over 22 years of service, and is presently Case Manager. He is the loving husband of Denise and the proud father of sons Ronarro and Rameel; and

Whereas, There can be little doubt that the record of Ron Cleveland in his responsibilities and good works over the years will continue to reap rewards for the people of the city of Detroit. We offer our thanks on these personal milestones; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body salute Ron Cleveland for his loyal service in working for better lives for the people of Detroit. May he and the community continue to enjoy the benefits of all he has established; and be it further

Resolved, That a copy of this resolution be transmitted to Ron Cleveland 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.

Rep. Lemmons offered the following resolution:

**House Resolution No. 661.**

A resolution saluting Sarah Blessman in acknowledgment of her devotion to making life better for the people of the city of Detroit.

Whereas, It is with deep appreciation for the hard work, dedication, and professionalism that Sarah Blessman has put forth on behalf of the people of the city of Detroit that we offer this expression of our thanks and best wishes for her tireless concern and devotion to her 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 many years of service to the people of the city of Detroit, Sarah Blessman has been working in the public arena during an era of great change. As Sarah Blessman well knows, financial pressures and changing expectations have combined to make the recent past a challenging time to work for the people. With the personal sense of duty that Sarah Blessman brings to work each day, however, she has been able to meet this challenge with enthusiasm and a genuine interest in efficiency in service. This has been deeply appreciated, both by citizens and organizations in the city of Detroit that have benefited directly from Sarah Blessman's work, as well as other public servants who have witnessed this fine example; and

Whereas, Sarah Blessman was born in River Rouge, Michigan to Robert and Zemmie Wourman, and has five sisters and one brother. She graduated from River Rouge High School in 1951. On July 31, 1956, Sarah married James E. Blessman, Sr., in a union which lasted 43 years until his passing in November of 1999. Sarah Blessman has been blessed with four children (Dr. James E. Blessman, Jr., Master Sgt., Deren Blessman, Jr., Joy Sharron Lorenz Blessman, entrepreneur, and Donita Treniece Blessman, medical technician, as well as two daughter-in-laws, seven grandsons, and two granddaughters. She worked at Grace Hospital for 12 years until she resigned to be a full time mother. She earned an Associates Degree in Dental Assistance Technology from Shaw College and worked in the dental field for two years. She also earned an Associates Degree in Culinary Arts from Wayne County Community College. Sarah Blessman served as a volunteer at the Inner City Sub Center for one year, and became a full-time and valued staff member for over 25 years. Currently, she is the Inner City Sub Center's Culinary Arts Specialist and Catering Design Artist. She also lends her time and talents to the Mt. Calvary Missionary Baptist Church, East Side Community Slate, and the Friends of Pingree park; and

Whereas, There can be little doubt that the record of Sarah Blessman in her responsibilities and good works over the past years will continue to reap rewards for the people of the city of Detroit. We offer our thanks on these personal milestones; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body salute Sarah Blessman in acknowledgment of her devotion to making life better for the people of the city of Detroit. May she, and the community, continue to enjoy the benefits she has bestowed on all; and, be it further

Resolved, That a copy of this resolution be transmitted to Sarah Blessman 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.

Rep. Lemmons, offered the following resolution:

**House Resolution No. 662.**

A resolution honoring Timothy Beck for his many outstanding years making life better for the people of the city of Detroit.

Whereas, It is with deep appreciation for the hard work, dedication, and professionalism that Timothy Beck has put forth on behalf of the people of the city of Detroit that we offer this expression of our thanks and best wishes for this outstanding activist. 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 his many years of service to the people of the city of Detroit, Timothy Beck has been working in the public arena during an era of great change. As Timothy Beck well knows, financial pressures and changing expectations have combined to make the recent past a challenging time to work for the people of the city of Detroit. With the personal sense of duty that Timothy Beck brings to work each day, he has been able to meet this challenge with enthusiasm and a genuine interest in efficiency in service. This has been deeply appreciated, both by the citizens and organizations in the city of Detroit that have benefited directly from Timothy Beck's work, as well as other public servants who have witnessed this fine example; and

Whereas, Timothy Beck is founder and chairman of the Detroit Coalition for Compassionate Care Ballot Initiative Committee, which helps Detroit residents obtain greater access to life-giving medicine for cancer, AIDS, glaucoma, multiple sclerosis, and serious pain. He is also the founder and owner of Michigan Benefit Providers, Inc., which specializes in the sale of HMO/PPO-type insurance in nonprofit and high-risk markets. Mr. Beck is the treasurer of the Board of Directors of the Church of the Messiah Housing Corporation, which preserves and rehabilitates housing on East Grand Boulevard in the "Islandview" community. Since 2000, he has served as a business representative and member of the Downtown Citizens District Council. He has been Group Marketing Manager for the Wellness Plan, Inc., of

Detroit, an independent insurance agent for Hugh M. Parks and Associates in Southfield, registered representative with IDS American Express in Oak Park, and staff assistant to the House Committee on Insurance for the Michigan House of Representatives. Since 1992, in conjunction with the Detroit Forestry Department and Wayne County Forestry, he has planted at his own expense, and at \$50 per tree, 101 trees on the Detroit side of Mack Avenue and on Audubon Road and Haverhill Street, and in Balduck Park on the Eastside. He is a board member of the Health Plan of Michigan, Inc., and of the Downtown Citizens District Council, and member of the Detroit Athletic Club, the Detroit Regional Chamber, and the Economic Club of Detroit. Mr. Beck has a B.A. degree in political science from the University of Detroit; and

Whereas, There can be little doubt that the record of Timothy Beck will continue to reap rewards for the people of the city of Detroit. We offer our thanks on these personal milestones; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body honor Timothy Beck for his many outstanding years making life better for the people of the city of Detroit; and be it further

Resolved, That a copy of this resolution be transmitted to Timothy Beck 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.

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Reps. Schermesser and Callahan entered the House Chambers.

### Second Reading of Bills

#### 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).

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. Bradstreet moved to amend the bill as follows:

1. Amend page 3, line 16, by striking out the balance of the bill and inserting:

"Sec. 16411. (1) ~~A person~~ AN INDIVIDUAL shall not engage in the practice of chiropractic, INCLUDING, BUT NOT LIMITED TO, PERFORMING A CHIROPRACTIC ADJUSTMENT, CHIROPRACTIC MANIPULATION, OR OTHER CHIROPRACTIC SERVICES OR CHIROPRACTIC OPINION, unless licensed, or otherwise authorized by A CHIROPRACTIC, UNDER this article.

(2) THE 2002 AMENDATORY ACT THAT ADDED THIS SUBSECTION IS INTENDED TO CODIFY EXISTING LAW AND TO CLARIFY AND CURE ANY MISINTERPRETATION OF THE OPERATION OF SECTIONS 16261, 16401, AND 16411 SINCE THE EFFECTIVE DATE OF THEIR ENACTMENT.

(3) THE 2002 AMENDATORY ACT THAT ADDED THIS SUBSECTION IS NOT INTENDED TO AFFECT THE AUTHORITY OF A VETERINARIAN TO DELEGATE CERTAIN FUNCTIONS AS PROVIDED BY LAW.

(4) THE 2002 AMENDATORY ACT THAT ADDED THIS SUBSECTION DOES NOT AFFECT THE SCOPE OF PRACTICE OF MEDICINE OR OSTEOPATHIC MEDICINE AND SURGERY PROVIDED FOR IN PARTS 170 AND 175. THE 2002 AMENDATORY ACT THAT ADDED THIS SUBSECTION DOES NOT AMEND THE SCOPE OF PRACTICE OF PHYSICAL THERAPY PROVIDED FOR IN PART 178."

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

Rep. Ehardt moved to amend the bill as follows:

1. Amend page 2, line 5, after "certification" by inserting "OR A HEALTH PROFESSION SPECIALTY FIELD LICENSE".

2. Amend page 2, line 6, after "certification" by striking out the balance of the sentence and inserting "OR A HEALTH PROFESSION SPECIALTY FIELD LICENSE."

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. Spade moved that Rep. Mans be excused temporarily from today's session.  
The motion prevailed.

Rep. Jamnick moved that Rep. Bogardus be excused from the balance of today's session.  
The motion prevailed.

Rep. Vander Roest moved that Reps. Patterson and Gilbert 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. 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).

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

**Roll Call No. 1241**

**Yeas—97**

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

**Nays—3**

Drolet

Godchaux

Scranton

In The Chair: Julian



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

“An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”

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

#### Senate Bill No. 1417, entitled

A bill to amend 1996 PA 376, entitled “Michigan renaissance zone act,” by amending section 12 (MCL 125.2692). 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. 1417, entitled

A bill to amend 1996 PA 376, entitled “Michigan renaissance zone act,” by amending section 12 (MCL 125.2692). Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

#### Roll Call No. 1242

#### Yeas—103

Adamini	Frank	Lipsey	Schermesser
Allen	Garza	Lockwood	Scranton
Anderson	George	McConico	Shackleton
Basham	Gielegem	Mead	Sheltrown
Bernero	Godchaux	Meyer	Shulman
Birkholz	Gosselin	Middaugh	Spade
Bisbee	Hager	Minore	Stallworth
Bishop	Hale	Mortimer	Stamas
Bovin	Hansen	Murphy	Stewart
Bradstreet	Hardman	Neumann	Switalski
Brown, B.	Hart	Newell	Tabor
Brown, C.	Howell	O’Neil	Thomas
Brown, R.	Hummel	Palmer	Toy
Callahan	Jacobs	Pappageorge	Van Woerkom
Cassis	Jamnick	Pestka	Vander Roest
Caul	Jansen	Phillips	Vander Veen

Clark, I.	Jelinek	Plakas	Vear
Clarke, H.	Johnson, Rick	Pumford	Voorhees
Daniels	Johnson, Ruth	Quarles	Waters
Dennis	Julian	Rackowski	Whitmer
DeRossett	Koetje	Reeves	Williams
DeVuyst	Kolb	Richardville	Wojno
DeWeese	Kooiman	Richner	Woodward
Drolet	Kowall	Rivet	Woronchak
Durhal	Kuipers	Rocca	Zelenko
Ehardt	LaSata	Schauer	

### Nays—0

In The Chair: Julian

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

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

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.

By unanimous consent the House returned to the order of

### Messages from the Senate

The Speaker laid before the House

#### House Bill No. 4454, entitled

A bill to amend 1987 PA 248, entitled “Airport parking tax act,” by amending sections 3 and 7 (MCL 207.373 and 207.377) and by adding section 11a.

(The bill was received from the Senate on June 4, with substitute (S-4) and title amendment, consideration of which, under the rules, was postponed until June 5, see House Journal No. 53, p. 1857.)

The question being on concurring in the substitute (S-4) made to the bill by the Senate,

Rep. Gilbert moved to amend the Senate substitute (S-4) as follows:

1. Amend page 2, line 3, after “AIRPORTS” by striking out the period and “THE FUNDS MAY BE PLEDGED” and inserting a comma and “INCLUDING REIMBURSEMENT TO THE COMPREHENSIVE TRANSPORTATION FUND OF AMOUNTS USED”.

2. Amend page 7, line 3, after “bonds” by striking out the balance of the line through “as” on line 4.

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

Rep. DeWeese moved to amend the Senate substitute (S-4) as follows:

1. Amend page 1, line 3, after “of” by striking out “15%” and inserting “30%”.

2. Amend page 2, line 10, after “OF” by striking out “\$2,000,000.00” and inserting “\$1,500,000.00”.

3. Amend page 2, line 22, after “COUNTY” by inserting “TO BE USED ONLY FOR HEALTH CARE”.

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

Rep. Basham moved to reconsider the vote by which the House did not adopt the amendments,

The question being on the motion made by Rep. Basham,

Rep. Basham demanded the yeas and nays.

The demand was supported.

The question being on the motion made by Rep. Basham,

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

The motion prevailed.

**House Bill No. 5705, entitled**

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2002 and the fiscal year ending September 30, 2003; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts.

The Senate has nonconcurred in the House amendments to the Senate substitute (S-2) and appointed Senators Gast, DeGrow and Smith as conferees.

The message was referred to the Clerk for record.

The Speaker appointed as conferees, on the part of the House of Representatives, Reps. Shulman, Rick Johnson and Frank.

The message was referred to the Conference Committee.

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Rep. Richardville moved that House Committees be given leave to meet during the balance of today's session.  
The motion prevailed.

**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.

The Senate has nonconcurred in the House substitute (H-5) and appointed Senators Bullard, Van Regenmorter and Peters as conferees.

The Speaker appointed as conferees, on the part of the House of Representatives, Reps. Allen, Bisbee and Rivet.

The message was referred to the Clerk for record.

**House Bill No. 5296, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 145c (MCL 750.145c), as amended by 1994 PA 444.

The Senate has passed the bill and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

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

**House Bill No. 5297, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16g of chapter XVII (MCL 777.16g), as amended by 2002 PA 47.

The Senate has passed the bill and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

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

**House Bill No. 5456, entitled**

A bill to authorize the state administrative board to convey certain property in Jackson county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue from the conveyance.

The Senate has passed the bill and ordered that it be given immediate effect.

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

**House Bill No. 5465, entitled**

A bill to authorize the state administrative board to convey certain property in Jackson county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue from the conveyance.

The Senate has passed the bill and ordered that it be given immediate effect.

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

**House Bill No. 5680, entitled**

A bill to amend 1945 PA 47, entitled "An act to authorize 2 or more cities, townships, and villages, or any combination of cities, townships, and villages, to incorporate a hospital authority for planning, promoting, acquiring, constructing, improving, enlarging, extending, owning, maintaining, and operating 1 or more community hospitals and related buildings or structures and related facilities; to provide for the sale, lease, or other transfer of a hospital owned by a hospital authority to a nonprofit corporation established under the laws of this state for no or nominal monetary consideration; to define hospitals and community hospitals; to provide for changes in the membership therein; to authorize the cities, townships, and villages to levy taxes for community hospital purposes; to provide for the issuance of bonds; to provide for the pledge of assessments; to provide for borrowing money for operation and maintenance and issuing notes for operation and maintenance; to validate elections heretofore held and notes heretofore issued; to validate bonds heretofore issued; to authorize condemnation proceedings; to grant certain powers of a body corporate; to validate and ratify the organization, existence, and membership of entities acting as hospital authorities under the act and the actions taken by hospital authorities and by the members of the hospital authorities; and to prescribe penalties and provide remedies," by amending sections 5, 6, and 7 (MCL 331.5, 331.6, and 331.7), section 5 as amended by 1984 PA 17 and section 7 as amended by 1983 PA 78.

The Senate has passed the bill and ordered that it be given immediate effect.

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

**House Bill No. 5728, entitled**

A bill to amend 1965 PA 314, entitled "Public employee retirement system investment act," by amending section 20h (MCL 38.1140h), as amended by 1996 PA 485, and by adding section 20m.

The Senate has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

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

**House Bill No. 5730, entitled**

A bill to amend 1851 PA 156, entitled "An act to define the powers and duties of the county boards of commissioners of the several counties, and to confer upon them certain local, administrative and legislative powers; and to prescribe penalties for the violation of the provisions of this act," by amending section 12a (MCL 46.12a), as amended by 1998 PA 502.

The Senate has passed the bill and ordered that it be given immediate effect.

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

**House Bill No. 5999, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 4072 (MCL 500.4072), as amended by 1986 PA 318.

The Senate has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

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

**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 and 9b.

The Senate has passed the bill and ordered that it be given immediate effect.

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

**House Bill No. 6256, entitled**

A bill to amend 1965 PA 232, entitled "Agricultural commodities marketing act," by amending the title and sections 2, 3, 4, 5, 7, 8, 9, 10, 11, 17, 19, 21, 22, 23, and 24 (MCL 290.652, 290.653, 290.654, 290.655, 290.657, 290.658, 290.659, 290.660, 290.661, 290.667, 290.669, 290.671, 290.672, 290.673, and 290.674), sections 2, 3, 5, 7, 9, 10, 21, and 22 as amended by 1996 PA 216, section 8 as amended by 1997 PA 20, and sections 19, 23, and 24 as amended by 1980 PA 196; and to repeal acts and parts of acts.

The Senate has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

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

**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, 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 Senate has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

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

**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).

The Senate has passed the bill and ordered that it be given immediate effect.

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

**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.

The Senate has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

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

**House Bill No. 4007, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3104 (MCL 500.3104), as amended by 2001 PA 3.

The Senate has amended the bill as follows:

1. Amend page 11, following line 25, by inserting:

"Enacting section 1. This amendatory act takes effect July 1, 2003."

The Senate has passed the bill as amended and pursuant to Joint Rule 20, inserted the full title.

The Speaker announced that pursuant to Rule 45, the bill was laid over one day.

**House Bill No. 4607, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2213c.

The Senate has substituted (S-1) the bill.

The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1956 PA 218, entitled "An act to revise, consolidate, and classify the laws relating to the insurance and surety business; to regulate the incorporation or formation of domestic insurance and surety companies and associations and the admission of foreign and alien companies and associations; to provide their rights, powers, and immunities and to prescribe the conditions on which companies and associations organized, existing, or authorized

under this act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, associations, risk retention groups, and purchasing groups engaged in an insurance or surety business may exercise their powers; to provide for the imposition of a privilege fee on domestic insurance companies and associations and the state accident fund; to provide for the imposition of a tax on the business of foreign and alien companies and associations; to provide for the imposition of a tax on risk retention groups and purchasing groups; to provide for the imposition of a tax on the business of surplus line agents; to provide for the imposition of regulatory fees on certain insurers; to provide for assessment fees on certain health maintenance organizations; to modify tort liability arising out of certain accidents; to provide for limited actions with respect to that modified tort liability and to prescribe certain procedures for maintaining those actions; to require security for losses arising out of certain accidents; to provide for the continued availability and 5999afford ability of automobile insurance and homeowners insurance in this state and to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates; to provide for certain reporting with respect to insurance and with respect to certain claims against uninsured or self-insured persons; to prescribe duties for certain state departments and officers with respect to that reporting; to provide for certain assessments; to establish and continue certain state insurance funds; to modify and clarify the status, rights, powers, duties, and operations of the nonprofit malpractice insurance fund; to provide for the departmental supervision and regulation of the insurance and surety business within this state; to provide for regulation over worker's compensation self-insurers; to provide for the conservation, rehabilitation, or liquidation of unsound or insolvent insurers; to provide for the protection of policyholders, claimants, and creditors of unsound or insolvent insurers; to provide for associations of insurers to protect policyholders and claimants in the event of insurer insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the regulation of multiple employer welfare arrangements; to create an automobile theft prevention authority to reduce the number of automobile thefts in this state; to prescribe the powers and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials, departments, and authorities of this state; to provide for an appropriation; to repeal acts and parts of acts; and to provide penalties for the violation of this act," (MCL 500.100 to 500.8302) by adding section 2213d.

The Speaker announced that pursuant to Rule 45, the bill was laid over one day.

#### **House Bill No. 5049, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1279a.

The Senate has substituted (S-2) the bill.

The Senate has passed the bill as substituted (S-2), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1976 PA 451, entitled "An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, and intermediate school districts; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, and intermediate school districts; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts," (MCL 380.1 to 380.1852) by adding section 1279d.

The Speaker announced that pursuant to Rule 45, the bill was laid over one day.

#### **House Bill No. 5364, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 11 (MCL 257.11), as amended by 1990 PA 154, and by adding section 248j.

The Senate has substituted (S-7) the bill.

The Senate has passed the bill as substituted (S-7), ordered that it be given immediate effect and amended the title to read as follows:

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

residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending sections 11, 217, 235, 310, 312e, and 401 (MCL 257.11, 257.217, 257.235, 257.310, 257.312e, and 257.401), section 11 as amended by 1990 PA 154, section 217 as amended by 2002 PA 552, section 235 as amended by 1988 PA 470, section 310 as amended by 2002 PA 554, section 312e as amended by 2002 PA 534, and section 401 as amended by 1995 PA 98, and by adding sections 4c, 35c, and 248j.

The Speaker announced that pursuant to Rule 45, the bill was laid over one day.

#### **House Bill No. 5371, entitled**

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," (MCL 722.111 to 722.128) by adding section 11b.

The Senate has amended the bill as follows:

1. Amend page 2, line 1, after "AND" by inserting "GENERAL".

The Senate has passed the bill as amended and ordered that it be given immediate effect.

The Speaker announced that pursuant to Rule 45, the bill was laid over one day.

#### **House Bill No. 5372, entitled**

A bill to amend 1975 PA 238, entitled "Child protection law," by amending sections 2, 3, 7, and 8a (MCL 722.622, 722.623, 722.627, and 722.628a), sections 2 and 7 as amended by 2000 PA 45, section 3 as amended by 2002 PA 10, and section 8a as added by 1992 PA 39.

The Senate has substituted (S-1) the bill.

The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1975 PA 238, entitled "An act to require the reporting of child abuse and neglect by certain persons; to permit the reporting of child abuse and neglect by all persons; to provide for the protection of children who are abused or neglected; to authorize limited detainment in protective custody; to authorize medical examinations; to prescribe the powers and duties of the state department of social services to prevent child abuse and neglect; to prescribe certain powers and duties of local law enforcement agencies; to safeguard and enhance the welfare of children and preserve family life; to provide for the appointment of legal counsel; to provide for the abrogation of privileged communications; to provide civil and criminal immunity for certain persons; to provide rules of evidence in certain cases; to provide for confidentiality of records; to provide for the expungement of certain records; to prescribe penalties; and to repeal certain acts and parts of acts," by amending sections 2, 3, 7, 8a, and 8d (MCL 722.622, 722.623, 722.627, 722.628a, and 722.628d), sections 2, 7, and 8d as amended by 2000 PA 45, section 3 as amended by 2002 PA 10, and section 8a as added by 1992 PA 39.

The Speaker announced that pursuant to Rule 45, the bill was laid over one day.

#### **House Bill No. 5403, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 4 (MCL 208.4), as amended by 1999 PA 115.

The Senate has amended the bill as follows:

1. Amend page 3, line 8, after "DECEMBER 31," by striking out "2001" and inserting "2003".

The Senate has passed the bill as amended, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The Speaker announced that pursuant to Rule 45, the bill was laid over one day.

#### **House Bill No. 5540, entitled**

A bill to amend 1995 PA 29, entitled "Uniform unclaimed property act," by amending section 16 (MCL 567.236).

The Senate has substituted (S-1) the bill.

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

The Speaker announced that pursuant to Rule 45, the bill was laid over one day.

**House Bill No. 5729, entitled**

A bill to amend 1968 PA 2, entitled "Uniform budgeting and accounting act," by amending section 4 (MCL 141.424), as amended by 2000 PA 493.

The Senate has substituted (S-1) the bill.

The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1968 PA 2, entitled "An act to provide for the formulation and establishment of uniform charts of accounts and reports in local units of government; to define local units of government; to provide for the examination of the books and accounts of local units of government; to provide for annual financial reports from local units of government; to provide for the administration of this act; to prescribe the powers and duties of the state treasurer, the attorney general, the library of Michigan and depository libraries, and other officers and entities; to provide penalties for violation of certain requirements of this act; to provide for meeting the expenses authorized by this act; to provide a uniform budgeting system for local units; and to prohibit deficit spending by a local unit of government," by amending section 4 (MCL 141.424), as amended by 2002 PA 250.

The Speaker announced that pursuant to Rule 45, the bill was laid over one day.

**House Bill No. 5743, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 53b (MCL 211.53b), as amended by 2000 PA 284, and by adding section 7gg.

The Senate has substituted (S-2) the bill.

The Senate has passed the bill as substituted (S-2), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1893 PA 206, entitled "An act to provide for the assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes on property, and for the collection of taxes levied; making those taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale or forfeiture and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection with property delinquent for taxes; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers, departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation of this act; and to repeal acts and parts of acts," by amending sections 7cc and 53b (MCL 211.7cc and 211.53b), section 7cc as amended by 1996 PA 476 and section 53b as amended by 2000 PA 284.

The Speaker announced that pursuant to Rule 45, the bill was laid over one day.

**House Bill No. 5858, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 503 (MCL 750.503).

The Senate has substituted (S-2) the bill.

The Senate has passed the bill as substituted (S-2) and pursuant to Joint Rule 20, inserted the full title.

The Speaker announced that pursuant to Rule 45, the bill was laid over one day.

**House Bill No. 5947, entitled**

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 44 (MCL 211.44), as amended by 2000 PA 364.

The Senate has substituted (S-1) the bill.

The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1893 PA 206, entitled "An act to provide for the assessment of rights and interests, including leasehold interests, in property and the levy and collection of taxes on property, and for the collection of taxes levied; making those taxes a lien on the property taxed, establishing and continuing the lien, providing for the sale or forfeiture and conveyance of property delinquent for taxes, and for the inspection and disposition of lands bid off to the state and not redeemed or purchased; to provide for the establishment of a delinquent tax revolving fund and the borrowing of money by counties and the issuance of notes; to define and limit the jurisdiction of the courts in proceedings in connection with property delinquent for taxes; to limit the time within which actions may be brought; to prescribe certain limitations with respect to rates of taxation; to prescribe certain powers and duties of certain officers,



departments, agencies, and political subdivisions of this state; to provide for certain reimbursements of certain expenses incurred by units of local government; to provide penalties for the violation of this act; and to repeal acts and parts of acts," by amending section 44 (MCL 211.44), as amended by 2002 PA 479.

The Speaker announced that pursuant to Rule 45, the bill was laid over one day.

**House Bill No. 5984, entitled**

A bill to amend 1975 PA 238, entitled "Child protection law," by amending sections 2, 3, and 11 (MCL 722.622, 722.623, and 722.631), section 2 as amended by 2000 PA 45 and section 3 as amended by 2002 PA 10.

The Senate has substituted (S-1) the bill.

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

The Speaker announced that pursuant to Rule 45, the bill was laid over one day.

**House Bill No. 6079, entitled**

A bill to amend 1931 PA 328, entitled "Michigan penal code," by amending sections 16, 25, 33, 34, 44, 45, 50c, 57, 60, 64, 90c, 113, 114, 123, 125, 138, 140, 149, 150, 151, 153, 172, 173, 183, 184, 191, 192, 197a, 215, 217, 217c, 219, 220, 240, 263, 264, 287, 288, 294, 295, 298, 301, 302, 304, 305, 306, 314, 330, 331, 335, 335a, 354, 359, 368, 371, 375, 389, 393, 404, 407, 408, 410, 411a, 411d, 414, 428, 429, 430, 454, 466, 478, 482, 490a, 492, 502b, 508, 509, 519, 524, 537, 538, 540e, 540f, and 561 (MCL 750.16, 750.25, 750.33, 750.34, 750.44, 750.45, 750.50c, 750.57, 750.60, 750.64, 750.90c, 750.113, 750.114, 750.123, 750.125, 750.138, 750.140, 750.149, 750.150, 750.151, 750.153, 750.172, 750.173, 750.183, 750.184, 750.191, 750.192, 750.197a, 750.215, 750.217, 750.217c, 750.219, 750.220, 750.240, 750.263, 750.264, 750.287, 750.288, 750.294, 750.295, 750.298, 750.301, 750.302, 750.304, 750.305, 750.306, 750.314, 750.330, 750.331, 750.335, 750.335a, 750.354, 750.359, 750.368, 750.371, 750.375, 750.389, 750.393, 750.404, 750.407, 750.408, 750.410, 750.411a, 750.411d, 750.414, 750.428, 750.429, 750.430, 750.454, 750.466, 750.478, 750.482, 750.490a, 750.492, 750.502b, 750.508, 750.509, 750.519, 750.524, 750.537, 750.538, 750.540e, 750.540f, and 750.561), section 50c as added by 1994 PA 336, section 90c as amended by 2001 PA 1, section 125 as amended by 1999 PA 251, sections 215, 371, 524, 537, and 538 as amended by 1991 PA 145, section 217c as added and section 368 as amended by 1998 PA 360, sections 263 and 264 as amended by 1997 PA 155, section 302 as amended by 1989 PA 85, section 375 as amended by 1996 PA 206, section 411a as amended by 2000 PA 370, section 411d as added by 1980 PA 490, section 502b as amended by 1991 PA 44, section 508 as amended by 1990 PA 77, section 540e as amended by 1988 PA 395, and section 540f as added by 1996 PA 333.

The Senate has amended the bill as follows:

1. Amend page 27, following line 22, by inserting:

"Sec. 219a. (1) A person shall not knowingly obtain or attempt to obtain telecommunications service with intent to avoid, attempt to avoid, or cause another person to avoid or attempt to avoid any lawful charge for that telecommunications service by using any of the following:

(a) A telecommunications access device. ~~without the authority or consent of the subscriber or lawful holder of that telecommunications access device.~~

(b) ~~A counterfeit~~ AN UNLAWFUL telecommunications access device.

(c) A fraudulent or deceptive scheme, pretense, method, or conspiracy, or any device or other means, including, but not limited to, any of the following:

(i) Using a false, altered, or stolen identification.

(ii) The use of a telecommunications access device to violate this section by a person other than the subscriber or lawful holder of the telecommunications access device ~~pursuant to~~ UNDER an exchange of anything of value to the subscriber or lawful holder to allow that unlawful use of the telecommunications access device.

~~(d) A telecommunications device or counterfeit telecommunications device.~~

(2) A person who violates subsection (1) is guilty of a crime as follows:

(a) If the total value of the telecommunications service obtained or attempted to be obtained is less than \$200.00, the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00 or 3 times the total value of the telecommunications service obtained or attempted to be obtained, whichever is greater, or both imprisonment and a fine.

(b) If any of the following apply, the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$2,000.00 or 3 times the total value of the telecommunications service obtained or attempted to be obtained, whichever is greater, or both imprisonment and a fine:

(i) The total value of the telecommunications service obtained or attempted to be obtained is \$200.00 or more but less than \$1,000.00.

(ii) The person violates subdivision (a) and has 1 or more prior convictions for committing or attempting to commit an offense under this section or former section 219c or a local ordinance substantially corresponding to this section or former section 219c.

(c) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$10,000.00 or 3 times the total value of the telecommunications service obtained or attempted to be obtained, whichever is greater, or both imprisonment and a fine:

(i) The total value of the telecommunications service obtained or attempted to be obtained is \$1,000.00 or more but less than \$20,000.00.

(ii) The person violates subdivision (b)(i) and has 1 or more prior convictions for committing or attempting to commit an offense under this section. For purposes of this subparagraph, however, a prior conviction does not include a conviction for a violation or attempted violation of subdivision (a) or (b)(ii).

(d) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than \$15,000.00 or 3 times the value of the telecommunications service obtained or attempted to be obtained, whichever is greater, or both imprisonment and a fine:

(i) The total value of the telecommunications service obtained or attempted to be obtained is \$20,000.00 or more.

(ii) The person violates subdivision (c)(i) and has 2 or more prior convictions for committing or attempting to commit an offense under this section. For purposes of this subparagraph, however, a prior conviction does not include a conviction for a violation or attempted violation of subdivision (a) or (b)(ii).

(3) The values of telecommunications service obtained or attempted to be obtained in separate incidents pursuant to a scheme or course of conduct within any 12-month period may be aggregated to determine the total value of the telecommunications service obtained or attempted to be obtained.

(4) If the prosecuting attorney intends to seek an enhanced sentence based upon the defendant having 1 or more prior convictions, the prosecuting attorney shall include on the complaint and information a statement listing the prior conviction or convictions. The existence of the defendant's prior conviction or convictions shall be determined by the court, without a jury, at sentencing or at a separate hearing for that purpose before sentencing. The existence of a prior conviction may be established by any evidence relevant for that purpose, including, but not limited to, 1 or more of the following:

(a) A copy of the judgment of conviction.

(b) A transcript of a prior trial, plea-taking, or sentencing.

(c) Information contained in a presentence report.

(d) The defendant's statement.

(5) If the sentence for a conviction under this section is enhanced by 1 or more prior convictions, those prior convictions shall not be used to further enhance the sentence for the conviction pursuant to section 10, 11, or 12 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.10, 769.11, and 769.12.

(6) As used in this section:

(a) ~~“Counterfeit telecommunications access device” means a telecommunications access device that is false, fraudulent, unlawful, not issued to a legitimate telecommunications access device subscriber account, or otherwise invalid or that is expired, suspended, revoked, canceled, or otherwise terminated if notice of the expiration, suspension, revocation, cancellation, or termination has been sent to the telecommunications access device subscriber.~~

(b) ~~“Counterfeit telecommunications device” means a telecommunications device alone or with another telecommunications device that has been altered or programmed to acquire, intercept, receive, or otherwise facilitate the use of a telecommunications service without the authority or consent of the telecommunications service provider. Counterfeit telecommunications device includes, but is not limited to, a clone telephone, clone microchip, tumbler telephone, tumbler microchip, or wireless scanning device capable of acquiring, intercepting, receiving, or otherwise facilitating the use of a telecommunications service without immediate detection.~~

(c) ~~“Telecommunications” means the origination, emission, transmission, or reception of data, images, signals, sounds, or other intelligence or equivalence of intelligence of any nature over any communications system by any method, including, but not limited to, electronic, magnetic, optical, digital, or analog.~~

(d) ~~“Telecommunications access device” means an instrument, device, card, plate, code, telephone number, account number, personal identification number, electronic serial number, mobile identification number, counterfeit number, or financial transaction device as defined in section 157m that alone or with another telecommunications access device can acquire, intercept, provide, receive, use, or otherwise facilitate the use of a telecommunications device, counterfeit telecommunications device, or telecommunications service.~~

(e) ~~“Telecommunications device” means any instrument, equipment, machine, or device that facilitates telecommunications. Telecommunications device includes, but is not limited to, a computer, computer chip or circuit, telephone, cellular telephone, pager, personal communications device, transponder, receiver, radio, modem, or device that enables use of a modem.~~

(f) ~~“Telecommunications service” means providing, allowing, facilitating, or generating any form of telecommunications through the use of telecommunications devices or telecommunications access devices over a telecommunications system.~~

(A) "TELECOMMUNICATIONS" AND "TELECOMMUNICATIONS SERVICE" MEAN ANY SERVICE LAWFULLY PROVIDED FOR A CHARGE OR COMPENSATION TO FACILITATE THE ORIGINATION, TRANSMISSION, RETRANSMISSION, EMISSION, OR RECEPTION OF SIGNS, DATA, IMAGES, SIGNALS, WRITINGS, SOUNDS, OR OTHER INTELLIGENCE OR EQUIVALENCE OF INTELLIGENCE OF ANY NATURE OVER ANY TELECOMMUNICATIONS SYSTEM BY ANY METHOD, INCLUDING, BUT NOT LIMITED TO, ELECTRONIC, ELECTROMAGNETIC, MAGNETIC, OPTICAL, PHOTO-OPTICAL, DIGITAL, OR ANALOG TECHNOLOGIES.

(B) "TELECOMMUNICATIONS ACCESS DEVICE" MEANS ANY OF THE FOLLOWING:

(i) ANY INSTRUMENT, DEVICE, CARD, PLATE, CODE, TELEPHONE NUMBER, ACCOUNT NUMBER, PERSONAL IDENTIFICATION NUMBER, ELECTRONIC SERIAL NUMBER, MOBILE IDENTIFICATION NUMBER, COUNTERFEIT NUMBER, OR FINANCIAL TRANSACTION DEVICE AS DEFINED IN SECTION 157M THAT ALONE OR WITH ANOTHER DEVICE CAN ACQUIRE, TRANSMIT, INTERCEPT, PROVIDE, RECEIVE, USE, OR OTHERWISE FACILITATE THE USE, ACQUISITION, INTERCEPTION, PROVISION, RECEPTION, AND TRANSMISSION OF ANY TELECOMMUNICATIONS SERVICE.

(ii) ANY TYPE OF INSTRUMENT, DEVICE, MACHINE, EQUIPMENT, TECHNOLOGY, OR SOFTWARE THAT FACILITATES TELECOMMUNICATIONS OR WHICH IS CAPABLE OF TRANSMITTING, ACQUIRING, INTERCEPTING, DECRYPTING, OR RECEIVING ANY TELEPHONIC, ELECTRONIC, DATA, INTERNET ACCESS, AUDIO, VIDEO, MICROWAVE, OR RADIO TRANSMISSIONS, SIGNALS, TELECOMMUNICATIONS, OR SERVICES, INCLUDING THE RECEIPT, ACQUISITION, INTERCEPTION, TRANSMISSION, RETRANSMISSION, OR DECRYPTION OF ALL TELECOMMUNICATIONS, TRANSMISSIONS, SIGNALS, OR SERVICES PROVIDED BY OR THROUGH ANY CABLE TELEVISION, FIBER OPTIC, TELEPHONE, SATELLITE, MICROWAVE, DATA TRANSMISSION, RADIO, INTERNET BASED OR WIRELESS DISTRIBUTION NETWORK, SYSTEM, OR FACILITY, OR ANY PART, ACCESSORY, OR COMPONENT, INCLUDING ANY COMPUTER CIRCUIT, SECURITY MODULE, SMART CARD, SOFTWARE, COMPUTER CHIP, PAGER, CELLULAR TELEPHONE, PERSONAL COMMUNICATIONS DEVICE, TRANSPONDER, RECEIVER, MODEM, ELECTRONIC MECHANISM OR OTHER COMPONENT, ACCESSORY, OR PART OF ANY OTHER DEVICE THAT IS CAPABLE OF FACILITATING THE INTERCEPTION, TRANSMISSION, RETRANSMISSION, DECRYPTION, ACQUISITION, OR RECEPTION OF ANY TELECOMMUNICATIONS, TRANSMISSIONS, SIGNALS, OR SERVICES.

(C) "TELECOMMUNICATIONS SERVICE PROVIDER" MEANS ANY OF THE FOLLOWING:

(i) A PERSON OR ENTITY PROVIDING A TELECOMMUNICATIONS SERVICE, WHETHER DIRECTLY OR INDIRECTLY AS A RESELLER, INCLUDING, BUT NOT LIMITED TO, A CELLULAR, PAGING, OR OTHER WIRELESS COMMUNICATIONS COMPANY OR OTHER PERSON OR ENTITY WHICH, FOR A FEE, SUPPLIES THE FACILITY, CELL SITE, MOBILE TELEPHONE SWITCHING OFFICE, OR OTHER EQUIPMENT OR TELECOMMUNICATIONS SERVICE.

(ii) A PERSON OR ENTITY OWNING OR OPERATING ANY FIBER OPTIC, CABLE TELEVISION, SATELLITE, INTERNET BASED, TELEPHONE, WIRELESS, MICROWAVE, DATA TRANSMISSION OR RADIO DISTRIBUTION SYSTEM, NETWORK, OR FACILITY.

(iii) A PERSON OR ENTITY PROVIDING ANY TELECOMMUNICATIONS SERVICE DIRECTLY OR INDIRECTLY BY OR THROUGH ANY DISTRIBUTION SYSTEMS, NETWORKS, OR FACILITIES.

(D) "TELECOMMUNICATIONS SYSTEM" MEANS ANY SYSTEM, NETWORK, OR FACILITY OWNED OR OPERATED BY A TELECOMMUNICATIONS SERVICE PROVIDER, INCLUDING ANY RADIO, TELEPHONE, FIBER OPTIC, CABLE TELEVISION, SATELLITE, MICROWAVE, DATA TRANSMISSION, WIRELESS, OR INTERNET BASED SYSTEM, NETWORK, OR FACILITY.

(E) "UNLAWFUL TELECOMMUNICATIONS ACCESS DEVICE" MEANS ANY OF THE FOLLOWING:

(i) A TELECOMMUNICATIONS ACCESS DEVICE THAT IS FALSE, FRAUDULENT, UNLAWFUL, NOT ISSUED TO A LEGITIMATE TELECOMMUNICATIONS ACCESS DEVICE SUBSCRIBER ACCOUNT, OR OTHERWISE INVALID OR THAT IS EXPIRED, SUSPENDED, REVOKED, CANCELED, OR OTHERWISE TERMINATED IF NOTICE OF THE EXPIRATION, SUSPENSION, REVOCATION, CANCELLATION, OR TERMINATION HAS BEEN SENT TO THE TELECOMMUNICATIONS ACCESS DEVICE SUBSCRIBER.

(ii) ANY PHONES ALTERED TO OBTAIN SERVICE WITHOUT THE EXPRESS AUTHORITY OR ACTUAL CONSENT OF THE TELECOMMUNICATIONS SERVICE PROVIDER, A CLONE TELEPHONE, CLONE MICROCHIP, TUMBLER TELEPHONE, TUMBLER MICROCHIP, OR WIRELESS SCANNING DEVICE CAPABLE OF ACQUIRING, INTERCEPTING, RECEIVING, OR OTHERWISE FACILITATING THE USE, ACQUISITION, INTERCEPTION, OR RECEIPT OF A TELECOMMUNICATIONS SERVICE WITHOUT THE EXPRESS AUTHORITY OR ACTUAL CONSENT OF THE TELECOMMUNICATIONS SERVICE PROVIDER.

(iii) ANY TELECOMMUNICATIONS ACCESS DEVICE THAT HAS BEEN MANUFACTURED, ASSEMBLED, ALTERED, DESIGNED, MODIFIED, PROGRAMMED, OR REPROGRAMMED, ALONE OR IN CONJUNCTION WITH ANOTHER DEVICE, SO AS TO BE CAPABLE OF FACILITATING THE DISRUPTION, ACQUISITION,

INTERCEPTION, RECEIPT, TRANSMISSION, RETRANSMISSION, OR DECRYPTION OF A TELECOMMUNICATIONS SERVICE WITHOUT THE ACTUAL CONSENT OR EXPRESS AUTHORIZATION OF THE TELECOMMUNICATIONS SERVICE PROVIDER, INCLUDING, BUT NOT LIMITED TO, ANY DEVICE, TECHNOLOGY, PRODUCT, SERVICE, EQUIPMENT, COMPUTER SOFTWARE, OR COMPONENT OR PART, PRIMARILY DISTRIBUTED, SOLD, DESIGNED, ASSEMBLED, MANUFACTURED, MODIFIED, PROGRAMMED, REPROGRAMMED, OR USED FOR THE PURPOSE OF PROVIDING THE UNAUTHORIZED RECEIPT OF, TRANSMISSION OF, INTERCEPTION OF, DISRUPTION OF, DECRYPTION OF, ACCESS TO, OR ACQUISITION OF ANY TELECOMMUNICATIONS SERVICE PROVIDED BY ANY TELECOMMUNICATIONS SERVICE PROVIDER.

(iv) ANY TYPE OF INSTRUMENT, DEVICE, MACHINE, EQUIPMENT, TECHNOLOGY, OR SOFTWARE THAT IS PRIMARILY DESIGNED, ASSEMBLED, DEVELOPED, MANUFACTURED, SOLD, DISTRIBUTED, POSSESSED, USED, OR OFFERED, PROMOTED, OR ADVERTISED, FOR THE PURPOSE OF DEFEATING OR CIRCUMVENTING ANY TECHNOLOGY, DEVICE, OR SOFTWARE, OR ANY COMPONENT OR PART, USED BY THE PROVIDER, OWNER, OR LICENSEE OF ANY TELECOMMUNICATIONS SERVICE OR OF ANY DATA, AUDIO, OR VIDEO PROGRAMS OR TRANSMISSIONS, TO PROTECT ANY SUCH TELECOMMUNICATIONS, DATA, AUDIO, OR VIDEO SERVICES, PROGRAMS, OR TRANSMISSIONS FROM UNAUTHORIZED RECEIPT, ACQUISITION, INTERCEPTION, ACCESS, DECRYPTION, DISCLOSURE, COMMUNICATION, TRANSMISSION, OR RETRANSMISSION.

(F) ~~(g)~~ "Value of the telecommunications service obtained or attempted to be obtained" includes, but is not limited to, all of the following:

(i) Any lawful charge for telecommunications services avoided or attempted to be avoided.

(ii) The value of any other money, property, or telecommunications service lost, stolen, or rendered unrecoverable by the violation.

(iii) Any actual expenditure incurred by the victim to verify that a telecommunications device or telecommunications access device or telecommunications service was not altered, acquired, damaged, disrupted, destroyed, or stolen as a result of the violation.

(iv) THE VALUE OF ALL TELECOMMUNICATIONS SERVICES AVAILABLE TO THE VIOLATOR AND OTHERS AS A RESULT OF THE VIOLATION."

2. Amend page 46, following line 15, by inserting:

~~"Sec. 396. Wearing masks or face coverings in public—Any person who shall assemble, march or parade on any street, highway or public place in this state while wearing a mask or covering which conceals in whole or in part, the face of the wearer, shall be guilty of a misdemeanor: Provided, This chapter shall not apply to the pranks of children on Hallowe'en, to those going to and from masquerade parties, to those participating in any public parade of an educational, religious or historical character and to those participating in the parades of minstrel troupes, circuses or other amusement or dramatic shows. A PERSON WHO INTENTIONALLY CONCEALS HIS OR HER IDENTITY BY WEARING A MASK OR OTHER DEVICE COVERING HIS OR HER FACE FOR THE PURPOSE OF FACILITATING THE COMMISSION OF A CRIME IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR A FINE OF NOT MORE THAN \$500.00, OR BOTH."~~

3. Amend page 62, line 19, by striking out all of section 540e.

4. Amend page 64, line 3, by striking out all of section 540f and inserting:

~~"Sec. 540c. (1) A person shall not ASSEMBLE, DEVELOP, manufacture, possess, deliver, offer to deliver, or advertise a counterfeit AN UNLAWFUL telecommunications ACCESS device or ASSEMBLE, DEVELOP, manufacture, possess, deliver, offer to deliver, or advertise a telecommunications device intending to use the telecommunications device or THOSE DEVICES OR TO allow the telecommunications device DEVICES to be used to do any of the following or knowing or having reason to know that the telecommunications device is DEVICES ARE intended to be used to do any of the following:~~

(a) Obtain or attempt to obtain A telecommunications service with the intent to avoid or aid or abet or cause another person to avoid any lawful charge for THE telecommunications service in violation of section 219a.

(b) Conceal the existence or place of origin or destination of any telecommunications service.

(C) TO RECEIVE, DISRUPT, DECRYPT, TRANSMIT, RETRANSMIT, ACQUIRE, INTERCEPT, OR FACILITATE THE RECEIPT, DISRUPTION, DECRYPTION, TRANSMISSION, RETRANSMISSION, ACQUISITION, OR INTERCEPTION OF ANY TELECOMMUNICATIONS SERVICE WITHOUT THE EXPRESS AUTHORITY OR ACTUAL CONSENT OF THE TELECOMMUNICATIONS SERVICE PROVIDER.

(2) A PERSON SHALL NOT MODIFY, ALTER, PROGRAM, OR REPROGRAM A TELECOMMUNICATIONS ACCESS DEVICE FOR THE PURPOSES DESCRIBED IN SUBSECTION (1).

(3) ~~(2)~~ A person shall not deliver, offer to deliver, or advertise plans, written instructions, or materials for THE manufacture, ASSEMBLY, OR DEVELOPMENT of a counterfeit AN UNLAWFUL telecommunications ACCESS device or for THE manufacture, ASSEMBLY, OR DEVELOPMENT of a telecommunications ACCESS device that the person intends to be used or knows or has reason to know will be used or is likely to be used to violate subsection (1).

AS USED IN THIS SUBSECTION, "MATERIALS" INCLUDES ANY HARDWARE, CABLES, TOOLS, DATA, COMPUTER SOFTWARE, OR OTHER INFORMATION OR EQUIPMENT USED OR INTENDED FOR USE IN THE MANUFACTURE, ASSEMBLY, OR DEVELOPMENT OF AN UNLAWFUL TELECOMMUNICATIONS ACCESS DEVICE OR A TELECOMMUNICATIONS ACCESS DEVICE.

(4) ~~(3)~~ A person who violates subsection (1) ~~or~~ (2), OR (3) is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$2,000.00, or both. ALL FINES SHALL BE IMPOSED FOR EACH UNLAWFUL TELECOMMUNICATIONS ACCESS DEVICE OR TELECOMMUNICATIONS ACCESS DEVICE INVOLVED IN THE OFFENSE. EACH UNLAWFUL TELECOMMUNICATIONS ACCESS DEVICE OR TELECOMMUNICATIONS ACCESS DEVICE IS CONSIDERED A SEPARATE VIOLATION.

(5) ~~(4)~~ This section does not prohibit or restrict the possession of radio receivers or transceivers by licensees of the federal communications commission in the amateur radio service that are intended primarily or exclusively for use in the amateur radio service.

(6) ~~(5)~~ A ~~counterfeit~~ ANY UNLAWFUL telecommunications ACCESS device ~~used~~ INVOLVED in violation of this section is subject to forfeiture in the same manner as provided in sections 4701 to 4709 of the revised judicature act of 1961, Act No. 236 of the Public Acts of 1961, being sections 600.4701 to 600.4709 of the Michigan Compiled Laws 1961 PA 236, MCL 600.4701 TO 600.4709, and the court may order either of the following:

(a) The ~~counterfeit~~ UNLAWFUL telecommunications ACCESS device be destroyed OR RETAINED AS PROVIDED UNDER SECTION 540D.

(b) The ~~counterfeit~~ UNLAWFUL telecommunications ACCESS device be returned to the telecommunications service provider if the device is owned or controlled by the provider OR DISPOSED OF AS PROVIDED UNDER SECTION 540D.

(7) THE COURT SHALL ORDER A PERSON CONVICTED OF VIOLATING SUBSECTION (1), (2), OR (3) TO MAKE RESTITUTION IN ACCORDANCE WITH SECTION 1A OF THE CODE OF CRIMINAL PROCEDURE, 1927 PA 175, MCL 769.1A.

(8) A VIOLATION OF SUBSECTION (1), (2), OR (3) IS CONSIDERED TO HAVE OCCURRED AT THE PLACE WHERE THE PERSON MANUFACTURES, ASSEMBLES, DEVELOPS, OR DESIGNS AN UNLAWFUL TELECOMMUNICATIONS ACCESS DEVICE OR TELECOMMUNICATIONS ACCESS DEVICE, OR THE PLACES WHERE THE UNLAWFUL TELECOMMUNICATIONS ACCESS DEVICE OR TELECOMMUNICATIONS ACCESS DEVICE IS SOLD OR DELIVERED TO ANOTHER PERSON.

(9) ~~(6)~~ As used in this section and sections 540d, 540f, and 540g:

~~(a) "Counterfeit telecommunications device" means a telecommunications device alone or with another telecommunications device that has been altered or programmed to acquire, intercept, receive, or otherwise facilitate the use of a telecommunications service without the authority or consent of the telecommunications service provider. Counterfeit telecommunications device includes but is not limited to a clone telephone, clone microchip, tumbler telephone, tumbler microchip, or wireless scanning device capable of acquiring, intercepting, receiving, or otherwise facilitating the use of a telecommunications service without immediate detection.~~

(A) ~~(b)~~ "Deliver" means to actually or constructively sell, give, loan, LEASE, or otherwise transfer a telecommunications ACCESS device, ~~counterfeit~~ UNLAWFUL telecommunications ACCESS device, AND plans, written instructions, or materials CONCERNING THE DEVICES to another person.

~~(c) "Telecommunications" means the origination, emission, transmission, or reception of data, images, signals, sounds, or other intelligence or equivalence of intelligence of any nature over any communications system by any method including but not limited to electronic, magnetic, optical, digital, or analog.~~

~~(d) "Telecommunications device" means any instrument, equipment, machine, or device that facilitates telecommunications. Telecommunications device includes but is not limited to a computer, computer chip or circuit, telephone, cellular telephone, pager, personal communications device, transponder, receiver, radio, modem or device that enables use of a modem, cables, converters, decoders, descramblers, satellite equipment, or other devices and equipment.~~

~~(e) "Telecommunications service" means providing, allowing, facilitating, or generating any form of telecommunications through the use of telecommunications devices or telecommunications access devices over a telecommunications system.~~

~~(f) "Unauthorized receipt of a telecommunications service" means the interception or receipt by any means of a telecommunications service without the specific authorization of the telecommunications service provider.~~

(B) "TELECOMMUNICATIONS ACCESS DEVICE" SHALL HAVE THE SAME MEANING AS IN SECTION 219A.

(C) "TELECOMMUNICATIONS SERVICE" SHALL HAVE THE SAME MEANING AS IN SECTION 219A.

(D) "TELECOMMUNICATIONS SERVICE PROVIDER" SHALL HAVE THE SAME MEANING AS IN SECTION 219A.

(E) "TELECOMMUNICATIONS SYSTEM" SHALL HAVE THE SAME MEANING AS IN SECTION 219A.

(F) "UNLAWFUL TELECOMMUNICATIONS ACCESS DEVICE" SHALL HAVE THE SAME MEANING AS IN SECTION 219A.

Sec. 540d. Any telecommunications ACCESS device, ~~counterfeit~~ UNLAWFUL telecommunications ACCESS device, plans, instructions, or materials described in section 540c may be seized under warrant or incident to a lawful arrest. Upon conviction of a person for violation of section 540c, all of the following apply to the telecommunications device, counterfeit telecommunications device, plans, instructions, or materials involved in the violation that are seized under this section:

(a) The telecommunications ACCESS device or materials shall be returned to the lawful owner of that device or materials unless he or she was convicted of the violation or had prior actual knowledge of and consented to the violation or unless the lawful owner cannot be determined or located.

(b) The ~~counterfeit~~ UNLAWFUL telecommunications ACCESS device, plans, or instructions and any telecommunications ACCESS device or materials not required to be returned to the lawful owner under subdivision (a) may be destroyed as contraband by the seizing law enforcement agency or retained and used by the seizing law enforcement agency for law enforcement purposes.

(c) Any telecommunications ACCESS device or materials not required to be returned to the lawful owner under subdivision (a) may be turned over by the seizing law enforcement agency to the telecommunications service provider in the territory in which the seizure occurred.

Sec. 540f. (1) Except as provided in subsection (2), a person who knowingly or intentionally publishes a telecommunications access device or ~~counterfeit~~ UNLAWFUL telecommunications access device with the intent that it be used or knowing or having reason to know that it will be used or is likely to be used to violate section 219a is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than ~~\$100.00~~ \$500.00, or both.

(2) A person who violates subsection (1) and has a previous conviction for a violation of section 219a or 540c or former section 219c is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$5,000.00, or both. FOR PURPOSES OF IMPOSING FINES UNDER THIS SECTION FOR A REPEAT OFFENDER, THE FINES SHALL BE IMPOSED FOR EACH TELECOMMUNICATIONS ACCESS DEVICE AND UNLAWFUL TELECOMMUNICATIONS ACCESS DEVICE INVOLVED IN THE VIOLATION.

(3) If the prosecuting attorney intends to seek an enhanced sentence based upon the defendant having a prior conviction, the prosecuting attorney shall include on the complaint and information a statement listing that prior conviction. The existence of the defendant's prior conviction shall be determined by the court, without a jury, at sentencing. The existence of a prior conviction may be established by any evidence relevant for that purpose, including, but not limited to, 1 or more of the following:

- (a) A copy of the judgment of conviction.
- (b) A transcript of a prior trial, plea-taking, or sentencing.
- (c) Information contained in a presentence report.
- (d) The defendant's statement.
- (4) As used in this section:

(a) ~~“Counterfeit telecommunications access device” means a telecommunications access device that is false, fraudulent, unlawful, not issued to a legitimate telecommunications access device subscriber account, or otherwise invalid or that is expired, suspended, revoked, canceled, or otherwise terminated if notice of the expiration, suspension, revocation, cancellation, or termination has been sent to the telecommunications access device subscriber.~~

(A) ~~(b)~~ “Publish” means to communicate information or make information available to 1 or more persons orally, in writing, or by means of any telecommunications. Publish includes but is not limited to communicating information on a computer bulletin board or similar system.

(B) ~~(e)~~ “Telecommunications access device” ~~means an instrument, device, card, plate, code, telephone number, account number, personal identification number, electronic serial number, mobile identification number, counterfeit number, or financial transaction device as defined in section 157m that alone or with another telecommunications access device can acquire, intercept, provide, receive, use, or otherwise facilitate the use of a telecommunications device, counterfeit telecommunications device, or telecommunications service~~ SHALL HAVE THE SAME MEANING AS IN SECTION 219A.

(C) “UNLAWFUL TELECOMMUNICATIONS ACCESS DEVICE” SHALL HAVE THE SAME MEANING AS IN SECTION 219A.

Sec. 540g. (1) An officer, shareholder, partner, employee, agent, or independent contractor of a telecommunications service provider who knowingly and without authority uses or diverts telecommunications services for his or her own benefit or to the benefit of another person is guilty of a crime as follows:

(a) If the total value of the telecommunications service used or diverted is less than \$200.00, the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00 or 3 times the total value of the telecommunications service used or diverted, whichever is greater, or both imprisonment and a fine.

(b) If any of the following apply, the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$2,000.00 or 3 times the total value of the telecommunications service used or diverted, whichever is greater, or both imprisonment and a fine:

- (i) The total value of the telecommunications service used or diverted is \$200.00 or more but less than \$1,000.00.
- (ii) The person violates subdivision (a) and has 1 or more prior convictions for committing or attempting to commit an offense under this section or a local ordinance substantially corresponding to this section.
- (c) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$10,000.00 or 3 times the total value of the telecommunications service used or diverted, whichever is greater, or both imprisonment and a fine:
- (i) The total value of the telecommunications service used or diverted is \$1,000.00 or more but less than \$20,000.00.
- (ii) The person violates subdivision (b)(i) and has 1 or more prior convictions for committing or attempting to commit an offense under this section. For purposes of this subparagraph, however, a prior conviction does not include a conviction for a violation or attempted violation of subdivision (a) or (b)(ii).
- (d) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than \$15,000.00 or 3 times the value of the telecommunications service used or diverted, whichever is greater, or both imprisonment and a fine:
- (i) The total value of the telecommunications service used or diverted is \$20,000.00 or more.
- (ii) The person violates subdivision (c)(i) and has 2 or more prior convictions for committing or attempting to commit an offense under this section. For purposes of this subparagraph, however, a prior conviction does not include a conviction for a violation or attempted violation of subdivision (a) or (b)(ii).
- (2) The values of telecommunications service used or diverted in separate incidents ~~pursuant to~~ UNDER a scheme or course of conduct within any 12-month period may be aggregated to determine the total value of the telecommunications service used or diverted. THE COURTS SHALL ALSO INCLUDE THE VALUE OF ALL TELECOMMUNICATIONS SERVICES MADE AVAILABLE TO THE VIOLATOR AND OTHERS AS A RESULT OF THE VIOLATION.
- (3) If the prosecuting attorney intends to seek an enhanced sentence based upon the defendant having 1 or more prior convictions, the prosecuting attorney shall include on the complaint and information a statement listing the prior conviction or convictions. The existence of the defendant's prior conviction or convictions shall be determined by the court, without a jury, at sentencing or at a separate hearing for that purpose before sentencing. The existence of a prior conviction may be established by any evidence relevant for that purpose, including, but not limited to, 1 or more of the following:
- (a) A copy of the judgment of conviction.
- (b) A transcript of a prior trial, plea-taking, or sentencing.
- (c) Information contained in a presentence report.
- (d) The defendant's statement.
- (4) If the sentence for a conviction under this section is enhanced by 1 or more prior convictions, those prior convictions shall not be used to further enhance the sentence for the conviction ~~pursuant to~~ UNDER section 10, 11, or 12 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.10, 769.11, and 769.12.
- Sec. 540h. (1) Evidence of 1 or more of the following facts shall give rise to a rebuttable presumption that the conduct that violated section 540c was engaged in knowingly by the defendant with the intent to permit or obtain the unauthorized receipt, ACQUISITION, INTERCEPTION, DISRUPTION, DECRYPTION, TRANSMISSION, OR RETRANSMISSION of a telecommunications service:
- (a) The presence on the defendant's property or in the actual possession of the defendant of 1 or more ~~counterfeit~~ UNLAWFUL telecommunications ACCESS devices.
- (b) The defendant installed an unauthorized connection or provided written instructions on such connection to another. An unauthorized connection does not include any of the following:
- (i) An internal connection made by a person within his or her residence for the purpose of receiving AN authorized ~~cable or satellite television~~ TELECOMMUNICATIONS service.
- (ii) The physical connection of a cable or other device by a person located within his or her residence which was initially placed there by the ~~cable or satellite television~~ TELECOMMUNICATIONS service provider.
- (iii) The physical connection of a cable or other device by a person located within his or her residence which the person had reason to believe was an authorized connection.
- (c) The telecommunications service provider placed written warning labels on its telecommunications ACCESS devices explaining that tampering with a telecommunications device is a violation of law and a telecommunications device in the defendant's possession has been tampered with, altered, or modified to permit the unauthorized receipt, ACQUISITION, INTERCEPTION, DISRUPTION, DECRYPTION, TRANSMISSION, OR RETRANSMISSION of a telecommunications service.
- (d) The defendant has published or advertised for sale a plan for a ~~counterfeit~~ UNLAWFUL telecommunications ACCESS device and the publication or advertisement states or implies that the plan will enable the unauthorized receipt, ACQUISITION, INTERCEPTION, DISRUPTION, DECRYPTION, TRANSMISSION, OR RETRANSMISSION of a telecommunications service.

(e) The defendant has advertised for the sale of a ~~counterfeit~~ UNLAWFUL telecommunications ACCESS device or kit for a ~~counterfeit~~ UNLAWFUL telecommunications ACCESS device and the advertisement states or implies that the ~~counterfeit~~ UNLAWFUL telecommunications ACCESS device or kit will permit the unauthorized receipt, ACQUISITION, INTERCEPTION, DISRUPTION, DECRYPTION, TRANSMISSION, OR RETRANSMISSION of a telecommunications service.

(f) The defendant has sold, leased, or offered for sale or lease a ~~counterfeit~~ UNLAWFUL telecommunications ACCESS device, plan, or kit for a ~~counterfeit~~ UNLAWFUL telecommunications ACCESS device and during the course of the transaction for sale or lease, the defendant stated or implied to the buyer that the ~~counterfeit~~ UNLAWFUL telecommunications ACCESS device will permit the unauthorized receipt, ACQUISITION, INTERCEPTION, DISRUPTION, DECRYPTION, TRANSMISSION, OR RETRANSMISSION of a telecommunications service.

(G) AS USED IN THIS SECTION, "UNAUTHORIZED RECEIPT, ACQUISITION, INTERCEPTION, DISRUPTION, DECRYPTION, TRANSMISSION, OR RETRANSMISSION OF A TELECOMMUNICATIONS SERVICE" MEANS TO DO ANY OF THOSE ACTS WITHOUT THE EXPRESS AUTHORITY OF THE TELECOMMUNICATIONS SERVICE PROVIDER."

5. Amend page 66, following line 17, by striking out all of enacting section 1.

The Senate has passed the bill as amended and amended the title to read as follows:

A bill to amend 1931 PA 328, entitled "An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending sections 16, 25, 33, 34, 44, 45, 50c, 57, 60, 64, 90c, 113, 114, 123, 125, 138, 140, 149, 150, 151, 153, 172, 173, 183, 184, 191, 192, 197a, 215, 217, 217c, 219, 219a, 220, 240, 263, 264, 287, 288, 294, 295, 298, 301, 302, 304, 305, 306, 314, 330, 331, 335, 335a, 354, 359, 368, 371, 375, 389, 393, 396, 404, 407, 408, 410, 411a, 411d, 414, 428, 429, 430, 454, 466, 478, 482, 490a, 492, 502b, 508, 509, 519, 524, 537, 538, 540c, 540d, 540f, 540g, 540h, and 561 (MCL 750.16, 750.25, 750.33, 750.34, 750.44, 750.45, 750.50c, 750.57, 750.60, 750.64, 750.90c, 750.113, 750.114, 750.123, 750.125, 750.138, 750.140, 750.149, 750.150, 750.151, 750.153, 750.172, 750.173, 750.183, 750.184, 750.191, 750.192, 750.197a, 750.215, 750.217, 750.217c, 750.219, 750.219a, 750.220, 750.240, 750.263, 750.264, 750.287, 750.288, 750.294, 750.295, 750.298, 750.301, 750.302, 750.304, 750.305, 750.306, 750.314, 750.330, 750.331, 750.335, 750.335a, 750.354, 750.359, 750.368, 750.371, 750.375, 750.389, 750.393, 750.396, 750.404, 750.407, 750.408, 750.410, 750.411a, 750.411d, 750.414, 750.428, 750.429, 750.430, 750.454, 750.466, 750.478, 750.482, 750.490a, 750.492, 750.502b, 750.508, 750.509, 750.519, 750.524, 750.537, 750.538, 750.540c, 750.540d, 750.540f, 750.540g, 750.540h, and 750.561), section 50c as added by 1994 PA 336, section 90c as amended by 2001 PA 1, section 125 as amended by 1999 PA 251, sections 215, 371, 524, 537, and 538 as amended by 1991 PA 145, section 217c as added and section 368 as amended by 1998 PA 360, section 219a as amended by 1998 PA 312, sections 263 and 264 as amended by 1997 PA 155, section 302 as amended by 1989 PA 85, section 375 as amended by 1996 PA 206, section 411a as amended by 2000 PA 370, section 411d as added by 1980 PA 490, section 502b as amended by 1991 PA 44, section 508 as amended by 1990 PA 77, section 540c as amended and section 540h as added by 1996 PA 557, section 540d as amended by 1996 PA 329, section 540f as added by 1996 PA 333, and section 540g as amended by 1998 PA 311.

The Speaker announced that pursuant to Rule 45, the bill was laid over one day.

#### **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.

The Senate has amended the bill as follows:

1. Amend page 5, line 13, after "THE" by striking out the balance of the line through the second "JUDGE" on line 14 and inserting "CIRCUIT JUDGES, THE PROBATE JUDGES, AND THE DISTRICT JUDGES".

2. Amend page 7, line 2, after the first "CHAPTER" by striking out "OR CHAPTER 10".

3. Amend page 7, line 11, after "JURISDICTION" by striking out the balance of the section and inserting "MAY INCLUDE A FAMILY COURT PLAN AS PROVIDED IN CHAPTER 10."

4. Amend page 7, following line 21, by inserting:

"Sec. 425. NOT LATER THAN 30 DAYS BEFORE A PROPOSED PLAN OF CONCURRENT JURISDICTION UNDER THIS CHAPTER IS SUBMITTED TO THE SUPREME COURT FOR APPROVAL, THE PLAN SHALL BE SUBMITTED TO THE LOCAL FUNDING UNIT OR UNITS FOR THEIR REVIEW OF THE PLAN'S FINANCIAL IMPLICATIONS. CONSISTENT WITH ARTICLE VII, SECTION 8 OF THE STATE CONSTITUTION OF 1963, THE COST OF IMPLEMENTING A PLAN OF CONCURRENT JURISDICTION IS SUBJECT TO APPROVAL BY THE FUNDING UNIT OR UNITS THROUGH THE FUNDING UNITS' BUDGETING PROCESS."



The Senate has passed the bill as amended and amended the title to read as follows:

A bill to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts," 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 sections 425 and 8304.

The Speaker announced that pursuant to Rule 45, the bill was laid over one day.

#### **House Bill No. 6327, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 2409, 2409a, and 2409c (MCL 500.2409, 500.2409a, and 500.2409c), sections 2409 and 2409a as amended by 1993 PA 200 and section 2409c as added by 1986 PA 318.

The Senate has substituted (S-3) the bill.

The Senate has passed the bill as substituted (S-3), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1956 PA 218, entitled "An act to revise, consolidate, and classify the laws relating to the insurance and surety business; to regulate the incorporation or formation of domestic insurance and surety companies and associations and the admission of foreign and alien companies and associations; to provide their rights, powers, and immunities and to prescribe the conditions on which companies and associations organized, existing, or authorized under this act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, associations, risk retention groups, and purchasing groups engaged in an insurance or surety business may exercise their powers; to provide for the imposition of a privilege fee on domestic insurance companies and associations and the state accident fund; to provide for the imposition of a tax on the business of foreign and alien companies and associations; to provide for the imposition of a tax on risk retention groups and purchasing groups; to provide for the imposition of a tax on the business of surplus line agents; to provide for the imposition of regulatory fees on certain insurers; to provide for assessment fees on certain health maintenance organizations; to modify tort liability arising out of certain accidents; to provide for limited actions with respect to that modified tort liability and to prescribe certain procedures for maintaining those actions; to require security for losses arising out of certain accidents; to provide for the continued availability and affordability of automobile insurance and homeowners insurance in this state and to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates; to provide for certain reporting with respect to insurance and with respect to certain claims against uninsured or self-insured persons; to prescribe duties for certain state departments and officers with respect to that reporting; to provide for certain assessments; to establish and continue certain state insurance funds; to modify and clarify the status, rights, powers, duties, and operations of the nonprofit malpractice insurance fund; to provide for the departmental supervision and regulation of the insurance and surety business within this state; to provide for regulation over worker's compensation self-insurers; to provide for the conservation, rehabilitation, or liquidation of unsound or insolvent insurers; to provide for the protection of policyholders, claimants, and creditors of unsound or insolvent insurers; to provide for associations of insurers to protect policyholders and claimants in the event of insurer insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the regulation of multiple employer welfare arrangements; to create an automobile theft prevention authority to reduce the number of automobile thefts in this state; to prescribe the powers and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials, departments, and authorities of this state; to provide for an appropriation; to repeal acts and parts of acts; and to provide penalties for the violation of this act," by amending sections 224b, 2409, 2409a, 2409c, 3515, 3519, and 3528 (MCL 500.224b, 500.2409, 500.2409a, 500.2409c, 500.3515, 500.3519, and 500.3528), section 224b as added and sections 3515 and 3519 as amended by 2002 PA 304, sections 2409 and 2409a as amended by 1993 PA 200, section 2409c as added by 1986 PA 318, and section 3528 as added by 2000 PA 252.

The Speaker announced that pursuant to Rule 45, the bill was laid over one day.

#### **House Bill No. 6447, entitled**

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 Senate has amended the bill as follows:

1. Amend page 1, following "THE PEOPLE OF THE STATE OF MICHIGAN ENACT:" by inserting:

"SEC. 2962A. (1) AS USED IN THIS SECTION:

(A) "TELECOMMUNICATIONS SERVICE" MEANS THAT TERM AS DEFINED IN SECTION 219A OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.219A.

(B) "TELECOMMUNICATIONS SERVICE PROVIDER" MEANS THAT TERM AS DEFINED IN SECTION 219A OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.219A.

(C) "TELECOMMUNICATIONS SYSTEM" MEANS THAT TERM AS DEFINED IN SECTION 219A OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.219A.

(D) "UNAUTHORIZED CONNECTION" MEANS ANY PHYSICAL, ELECTRICAL, MECHANICAL, ACOUSTICAL, OR OTHER CONNECTION TO A TELECOMMUNICATIONS SYSTEM, WITHOUT THE SPECIFIC AUTHORITY OF THE TELECOMMUNICATIONS SERVICE PROVIDER. AN UNAUTHORIZED CONNECTION DOES NOT INCLUDE ANY OF THE FOLLOWING:

(i) AN INTERNAL CONNECTION MADE BY A PERSON WITHIN HIS OR HER RESIDENCE FOR THE PURPOSE OF RECEIVING AUTHORIZED TELECOMMUNICATIONS SERVICE.

(ii) THE PHYSICAL CONNECTION OF A CABLE OR OTHER DEVICE BY A PERSON LOCATED WITHIN HIS OR HER RESIDENCE WHICH WAS INITIALLY PLACED THERE BY THE TELECOMMUNICATIONS SERVICE PROVIDER.

(iii) THE PHYSICAL CONNECTION OF A CABLE OR OTHER DEVICE BY A PERSON LOCATED WITHIN HIS OR HER RESIDENCE WHICH THE PERSON HAD REASON TO BELIEVE WAS AN AUTHORIZED CONNECTION.

(E) "UNAUTHORIZED RECEIPT OF TELECOMMUNICATIONS SERVICE" MEANS THE INTERCEPTION OR RECEIPT BY ANY MEANS OF A TELECOMMUNICATIONS SERVICE OVER A TELECOMMUNICATIONS SYSTEM WITHOUT THE SPECIFIC AUTHORIZATION OF THE TELECOMMUNICATIONS SERVICE PROVIDER.

(F) "UNLAWFUL TELECOMMUNICATIONS ACCESS DEVICE" MEANS THAT TERM AS DEFINED IN SECTION 219A OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.219A.

(2) A TELECOMMUNICATIONS SERVICE PROVIDER MAY BRING AN ACTION TO ENJOIN A PERSON FROM THE UNAUTHORIZED RECEIPT OF ANY TELECOMMUNICATIONS SERVICE, USING AN UNLAWFUL TELECOMMUNICATIONS ACCESS DEVICE, OR THE MAKING OF AN UNAUTHORIZED CONNECTION, AND MAY SEEK 1 OR MORE OF THE FOLLOWING DAMAGES:

(A) ACTUAL DAMAGES.

(B) EXEMPLARY DAMAGES OF NOT MORE THAN \$1,000.00.

(C) IF THE PERSON'S ACTS WERE FOR DIRECT OR INDIRECT COMMERCIAL ADVANTAGE OR FINANCIAL GAIN, EXEMPLARY DAMAGES OF NOT MORE THAN \$50,000.00.

(D) REASONABLE ATTORNEY FEES AND COSTS.

(3) A PERSON INJURED BY A VIOLATION OF SECTIONS 219A, 540C, AND 540G OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.219A, 750.540C, AND 750.540G, MAY BRING A CIVIL ACTION IN ANY COURT OF COMPETENT JURISDICTION. THE COURT MAY DO ANY OF THE FOLLOWING:

(A) GRANT PRELIMINARY AND FINAL INJUNCTIONS TO PREVENT OR RESTRAIN THE VIOLATIONS.

(B) AT ANY TIME WHILE AN ACTION IS PENDING, ORDER THE IMPOUNDING, ON TERMS AS THE COURT CONSIDERS REASONABLE, OF ANY TELECOMMUNICATIONS ACCESS DEVICE OR UNLAWFUL TELECOMMUNICATIONS ACCESS DEVICE THAT IS IN THE CUSTODY OR CONTROL OF THE ALLEGED VIOLATOR AND THAT THE COURT HAS REASONABLE CAUSE TO BELIEVE WAS INVOLVED IN THE ALLEGED VIOLATION.

(C) AWARD DAMAGES AS PROVIDED UNDER SUBDIVISION (F).

(D) IN ITS DISCRETION, AWARD REASONABLE ATTORNEY FEES AND COSTS, INCLUDING, BUT NOT LIMITED TO, COSTS FOR INVESTIGATION, TESTING, AND EXPERT WITNESS FEES.

(E) AS PART OF A FINAL JUDGMENT OR DECREE FINDING A VIOLATION, ORDER THE MODIFICATION OR DESTRUCTION OF ANY TELECOMMUNICATIONS ACCESS DEVICE OR UNLAWFUL TELECOMMUNICATIONS ACCESS DEVICE INVOLVED IN THE VIOLATION.

(F) AWARD DAMAGES COMPUTED AS 1 OF THE FOLLOWING UPON THE ELECTION OF THE COMPLAINING PARTY AT ANY TIME BEFORE FINAL JUDGMENT:

(i) THE ACTUAL DAMAGES SUFFERED BY THE COMPLAINING PARTY AS A RESULT OF THE VIOLATION OF THIS SECTION AND ANY PROFITS OF THE VIOLATOR THAT ARE ATTRIBUTABLE TO THE VIOLATION AND ARE NOT TAKEN INTO ACCOUNT IN COMPUTING THE ACTUAL DAMAGES. IN DETERMINING THE VIOLATOR'S PROFITS, THE COMPLAINING PARTY SHALL BE REQUIRED TO PROVE ONLY THE VIOLATOR'S GROSS REVENUE, AND THE VIOLATOR SHALL BE REQUIRED TO PROVE ANY DEDUCTIBLE EXPENSES AND THE ELEMENTS OF PROFIT ATTRIBUTABLE TO FACTORS OTHER THAN THE VIOLATION.

(ii) DAMAGES OF BETWEEN \$250.00 TO \$10,000.00 FOR EACH TELECOMMUNICATIONS ACCESS DEVICE OR UNLAWFUL TELECOMMUNICATIONS ACCESS DEVICE INVOLVED IN THE ACTION, WITH THE AMOUNT OF THE DAMAGES TO BE DETERMINED BY THE COURT. WHERE THE COURT FINDS THAT THE VIOLATION OF THIS SECTION WAS COMMITTED WILLFULLY AND FOR COMMERCIAL ADVANTAGE

OR FINANCIAL GAIN, THE COURT MAY INCREASE THE AWARD OF DAMAGES BY AN AMOUNT OF NOT MORE THAN \$50,000.00 FOR EACH TELECOMMUNICATIONS ACCESS DEVICE OR UNLAWFUL TELECOMMUNICATIONS ACCESS DEVICE INVOLVED IN THE ACTION.

(4) IT IS NOT A NECESSARY PREREQUISITE TO BRING AN ACTION UNDER THIS SECTION THAT THE TELECOMMUNICATIONS SERVICE PROVIDER OR OTHER INJURED PARTY HAS SUFFERED ACTUAL DAMAGES OR THAT THE DEFENDANT HAS BEEN CONVICTED OF ANY VIOLATIONS OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.1 TO 750.568.

(5) AN ACTION UNDER THIS SECTION IS IN ADDITION TO ANY OTHER PENALTIES OR REMEDIES PROVIDED BY LAW.

(6) EACH ACT PROHIBITED BY THIS SECTION IS A SEPARATE CAUSE OF ACTION.”.

The Senate has passed the bill as amended, ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1961 PA 236, entitled “An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,” by amending sections 8001, 8003, 8005, and 8011 (MCL 600.8001, 600.8003, 600.8005, and 600.8011), as added by 2001 PA 262, and by adding section 2962a.

The Speaker announced that pursuant to Rule 45, the bill was laid over one day.

Rep. Kolb moved that Rep. Bob Brown be excused from the balance of today’s session.  
The motion prevailed.

### Quorum Call

Rep. Middaugh questioned the presence of a quorum and moved that the roll be called and printed in the Journal.  
The motion prevailed.  
The roll was called and the Clerk announced that a quorum was present.  
The following is the roll call:

### Roll Call No. 1243

Yeas—84

Adamini	Drolet	Kowall	Richner
Allen	Frank	Kuipers	Rivet
Anderson	Garza	LaSata	Rocca
Basham	George	Lemmons	Scranton
Bernero	Gielegem	Lipsey	Shackleton
Birkholz	Gosselin	McConico	Sheltrown
Bisbee	Hager	Mead	Shulman
Bishop	Hansen	Meyer	Spade
Bovin	Hart	Middaugh	Stamas
Brown, C.	Howell	Minore	Switalski
Brown, R.	Hummel	Murphy	Tabor
Callahan	Jacobs	Newell	Thomas
Cassis	Jamnick	Palmer	Toy
Caul	Jansen	Pappageorge	Van Woerkom
Clark, I.	Jelinek	Pestka	Vander Roest
Clarke, H.	Johnson, Rick	Phillips	Vander Veen
Daniels	Johnson, Ruth	Pumford	Voorhees

Dennis  
DeRossett  
DeVuyst  
DeWeese

Julian  
Koetje  
Kolb  
Kooiman

Quarles  
Rackowski  
Reeves  
Richardville

Waters  
Williams  
Wojno  
Woronchak

In The Chair: Julian

### Notices

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Regulatory Reform from further consideration of **Senate Bill No. 717**.

Rep. Rocca

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Rep. Richardville moved that when the House adjourns today it stand adjourned until Thursday, December 12, at 10:00 a.m.

The motion prevailed.

Rep. Richardville moved that the House adjourn.

The motion prevailed, the time being 7:25 p.m.

Associate Speaker Pro Tempore Julian declared the House adjourned until Thursday, December 12, at 10:00 a.m.

GARY L. RANDALL  
Clerk of the House of Representatives.