

**No. 71**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
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**REGULAR SESSION OF 2002**

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Senate Chamber, Lansing, Thursday, December 5, 2002.

10:00 a.m.

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

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

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

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

Sanborn—present  
Schuette—present  
Schwarz—present  
Scott—present  
Shugars—present  
Sikkema—present  
Smith—present  
Steil—present  
Stille—present  
Van Regenmorter—present  
Vaughn—excused  
Young—excused

Senator Dale L. Shugars of the 21st District offered the following invocation:

Heavenly Father, we come to You—and first of all, we glorify You, we praise You, and we thank You for being the Creator of the universe for each one of us and for everything in the world.

Father, we want to thank You for all our blessings that we've received. Also, Father, we come to You, and we ask for comfort and peace during a time of trouble and violence throughout the world. We ask that You intervene in the hearts of the leaders of the countries, and of the world, and give them peace and comfort so there is understanding and love in this world.

Father, be with each one of the Senators. As they are contemplating, give them wisdom and discernment in the last days of session.

Father, be with each one of the outgoing Senators. Give them peace with their families and good health as they have a different stage in life and as they go on a journey of something different than they have been used to.

In Jesus' name we pray. Amen.

The President, Lieutenant Governor Posthumus, led the members of the Senate in recital of the *Pledge of Allegiance*.

### **Motions and Communications**

Senators DeGrow, Gougeon, McManus, Murphy, Emerson, Gast and Smith entered the Senate Chamber.

Senator Emmons moved that Senators Garcia, Bullard, McCotter, Schuette, Schwarz, Hoffman and Johnson be temporarily excused from today's session.

The motion prevailed.

Senator Murphy moved that Senator Cherry be temporarily excused from today's session.

The motion prevailed.

Senator Murphy moved that Senator Hart be excused from today's session.

The motion prevailed.

### **Recess**

Senator Emmons moved that the Senate recess subject to the call of the Chair.

The motion prevailed, the time being 10:05 a.m.

11:43 a.m.

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

During the recess, Senators Schuette, Garcia, Hoffman, Bullard, McCotter, Johnson, Goschka, Schwarz and Cherry entered the Senate Chamber.

### **Recess**

Senator Emmons moved that the Senate recess until 12:45 p.m.

The motion prevailed, the time being 11:46 a.m.

The Senate reconvened at the expiration of the recess and pursuant to rule 1.101, in the absence of the Presiding Officers, the Senate was called to order by the Secretary of the Senate.

### **Recess**

Senator Hoffman moved that the Senate recess subject to the call of the Chair.

The motion prevailed, the time being 12:46 p.m.

12:55 p.m.

Pursuant to rule 1.101, in the absence of the Presiding Officers, the Senate was called to order by the Secretary of the Senate.

### Recess

Senator Hammerstrom moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 12:56 p.m.

1:24 p.m.

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

Senator Emmons moved that the rules be suspended and that the following bills, now on Committee Reports, be placed on the General Orders calendar for consideration today:

**Senate Bill No. 1213**

**Senate Bill No. 694**

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

The Secretary announced that the following House bills were received in the Senate and filed on Wednesday, December 4:

**House Bill Nos. 4007 5797 6372 6490 6492**

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, December 5:

**House Bill Nos. 5122 6028 6097 6121 6122 6123 6124 6128 6268 6373 6374 6375 6486 6493  
6498 6523**

The Secretary announced the printing and placement in the members' files on Wednesday, December 4, of:

**Senate Bill No. 1524**

**House Bill Nos. 6525 6526 6527 6528 6529 6530 6531 6532 6533 6534 6535 6536 6537 6538  
6539 6540 6541 6542 6543 6544 6545 6546 6547 6548 6549 6550 6551 6552  
6553 6554 6555 6556 6557 6558 6559 6560 6561 6562 6563 6564 6565 6566  
6567**

By unanimous consent the Senate proceeded to the order of

### Resolutions

Senator Schwarz moved that rule 3.204 be suspended to name the entire membership of the Senate and the Lieutenant Governor as co-sponsors of the following resolutions:

**Senate Resolution No. 283**

**Senate Resolution No. 284**

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

By unanimous consent the Senate returned to the order of

### Messages from the House

Senator Emmons moved that consideration of the following bill be postponed for today:

**House Bill No. 5468**

The motion prevailed.

### Senate Bill No. 686, entitled

A bill to amend 1967 PA 270, entitled "An act to provide for the release of certain information or data relating to health care research or education, health care entities, practitioners, or professions, or certain governmentally funded

programs; to limit the liability with respect to the release of certain information or data; and to safeguard the confidential character of certain information or data," by amending section 1 (MCL 331.531), as amended by 1998 PA 59.

The House of Representatives has passed the bill and ordered that the bill be given immediate effect. The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor. The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

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

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

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

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Posthumus, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

**Senate Bill No. 1507, entitled**

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

Substitute (S-1).

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

1. Amend page 1, line 4, after "~~24~~" by striking out "90" and inserting "60".
2. Amend page 3, line 6, after "~~24~~" by striking out "90" and inserting "60".
3. Amend page 3, line 11, after "THAT" by striking out "90-DAY" and inserting "60-DAY".
4. Amend page 3, line 11, after "~~21 day~~" by striking out "90-DAY" and inserting "60-DAY".
5. Amend page 3, line 13, after "~~21 day~~" by striking out "90-DAY" and inserting "60-DAY".
6. Amend page 4, line 8, after "~~21 day~~" by striking out "90-DAY" and inserting "60-DAY".
7. Amend page 4, line 16, after "NEW" by striking out "90-DAY" and inserting "60-DAY".

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

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

**Senate Bill No. 1213, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 2236, 2242, 2401, 2403, 2406, 2418, 2450, 2601, 2603, 2606, 2646, 2706, 3606, 4430, and 6514 (MCL 500.2236, 500.2242, 500.2401, 500.2403, 500.2406, 500.2418, 500.2450, 500.2601, 500.2603, 500.2606, 500.2646, 500.2706, 500.3606, 500.4430, and 500.6514), sections 2236, 2403, 2406, and 2418 as amended by 1993 PA 200, sections 2242 and 3606 as amended by 1990 PA 305, section 2401 as amended by 1982 PA 8, section 2706 as added by 1982 PA 501, section 4430 as amended by 1993 PA 349, and section 6514 as added by 1990 PA 350, and by adding sections 2417 and 2617; and to repeal acts and parts of acts.

Substitute (S-1).

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

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

"Sec. 456. (1) Every insurance company, association, risk retention group, or purchasing group not organized under the statutes of this state shall file with the commissioner, as a condition precedent to doing business in this state, the name and address of a resident agent upon which any local process affecting the company, association, or group may be served. Service upon the resident agent designated under this section is service on the company, association, or group. This designation shall remain in force as long as any liability remains within this state.

(2) As a condition of doing business in this state, an unauthorized insurer who does not have a resident agent shall file with the commissioner an irrevocable written stipulation agreeing that any legal process affecting the company, association, or group that is served upon the commissioner or his or her designee has the same effect as if personally served upon the company, association, or group. A copy of the appointment shall be filed with the commissioner. Service upon the commissioner is service upon the company, association, or group and the fee for service is \$10.00 payable at time of service. This appointment remains in force as long as any liability remains within this state.

(3) EVERY INSURANCE COMPANY NOT ORGANIZED UNDER THE STATUTES OF THIS STATE THAT PROVIDES A SURETY BOND REQUIRED OR PERMITTED UNDER THE LAWS OF THE UNITED STATES SHALL IRREVOCABLY APPOINT THE COMMISSIONER OR HIS OR HER DESIGNEE AS THE COMPANY'S AGENT TO RECEIVE SERVICE OF PROCESS IN ANY ACTION IN UNITED STATES DISTRICT COURT ON THE SURETY BOND. SERVICE UPON THE COMMISSIONER IS SERVICE UPON THE COMPANY, AND THE COMMISSIONER MAY ESTABLISH A REASONABLE FEE, PAYABLE AT THE TIME OF SERVICE, FOR THE ACCEPTANCE OF SERVICE. UPON RECEIPT OF SERVICE OF PROCESS, THE COMMISSIONER OR HIS OR HER DESIGNEE SHALL FORWARD THE SERVICE OF PROCESS TO THE RESIDENT AGENT DESIGNATED UNDER SUBSECTION (1). SERVICE OF PROCESS ON THE COMMISSIONER UNDER THIS SUBSECTION ONLY APPLIES FOR A BOND PROVIDED WITHIN THIS STATE AND IS IN ADDITION TO AND NOT IN PLACE OF ANY OTHER METHOD OF SERVICE AUTHORIZED BY LAW OR COURT RULE."

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

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

**Senate Bill No. 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.

Substitute (S-1).

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

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

**Senate Bill No. 1519, entitled**

A bill to amend 1992 PA 147, entitled "Neighborhood enterprise zone act," by amending section 4 (MCL 207.774), as amended by 2001 PA 93.

Substitute (S-1).

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

By unanimous consent the Senate returned to the order of

**Third Reading of Bills**

Senator Emmons moved that the rules be suspended and that the following bills, now on the order of Third Reading of Bills, be placed on their immediate passage:

**Senate Bill No. 1507**

**Senate Bill No. 1519**

**Senate Bill No. 1213**

**Senate Bill No. 694**

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

The following bill was read a third time:

**Senate Bill No. 63, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2567 (MCL 600.2567), as amended by 1990 PA 346, and by adding section 2568.

The question being on the passage of the bill,

Senator Hammerstrom offered the following substitute:

Substitute (S-2)\*.

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

The question being on the passage of the bill,

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

**Roll Call No. 929**

**Yeas—23**

Bullard  
Byrum

Emmons  
Gast

McManus  
Miller

Schwarz  
Scott

DeBeaussaert  
Dingell  
Dunaskiss  
Emerson

Gougeon  
Hammerstrom  
Koivisto  
Leland

Murphy  
North  
Peters  
Schuette

Shugars  
Smith  
Steil

**Nays—10**

Bennett  
DeGrow  
Garcia

Goschka  
Hoffman  
McCotter

Sanborn  
Sikkema

Stille  
Van Regenmorter

**Excused—4**

Cherry

Hart

Vaughn

Young

**Not Voting—1**

Johnson

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was announced:

**House Bill No. 6480, entitled**

A bill to amend 1941 PA 122, entitled “An act to establish a revenue division of the department of treasury; to prescribe its powers and duties as the revenue collection agency of the state; to prescribe certain powers and duties of the state treasurer; to regulate the importation, stamping, and disposition of certain tobacco products; to create the position and to define the powers and duties of the state commissioner of revenue; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act,” by amending section 30c (MCL 205.30c), as amended by 2001 PA 168.

(This bill was passed on Wednesday, December 4, and the motion for immediate effect postponed. See Senate Journal No. 70, p. 2257.)

The question being on the motion to give the bill immediate effect,

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

The Senate agreed to the title of the bill.

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

**House Bill No. 5363**

**House Bill No. 5364**

**Senate Bill No. 1398**

**Senate Bill No. 1498**

**Senate Bill No. 1499**

**Senate Bill No. 614**

**Senate Bill No. 1507**  
**Senate Bill No. 1519**  
**Senate Bill No. 1213**  
**Senate Bill No. 694**  
**Senate Bill No. 1500**  
 The motion prevailed.

Senator Emmons moved that consideration of the following bills be postponed temporarily:  
**House Bill No. 5363**  
**House Bill No. 5364**  
 The motion prevailed.

The following bill was read a third time:  
**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.  
 The question being on the passage of the bill,  
 The bill was passed, a majority of the members serving voting therefor, as follows:

**Roll Call No. 930**

**Yeas—34**

Bennett	Garcia	McCotter	Schwarz
Bullard	Gast	McManus	Scott
Byrum	Goschka	Miller	Shugars
DeBeaussaert	Gougeon	Murphy	Sikkema
DeGrow	Hammerstrom	North	Smith
Dingell	Hoffman	Peters	Steil
Dunaskiss	Johnson	Sanborn	Stille
Emerson	Koivisto	Schuette	Van Regenmorter
Emmons	Leland		

**Nays—0**

**Excused—4**

Cherry	Hart	Vaughn	Young
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**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:  
**Senate Bill No. 1498, entitled**  
 A bill to allow for the recovery of certain costs by electric public utilities; to prescribe powers and duties of certain state agencies and officials; and to provide protection against the disclosure of certain information.

The question being on the passage of the bill,

Senator Hammerstrom offered the following amendment:

1. Amend page 2, line 10, after “means” by striking out “a” and inserting “an unbundled”.

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

The question being on the passage of the bill,

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

**Roll Call No. 931**

**Yeas—30**

Bennett	Garcia	Leland	Sanborn
Bullard	Gast	McCotter	Schuette
Byrum	Goschka	McManus	Schwarz
DeBeaussaert	Gougeon	Miller	Shugars
Dingell	Hammerstrom	Murphy	Sikkema
Dunaskiss	Hoffman	North	Smith
Emerson	Johnson	Peters	Stille
Emmons	Koivisto		

**Nays—4**

DeGrow	Scott	Steil	Van Regenmorter
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**Excused—4**

Cherry	Hart	Vaughn	Young
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**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 1499, 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,” by amending section 10d (MCL 460.10d), as added by 2000 PA 141.

The question being on the passage of the bill,

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



**Roll Call No. 932****Yeas—30**

Bennett	Garcia	Leland	Sanborn
Bullard	Gast	McCotter	Schuette
Byrum	Goschka	McManus	Schwarz
DeBeaussaert	Gougeon	Miller	Shugars
Dingell	Hammerstrom	Murphy	Sikkema
Dunaskiss	Hoffman	North	Smith
Emerson	Johnson	Peters	Stille
Emmons	Koivisto		

**Nays—4**

DeGrow	Scott	Steil	Van Regenmorter
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**Excused—4**

Cherry	Hart	Vaughn	Young
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**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 614, entitled**

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

The question being on the passage of the bill,

Senator Stille offered the following amendments:

1. Amend page 1, line 3, after "SUPPORT" by inserting "PUBLIC".
2. Amend page 1, line 4, after "SUPPORT" by inserting "PUBLIC".
3. Amend page 1, line 10, after "SUPPORT" by inserting "PUBLIC".
4. Amend page 2, line 9, after "SUPPORT" by inserting "PUBLIC".
5. Amend page 2, line 10, after "SUPPORT" by inserting "PUBLIC".

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

Senator Shugars requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The amendments were not adopted, a majority of the members serving not voting therefor, as follows:

**Roll Call No. 933****Yeas—18**

Bullard	Dunaskiss	Miller	Schwarz
Byrum	Emerson	Murphy	Scott
DeBeaussaert	Gast	North	Smith
DeGrow	Koivisto	Peters	Stille
Dingell	Leland		

**Nays—16**

Bennett	Gougeon	McCotter	Shugars
Emmons	Hammerstrom	McManus	Sikkema
Garcia	Hoffman	Sanborn	Steil
Goschka	Johnson	Schuette	Van Regenmorter

**Excused—4**

Cherry	Hart	Vaughn	Young
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**Not Voting—0**

In The Chair: President

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

**Roll Call No. 934****Yeas—32**

Bennett	Garcia	McCotter	Schwarz
Bullard	Gast	McManus	Scott
Byrum	Goschka	Miller	Shugars
DeBeaussaert	Gougeon	Murphy	Sikkema
DeGrow	Hoffman	North	Smith
Dingell	Johnson	Peters	Steil
Dunaskiss	Koivisto	Sanborn	Stille
Emerson	Leland	Schuette	Van Regenmorter

**Nays—2**

Emmons	Hammerstrom
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**Excused—4**

Cherry	Hart	Vaughn	Young
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**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

### Protests

Senators Emmons and Hammerstrom, under their constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 614.

Senator Emmons' statement is as follows:

I voted against this bill because it will take money away from the children's check-off for the plate that is used for children. I think that's of primary importance, and it should be left there as a primary license plate.

Senator Hammerstrom's statement is as follows:

I voted against this bill as well because of the fact that when we originally agreed to do specialty license plates, we set up six specific programs—they were state programs. We were told at that point that that would only funnel money into the state-run programs as opposed to a not-for-profit. By opening up beyond the six, as well as changing to allow for some nonprofits, I think we have opened the flood gates. All we will have is more and more requests for these plates, and it will, as the previous speaker said, take money away from the plates designated for the Children's Trust Fund.

The following bill was read a third time:

#### **Senate Bill No. 1507, entitled**

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

The question being on the passage of the bill,

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

#### **Roll Call No. 935**

#### **Yeas—33**

Bennett	Gast	McCotter	Schwarz
Bullard	Goschka	McManus	Scott
Byrum	Gougeon	Miller	Shugars
DeBeaussaert	Hammerstrom	Murphy	Sikkema
DeGrow	Hoffman	North	Smith
Dingell	Johnson	Peters	Steil
Dunaskiss	Koivisto	Sanborn	Stille
Emmons	Leland	Schuette	Van Regenmorter
Garcia			

#### **Nays—1**

Emerson

#### **Excused—4**

Cherry

Hart

Vaughn

Young

#### **Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 1519, entitled**

A bill to amend 1992 PA 147, entitled “Neighborhood enterprise zone act,” by amending section 4 (MCL 207.774), as amended by 2001 PA 93.

The question being on the passage of the bill,

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

**Roll Call No. 936**

**Yeas—34**

Bennett	Garcia	McCotter	Schwarz
Bullard	Gast	McManus	Scott
Byrum	Goschka	Miller	Shugars
DeBeaussaert	Gougeon	Murphy	Sikkema
DeGrow	Hammerstrom	North	Smith
Dingell	Hoffman	Peters	Steil
Dunaskiss	Johnson	Sanborn	Stille
Emerson	Koivisto	Schuette	Van Regenmorter
Emmons	Leland		

**Nays—0**

**Excused—4**

Cherry	Hart	Vaughn	Young
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**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 1213, entitled**

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

The question being on the passage of the bill,

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

**Roll Call No. 937**

**Yeas—23**

Bennett	Gast	McCotter	Shugars
Bullard	Goschka	McManus	Sikkema
DeGrow	Gougeon	North	Steil
Dunaskiss	Hammerstrom	Sanborn	Stille
Emmons	Hoffman	Schuette	Van Regenmorter
Garcia	Johnson	Schwarz	

**Nays—10**

Byrum  
DeBeaussaert  
Dingell

Emerson  
Koivisto  
Leland

Miller  
Murphy

Peters  
Scott

**Excused—4**

Cherry

Hart

Vaughn

Young

**Not Voting—1**

Smith

In The Chair: President

Senator Bullard offered to amend the title to read as follows:

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.

The amendment to the title was adopted.

The Senate agreed to the title as amended.

Senator Smith stated that she had intended to vote “nay” on the passage of the following bill:

**Senate Bill No. 1213**

The following bill was read a third time:

**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.

The question being on the passage of the bill,

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

**Roll Call No. 938****Yeas—34**

Bennett  
Bullard  
Byrum  
DeBeaussaert  
DeGrow  
Dingell  
Dunaskiss  
Emerson  
Emmons

Garcia  
Gast  
Goschka  
Gougeon  
Hammerstrom  
Hoffman  
Johnson  
Koivisto  
Leland

McCotter  
McManus  
Miller  
Murphy  
North  
Peters  
Sanborn  
Schuette

Schwarz  
Scott  
Shugars  
Sikkema  
Smith  
Steil  
Stille  
Van Regenmorter

**Nays—0**

**Excused—4**

Cherry

Hart

Vaughn

Young

**Not Voting—0**

In The Chair: President

The Senate agreed to the title of the bill.

Senator Emmons moved that consideration of the following bill be postponed temporarily:

**Senate Bill No. 1500**

The motion prevailed.

By unanimous consent the Senate proceeded to the order of

**Introduction and Referral of Bills****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 House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title.

Senator Emmons moved that rule 3.203 be suspended to permit referral of the bill to the Committee of the Whole and placed on the order of General Orders.

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

**House Bill No. 5122, entitled**

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

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

**House Bill No. 5797, entitled**

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

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

**House Bill No. 6028, entitled**

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

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

**House Bill No. 6097, entitled**

A bill to amend 1991 PA 179, entitled “Michigan telecommunications act,” by amending section 304 (MCL 484.2304), as amended by 2000 PA 295.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

**House Bill No. 6121, entitled**

A bill to prohibit certain lending practices; to require disclosure of certain information for home loans; to prescribe certain duties and obligations of the lender in a home loan transaction; to prescribe the powers and duties of certain state agencies and officials; and to prescribe penalties and provide for remedies.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

**House Bill No. 6122, entitled**

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

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

**House Bill No. 6123, entitled**

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

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

**House Bill No. 6124, entitled**

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

The House of Representatives has passed the bill by a 2/3 vote and ordered that it be given immediate effect.

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

**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 House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title.

Senator Emmons moved that rule 3.203 be suspended to permit referral of the bill to the Committee of the Whole and placed on the order of General Orders.

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

**House Bill No. 6268, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending section 109 (MCL 400.109), as amended by 2000 PA 168.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

**House Bill No. 6372, entitled**

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

The House of Representatives has passed the bill by a 2/3 vote and ordered that it be given immediate effect.

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

**House Bill No. 6373, entitled**

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

The House of Representatives has passed the bill by a 2/3 vote and ordered that it be given immediate effect.

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

**House Bill No. 6374, entitled**

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

The House of Representatives has passed the bill by a 2/3 vote and ordered that it be given immediate effect.

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

**House Bill No. 6375, entitled**

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

The House of Representatives has passed the bill by a 2/3 vote and ordered that it be given immediate effect.

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

**House Bill No. 6486, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 719 and 720 (MCL 257.719 and 257.720), section 719 as amended by 2002 PA 453 and section 720 as amended by 2002 PA 535.

The House of Representatives has passed the bill.

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

**House Bill No. 6490, entitled**

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

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

**House Bill No. 6492, entitled**

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

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

**House Bill No. 6493, entitled**

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

The House of Representatives has passed the bill by a 2/3 vote and ordered that it be given immediate effect.

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



**House Bill No. 6498, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 504, 517, and 803 (MCL 600.504, 600.517, and 600.803), section 504 as amended by 2001 PA 254, section 517 as amended by 2001 PA 257, and section 803 as amended by 2001 PA 253.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

**House Bill No. 6523, entitled**

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 11 (MCL 247.661), as amended by 2002 PA 498.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

By unanimous consent the Senate returned to the order of

**Conference Reports**

Senator Emmons moved that consideration of the following joint resolution be postponed for today:

**Senate Joint Resolution D**

The motion prevailed.

Senator Emmons moved that joint rule 9 be suspended to permit immediate consideration of the conference reports relative to the following bills:

**House Bill No. 4042****House Bill No. 4632**

The motion prevailed.

**House Bill No. 4042, entitled**

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

The House of Representatives has adopted the report of the Committee of Conference.

The Conference Report was read as follows:

## FIRST CONFERENCE REPORT

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

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

Recommends:

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

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

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

TITLE

An act to prescribe the rights and duties of parties to home solicitation sales; TO REGULATE CERTAIN TELEPHONE SOLICITATION; TO PROVIDE FOR THE POWERS AND DUTIES OF CERTAIN STATE OFFICERS AND ENTITIES; AND TO PRESCRIBE PENALTIES AND REMEDIES.

Sec. 1. As used in this act:

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

(i) A sale made pursuant to a preexisting revolving charge account.

(ii) A sale made pursuant to prior negotiations between the parties at a business establishment at a fixed location where goods or services are offered or exhibited for sale.

(iii) A sale or solicitation of insurance by an insurance agent licensed by the commissioner of insurance.

(iv) A sale made at a fixed location of a business establishment where goods or services are offered or exhibited for sale.

(v) A sale made pursuant to a printed advertisement in a publication of general circulation.

(vi) A sale of services by a real estate broker or salesperson licensed by the department of consumer and industry services.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"notice of cancellation

(enter date of transaction)

\_\_\_\_\_ (date)

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

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

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

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

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

\_\_\_\_\_  
(date)

I hereby cancel this transaction.

\_\_\_\_\_  
(date)

\_\_\_\_\_  
(buyer’s signature)”

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

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

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

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

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

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

Ken Bradstreet  
Mike Kowall  
Joe Rivet  
Conferees for the House

Joanne G. Emmons  
Glenn Steil  
Conferees for the Senate

The question being on the adoption of the conference report,

The first conference report was adopted, a majority of the members serving voting therefor, as follows:

**Roll Call No. 939**

**Yeas—34**

- |              |             |          |                 |
|--------------|-------------|----------|-----------------|
| Bennett      | Emmons      | McCotter | Schwarz         |
| Bullard      | Garcia      | McManus  | Scott           |
| Byrum        | Gast        | Miller   | Shugars         |
| Cherry       | Goschka     | Murphy   | Sikkema         |
| DeBeaussaert | Gougeon     | North    | Smith           |
| DeGrow       | Hammerstrom | Peters   | Steil           |
| Dingell      | Hoffman     | Sanborn  | Stille          |
| Dunaskiss    | Koivisto    | Schuette | Van Regenmorter |
| Emerson      | Leland      |          |                 |

**Nays—0**

**Excused—3**

Hart

Vaughn

Young

**Not Voting—1**

Johnson

In The Chair: President

**House Bill No. 4632, entitled**

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

The House of Representatives has adopted the report of the Committee of Conference.

The Conference Report was read as follows:

**FIRST CONFERENCE REPORT**

The Committee of Conference on the matters of difference between the two Houses concerning

**House Bill No. 4632, entitled**

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

Recommends:

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

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

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

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

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

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

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

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

(e) Representing that goods or services are of a particular standard, quality, or grade, or that goods are of a particular style or model, if they are of another.

(f) Disparaging the goods, services, business, or reputation of another by false or misleading representation of fact.

(g) Advertising or representing goods or services with intent not to dispose of those goods or services as advertised or represented.

(h) Advertising goods or services with intent not to supply reasonably expectable public demand, unless the advertisement discloses a limitation of quantity in immediate conjunction with the advertised goods or services.

(i) Making false or misleading statements of fact concerning the reasons for, existence of, or amounts of price reductions.

(j) Representing that a part, replacement, or repair service is needed when it is not.

(k) Representing to a party to whom goods or services are supplied that the goods or services are being supplied in response to a request made by or on behalf of the party, when they are not.

(l) Misrepresenting that because of some defect in a consumer’s home the health, safety, or lives of the consumer or his or her family are in danger if the product or services are not purchased, when in fact the defect does not exist or the product or services would not remove the danger.

(m) Causing a probability of confusion or of misunderstanding with respect to the authority of a salesperson, representative, or agent to negotiate the final terms of a transaction.



(n) Causing a probability of confusion or of misunderstanding as to the legal rights, obligations, or remedies of a party to a transaction.

(o) Causing a probability of confusion or of misunderstanding as to the terms or conditions of credit if credit is extended in a transaction.

(p) Disclaiming or limiting the implied warranty of merchantability and fitness for use, unless a disclaimer is clearly and conspicuously disclosed.

(q) Representing or implying that the subject of a consumer transaction will be provided promptly, or at a specified time, or within a reasonable time, if the merchant knows or has reason to know it will not be so provided.

(r) Representing that a consumer will receive goods or services "free" ; OR "without charge", or USING words of similar import IN THE REPRESENTATION, without clearly and conspicuously disclosing with equal prominence in immediate conjunction with the use of those words the conditions, terms, or prerequisites to the use or retention of the goods or services advertised.

(s) Failing to reveal a material fact, the omission of which tends to mislead or deceive the consumer, and which fact could not reasonably be known by the consumer.

(t) Entering into a consumer transaction in which the consumer waives or purports to waive a right, benefit, or immunity provided by law, unless the waiver is clearly stated and the consumer has specifically consented to it.

(u) Failing, in a consumer transaction that is rescinded, canceled, or otherwise terminated in accordance with the terms of an agreement, advertisement, representation, or provision of law, to promptly restore to the person or persons entitled to it a deposit, down payment, or other payment, or in the case of property traded in but not available, the greater of the agreed value or the fair market value of the property, or to cancel within a specified time or an otherwise reasonable time an acquired security interest.

(v) Taking or arranging for the consumer to sign an acknowledgment, certificate, or other writing affirming acceptance, delivery, compliance with a requirement of law, or other performance, if the merchant knows or has reason to know that the statement is not true.

(w) Representing that a consumer will receive a rebate, discount, or other benefit as an inducement for entering into a transaction, if the benefit is contingent on an event to occur subsequent to the consummation of the transaction.

(x) Taking advantage of the consumer's inability reasonably to protect his or her interests by reason of disability, illiteracy, or inability to understand the language of an agreement presented by the other party to the transaction who knows or reasonably should know of the consumer's inability.

(y) Gross discrepancies between the oral representations of the seller and the written agreement covering the same transaction or failure of the other party to the transaction to provide the promised benefits.

(z) Charging the consumer a price that is grossly in excess of the price at which similar property or services are sold.

(aa) Causing coercion and duress as the result of the time and nature of a sales presentation.

(bb) Making a representation of fact or statement of fact material to the transaction such that a person reasonably believes the represented or suggested state of affairs to be other than it actually is.

(cc) Failing to reveal facts that are material to the transaction in light of representations of fact made in a positive manner.

(dd) Subject to subdivision (ee), representations by the manufacturer of a product or package that the product or package is 1 or more of the following:

(i) Except as provided in subparagraph (ii), recycled, recyclable, degradable, or is of a certain recycled content, in violation of guides for the use of environmental marketing claims, ~~published by the federal trade commission, 57 F.R. p 36363 (August 13, 1992)~~ 16 C.F.R. PART 260.

(ii) For container holding devices regulated under part 163 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.16301 to 324.16303, representations by a manufacturer that the container holding device is degradable contrary to the definition provided in that act.

(ee) Representing that a product or package is degradable, biodegradable, or photodegradable unless it can be substantiated by evidence that the product or package will completely decompose into elements found in nature within a reasonably short period of time after consumers use the product and dispose of the product or the package in a landfill or composting facility, as appropriate.

(ff) Offering a consumer a prize if in order to claim the prize the consumer is required to submit to a sales presentation, unless a written disclosure is given to the consumer at the time the consumer is notified of the prize and the written disclosure meets all of the following requirements:

(i) Is written or printed in a bold type that is not smaller than 10-point.

(ii) Fully describes the prize, including its cash value, won by the consumer.

(iii) Contains all the terms and conditions for claiming the prize, including a statement that the consumer is required to submit to a sales presentation.

(iv) Fully describes the product, real estate, investment, service, membership, or other item that is or will be offered for sale, including the price of the least expensive item and the most expensive item.

(gg) ~~Having~~ VIOLATING 1971 PA 227, MCL 445.111 TO 445.117, IN CONNECTION WITH A HOME SOLICITATION SALE OR TELEPHONE SOLICITATION, INCLUDING, BUT NOT LIMITED TO, HAVING an independent courier service or other third party pick up a consumer’s payment on a home solicitation sale during the period the consumer is entitled to cancel the sale. ~~under 1971 PA 227, MCL 445.111 to 445.117.~~

(2) The attorney general may promulgate rules to implement this act under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. The rules shall not create an additional unfair trade practice not already enumerated by this section. However, to assure national uniformity, rules shall not be promulgated to implement subsection (1)(dd) or (ee).

SEC. 9A. AFTER EACH CALENDAR QUARTER, THE ATTORNEY GENERAL SHALL BY ELECTRONIC MAIL PROVIDE TO THE BETTER BUSINESS BUREAU OF WESTERN MICHIGAN, INC., BETTER BUSINESS BUREAU OF MICHIANA, INC., BETTER BUSINESS BUREAU OF DETROIT AND EASTERN MICHIGAN, INC., AND BETTER BUSINESS BUREAU SERVING NW OHIO AND SE MICHIGAN, INC., A LIST OF COMPLAINTS MADE BY CONSUMERS TO THE ATTORNEY GENERAL DURING THAT CALENDAR QUARTER OF VIOLATIONS OF SECTION 3(1)(GG) IN CONNECTION WITH A TELEPHONE SOLICITATION. THE LIST SHALL CONTAIN THE NAME OF EACH PERSON AGAINST WHOM 1 OR MORE COMPLAINTS WERE MADE AND THE NUMBER OF COMPLAINTS AGAINST THAT PERSON.

Enacting section 1. This amendatory act does not take effect unless House Bill No. 4042 of the 91st Legislature is enacted into law.

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

A bill to amend 1976 PA 331, entitled “An act to prohibit certain methods, acts, and practices in trade or commerce; to prescribe certain powers and duties; to provide for certain remedies, damages, and penalties; to provide for the promulgation of rules; to provide for certain investigations; and to prescribe penalties,” by amending section 3 (MCL 445.903), as amended by 2000 PA 14, and by adding section 9a.

Ken Bradstreet  
Mike Kowall  
Joe Rivet  
Conferees for the House

Joanne G. Emmons  
Glenn Steil  
Conferees for the Senate

The question being on the adoption of the conference report,

The first conference report was adopted, a majority of the members serving voting therefor, as follows:

**Roll Call No. 940**

**Yeas—35**

Bennett	Emmons	Leland	Schwarz
Bullard	Garcia	McCotter	Scott
Byrum	Gast	McManus	Shugars
Cherry	Goschka	Miller	Sikkema
DeBeaussaert	Gougeon	Murphy	Smith
DeGrow	Hammerstrom	North	Steil
Dingell	Hoffman	Peters	Stille
Dunaskiss	Johnson	Sanborn	Van Regenmorter
Emerson	Koivisto	Schuette	

**Nays—0**

**Excused—3**

Hart	Vaughn	Young
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**Not Voting—0**

By unanimous consent the Senate returned to the order of  
**Motions and Communications**

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

**Senate Resolution No. 259.**

A resolution commemorating Newberry, Michigan, as the Moose Capital in the state of Michigan.

The motion prevailed, a majority of the members serving voting therefor, and the resolution was placed on the order of Resolutions.

By unanimous consent the Senate returned to the order of  
**Resolutions**

Senator Emmons moved that the rules be suspended and that the following concurrent resolution, now on Committee Reports, be placed on the Resolutions calendar for consideration today:

**Senate Concurrent Resolution No. 75**

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

**Senate Concurrent Resolution No. 75.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and the Regents of the University of Michigan relative to the University of Michigan-Dearborn Hubbard Drive Professional Training and Education Building Acquisition (Phase I).

The Assistant Secretary of the Senate made the following statement:

Mr. President and members of the Senate, the lease and exhibits are attached to the resolution and are available for review by the membership now at the rostrum or after session in the offices of the Session Staff in the Romney Building.

The question being on the adoption of the concurrent resolution,  
The concurrent resolution was adopted, a majority of the members serving voting therefor, as follows:

**Roll Call No. 941**

**Yeas—34**

Bennett	Garcia	McCotter	Schwarz
Bullard	Gast	McManus	Scott
Byrum	Goschka	Miller	Shugars
Cherry	Gougeon	Murphy	Sikkema
DeBeaussaert	Hammerstrom	North	Smith
DeGrow	Hoffman	Peters	Steil
Dingell	Johnson	Sanborn	Stille
Emerson	Koivisto	Schuette	Van Regenmorter
Emmons	Leland		

**Nays—0**

**Excused—3**

Hart	Vaughn	Young
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**Not Voting—1**

Dunaskiss

In The Chair: President

**Senate Concurrent Resolution No. 73.**

A concurrent resolution to waive the legislative notice requirement for increases in rates of compensation for certain employees in the state classified service.

(For text of resolution, see Senate Journal No. 67, p. 2192.)

The House of Representatives has substituted (H-1) the concurrent resolution as follows:

A concurrent resolution to waive the legislative notice requirement for increases in rates of compensation for certain employees in the state classified service.

Whereas, The Constitution of the State of Michigan of 1963 provides in Article XI, Section 5:

Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a time other than the start of a fiscal year.

; and

Whereas, As a result of recently completed negotiations and binding arbitration, a settlement has been reached on a three-year contract between the state and the Michigan State Troopers Association regarding compensation and other terms and conditions of employment. This settlement, which will be retroactive to its effective date of October 1, 1999, was reached past the time when the governor could transmit the increase as part of the budget; and

Whereas, The State Personnel Director, with the consent of the Chair of the Civil Service Commission, granted interim approval of the collective bargaining agreement on November 13, 2002; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That, pursuant to Article XI, Section 5 of the Constitution of the State of Michigan of 1963, the Michigan Legislature waives the prior notice requirement to permit increases in rates of compensation for certain members of the Department of State Police as set in the contract settled between the Michigan State Police Troopers Association and the state and the Civil Service Commission; and be it further

Resolved, That copies of this resolution be transmitted to the Civil Service Commission.

The House of Representatives has adopted the concurrent resolution as substituted (H-1) and named Reps. Durhal, DeWeese, Birkholz, Julian, Jacobs, Vander Roest, Raczkowski and Quarles as co-sponsors.

Pending the order that, under rule 3.202, the concurrent resolution be laid over one day, Senator Emmons moved that the rule be suspended.

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

The question being on concurring in the substitute made to the concurrent resolution by the House,

The substitute was concurred in.

The concurrent resolution was referred to the Secretary for record.

**Senate Resolution No. 259.**

A resolution commemorating Newberry, Michigan, as the Moose Capital in the state of Michigan.

The question being on the adoption of the resolution,

The resolution was adopted.

Senator Young was named co-sponsor of the resolution.

By unanimous consent the Senate returned to the order of

**Third Reading of Bills**

Senator Emmons moved that the following bill be placed at the head of the Third Reading of Bills calendar:

**Senate Bill No. 1500**

The motion prevailed.

The following bill was read a third time:

**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.

The question being on the passage of the bill,

Senator Emmons offered the following amendments:

1. Amend page 2, line 2, after "2002," by striking out the balance of the subsection and inserting "THE CREDIT UNDER THIS SECTION IS EQUAL TO THE FOLLOWING:

(A) FOR A BUSINESS THAT FIRST LOCATES AND BEGINS CONDUCTING BUSINESS ACTIVITY WITHIN A RENAISSANCE ZONE AFTER NOVEMBER 30, 2002, THE LESSER OF THE FOLLOWING:

(i) THE TAX LIABILITY ATTRIBUTABLE TO BUSINESS ACTIVITY CONDUCTED WITHIN A RENAISSANCE ZONE IN THE TAX YEAR.

(ii) TEN PERCENT OF ADJUSTED SERVICES PERFORMED IN A DESIGNATED RENAISSANCE ZONE.

(B) FOR A BUSINESS THAT IS LOCATED AND CONDUCTING BUSINESS ACTIVITY WITHIN A RENAISSANCE ZONE BEFORE DECEMBER 1, 2002, THE GREATER OF THE FOLLOWING:

(i) THE AMOUNT CALCULATED UNDER SUBPARAGRAPH (A)(i) OR (A)(ii), WHICHEVER IS LESS.

(ii) THE CREDIT UNDER THIS SECTION FOR THE TAX YEAR BEGINNING IN 2002 OR THE AMOUNT CALCULATED UNDER SUBPARAGRAPH (A)(i), WHICHEVER IS LESS.”.

2. Amend page 3, line 15, after “ADJUSTED” by striking out “PAYROLL FOR”.

3. Amend page 3, line 17, after “THE” by inserting “SUM OF THE”.

4. Amend page 3, line 18, after “ZONE” by inserting “PLUS AN AMOUNT EQUAL TO THE AMOUNT ADDED PURSUANT TO SECTION 9(H)(C) FOR THE TAX YEAR FOR REAL PROPERTY LOCATED IN THE DESIGNATED RENAISSANCE ZONE”.

5. Amend page 3, line 22, after “TAXPAYER” by inserting “IF GREATER THAN ZERO”.

6. Amend page 5, line 14, after “ADJUSTED” by striking out “PAYROLL FOR”.

7. Amend page 5, line 16, after “ADJUSTED” by striking out the balance of the line through “FOR” on line 17.

8. Amend page 7, line 4, after “ADJUSTED” by striking out “PAYROLL FOR”.

9. Amend page 10, line 24, by striking out “2001”.

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

The question being on the passage of the bill,

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

**Roll Call No. 942**

**Yeas—33**

Bennett	Emmons	Leland	Schwarz
Bullard	Garcia	McCotter	Scott
Byrum	Goschka	McManus	Shugars
Cherry	Gougeon	Murphy	Sikkema
DeBeaussaert	Hammerstrom	North	Smith
DeGrow	Hoffman	Peters	Steil
Dingell	Johnson	Sanborn	Stille
Dunaskiss	Koivisto	Schuette	Van Regenmorter
Emerson			

**Nays—0**

**Excused—3**

Hart	Vaughn	Young
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**Not Voting—2**

Gast	Miller
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In The Chair: President

The Senate agreed to the title of the bill.

Senator Emmons moved that rule 3.901 be suspended to allow photographs to be taken from the Senate floor, including the center aisle.

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

**Recess**

Senator Emmons moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 2:49 p.m.

3:30 p.m.

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

By unanimous consent the Senate returned to the order of  
**Motions and Communications**

Senator Emmons moved that the rules be suspended and that the following bill, now on Committee Reports, be placed on the General Orders calendar for consideration today:

**House Bill No. 5705**

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

By unanimous consent the Senate returned to the order of  
**General Orders**

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

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

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

**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.

Substitute (S-2).

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

1. Amend page 15, following line 15, by inserting:

“At-risk student success program ..... 18,461”.

2. Amend page 15, following line 17, by inserting:

“Special revenue funds:

Michigan merit award trust fund ..... \$ 18,461”.

3. Amend page 15, following line 18, by inserting:

**“(3) OPERATIONS**

Alpena Community College .....	\$	26,560
Bay de Noc Community College.....		25,650
Delta College .....		74,069
Glen Oaks Community College.....		12,428
Gogebic Community College .....		21,826
Grand Rapids Community College.....		93,167
Henry Ford Community College .....		113,542
Jackson Community College .....		62,852
Kalamazoo Valley Community College .....		64,130
Kellogg Community College.....		50,385
Kirtland Community College .....		15,292
Lake Michigan College .....		27,117
Lansing Community College.....		161,115
Macomb Community College.....		171,905
Mid Michigan Community College.....		22,932
Monroe County Community College.....		22,311
Montcalm Community College .....		16,138

C.S. Mott Community College.....	81,457
Muskegon Community College.....	46,356
North Central Michigan College.....	15,701
Northwestern Michigan College.....	47,301
Oakland Community College.....	108,440
St. Clair County Community College.....	36,323
Schoolcraft College.....	63,644
Southwestern Michigan College.....	34,164
Washtenaw Community College.....	64,686
Wayne County Community College.....	86,119
West Shore Community College.....	11,912
GROSS APPROPRIATION.....	\$ 1,577,521
Appropriated from:	
Special revenue funds:	
Michigan merit award trust fund.....	1,577,521
State general fund/general purpose.....	\$ 0”.
4. Amend page 20, following line 24, by inserting:	
“(3) CENTRAL MICHIGAN UNIVERSITY	
Operations.....	450,019
GROSS APPROPRIATION.....	\$ 450,019
Appropriated from:	
Special revenue funds:	
Michigan merit award trust fund.....	450,019
State general fund/general purpose.....	\$ 0
“(4) EASTERN MICHIGAN UNIVERSITY	
Operations.....	438,186
GROSS APPROPRIATION.....	\$ 438,186
Appropriated from:	
Special revenue funds:	
Michigan merit award trust fund.....	438,186
State general fund/general purpose.....	\$ 0
“(5) FERRIS STATE UNIVERSITY	
Operations.....	277,602
GROSS APPROPRIATION.....	\$ 277,602
Appropriated from:	
Special revenue funds:	
Michigan merit award trust fund.....	277,602
State general fund/general purpose.....	\$ 0
“(6) GRAND VALLEY STATE UNIVERSITY	
Operations.....	300,477
GROSS APPROPRIATION.....	\$ 300,477
Appropriated from:	
Special revenue funds:	
Michigan merit award trust fund.....	300,477
State general fund/general purpose.....	\$ 0
“(7) LAKE SUPERIOR STATE UNIVERSITY	
Operations.....	71,344
GROSS APPROPRIATION.....	\$ 71,344
Appropriated from:	
Special revenue funds:	
Michigan merit award trust fund.....	71,344
State general fund/general purpose.....	\$ 0
“(8) MICHIGAN STATE UNIVERSITY	
Operations.....	1,629,912
GROSS APPROPRIATION.....	\$ 1,629,912
Appropriated from:	
Special revenue funds:	
Michigan merit award trust fund.....	1,629,912
State general fund/general purpose.....	\$ 0

**(9) MICHIGAN TECHNOLOGICAL UNIVERSITY**

Operations.....		276,208
GROSS APPROPRIATION .....	\$	<u>276,208</u>
Appropriated from:		
Special revenue funds:		
Michigan merit award trust fund .....		276,208
State general fund/general purpose .....	\$	0

**(10) NORTHERN MICHIGAN UNIVERSITY**

Operations.....		260,065
GROSS APPROPRIATION .....	\$	<u>260,065</u>
Appropriated from:		
Special revenue funds:		
Michigan merit award trust fund .....		260,065
State general fund/general purpose .....	\$	0

**(11) OAKLAND UNIVERSITY**

Operations.....		261,924
GROSS APPROPRIATION .....	\$	<u>261,924</u>
Appropriated from:		
Special revenue funds:		
Michigan merit award trust fund .....		261,924
State general fund/general purpose .....	\$	0

**(12) SAGINAW VALLEY STATE UNIVERSITY**

Operations.....		136,967
GROSS APPROPRIATION .....	\$	<u>136,967</u>
Appropriated from:		
Special revenue funds:		
Michigan merit award trust fund .....		136,967
State general fund/general purpose .....	\$	0

**(13) UNIVERSITY OF MICHIGAN-ANN ARBOR**

Operations.....		1,817,814
GROSS APPROPRIATION .....	\$	<u>1,817,814</u>
Appropriated from:		
Special revenue funds:		
Michigan merit award trust fund .....		1,817,814
State general fund/general purpose .....	\$	0

**(14) UNIVERSITY OF MICHIGAN-DEARBORN**

Operations.....		139,967
GROSS APPROPRIATION .....	\$	<u>139,967</u>
Appropriated from:		
Special revenue funds:		
Michigan merit award trust fund .....		139,967
State general fund/general purpose .....	\$	0

**(15) UNIVERSITY OF MICHIGAN-FLINT**

Operations.....		120,341
GROSS APPROPRIATION .....	\$	<u>120,341</u>
Appropriated from:		
Special revenue funds:		
Michigan merit award trust fund .....		120,341
State general fund/general purpose .....	\$	0

**(16) WAYNE STATE UNIVERSITY**

Operations.....		1,268,224
GROSS APPROPRIATION .....	\$	<u>1,268,224</u>
Appropriated from:		
Special revenue funds:		
Michigan merit award trust fund .....		1,268,224
State general fund/general purpose .....	\$	0

**(17) WESTERN MICHIGAN UNIVERSITY**

Operations.....		628,386
GROSS APPROPRIATION .....	\$	<u>628,386</u>



Appropriated from:

Special revenue funds:

Michigan merit award trust fund.....		628,386
State general fund/general purpose .....	\$	0

**(18) STATE AND REGIONAL PROGRAMS**

Agricultural experiment station.....		184,244
Cooperative extension service.....		158,913
Japan center for Michigan universities.....		1,527
Higher education database modernization and conversion.....		1,250
GROSS APPROPRIATION .....	\$	345,934

Appropriated from:

Special revenue funds:

Michigan merit award trust fund.....		345,934
State general fund/general purpose .....	\$	0

**(19) MARTIN LUTHER KING, JR.-CESAR CHAVEZ-ROSA PARKS PROGRAM**

Select student supportive services.....	\$	10,867
Michigan college/university partnership program.....		3,260
Morris Hood, Jr. educator development program .....		826
GROSS APPROPRIATION .....	\$	14,953

Appropriated from:

Special revenue funds:

Michigan merit award trust fund.....		14,953
State general fund/general purpose .....	\$	0

**(20) GRANTS AND FINANCIAL AID**

State competitive scholarships .....		165,273
Tuition grants.....		330,501
Michigan work study program .....		40,079
Part-time independent student program.....		14,515
Grant for Michigan resident dental graduates .....		25,262
Grant for general degree graduates .....		30,921
Grant for allied health graduates.....		4,676
Michigan education opportunity grants .....		11,402
GROSS APPROPRIATION .....	\$	622,629

Appropriated from:

Special revenue funds:

Michigan merit award trust fund.....		622,629
State general fund/general purpose .....	\$	0

and adjusting all totals, subtotals, and section 1201 accordingly.

5. Amend page 35, following line 7, by inserting:

**“COMMUNITY COLLEGES**

Sec. 1275. The appropriations in part 1A for the at risk student success program shall be allocated as follows:

Alpena Community College	428
Bay de Noc Community College	466
Delta College	546
Glen Oaks Community College	693
Gogebic Community College	391
Grand Rapids Community College	445
Henry Ford Community College	819
Jackson Community College	566
Kalamazoo Valley Community College	580
Kellogg Community College	784
Kirtland Community College	847
Lake Michigan College	934
Lansing Community College	814
Macomb Community College	462
Mid Michigan Community College	695
Monroe County Community College	498
Montcalm Community College	347
C.S. Mott Community College	556

Muskegon Community College	1,050
North Central Michigan College	784
Northwestern Michigan College	645
Oakland Community College	787
St. Clair County Community College	443
Schoolcraft College	762
Southwestern Michigan College	904
Washtenaw Community College	852
Wayne County Community College	712
West Shore Community College	653”.

6. Amend page 37, following line 7, by inserting:

“Sec. 1317. Recipients of children’s special health care services shall be exempt from the prior authorization requirements for prescription drugs in the department of community health’s pharmaceutical best practice initiative.

Sec. 1318. (1) The department shall use procedures and rebates amounts specified under section 1927 of title XIX, 42 U.S.C. 1396r-8, to secure quarterly rebates from pharmaceutical manufacturers for outpatient drugs dispensed to participants in the state medical program and EPIC.

(2) For products distributed by pharmaceutical manufacturers not providing quarterly rebates as listed in subsection (1), the department may require preauthorization.

Sec. 1319. (1) An applicant for Medicaid, whose qualifying condition is pregnancy, shall immediately be presumed to be eligible for Medicaid coverage unless the preponderance of evidence in her application indicates otherwise. The applicant who is qualified as described in this subsection shall be allowed to select or remain with the Medicaid participating obstetrician of her choice.

(2) An applicant qualified as described in subsection (1) shall be given a letter of authorization to receive Medicaid covered services related to her pregnancy. All qualifying applicants shall be entitled to receive all medically necessary obstetrical and prenatal care without preauthorization from a health plan. All claims submitted for payment for obstetrical and prenatal care shall be paid at the Medicaid fee-for-service rate in the event a contract does not exist between the Medicaid participation obstetrical or prenatal care provider and the managed care plan. The applicant shall receive a listing of Medicaid physicians and managed care plans in the immediate vicinity of the applicant’s residence.

(3) In the event that an applicant, presumed to be eligible pursuant to subsection (1), is subsequently found to be ineligible, a Medicaid physician or managed care plan that has been providing pregnancy services to an applicant under this section is entitled to reimbursement for those services until the time that they are notified by the department that the applicant was found to be ineligible for Medicaid.

(4) If the preponderance of evidence in an application indicates that the applicant is not eligible for Medicaid, the department shall refer that applicant to the nearest public health clinic or similar entity as a potential source for receiving pregnancy related services.

(5) This section shall apply to Medicaid managed care.

Sec. 1320. In establishing the total number of acute care beds for any hospital licensed in Michigan, the department shall include in that count all hospital beds that are used for ventilator care due to a contract between the department and a hospital for providing ventilator care services.

Sec. 1321. (1) A first class school district that:

(a) May be eligible to receive payments for administrative services related to Medicaid school-based health service pursuant to section 1692 of 2002 PA 519, and;

(b) Is required to have a portion of those payments placed in escrow, incidental to the settlement agreement in Michigan Department of Community Health v. Centers for Medicare and Medicaid Services, departmental appeals board, United States department of health and human services, docket no. A-01-01 and A-02-01, and;

(c) Meets the conditions of subsection (2); shall be eligible to receive a disbursement from those escrowed funds in an amount not to exceed \$780,000.00.

(2) The Department shall only make the disbursement specified in subsection (1) if the first class school district receiving the disbursement:

(a) Certifies that the disbursed funds shall only be used to reimburse vendors that provided Medicaid billing services on the first class school districts’ behalf during the period 1998 to 2002, inclusive and;

(b) Agrees that the payments to the vendors described in subsection (2)(a) shall be made no later than December 31, 2002.

(3) The Department shall inform the chairpersons of the senate and house appropriations committees as soon as these transactions occur.

Sec. 1322. (1) It is the intent of the legislature that HMOs shall have contracts with hospitals within a reasonable distance from their enrollees. If a hospital does not contract with the HMO, in its service area, that hospital shall enter into a hospital access agreement as specified in the MSA bulletin Hospital 01-19.

(2) A hospital access agreement specified in subsection (1) shall be considered an affiliated provider contract pursuant to the requirements contained in chapter 35 of the insurance code of 1956, 1956 PA 218, MCL 500.3501 to 500.3580.

Sec. 1323. (1) The department shall maintain the 2-tier reimbursement methodology for medicaid emergency physicians professional services that was in affect on September 30, 2002, subject to the following conditions:

(a) Payments by case and in the aggregate shall not exceed 80 percent of Medicare payment rates.

(b) Total expenditures for these services shall not exceed the level of total payments made during FY 2001-02, after adjusting for Medicare copayments and deductibles and for changes in utilization.

(2) To insure that total expenditures stay within the spending constraints of subsection (1)(b) the department shall develop a utilization adjustor for the basic 2-tier payment methodology. The adjustor shall be based on a good faith estimate by the department as to what the expected utilization of emergency room services will be during FY 2002-03, given changes in the number and category of Medicaid recipients. If expenditure and utilization data indicate that the amount and/or type of emergency physician professional services are exceeding the departments estimate, the utilization adjustor shall be applied to the 2-tier reimbursement methodology in such a manner as to reduce aggregate expenditures to the FY01-02 adjusted expenditure target.

(3) If federal law, regulation or judicial ruling finds that this 2-tier reimbursement methodology is not Health Insurance Portability and Accountability Act (HIPAA) compliant prior to the end of FY 2002-03, the department shall immediately provide the chairpersons of the senate and house appropriations subcommittee on community health and their respective fiscal agencies, with the proposed modifications necessary to bring this methodology into compliance.

(4) The proposal specified in subsection (3) should be as consistent as possible with the intent of the methodology specified in this section and must be provided to the subcommittee chairpersons and respective fiscal agencies, no less than 30 days before the effective date of the proposal.

#### **FAMILY INDEPENDENCE AGENCY**

Sec. 1401. From the funds appropriated in part 1 of 2002 PA 529, no funds shall be expended for leased space at the Wayne-Highland Park Pitkin district office located at 245 Pitkin Street in the city of Highland Park and the Wayne-Warren/Conner district office located at 4733 Conner in the city of Detroit after March 30, 2003.”.

7. Amend page 38, following line 9, by inserting:

“(3) It is the intent of the legislature that in the future the general fund reimburse the state waterways fund.”.

8. Amend page 38, following line 16, by inserting:

“Sec. 1903. Section 1627 of 2002 PA 519 is repealed.

Sec. 1904. Section 1607 of 2002 PA 519 is repealed.”.

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

By unanimous consent the Senate returned to the order of

#### **Third Reading of Bills**

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

#### **House Bill No. 5705**

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

The following bill was read a third time:

#### **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 question being on the passage of the bill,

Senator Scott offered the following amendment:

1. Amend page 37, following line 7, by striking out all of section 1401.

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

Senator Scott requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

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

**Roll Call No. 943****Yeas—13**

Byrum  
Cherry  
DeBeaussaert  
Dingell

Emerson  
Koivisto  
Leland

Miller  
Murphy  
Peters

Schwarz  
Scott  
Smith

**Nays—22**

Bennett  
Bullard  
DeGrow  
Dunaskiss  
Emmons  
Garcia

Gast  
Goschka  
Gougeon  
Hammerstrom  
Hoffman  
Johnson

McCotter  
McManus  
North  
Sanborn  
Schuette

Shugars  
Sikkema  
Steil  
Stille  
Van Regenmorter

**Excused—3**

Hart

Vaughn

Young

**Not Voting—0**

In The Chair: Hoffman

Senator Scott offered the following amendment:

1. Amend page 38, following line 9, by inserting:

**“DEPARTMENT OF STATE POLICE**

Sec. 1610. It is the intent of the legislature that up to 10% of federal funds received by the state of Michigan for homeland security equipment upgrade grants to local units be allocated for construction of an upgraded Detroit crime lab.”.

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

Senators Emerson and Hammerstrom offered the following amendment:

1. Amend page 37, line 5, after “program” by inserting “and Salvation Army turning point of west Michigan”.

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

The question being on the passage of the bill,

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

**Roll Call No. 944****Yeas—35**

Bennett  
Bullard  
Byrum  
Cherry  
DeBeaussaert  
DeGrow  
Dingell  
Dunaskiss  
Emerson

Emmons  
Garcia  
Gast  
Goschka  
Gougeon  
Hammerstrom  
Hoffman  
Johnson  
Koivisto

Leland  
McCotter  
McManus  
Miller  
Murphy  
North  
Peters  
Sanborn  
Schuette

Schwarz  
Scott  
Shugars  
Sikkema  
Smith  
Steil  
Stille  
Van Regenmorter

**Nays—0**

**Excused—3**

Hart

Vaughn

Young

**Not Voting—0**

In The Chair: Hoffman

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

Senator Scott asked and was granted unanimous consent to make a statement and moved that the statement be printed in the Journal.

The motion prevailed.

Senator Scott's statement is as follows:

This is in regards to the crime lab in Detroit. There are no state dollars involved; these are federal dollars. Forty percent of all of the violent crimes in the state of Michigan occur in the city of Detroit, according to the FBI. That is homicides, robberies, aggravated assaults, and forced rapes. The Detroit Police Department Crime Lab is the second oldest in the country, providing forensic services for not only Detroit, but for the many surrounding communities, including Ferndale, Allen Park, Southfield, Farmington, and Wayne County.

Lab employees have been doing great work in a poor environment. Indeed, the lab facilities must be upgraded because they are a major hindrance to the facility getting the national accreditation that the House and Senate subcommittees have asked the crime labs to secure for future appropriations. It's important to note that if Detroit didn't operate its own crime lab, but rather sent its crime-scene evidence to the Michigan State Police Crime Lab for analysis like most other police agencies in this state, the state crime lab's costs would increase by at least 25 percent, according to the Michigan State Police.

They note also that this boilerplate is fiscally responsible. It's not requesting money from the state's cash-strapped general funds, but rather forthcoming federal Homeland Security grants. This makes sense given Detroit's responsibility to patrol two of the busiest border crossings in the country—the Ambassador Bridge and the Detroit-Windsor Tunnel. Indeed, an alleged terrorists cell was busted in Detroit. The city's crime lab inevitably will be charged with analyzing evidence related to the terrorists activities, so I am asking my colleagues to please restore this funding. There is no cost to the state; these are federal dollars.

By unanimous consent the Senate proceeded to the order of

**Statements**

Senators Gougeon and Miller asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Gougeon's statement is as follows:

I am delighted to announce that my chief of staff, Brett Henderson, is getting married this Saturday. Today represents his last day with us as my chief of staff. He is going on his honeymoon, so he will be gone next week. He is marrying Hillary Goedert, who was an intern on my staff and worked for Senate Communications for a number of years. So arrangements were real cozy there.

You certainly can take this opportunity to congratulate Brett and Hillary and wish them many, many years of future marital bliss.

Senator Miller's statement is as follows:

I rise to maybe pose the question to leadership concerning, I feel, a very important bill to many worthwhile employees who have dedicated many years here. I would like to know why we have not scheduled Senate Bill No. 1128. I want

to go on record that I'd like to take that bill up. I think it is important. I think a number of dedicated men and women who have put in hundreds of years of combined service need to have the opportunity, a window like we have given to every other group of state employees back in 1992, 1994, and legislative employees this year. I think it is important that we take up that bill. I would request that leadership at least put it up for a vote so some of these employees can see that we are not just giving them lip service, but we really want to give them the opportunity to enjoy the fruits of their years of service.

### Recess

Senator Emmons moved that the Senate recess subject to the call of the Chair.  
The motion prevailed, the time being 4:43 p.m.

4:51 p.m.

The Senate was called to order by the President pro tempore, Senator Schwarz.

### Committee Reports

The Committee on Financial Services reported

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

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 2236, 2242, 2401, 2403, 2406, 2418, 2450, 2601, 2603, 2606, 2646, 2706, 3606, 4430, and 6514 (MCL 500.2236, 500.2242, 500.2401, 500.2403, 500.2406, 500.2418, 500.2450, 500.2601, 500.2603, 500.2606, 500.2646, 500.2706, 500.3606, 500.4430, and 500.6514), sections 2236, 2403, 2406, and 2418 as amended by 1993 PA 200, sections 2242 and 3606 as amended by 1990 PA 305, section 2401 as amended by 1982 PA 8, section 2706 as added by 1982 PA 501, section 4430 as amended by 1993 PA 349, and section 6514 as added by 1990 PA 350, and by adding sections 2417 and 2617; and to repeal acts and parts of acts.

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

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

Bill Bullard, Jr.  
Chairperson

To Report Out:

Yeas: Senators Bullard, Shugars, Dunaskiss, Garcia, Sanborn and Leland

Nays: None

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

The Committee on Financial Services reported

#### **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.

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

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

Bill Bullard, Jr.  
Chairperson

To Report Out:

Yeas: Senators Bullard, Shugars, Dunaskiss, Garcia, Sanborn, Miller and Leland

Nays: None

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

The Committee on Financial Services reported

#### **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.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.  
The committee further recommends that the bill be given immediate effect.

Bill Bullard, Jr.  
Chairperson

To Report Out:

Yeas: Senators Bullard, Shugars, Dunaskiss, Garcia, Sanborn and Leland

Nays: None

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

The Committee on Financial Services reported

**House Bill No. 6448, entitled**

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

With the recommendation that the bill pass.

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

Bill Bullard, Jr.  
Chairperson

To Report Out:

Yeas: Senators Bullard, Shugars, Dunaskiss, Garcia, Sanborn and Leland

Nays: None

The bill was referred to the Committee of the Whole.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Financial Services submitted the following:

Meeting held on Wednesday, December 4, 2002, at 1:45 p.m., Room 100, Farnum Building

Present: Senators Bullard (C), Shugars, Dunaskiss, Garcia, Sanborn, Miller and Leland

The Committee on Farming, Agribusiness and Food Systems 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 (S-1) be adopted and that the bill then pass.

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

George A. McManus, Jr.  
Chairperson

To Report Out:

Yeas: Senators McManus, Stille and Byrum

Nays: None

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

The Committee on Farming, Agribusiness and Food Systems reported

**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.

With the recommendation that the bill pass.

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

George A. McManus, Jr.  
Chairperson

To Report Out:

Yeas: Senators McManus, Stille and Byrum

Nays: None

The bill was referred to the Committee of the Whole.

## COMMITTEE ATTENDANCE REPORT

The Committee on Farming, Agribusiness and Food Systems submitted the following:  
Meeting held on Wednesday, December 4, 2002, at 1:00 p.m., Room 405, Capitol Building  
Present: Senators McManus (C), Stille and Byrum  
Excused: Senators Gougeon and Hart

The Committee on Judiciary reported

**House Bill No. 5394, entitled**

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

With the recommendation that the bill pass.

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

William Van Regenmorter  
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, Bullard, Peters and Scott

Nays: Senators McCotter and Schuette

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

**House Bill No. 5395, entitled**

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

With the recommendation that the bill pass.

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

William Van Regenmorter  
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, Bullard, Peters and Scott

Nays: Senators McCotter and Schuette

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

**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.

With the recommendation that the bill pass.

William Van Regenmorter  
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard and Peters

Nays: Senator Schuette

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

**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.

With the recommendation that the bill pass.

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

William Van Regenmorter  
Chairperson



## To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Schuette and Peters

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

**House Bill No. 6510, entitled**

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

With the recommendation that the bill pass.

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

William Van Regenmorter  
Chairperson

## To Report Out:

Yeas: Senators Van Regenmorter, Bullard, Peters and Scott

Nays: Senators McCotter and Schuette

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

**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.

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

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

Harry Gast  
Chairperson

## To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Hoffman, North, Bennett, Stille, Goschka, Smith, Koivisto, Scott, DeBeaussiaert and Dingell

Nays: None

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

The Committee on Appropriations reported

**Senate Concurrent Resolution No. 75.**

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and the Regents of the University of Michigan relative to the University of Michigan-Dearborn Hubbard Drive Professional Training and Education Building Acquisition (Phase I). (For text of resolution, see Senate Journal No. 69, p. 2233.)

With the recommendation that the concurrent resolution be adopted.

Harry Gast  
Chairperson

## To Report Out:

Yeas: Senators Gast, Schwarz, McManus, Hoffman, North, Bennett, Stille, Goschka, Smith, Koivisto, Scott, DeBeaussiaert and Dingell

Nays: None

The concurrent resolution was placed on the order of Resolutions.

## COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Wednesday, December 4, 2002, at 2:00 p.m., Rooms 402 and 403 Capitol Building

Present: Senators Gast (C), Schwarz, McManus, Hoffman, North, Bennett, Stille, Goschka, Smith, Koivisto, Scott, DeBeaussiaert and Dingell

Excused: Senators Gougeon and Young

**Scheduled Meetings**

**Medicaid Buy-In Program Task Force (SR 159)** - Monday, December 9, 1:30 p.m., Room 110, Farnum Building (373-2523)

Senator Emmons moved that the Senate adjourn.  
The motion prevailed, the time being 4:53 p.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Tuesday, December 10, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate.