

No. 88
JOURNAL OF THE SENATE

Senate Chamber, Lansing, Tuesday, December 11, 2001.

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—present
Hoffman—present
Johnson—present
Koivisto—present
Leland—present
McCotter—excused
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—present

Father George Cleaves of St. Christopher's Episcopal Church of Grand Blanc offered the following invocation:

O gracious and loving God, You have brought us safely to the beginning of this new day. On this day we remember with sadness those who perished in the events of September 11. But also we come to You out of a sense of gratitude for those who have given their lives: fire, police, and volunteers—each and every one. We also remember those who serve our nation on foreign soil, and of course, we remember our elected leaders: our President, his cabinet, and this legislative branch of our state government. Lord, we pray that You will guide and bless our Senators that they may enact such laws as shall please You and that those laws will be for the welfare of this land.

Lord, in this season that goes by the name of "Peace" and as we celebrate the birth of the Prince of Peace, we also pray that swords will be turned into plowshares and instruments of war will become instruments of peace and that love will be infused into each and everyone's heart both on this soil and foreign soil as well.

All this we ask in Your most holy name as we give You thanks for the gift that came among us—the gift of love. Amen.

Motions and Communications

Senator Emmons moved that Senator McCotter be excused from today's session.
The motion prevailed.

Senator Emerson moved that Senator Vaughn be excused from this week's sessions.
The motion prevailed.

Senator Emmons moved that rule 3.902 be suspended to allow the guests of Senator Sanborn admittance to the Senate floor, including the center aisle.

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

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

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 President.
The motion prevailed, the time being 10:07 a.m.

10:11 a.m.

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

During the recess, Senator Sanborn introduced to the Senate the police, fire, and EMS personnel from Macomb County in honor and recognition of their dedication and hard work.

The following communications were received:
Department of State

Administrative Rules Notices of Filing

November 6, 2001

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 3:55 p.m. this date, administrative rule (01-11-01E) for the Department of Corrections, entitled "*Suspension of the practice of opening legal mail in a prisoner's presence and amendment of R791.6603*," effective upon filing with the Secretary of State.

November 26, 2001

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 2:15 p.m. this date, administrative rule (01-11-02) for the Department of Agriculture, Food and Dairy Division, entitled "*Regulation No. 538. Egg Breaking*," effective 7 days hereafter.

November 26, 2001

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 2:17 p.m. this date, administrative rule (01-11-03) for the Department of Agriculture, Food and Dairy Division, entitled "*Regulation No. 549. Nonalcoholic Beverages*," effective 7 days hereafter.

November 26, 2001

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 2:19 p.m. this date, administrative rule (01-11-04) for the Department of Agriculture, Food and Dairy Division, entitled "*Regulation No. 554. Last Day of Sale*," effective 7 days hereafter.

November 26, 2001

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 2:21 p.m. this date, administrative rule (01-11-05) for the Department of Agriculture, Food and Dairy Division, entitled "*Regulation No. 556. Food Concessions at State and County Fairs*," effective 7 days hereafter.

November 26, 2001

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 2:23 p.m. this date, administrative rule (01-11-06) for the Department of Agriculture, Food and Dairy Division, entitled "*Regulation No. 557. Food Establishment Licensing*," effective 7 days hereafter.

November 26, 2001

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 2:25 p.m. this date, administrative rule (01-11-07) for the Department of Agriculture, Food and Dairy Division, entitled "*Regulation No. 558. Temporary Food Establishments*," effective 7 days hereafter.

November 26, 2001

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 2:27 p.m. this date, administrative rule (01-11-08) for the Department of Agriculture, Food and Dairy Division, entitled "*Food Services Sanitation*," effective 7 days hereafter.

November 26, 2001

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 2:29 p.m. this date, administrative rule (01-11-09) for the Department of Agriculture, Pesticide and Pesticide Management Division, entitled "*Regulation No. 530. Controlled Atmosphere Storage for Apples*," effective 7 days hereafter.

November 26, 2001

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 2:31 p.m. this date, administrative rule (01-11-10) for the Department of Agriculture, Pesticide and Plant Pesticide Division, entitled "*Regulation No. 605. Disposal of Christmas Trees*," effective 7 days hereafter.

November 27, 2001

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Office of Regulatory Reform, Legal Division filed at 2:00 p.m. this date,

administrative rule (01-11-11) for the Department of Consumer and Industry Services, Director's Office, entitled "General Industry Safety Standard Part 74 Firefighting," effective 7 days hereafter.

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

The communications were referred to the Secretary for record.

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

November 29, 2001

Pursuant to Section 314 of P.A. 119 of 2001, we are enclosing a copy of the following report:

<u>Type of Report</u>	<u>Facility</u>	<u>Report #</u>	<u>License #</u>
Special Investigation Report	Green Oak Center	2001C0208043	CS470201159

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

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

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

The communication was referred to the Secretary for record.

The following communication was received:
Office of the Auditor General

December 6, 2001

Enclosed is a copy of the following audit report and/or executive digest:
Performance Audit of the Children's Trust Fund, Family Independence Agency.

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

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, December 6:

House Bill Nos. 4994 5216 5335 5389 5390 5391 5392 5393

The Secretary announced that the following House bills were received in the Senate and filed on Friday, December 7:

House Bill Nos. 4871 4989 5313 5380 5474

The Secretary announced the printing and placement in the members' files on Thursday, December 6, of:

Senate Bill Nos.	882	883	884	885	886	887	888	889	890	891	892	893	894	895
	896	897	898	899	900	901	902	903	904	905	906	907	908	909
	910	911	912	913	914	915	916	917	918	919	920			

The Secretary announced the printing and placement in the members' files on Friday, December 7, of:

Senate Bill Nos. 921 922 923 924 925 926

House Bill Nos. 5480 5481 5482 5483

Recess

Senator Emmons moved that the Senate recess until 10:35 a.m.
The motion prevailed, the time being 10:12 a.m.

The Senate reconvened at the expiration of the recess and was called to order by the President, Lieutenant Governor Posthumus.

During the recess, Senators Cherry and DeGrow entered the Senate Chamber.

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

Senate Bill No. 173, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending sections 2, 31, 73, 283, 393, 509y, 509aa, 558, 561, 561a, 590f, 686, 691, 706, 727, 737, 745, 769, 782b, 795, 795c, 799a, 803, 804, 842, 880a, 931, and 992 (MCL 168.2, 168.31, 168.73, 168.283, 168.393, 168.509y, 168.509aa, 168.558, 168.561, 168.561a, 168.590f, 168.686, 168.691, 168.706, 168.727, 168.737, 168.745, 168.769, 168.782b, 168.795, 168.795c, 168.799a, 168.803, 168.804, 168.842, 168.880a, 168.931, and 168.992), sections 2, 73, 283, 393, and 686 as amended by 1999 PA 216, section 31 as amended by 1999 PA 220, sections 509y and 509aa as added by 1994 PA 441, section 558 as amended by 1999 PA 217, section 590f as added by 1988 PA 116, sections 706 and 737 as amended by 1985 PA 160, sections 727 and 769 as amended by 1995 PA 261, section 795 as amended by 1999 PA 218, section 795c as amended by 1990 PA 109, sections 799a and 803 as amended by 1997 PA 137, and section 931 as amended by 1996 PA 583, and by adding sections 560b and 701; and to repeal acts and parts of acts.

The House of Representatives has substituted (H-3) the bill.

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

A bill to amend 1954 PA 116, entitled “An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act,” by amending sections 31, 73, 283, 393, 509y, 509aa, 561a, 624, 624a, 686, 706, 727, 737, 745, 769, 782b, 795, 795c, 797a, 798c, 799a, 803, 804, 842, and 931 (MCL 168.31, 168.73, 168.283, 168.393, 168.509y, 168.509aa, 168.561a, 168.624, 168.624a, 168.686, 168.706, 168.727, 168.737, 168.745, 168.769, 168.782b, 168.795, 168.795c, 168.797a, 168.798c, 168.799a, 168.803, 168.804, 168.842, and 168.931), section 31 as amended by 1999 PA 220, sections 73, 283, 393, and 686 as amended by 1999 PA 216, sections 509y and 509aa as added by 1994 PA 441, sections 624 and 795 as amended by 1999 PA 218, section 624a as amended by 1988 PA 116, sections 706 and 737 as amended by 1985 PA 160, sections 727 and 769 as amended by 1995 PA 261, sections 795c and 798c as amended by 1990 PA 109, sections 797a and 931 as amended by 1996 PA 583, and sections 799a and 803 as amended by 1997 PA 137, and by adding section 701; and to repeal acts and parts of acts.

Pending the order that, under rule 3.202, the bill be laid over one day,

Senator Emmons moved that the rule be suspended.

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

Senator Peters requested the yeas and nays.

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

The motion prevailed, a majority of the members serving voting therefor, as follows:

Roll Call No. 541

Yeas—21

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

Nays—13

Byrum	Hart	Miller	Scott
DeBeaussiaert	Koivisto	Murphy	Smith
Dingell	Leland	Peters	Young
Emerson			

Excused—2

McCotter Vaughn

Not Voting—2

Cherry Hoffman

In The Chair: President

Senator Emmons moved that Senator Hoffman be excused from the balance of today's session.
The motion prevailed.

The question being on concurring in the substitute made to the bill by the House,
The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 542**Yeas—20**

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

Nays—15

Byrum	Emerson	Leland	Scott
Cherry	Goschka	Miller	Smith
DeBeaussiaert	Hart	Murphy	Young
Dingell	Koivisto	Peters	

Excused—3

Hoffman McCotter Vaughn

Not Voting—0

In The Chair: President

The Senate agreed to the title as amended.
The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

Protest

Senator Byrum, under her constitutional right of protest (Art. 4, Sec. 18), protested against concurring in the House substitute to Senate Bill No. 173 and moved that the statement she made during the discussion of the bill be printed as her reasons for voting "no."

The motion prevailed.

Senator Byrum's first statement is as follows:

I rise to speak against the House substitute for Senate Bill No. 173. Let me start by saying very forcefully that this is not election reform, and if the other side of the aisle were honest with the Senate as well as the public of the state of Michigan, you know fair well that this is not election reform. The result of what Senate Bill No. 173 is going to do is create confusion on Election Day and increase the length of time that it takes the citizens of this great state to vote. We had testimony in front of the Government Operations Committee that indicated that it would be some 25,000 additional hours that it would take the citizens of our great state to vote.

This is nothing more than partisanship, political one-upsmanship because for some reason the Republican Party has decided that it is to their advantage in the next statewide gubernatorial general election to eliminate straight-ticket voting because it will give them some sort of political advantage for their candidates. This is wrong. This is a step backwards; this is not reform.

I have spoken many times about the statewide task force on election reform that I conducted over the summer. We had six public hearings across this state. That task force was representative of both parties, geographic diversity within the state of Michigan, and people with a wealth of experience and expertise in their fields that they brought to bear with that task force. This was a task force that basically didn't know itself going into its work. We came out with a product that everyone felt very good about. Everyone signed the majority report and not once, in all of the hours of testimony and all the citizens who participated, did we have anyone call in to question straight-ticket voting. Not once did we have anyone testify that we should take a look at the elimination of straight-ticket voting in the state of Michigan.

So why, then, is this the dominant change in Senate Bill No. 173? I can only conclude that it's partisanship. That's a sad commentary on the state of affairs in how the majority party would approach election reform in Michigan. This is wrong; it's not reform. It confuses the voter, and it increases the length of time in which it takes someone to vote. It will be to the detriment of our democracy and our state government.

I have said time and time again that our government is only as strong as the people who participate in it. Yet by this action, you will make it more difficult for people to participate in their government. That's why I stand and appeal to you to do the right thing and vote "no" on Senate Bill No. 173. It's wrong; it's not election reform. And for us as a state to stand here and say that this is our version of election reform, I say shame on you because you have done nothing but make it more difficult for people to exercise their fundamental right in a democracy, and that's their right to vote and to vote how they choose and to exercise what is now affordable to them—that straight-ticket vote—if that's their decision. I encourage a "no" vote on Senate Bill No. 173.

Senator Byrum's second statement is as follows:

The tally on the passage of Senate Bill No. 173 speaks volumes about what just occurred in this Senate Chamber. Election reform is not a partisan activity. All of us should be for good government and good, solid election reform. By virtue of the fact that this bill passed on virtually a party-line vote says that this is not reform. It's going in the opposite direction.

Senate Bill No. 331, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending sections 107, 525, 531, and 537 (MCL 436.1107, 436.1525, 436.1531, and 436.1537), section 531 as amended by 2000 PA 399, and by adding section 532.

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

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

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

Senator Emmons requested the yeas and nays.

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

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

Roll Call No. 543

Yeas—21

Bennett
Bullard
DeGrow
Dunaskiss
Emmons
Garcia

Gast
Goschka
Gougeon
Hammerstrom
Johnson

McManus
North
Sanborn
Schuette
Schwarz

Shugars
Sikkema
Steil
Stille
Van Regenmorter

Nays—14

Byrum
Cherry
DeBeaussiaert
Dingell

Emerson
Hart
Koivisto
Leland

Miller
Murphy
Peters

Scott
Smith
Young

Excused—3

Hoffman

McCotter

Vaughn

Not Voting—0

In The Chair: President

The Senate agreed to the full title.

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

Senate Bill No. 729, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” (MCL 600.101 to 600.9948) by adding sections 2950h, 2950i, 2950j, 2950k, and 2950l.

The House of Representatives has substituted (H-1) the bill.

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

A bill to amend 1961 PA 236, entitled “An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts,” (MCL 600.101 to 600.9948) by adding sections 2950h, 2950i, 2950j, and 2950k.

Pursuant to rule 3.202, the bill was laid over one day.

Senate Bill No. 731, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 15c of chapter IV (MCL 764.15c), as amended by 1999 PA 269.

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

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

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

Senator Emmons requested the yeas and nays.

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

The recommendation was concurred in, 2/3 of the members serving voting therefor, as follows:

Roll Call No. 544**Yeas—34**

Bennett
Byrum
Cherry

Garcia
Gast
Goschka

McManus
Miller
Murphy

Scott
Shugars
Sikkema

DeBeaussaert	Gougeon	North	Smith
DeGrow	Hammerstrom	Peters	Steil
Dingell	Hart	Sanborn	Stille
Dunaskiss	Johnson	Schuetz	Van Regenmorter
Emerson	Koivisto	Schwarz	Young
Emmons	Leland		

Nays—0

Excused—3

Hoffman	McCotter	Vaughn
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Not Voting—1

Bullard

In The Chair: President

The Senate agreed to the full title.

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

Senate Bill No. 735, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending sections 9c and 15a of chapter IV, section 4a of chapter IX, and section 9a of chapter X (MCL 764.9c, 764.15a, 769.4a, and 770.9a), section 9c of chapter IV as amended by 1999 PA 76, section 15a of chapter IV as amended by 1999 PA 269, section 4a of chapter IX as amended by 1994 PA 68, and section 9a of chapter X as amended by 1994 PA 195.

The House of Representatives has substituted (H-1) the bill.

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

A bill to amend 1927 PA 175, entitled “An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending sections 9c and 15a of chapter IV, sections 1f and 4a of chapter IX, and section 9a of chapter X (MCL 764.9c, 764.15a, 769.1f, 769.4a, and 770.9a), section 9c of chapter IV as amended by 1999 PA 76, section 15a of chapter IV as amended by 1999 PA 269, section 1f of chapter IX as amended by 2000 PA 372, section 4a of chapter IX as amended by 1994 PA 68, and section 9a of chapter X as amended by 1994 PA 195.

Pursuant to rule 3.202, the bill was laid over one day.

Senate Bill No. 736, entitled

A bill to amend 1982 PA 294, entitled "Friend of the court act," by amending section 19 (MCL 552.519), as amended by 1998 PA 63.

The House of Representatives has amended the bill as follows:

1. Amend page 6, following line 3, by inserting:

"Enacting section 1. This amendatory act takes effect October 1, 2002."

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

Pursuant to rule 3.202, the bill was laid over one day.

Senate Bill No. 753, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 15b of chapter IV (MCL 764.15b), as amended by 1999 PA 269.

The House of Representatives has amended the bill as follows:

1. Amend page 7, line 13, by striking out the balance of the enacting section and inserting:

"(a) Senate Bill No. 729.

(b) Senate Bill No. 754.

(c) Senate Bill No. 757.

(d) Senate Bill No. 758.

(e) House Bill No. 5275.

(f) House Bill No. 5299.

(g) House Bill No. 5300.

(h) House Bill No. 5303.

(i) House Bill No. 5304."

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

Pursuant to rule 3.202, the bill was laid over one day.

Senate Bill No. 754, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 15c of chapter IV (MCL 764.15c), as amended by 1999 PA 269.

The House of Representatives has substituted (H-1) the bill.

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

Pursuant to rule 3.202, the bill was laid over one day.

Senate Bill No. 757, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 1, 2, 2c, and 14 of chapter XIIA (MCL 712A.1, 712A.2, 712A.2c, and 712A.14), section 1 as amended by 2000 PA 46, section 2 as amended by 2000 PA 55, and sections 2c and 14 as amended by 1998 PA 474.

The House of Representatives has amended the bill as follows:

1. Amend page 14, line 8, by striking out the balance of the enacting section and inserting:

"(a) Senate Bill No. 729.

(b) Senate Bill No. 753.

(c) Senate Bill No. 754.

(d) Senate Bill No. 758.

(e) House Bill No. 5275.

(f) House Bill No. 5299.

(g) House Bill No. 5300.

(h) House Bill No. 5303.

(i) House Bill No. 5304."

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

Pursuant to rule 3.202, the bill was laid over one day.

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

The following messages from the Governor were received and read:

December 10, 2001

There is herewith presented for consideration and confirmation by the Senate, the following appointment to office:

Agricultural Marketing and Bargaining Board

Mrs. Jody Kay Meagher, 3873 Utah Drive, Bay City, Michigan 48706, county of Bay, as a member representing the general public, succeeding Mr. Robert G. Bender of Middleville, whose term has expired, for a term expiring on September 1, 2005.

December 10, 2001

This letter is to correct Mr. Jeffrey Rogg's appointment as Chair of the Controlled Substances Advisory Commission.

There are herewith presented for consideration and confirmation by the Senate, the following appointments and reappointments to office:

Controlled Substances Advisory Commission

Dr. Richard E. Griffin, 2946 Footman Drive, East Lansing, Michigan 48823, county of Ingham, as a member representing the Michigan Board of Osteopathic Medicine and Surgery, succeeding Dr. Tammy Lynn Geurkink-Born of Caledonia, whose term has expired, for a term expiring on August 30, 2003.

Dr. Terrence J. Emiley, 1852 Sherman, SE, Grand Rapids, Michigan 49506, county of Kent, as a member representing the Michigan Board of Podiatric Medicine and Surgery, succeeding himself, for a term expiring on August 30, 2003.

Dr. Patricia O'Handley, 1523 Roseland Avenue, East Lansing, Michigan 48823, county of Ingham, as a member representing the Michigan Board of Veterinary Medicine, succeeding herself, for a term expiring on August 30, 2003.

Ms. Cynthia Ann Phillips, 118 Blenheim, Spring Arbor, Michigan 49283, county of Jackson, as a member representing the Michigan Board of Nursing, succeeding Dr. Patricia W. Underwood of Portage, whose term has expired, for a term expiring on August 30, 2003.

Dr. Stephen W. Durst, 3190 St. Anthony Drive, Portage, Michigan 49002, county of Kalamazoo, as a member representing the Michigan Board of Pharmacy, succeeding Mr. Thomas F. Gahan of Canton, whose term has expired, for a term expiring on August 30, 2003.

Dr. Norman S. Miller, 716 North Lawn Avenue, East Lansing, Michigan 48823, county of Ingham, as a member representing pharmacology, succeeding himself, for a term expiring on August 30, 2003.

Dr. Edward L. Ervin, 7480 East ML Avenue, Kalamazoo, Michigan 49048, county of Kalamazoo, as a member representing pharmaceutical manufacturers, succeeding himself, for a term expiring on August 30, 2003.

Dr. Ashraf Maher, 4107 Old Field Trail, Kalamazoo, Michigan 49024, county of Kalamazoo, as a member representing the Michigan Board of Dentistry, succeeding Dr. Martin J. Tuck of East Lansing, whose term has expired, for a term expiring on August 30, 2003.

Mr. Jeffrey T. Rogg, 225 S. First Avenue, Alpena, Michigan 49707, county of Alpena, as Chair representing the general public, succeeding himself, for a term expiring on August 30, 2003.

Dr. Holly A. Perkins, 6900 Oakbrook, SE, Grand Rapids, Michigan 49546, county of Kent, as a member representing health care professionals and the field of psychiatry, succeeding herself, for a term expiring on August 30, 2003.

Reverend William F. Renfrew, 2101 Wellesley Drive, Lansing, Michigan 48911, county of Ingham, as a member representing the general public, succeeding himself, for a term expiring on August 30, 2003.

Dr. James W. Collins, 1441 Balmoral Drive, Detroit, Michigan 48203, county of Wayne, as a member representing the general public, succeeding himself, for a term expiring on August 30, 2003.

December 10, 2001

There are herewith presented for consideration and confirmation by the Senate, the following appointment and reappointments to office:

Michigan Exposition and Fairgrounds Advisory Council

Mr. Thomas Turner, 342 West Crescent Court, Detroit, Michigan 48207, county of Wayne, as a member representing labor, succeeding himself, for a term expiring on June 20, 2002.

Mr. Philip J. Korson II, 1051 Barry Road, Haslett, Michigan 48840, county of Ingham, as a member representing agriculture, succeeding himself, for a term expiring on June 20, 2004.

Mr. Larry D. Alexander, 4685 Rambling Drive, Troy, Michigan 48098, county of Oakland, as a member representing the general public, succeeding Mr. Terry Bonnell of Otsego, whose term has expired, for a term expiring on June 20, 2004.

Mr. Philip M. Novell, 383 Pine Ridge Drive, Bloomfield Hills, Michigan 48304, county of Oakland, as a member representing business, succeeding himself, for a term expiring on June 20, 2004.

December 10, 2001

There are herewith presented for consideration and confirmation by the Senate, the following appointments to office:

Board of Landscape Architects

Mr. Warren J. Rauhe, 1312 Sebewaing, Okemos, Michigan 48864, county of Ingham, as a member representing professionals, succeeding Mr. Timothy J. Karl of Riverview, whose term has expired, for a term expiring on June 30, 2005.

Mr. Timothy I. Banfield, 307 Division, Marshall, Michigan 49068, county of Calhoun, as a member representing professionals, succeeding Mr. Larry L. Harris of Kalamazoo, whose term has expired, for a term expiring on June 30, 2005.

Mr. Frank Torre, 1450 Quarton, Bloomfield Hills, Michigan 48304, county of Oakland, as a member representing the general public, succeeding Ms. Melanie L. Reinhold Foster of East Lansing, whose term has expired, for a term expiring on June 30, 2005.

December 10, 2001

There are herewith presented for consideration and confirmation by the Senate, the following appointments to office:

Board of Mechanical Rules

Mr. Thomas G. Jaenicke, 8188 Fairfield Circle, Clarkston, Michigan 48346, county of Oakland, as a member representing the general public, succeeding Mr. Richard L. Shaw of Hesperia, whose term has expired, for a term expiring on October 1, 2003.

Mr. Roger W. Lane, 1046 Greenhills Drive, Ann Arbor, Michigan 48105-2722, county of Washtenaw, as a member representing energy producing utilities, succeeding Mr. Gerald W. Richards of Mason, whose term has expired, for a term expiring on October 1, 2003.

Mr. Gary L. Biddinger, 1410 E. Baldwin, St. Johns, Michigan 48879, county of Clinton, as a member representing inspectors, succeeding Mr. Terrance L. Carolan of Petoskey, whose term has expired, for a term expiring on October 1, 2003.

Mr. Mark F. Riley, 3336 Kipling, Berkley, Michigan 48068, county of Oakland, as a member representing inspectors, succeeding Mr. Daniel W. Jex of Port Huron, whose term has expired, for a term expiring on October 1, 2003.

Mr. John D. Sedine, 17429 64th Avenue, Coopersville, Michigan 49404, county of Ottawa, as a member representing specialty work area, succeeding Mr. Garry L. Sanchez of Westland, whose term has expired, for a term expiring on October 1, 2003.

Mr. Robert Caraway, 8120 Hedgeway, Utica, Michigan 48317, county of Macomb, as a member representing hydronic heating and cooling, succeeding Mr. William J. O'Neil of Walled Lake, whose term has expired, for a term expiring on October 1, 2003.

Mr. John J. MacGregor, 8510 Page Hill Road, Harbor Springs, Michigan 49740, county of Emmet, as a member representing ductwork, succeeding Mr. Walter M. Reckinger III of Dearborn, whose term has expired, for a term expiring on October 1, 2003.

December 10, 2001

There are herewith presented for consideration and confirmation by the Senate, the following appointments and reappointments to office:

Michigan Board of Nursing

Ms. Mary Jean Yablonky, 4080 Loch Alpine Drive, E., Ann Arbor, Michigan 48103, county of Washtenaw, as a member representing nurse anesthetists, succeeding herself, for a term expiring on June 30, 2005.

Ms. Theresa M. Niemi, 347 E. Park, Marquette, Michigan 49855, county of Marquette, as a member representing registered nurses with a bachelor's degree, succeeding herself, for a term expiring on June 30, 2005.

Ms. Jonnie M. Hamilton, 18250 Mark Twain, Detroit, Michigan 48235, county of Wayne, as a member representing nurse practitioners, succeeding herself, for a term expiring on June 30, 2005.

Ms. Nancy Adams, 2172 Woodrow Wilson Boulevard, West Bloomfield, Michigan 48324, county of Oakland, as a member representing licensed practical nurses, succeeding Mrs. Linda L. Borowicz of Alma, whose term has expired, for a term expiring on June 30, 2005.

Ms. Karol A. Cain, 2988 South Third Avenue, Alpena, Michigan 49707, county of Alpena, as a member representing licensed practical nurses, succeeding Ms. Rosalee R. Carter of Detroit, whose term has expired, for a term expiring on June 30, 2004.

Ms. Ethel R. Baldwin, 12723 Isle Royale Drive, DeWitt, Michigan 48820, county of Clinton, as a member representing registered nurses with a bachelor's degree, succeeding Ms. Deborah Joan Leblanc of Williamston, whose term has expired, for a term expiring on June 30, 2005.

Ms. Susan M. Johnson, 526 Galen Circle, Ann Arbor, Michigan 48103, county of Washtenaw, as a member representing the general public, succeeding Mrs. Carolyn Taylor Boone of Allen Park, who has resigned, for a term expiring on June 30, 2003.

Ms. Constance Powe-Watts, 4400 Rodeo Trail, Williamston, Michigan 48895, county of Ingham, as a member representing nurse midwives, succeeding Ms. Ivy K. Richmond of Grosse Pointe Woods, whose term has expired, for a term expiring on June 30, 2005.

December 10, 2001

There are herewith presented for consideration and confirmation by the Senate, the following reappointments to office:

Michigan Soybean Committee

Mr. Loren R. Roslund, 2452 W. Johnson Road, Ithaca, Michigan 48847, county of Gratiot, as a member representing growers from District 6, succeeding himself, for a term expiring on September 23, 2004.

Mr. Gary L. Higgins, 6140 Shipman Road, Corunna, Michigan 48817, county of Shiawassee, as a member representing growers from District 5, succeeding himself, for a term expiring on September 23, 2004.

Sincerely,
John Engler
Governor

The appointments were referred to the Committee on Government Operations.

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 bills and resolution, now on Committee Reports, be placed on the General Orders calendar for consideration today:

House Bill No. 4042

House Bill No. 4154

House Bill No. 4250

House Bill No. 4631

House Bill No. 4632

Senate Resolution No. 143

The motion did not prevail, a majority of the members serving not voting therefor.

Senator Emmons requested the yeas and nays.

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

The motion prevailed, a majority of the members serving voting therefor, as follows:

Roll Call No. 545

Yeas—21

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

Nays—13

Byrum	Emerson	Leland	Peters
Cherry	Hart	Miller	Smith
DeBeaussaert	Koivisto	Murphy	Young
Dingell			

Excused—3

Hoffman	McCotter	Vaughn
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Not Voting—1

Scott

In The Chair: President

The President pro tempore, Senator Schwarz, assumed the Chair.

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 pro tempore, Senator Schwarz, designated Senator Peters as Chairperson.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Schwarz, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

House Bill No. 4154, entitled

A bill to amend 1971 PA 227, entitled "An act to prescribe the rights and duties of parties to home solicitation sales," (MCL 445.111 to 445.117) by adding section 1b.

House Bill No. 4631, entitled

A bill to amend 1971 PA 227, entitled "An act to prescribe the rights and duties of parties to home solicitation sales," (MCL 445.111 to 445.117) by adding sections 1d, 1e, and 1f.

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.

House Bill No. 4855, entitled

A bill to adopt the uniform child-custody jurisdiction and enforcement act prescribing the powers and duties of the court in a child-custody proceeding involving this state and a proceeding or party outside of this state; and to repeal acts and parts of acts.

House Bill No. 5436, entitled

A bill to authorize the state administrative board to convey certain state owned property in Tuscola county; to prescribe conditions for conveyance; to provide for certain powers and duties of the department of management and budget; and to provide for the disposition of revenue derived from the conveyance.

The bills were 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:

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.

Substitute (S-6).

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:

House Bill No. 4250, entitled

A bill to amend 1971 PA 227, entitled "An act to prescribe the rights and duties of parties to home solicitation sales," (MCL 445.111 to 445.117) by adding section 1c.

Substitute (S-2).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 4647, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16131 and 16263 (MCL 333.16131 and 333.16263), as amended by 2000 PA 11, and by adding section 16338 and part 186.

Substitute (S-3).

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:
House Bill No. 5317, entitled

A bill to amend 2000 PA 161, entitled "Michigan education savings program act," by amending sections 2, 3, 7, 9, and 10 (MCL 390.1472, 390.1473, 390.1477, 390.1479, and 390.1480).

Substitute (S-3).

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

1. Amend page 12, line 9, after "BENEFICIARY" by striking out the balance of the line through "390.1444," on line 12.

2. Amend page 12, line 14, by striking out all of line 14 through "390.1444," on line 17 and inserting "TOTAL BALANCE OF ALL ACCOUNTS FOR THAT BENEFICIARY".

3. Amend page 12, line 19, after "(1)." by inserting "FOR PURPOSES OF THIS SUBSECTION, THE TOTAL BALANCE OF ALL ACCOUNTS FOR THAT DESIGNATED BENEFICIARY INCLUDES THE AMOUNT OF PAYMENT OR PAYMENTS REQUIRED FROM A PURCHASER ON BEHALF OF A QUALIFIED BENEFICIARY MADE UNDER AN ADVANCE TUITION PAYMENT CONTRACT AS PROVIDED IN THE MICHIGAN EDUCATION TRUST ACT, 1986 PA 316, MCL 390.1421 TO 390.1444, IF THE DESIGNATED BENEFICIARY IS ALSO THE QUALIFIED BENEFICIARY."

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. 451, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 2006 (MCL 500.2006).

Substitute (S-3).

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

1. Amend page 7, line 5, after "ACTION." by inserting "A HEALTH PLAN DESCRIBED IN SUBSECTION (14)(C)(iv) IS SUBJECT ONLY TO THE PROCEDURES AND PENALTIES PROVIDED FOR IN SUBSECTION (13) AND SECTION 402 OF THE NONPROFIT HEALTH CARE CORPORATION REFORM ACT, 1980 PA 350, MCL 550.1402, FOR A VIOLATION OF A TIMELY PROCESSING OR PAYMENT PROCEDURE UNDER SUBSECTIONS (7) TO (11)."

2. Amend page 8, line 11, after "CARE," by striking out "DISABILITY INCOME,".

3. Amend page 8, line 12, after "CERTIFICATE" by inserting a comma and "BUT NOT TO PAYMENTS MADE TO AN ADMINISTRATIVE SERVICES ONLY OR COST-PLUS ARRANGEMENT".

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. 452, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," by amending section 403 (MCL 550.1403).

Substitute (S-2).

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:
House Bill No. 5280, entitled

A bill to amend 1978 PA 389, entitled "An act to provide for the prevention and treatment of domestic violence; to develop and establish policies, procedures, and standards for providing domestic violence assistance programs and services; to create a domestic violence prevention and treatment board and prescribe its powers and duties; to establish

a domestic violence prevention and treatment fund and provide for its use; and to prescribe powers and duties of the family independence agency,” (MCL 400.1501 to 400.1511) by adding section 11.

Substitute (S-2).

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

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

House Bill No. 5357, entitled

A bill to amend 1961 PA 236, entitled “Revised judiciary act of 1961,” by amending sections 517 and 803 (MCL 600.517 and 600.803), section 517 as amended by 1990 PA 54 and section 803 as amended by 1998 PA 55.

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

1. Amend page 2, line 1, by striking out all of section 803.

2. Amend page 4, following line 8, by inserting:

“Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 91st Legislature are enacted into law:

(a) Senate Bill No. 76.

(b) Senate Bill No. 764.

(c) Senate Bill No. 765.

(d) Senate Bill No. 786.

(e) Senate Bill No. 825.”.

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

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Emmons moved that the following resolution, now on the order of General Orders, be placed on the Resolutions calendar for consideration today:

Senate Resolution No. 143

The motion prevailed.

Senator Emmons moved that the Committee on Hunting, Fishing and Forestry be discharged from further consideration of the following resolution:

Senate Resolution No. 134.

A resolution to commend the Huron-Clinton Metropolitan Authority commissioners for their efforts in urban deer management.

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 proceeded to the order of

Resolutions

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

Senate Concurrent Resolution No. 11

The motion prevailed.

The question was placed on the adoption of the following resolution consent calendar:

Senate Resolution No. 147

Senate Resolution No. 148

The resolution consent calendar was adopted.

Senators Stille, Sikkema, McManus, Bullard, Sanborn, Shugars, Van Regenmorter, Steil, North, Gougeon, Schuette, Garcia, Goschka, Dunaskiss, Hammerstrom, Gast, DeGrow, Emmons, Bennett and Schwarz offered the following resolution:

Senate Resolution No. 147.

A resolution honoring the 2001 Grand Valley State University Football Team.

Whereas, It is a great personal privilege and an honor to salute the Grand Valley State University Football Team on capturing the National Collegiate Athletic Association (NCAA) Division II runner-up trophy. This accomplishment

demonstrates that the Grand Valley Lakers are the proud team from the Great Lakes Intercollegiate Athletic Conference (GLIAC) and the Northeast Region. Clearly, there can be no finer testimony to the true strength of the Grand Valley Football Team; and

Whereas, The 2001 Grand Valley Lakers were the first team in the history of the Great Lakes Intercollegiate Athletic Conference (GLIAC) to make it to the NCAA Division II finals and, but for a narrow 17-14 heartbreak loss, would have captured the title; and

Whereas, The Grand Valley Lakers under the leadership of Coach Brian Kelly put together a truly remarkable, history-making 2001 season (13-1). Quarterback Curt Anes set a Division II record with a 221.6 pass efficiency rating and was a finalist and class runner-up for the Harlon Hill Trophy as the top player in Division II. Anes threw for 48 touchdowns—top in the nation—and led Grand Valley to a new offensive scoring record for NCAA Division II football with an average of 58.4 points per game for the 2001 season. Many of his passes were to All-American junior wide receiver David Kircus, who surpassed the previous scoring record for receivers held by Jerry Rice by tallying 28 touchdowns this season. The Lakers were known as a prolific offensive team, but their defense also demonstrated tremendous tenacity throughout the season. This truly was a team effort; and

Whereas, On behalf of everyone who supported this spirited group of college athletes, it is most appropriate to extend to them the highest praise and sincere congratulations. Indeed, the Grand Valley Lakers are a source of great pride to their school, their community, the Great Lakes Intercollegiate Athletic Conference, and the state of Michigan; now, therefore, be it

Resolved by the Senate, That a unanimous accolade of praise and tribute be hereby accorded to Coach Brian Kelly, his staff, and the members of the 2001 Grand Valley State University Football Team; and be it further

Resolved, That a copy of this resolution be transmitted to Coach Kelly and the Grand Valley Lakers as evidence of our admiration and esteem.

Senators Cherry and Emerson offered the following resolution:

Senate Resolution No. 148.

A resolution to honor Mary Faris on the occasion of her 100th Birthday.

Whereas, It is a pleasure to join with other well-wishers in honoring Mary Faris as she celebrates her 100th birthday on December 22, 2001. The calendar may record many decades since she first appeared on this day in 1901, however, Mary has never let the passage of time dim her spirits or her enthusiasm for cooking, pinochle, bingo, and crocheting; and

Whereas, Mary and George Faris were married on September 28, 1924, in Kaitouli, Lebanon. In 1925, Mary and George started their extensive journey to America. Traveling by stagecoach, train, and finally by ship, they came to America, arriving at their final destination—Flint, Michigan—on July 11, 1925. There they decided to make a home. Three days after they arrived, their first son Joseph was born; and

Whereas, From the vantage point of 100 years, Mary Faris can look back on a life that has known many joys and some sorrows and one still filled with love for her family and her many friends. Her lifetime has been a long journey with milestones marked by her marriage to George Faris more than seventy-seven years ago, the births of four sons and two daughters, eighteen grandchildren, seventeen great-grandchildren, and more recently, two great-great-grandchildren; and

Whereas, Mary has always taken an active interest in her community. She was a founding member of the American Lebanese Morningstar Society, and remarkably, is the last surviving member. She also helped found Our Lady of Lebanon Church in Flint; and

Whereas, As the Faris family matriarch, Mary has taught her family and friends how to be loving, kind, and supportive. Her family and friends in turn are dedicated to her and return the love ten-fold; now, therefore, be it

Resolved by the Senate, That we hereby honor and commend Mary Faris upon the occasion of her 100th birthday. May she know of our admiration and best wishes for a joyous celebration; and be it further

Resolved, That a copy of this resolution be transmitted to Mary Faris and her family as they celebrate this phenomenal event.

Senators Gougeon, Koivisto, North, Schuette, Garcia, Goschka, Dunaskiss, Hammerstrom, Schwarz, Gast, Bennett, Stille, Sikkema, McManus, Bullard, Van Regenmorter, Shugars, DeBeaussaert, Byrum, Dingell, Cherry, Peters, Scott, Emerson, Murphy, Hart, Leland, Young, Miller and Smith offered the following concurrent resolution:

Senate Concurrent Resolution No. 47.

A concurrent resolution to memorialize the President to adopt and the Congress to support recommendations by the International Trade Commission to remedy the injury to the United States steel industry caused by unfair trade practices.

Whereas, The state of Michigan possesses vast iron ore reserves in its Upper Peninsula, which are mined to supply the domestic integrated steel industry with its raw material requirements. Michigan is also the home of several integrated steel manufacturers, which produce high quality steel products for the most sophisticated applications; and

Whereas, The iron ore and steel manufacturing industries have provided several thousand good paying jobs for Michigan residents for many years, have supported a strong supply base, and have contributed substantially to the economic vitality of Michigan and Great Lakes region; and

Whereas, The domestic steel industry has invested over \$50 billion over the past twenty years to improve productivity and quality, to enhance environmental performance, and to make it among the most competitive steel manufacturing industries in the world; and

Whereas, Twenty-five United States steel companies have filed for bankruptcy protection since 1998 in part due to the surging levels of low-priced steel imports, thereby causing plant closings, employee lay-offs, and economic hardship for families and communities across the country; and

Whereas, History proves that a healthy and financially secure integrated steel industry is critically important to the economic security and national defense of the United States; and

Whereas, President Bush, in June 2001, directed the United States International Trade Commission to undertake a broad Section 201 trade case to investigate and determine if the domestic steel industry, including iron ore mining, has been injured by the effects of imported steel products into the United States; and

Whereas, The International Trade Commission determined on October 22, 2001, by a unanimous vote, that a substantial portion of the domestic industry has been injured by the effects of such imports; and

Whereas, The commission voted on December 7, 2001, for tariffs, quotas, and tariff-rate quotas, which will form the basis for its formal recommendation to President Bush on December 19, 2001; and

Whereas, President Bush will have up to 60 days following his receipt of the recommendation to take action on the determinations; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the President to adopt and the Congress to support recommendations by the International Trade Commission to remedy the injury to the United States steel industry caused by unfair trade practices. We urge the President, upon his receipt of the International Trade Commission remedy recommendations, to implement immediately the maximum level of tariffs on all imported steel product groupings causing injury to United States producers, including steel slabs, for a period of four years; and be it further

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

Pursuant to rule 3.204, the concurrent resolution was referred to the Committee on Government Operations.

Senate Resolution No. 143.

A resolution to memorialize the Congress of the United States to enact legislation to provide a convenient means for consumers to choose not to receive unsolicited telemarketing calls.

The question being on the adoption of the resolution,

The resolution was adopted.

Senate Concurrent Resolution No. 44.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease between the State of Michigan and the State Building Authority relative to the Department of Natural Resources State Fish Hatchery Renovations Oden Project.

(For text of resolution, see Senate Journal No. 78, p. 1967.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

Senate Concurrent Resolution No. 45.

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 Grand Rapids Community College relative to the Grand Rapids Community College Main Building Renovation.

(For text of resolution, see Senate Journal No. 78, p. 1968.)

The House of Representatives has adopted the concurrent resolution.

The concurrent resolution was referred to the Secretary for record.

Introduction and Referral of Bills

House Bill No. 5313, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending sections 1201, 1202, 1203, 1204, 1204c, 1205, 1206, 1209, 1214, 1224, 1234, 1242, 1243, 1244, 1905, and 3310 (MCL 500.1201, 500.1202, 500.1203, 500.1204, 500.1204c, 500.1205, 500.1206, 500.1209, 500.1214, 500.1224, 500.1234, 500.1242, 500.1243, 500.1244, 500.1905, and 500.3310), section 1201 as amended by 1980 PA 340, sections 1204 and 1214 as amended by 1986 PA 173, section 1204c as amended by 1998 PA 540, section 1206 as amended by 1992 PA 1, section 1209 as amended by 1980 PA 461, section 1224 as amended by 2000 PA 35, section 1234 as amended by 1981 PA 1, section 1243 as added by 1994 PA 409, section 1244 as amended by 1984 PA 7, section 1905 as amended by 1996 PA 548, and section 3310 as amended by 1986 PA 10, and by adding sections 1201a, 1204e, 1206a, 1206b, 1208a, 1208b, 1211, 1211a, 1211b, 1239, 1240, 1246, and 1247.

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.

Recess

Senator Emmons moved that the Senate recess until 2:00 p.m.

The motion prevailed, the time being 12:05 p.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.

Senator Emmons moved that rule 2.106 be suspended to allow all committees to meet during Senate session.

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

Recess

Senator Emmons moved that the Senate recess until 3:00 p.m.

The motion prevailed, the time being 2:01 p.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 Emmons moved that the Senate recess subject to the call of the President.

The motion prevailed, the time being 3:01 p.m.

3:27 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.

Senators DeGrow, Van Regenmorter, Bullard, Shugars, Johnson, McManus, Sikkema, Gougeon, Hammerstrom, North, Garcia, Sanborn, Schuette, Goschka, Steil, Schwarz and Stille introduced

Senate Bill No. 930, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding chapter LXXXIII-A.

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

Senators Sanborn, Shugars, Bullard, Van Regenmorter, Johnson, McManus, Sikkema, Gougeon, Hammerstrom, North, Goschka, Steil, Schwarz and Stille introduced

Senate Bill No. 931, entitled

A bill to amend 1972 PA 222, entitled "An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; and to prescribe certain penalties for violations," by amending sections 1, 1a, and 2 (MCL 28.291, 28.291a, and 28.292), section 1 as amended and section 1a as added by 1997 PA 99 and section 2 as amended by 1999 PA 89.

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

Senators Garcia, Van Regenmorter, Bullard, Shugars, Johnson, McManus, Sikkema, Gougeon, Hammerstrom, North, Sanborn, Schuette, Goschka, Steil and Schwarz introduced

Senate Bill No. 932, entitled

A bill to amend 1955 PA 133, entitled "An act to provide for the granting of military leaves and providing re-employment protection for officers and enlisted men of the military or naval forces of the state or of the United States," by amending section 3 (MCL 32.273).

The bill was read a first and second time by title and referred to the Committee on Senior Citizens and Veterans Affairs.

Senators Dunaskiss, Van Regenmorter, Shugars, Bullard, Johnson, McManus, Sikkema, Gougeon, Hammerstrom, North, Garcia, Sanborn, Schuette, Goschka, Steil, Schwarz and Stille introduced

Senate Bill No. 933, entitled

A bill to amend 1976 PA 442, entitled "Freedom of information act," by amending section 13 (MCL 15.243), as amended by 2001 PA 74.

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

Senators Gougeon, Shugars, Bullard, Johnson, McManus, Sikkema, Hammerstrom, North, Garcia, Sanborn, Schuette, Goschka, Steil, Schwarz and Stille introduced

Senate Bill No. 934, entitled

A bill to amend 1945 PA 327, entitled "Aeronautics code of the state of Michigan," by amending section 85 (MCL 259.85), as amended by 1996 PA 370, and by adding section 85a.

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

Senators Bennett, Bullard, Shugars, Johnson, McManus, Sikkema, Gougeon, Hammerstrom, North, Garcia, Sanborn, Schuette, Goschka, Steil, Schwarz and Stille introduced

Senate Bill No. 935, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 312f (MCL 257.312f), as amended by 1992 PA 180, and by adding section 312g.

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

Senators Bullard, Van Regenmorter, Shugars, Johnson, McManus, Sikkema, Gougeon, Hammerstrom, North, Garcia, Sanborn, Schuette, Goschka, Steil, Schwarz and Stille introduced

Senate Bill No. 936, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 19f of chapter VII (MCL 767.19f).

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

Senators Schuette, Van Regenmorter, Bullard, Shugars, Johnson, McManus, Sikkema, Gougeon, Hammerstrom, North, Garcia, Sanborn, Goschka, Steil, Schwarz and Stille introduced

Senate Bill No. 937, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 204a (MCL 750.204a), as amended by 1998 PA 208.

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

Senators Stille, Van Regenmorter, Shugars, Bullard, Johnson, McManus, Sikkema, Gougeon, Hammerstrom, North, Garcia, Sanborn, Schuette, Goschka, Steil and Schwarz introduced

Senate Bill No. 938, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 436 (MCL 750.436), as amended by 1988 PA 87.

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

Senators Schwarz, Shugars, Bullard, Van Regenmorter, Johnson, McManus, Sikkema, Gougeon, Hammerstrom, North, Garcia, Sanborn, Schuette, Goschka, Steil and Stille introduced

Senate Bill No. 939, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 411t.

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

Senators North, Van Regenmorter, Shugars, Bullard, Johnson, McManus, Sikkema, Gougeon, Hammerstrom, Garcia, Sanborn, Schuette, Goschka, Steil, Schwarz and Stille introduced

Senate Bill No. 940, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 212a (MCL 750.212a), as added by 1998 PA 207.

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

Senators McManus, Shugars, Bullard, Johnson, Sikkema, Gougeon, Hammerstrom, North, Garcia, Sanborn, Schuette, Goschka, Steil, Schwarz and Stille introduced

Senate Bill No. 941, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 4701 and 4702 (MCL 600.4701 and 600.4702), section 4701 as amended by 2000 PA 184 and section 4702 as added by 1988 PA 104.

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

Senators Hammerstrom, Johnson, Van Regenmorter, Shugars, Bullard, McManus, Sikkema, Gougeon, North, Garcia, Sanborn, Schuette, Goschka, Steil, Schwarz and Stille introduced

Senate Bill No. 942, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 411t.

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

Senators Sikkema, Shugars, Van Regenmorter, Bullard, Johnson, McManus, Gougeon, Hammerstrom, North, Garcia, Sanborn, Schuette, Goschka, Steil, Schwarz and Stille introduced

Senate Bill No. 943, entitled

A bill to amend 1963 PA 181, entitled "Motor carrier safety act of 1963," by amending section 7c (MCL 480.17c), as amended by 2000 PA 298.

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

Senators Gast, Johnson, Van Regenmorter, Shugars, Bullard, McManus, Sikkema, Gougeon, Hammerstrom, North, Garcia, Sanborn, Schuette, Goschka, Steil, Schwarz and Stille introduced

Senate Bill No. 944, entitled

A bill to amend 1999 PA 276, entitled "Banking code of 1999," (MCL 487.11101 to 487.15105) by adding section 4406.

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

Senators Steil, Van Regenmorter, Bullard, Shugars, Johnson, McManus, Sikkema, Gougeon, Hammerstrom, North, Garcia, Sanborn, Schuette, Goschka, Schwarz and Stille introduced

Senate Bill No. 945, 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 16c.

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

Senators Van Regenmorter, Johnson, Shugars, Bullard, McManus, Sikkema, Gougeon, Hammerstrom, North, Garcia, Sanborn, Schuette, Goschka, Steil, Schwarz and Stille introduced

Senate Bill No. 946, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending sections 22, 31, 33, 35, 37, and 49 of chapter XVII (MCL 777.22, 777.31, 777.33, 777.35, 777.37, and 777.49), sections 22, 33, and 35 as amended by 2000 PA 279, sections 31 and 49 as amended by 2001 PA 136, and section 37 as added by 1998 PA 317, and by adding section 49a.

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

Senators Shugars, Van Regenmorter, Bullard, Johnson, McManus, Sikkema, Gougeon, Hammerstrom, North, Garcia, Sanborn, Schuette, Goschka, Steil, Schwarz and Stille introduced

Senate Bill No. 947, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 21513 (MCL 333.21513), as amended by 1993 PA 79.

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

Senators Goschka, Johnson, Van Regenmorter, Bullard, Shugars, McManus, Sikkema, Gougeon, Hammerstrom, North, Garcia, Sanborn, Schuette, Steil, Schwarz and Stille introduced

Senate Bill No. 948, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 24 of chapter VII (MCL 767.24), as amended by 2001 PA 6.

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

Senator Bennett introduced

Senate Bill No. 949, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 1f of chapter IX (MCL 769.1f), as amended by 2000 PA 372.

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

Senator Emmons introduced

Senate Bill No. 950, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 411a (MCL 750.411a), as amended by 2000 PA 370.

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

Senator Garcia introduced

Senate Bill No. 951, entitled

A bill to amend 1967 PA 150, entitled “Michigan military act,” by amending sections 105, 179, and 310 (MCL 32.505, 32.579, and 32.710), sections 105 and 179 as amended by 1998 PA 212 and section 310 as amended by 1990 PA 301, and by adding section 372a.

The bill was read a first and second time by title and referred to the Committee on Senior Citizens and Veterans Affairs.

Senator Shugars introduced

Senate Bill No. 952, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 411j (MCL 750.411j), as amended by 1997 PA 75.

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

Senator Stille introduced

Senate Bill No. 953, entitled

A bill to amend 1976 PA 390, entitled "Emergency management act," by amending sections 3, 7, 7a, 8, 9, 10, and 11 (MCL 30.403, 30.407, 30.407a, 30.408, 30.409, 30.410, and 30.411), sections 3, 7, 8, 9, 10, and 11 as amended and section 7a as added by 1990 PA 50, and by adding section 21; and to repeal acts and parts of acts.

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

House Bill No. 4871, entitled

A bill to amend 1921 PA 207, entitled "City and village zoning act," by amending sections 3b and 5 (MCL 125.583b and 125.585), section 3b as amended by 1993 PA 210 and section 5 as amended by 2000 PA 20.

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. 4989, entitled

A bill to amend 1979 PA 218, entitled "Adult foster care facility licensing act," by amending section 11 (MCL 400.711), as amended by 1992 PA 176.

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. 4994, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16186 (MCL 333.16186), as amended by 1993 PA 80.

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 Health Policy.

House Bill No. 5216, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 2, 31, 770, 770a, 771, 773, and 794a (MCL 168.2, 168.31, 168.770, 168.770a, 168.771, 168.773, and 168.794a), section 2 as amended by 1999 PA 216, section 31 as amended by 1999 PA 220, and section 794a as amended by 1995 PA 261, and by adding section 37; and to repeal acts and parts of acts.

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 Government Operations.

House Bill No. 5335, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 2, 558, 561, 590f, 691, and 696 (MCL 168.2, 168.558, 168.561, 168.590f, 168.691, and 168.696), section 2 as amended by 1999 PA 216, section 558 as amended by 1999 PA 217, and section 590f as added by 1988 PA 116, and by adding section 560b; and to repeal acts and parts of acts.

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 Government Operations.

House Bill No. 5380, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 16901, 16902, 16903, 16904a, 16905, 16906, 16908, and 16909 (MCL 324.16901, 324.16902, 324.16903, 324.16904a, 324.16905, 324.16906, 324.16908, and 324.16909), sections 16901 and 16903 as amended and section 16904a as added by 1997 PA 17 and section 16908 as amended by 1995 PA 268; and to repeal acts and parts of acts.

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 Natural Resources and Environmental Affairs.

House Bill No. 5389, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 17 of chapter XVII (MCL 777.17), as amended by 2001 PA 136, and by adding sections 17b, 17c, 17d, 17f, and 17g to chapter XVII.

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. 5390, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 14 of chapter XVII (MCL 777.14), as amended by 2000 PA 363, and by adding sections 14a, 14b, 14c, 14d, 14f, 14g, 14h, 14j, 14m, and 14p to chapter XVII.

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. 5391, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13 of chapter XVII (MCL 777.13), as amended by 2001 PA 13, and by adding sections 13b, 13c, 13d, 13e, 13f, 13g, 13j, 13k, 13m, 13n, and 13p.

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. 5392, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11 of chapter XVII (MCL 777.11), as amended by 2001 PA 154, and by adding sections 11a, 11b, 11c, 11d, and 11e to chapter XVII.

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. 5393, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 12 of chapter XVII (MCL 777.12), as amended by 2001 PA 160, and by adding sections 12a, 12b, 12c, 12d, 12e, 12f, 12g, 12h, 12j, 12k, 12m, and 12n to chapter XVII.

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. 5474, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 7 (MCL 208.7), as amended by 2000 PA 477.

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 Finance.

Committee Reports

The Committee on Technology and Energy reported

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.

With the recommendation that the bill pass.

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

Mat J. Dunaskiss
Chairperson

To Report Out:

Yeas: Senators Dunaskiss, Sikkema, Schuette, Hammerstrom, Byrum and Leland

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Technology and Energy reported

House Bill No. 4154, entitled

A bill to amend 1971 PA 227, entitled "An act to prescribe the rights and duties of parties to home solicitation sales," (MCL 445.111 to 445.117) by adding section 1b.

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

Mat J. Dunaskiss
Chairperson

To Report Out:

Yeas: Senators Dunaskiss, Sikkema, Schuette, Hammerstrom, Byrum, Leland and Cherry
Nays: None
The bill was referred to the Committee of the Whole.

The Committee on Technology and Energy reported

House Bill No. 4250, entitled

A bill to amend 1971 PA 227, entitled "An act to prescribe the rights and duties of parties to home solicitation sales," (MCL 445.111 to 445.117) by adding section 1c.

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

Mat J. Dunaskiss
Chairperson

To Report Out:

Yeas: Senators Dunaskiss, Sikkema, Schuette, Hammerstrom, Byrum, Leland and Cherry
Nays: None
The bill was referred to the Committee of the Whole.

The Committee on Technology and Energy reported

House Bill No. 4631, entitled

A bill to amend 1971 PA 227, entitled "An act to prescribe the rights and duties of parties to home solicitation sales," (MCL 445.111 to 445.117) by adding sections 1d, 1e, and 1f.

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

Mat J. Dunaskiss
Chairperson

To Report Out:

Yeas: Senators Dunaskiss, Sikkema, Schuette, Hammerstrom, Byrum, Leland and Cherry
Nays: None
The bill was referred to the Committee of the Whole.

The Committee on Technology and Energy reported

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.

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

Mat J. Dunaskiss
Chairperson

To Report Out:

Yeas: Senators Dunaskiss, Sikkema, Schuette, Hammerstrom, Byrum, Leland and Cherry
Nays: None
The bill was referred to the Committee of the Whole.

The Committee on Technology and Energy reported

Senate Resolution No. 143.

A resolution to memorialize the Congress of the United States to enact legislation to provide a convenient means for consumers to choose not to receive unsolicited telemarketing calls.

(For text of resolution, see Senate Journal No. 86, p. 2221.)

With the recommendation that the resolution be adopted.

Mat J. Dunaskiss
Chairperson

To Report Out:

Yeas: Senators Dunaskiss, Sikkema, Schuette, Hammerstrom, Byrum, Leland and Cherry

Nays: None

The resolution was placed on the order of Resolutions.

COMMITTEE ATTENDANCE REPORT

The Committee on Technology and Energy submits the following:

Meeting held on Wednesday, December 5, 2001, at 3:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Dunaskiss (C), Sikkema, Schuette, Hammerstrom, Byrum, Leland and Cherry

The Committee on Judiciary reported:

House Bill No. 5271, entitled

A bill to amend 1968 PA 319, entitled "An act to provide a uniform crime reporting system; to provide for the submitting of such report to the department of state police; to require submission of the report by certain police agencies; to require the reporting on wanted persons and stolen vehicles; to require the reporting of information regarding certain persons and unidentified bodies of deceased persons; to prescribe certain powers and duties of law enforcement agencies; and to vest the director of the department of state police with certain authority," by amending section 7 (MCL 28.257).

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, Peters, Dingell and Scott

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

House Bill No. 5273, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2950a (MCL 600.2950a), as amended by 1999 PA 268.

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.

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Peters, Dingell and Scott

Nays: None

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

The Committee on Judiciary reported

House Bill No. 5275, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding sections 2950h, 2950i, 2950j, 2950k, and 2950l.

With the recommendation that the substitute (S-2) be adopted and that the bill then 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, Peters, Dingell and Scott

Nays: None

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

The Committee on Judiciary reported

House Bill No. 5276, entitled

A bill to amend 1961 PA 44, entitled "An act to provide for the release of misdemeanor prisoners by giving bond to the arresting officer in certain circumstances not inconsistent with public safety; and to repeal certain acts and parts of acts," by amending section 2a (MCL 780.582a), as added by 1990 PA 308.

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.

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Peters, Dingell and Scott

Nays: None

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

The Committee on Judiciary reported

House Bill No. 5278, entitled

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

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.

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Peters, Dingell and Scott

Nays: None

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

The Committee on Judiciary reported

House Bill No. 5281, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 81 (MCL 750.81), as amended by 2000 PA 462.

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.

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Peters, Dingell and Scott

Nays: None

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

The Committee on Judiciary reported

House Bill No. 5299, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2950 (MCL 600.2950), as amended by 1999 PA 268.

With the recommendation that the substitute (S-2) be adopted and that the bill then 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, Peters, Dingell and Scott

Nays: None

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

The Committee on Judiciary reported

House Bill No. 5300, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2950a (MCL 600.2950a), as amended by 1999 PA 268.

With the recommendation that the substitute (S-2) be adopted and that the bill then 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, Peters, Dingell and Scott

Nays: None

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

The Committee on Judiciary reported

House Bill No. 5303, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2529 (MCL 600.2529), as amended by 1999 PA 268.

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.

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Peters, Dingell and Scott

Nays: None

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

The Committee on Judiciary reported

House Bill No. 5304, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 22 of chapter XVI (MCL 776.22), as amended by 1994 PA 418.

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.

William Van Regenmorter
Chairperson

To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Peters, Dingell and Scott

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submits the following:

Meeting held on Wednesday, December 5, 2001, at 1:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Van Regenmorter (C), McCotter, Bullard, Schuette, Peters, Dingell and Scott

Scheduled Meetings

Appropriations -

Subcommittee -

Community Health - Thursday, December 13, 1:30 p.m., Senate Hearing Room, Ground Floor, Michigan National Tower (373-1777)

Technology and Energy - Wednesday, December 12, 3:00 p.m., Rooms 402 and 403, Capitol Building (373-2417) (CANCELED)

Senator Emmons moved that the Senate adjourn.
The motion prevailed, the time being 3:35 p.m.

The Secretary of the Senate declared the Senate adjourned until Wednesday, December 12, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate.

