

**No. 70**  
**STATE OF MICHIGAN**  
**Journal of the Senate**  
**91st Legislature**  
**REGULAR SESSION OF 2002**

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Senate Chamber, Lansing, Wednesday, December 4, 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—excused  
Hammerstrom—present  
Hart—present  
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 Martha G. Scott of the 2nd District offered the following invocation:

O Heavenly Father, we thank You for this wonderful day. Lord, we thank You for Your love. Father God, we just come to You this morning, just being who You are and what You are to all of us, we are just grateful.

Father, we thank You for the men and women in this chamber. Lord, we thank You for those who have served and will be leaving. But, Lord, we ask You to continue to guide them, and let them know that it's still about public service—about doing Your work for the people of this state. Lord, we just thank You for all the newcomers who are coming in, and we ask You, Lord, to just give us the strength to do what is right for the people of this state. Lord, we thank You for Your love and for Your caring.

Lord, we ask You to touch the homeless this morning. Lord, go with them and stand by them. Give them the courage, Lord, to know who You are and what You are to them.

O Heavenly Father, we just say thank You, thank You, thank You for all Your many blessings that You shower upon us. As we ask in Thy name, O Lord. Amen.

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

### **Motions and Communications**

Senators Bullard, Murphy and Miller entered the Senate Chamber.

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

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

Senator Emerson moved that Senator Byrum be temporarily excused from today's session.  
The motion prevailed.

Senator Emmons moved that rule 3.902 be suspended to allow the guests of Senator DeGrow 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 Chair.  
The motion prevailed, the time being 10:05 a.m.

10:11 a.m.

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

During the recess, Senator DeGrow introduced to the Senate the Port Huron Northern High School Girls Tennis Team, Division I State Champions, and presented a special tribute to Coach Mary Kay Baribeau acknowledging their outstanding accomplishments.

During the recess, Senators Byrum and Schuette entered the Senate Chamber.

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:

**House Bill No. 6478**

**House Bill No. 6479**

**House Bill No. 6480**

**House Bill No. 6481**

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

The following communication was received:  
Department of Community Health

November 18, 2002

When a state mental health agency is to be closed, Section 19 (6) of Act 240 of the Public Acts of 1943, being section 38.19 of the Michigan Compiled Laws, required that the director of the Michigan Department of Community Health certify in writing to the Legislature and the Retirement Board, not less than 240 days prior to the closure, which agency is to be closed.

In fulfillment of this requirement, I am officially providing notification that the Northville Psychiatric Hospital, located at 41001 Seven Mile Road, Northville, Michigan 48167 will close effective July 16, 2003. The Northville Psychiatric Hospital provides inpatient services for adults with mental illness and is accredited by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO) and certified as a Centers for Medicare and Medicaid (CMS formally HCFA) provider.

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

As a result of this closure, adults with mental illness, who require state delivered inpatient services, can be provided for at the Walter Reuther Psychiatric Hospital, Caro Center, and the Kalamazoo Psychiatric Hospital.

Cordially,  
James K. Haveman, Jr.  
Director

The communication was referred to the Secretary for record.

The following communication was received:  
Department of Corrections

November 26, 2002

Michigan Compiled Law 791.220g requires the Department of Corrections to report to the Senate and House committees responsible for legislation concerning corrections and to the Clerk of the House of Representatives and the Secretary of the Senate on the operation of the Michigan Youth Correctional Facility. Attached is a copy of that report as required by statute.

If you have questions regarding this report, or request additional information, please feel free to contact me.

Sincerely,  
Heidi Washington  
Administrative Assistant

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 Wednesday, December 4:

**House Bill Nos. 4875 5394 5395 5641 5734 5735 5736 5967 6260 6333 6337 6428 6446 6447  
6448 6496 6510**

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

**Senate Bill No. 1396, entitled**

A bill to amend 1993 PA 327, entitled "Tobacco products tax act," (MCL 205.421 to 205.436) by adding section 7b. The 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. 916**

**Yeas—34**

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

**Nays—0**

**Excused—3**

Gougeon	Vaughn	Young
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**Not Voting—1**

Van Regenmorter

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.

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

The motion prevailed.

Senator Schwarz's statement is as follows:

Senator Hoffman and I are pleased today to have some great Michiganders here from Beaver Island: Bill McDonough, who many of us know and who has treated us so very, very well on our visits to Beaver Island on legislative business, especially in dealing with the refurbishment of the Beaver Island Clinic, which has been accomplished over the past few years; and his son Joe McDonough—I love the first name.

They're visiting here in Lansing today on business. Both have come to the chamber. These are people who treat everyone who visits Beaver Island with the greatest courtesy and respect, and they show us a lot of things on Beaver Island that the normal tourist doesn't see. I want to introduce to the chamber—Senator Hoffman joins me—two great Michiganders, Bill McDonough from Beaver Island and his son Joe.

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

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

**House Bill No. 5468**

The motion prevailed.

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 Dingell 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 without amendment, the following bills:

**Senate Bill No. 1505, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 115f, 115g, 115i, 115j, 115l, and 115m (MCL 400.115f, 400.115g, 400.115i, 400.115j, 400.115l, and 400.115m), section 115f as amended by 1998 PA 22, section 115g as amended and sections 115i and 115l as added by 1994 PA 238, section 115j as amended by 2000 PA 61, and section 115m as added by 1994 PA 207, and by adding sections 115r and 115s.

**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 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:

**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.

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.

**Recess**

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

The motion prevailed, the time being 10:31 a.m.

11:17 a.m.

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

During the recess, Senator Van Regenmorter entered the Senate Chamber.

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:

**Senate Bill No. 1203**

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 pro tempore, Senator Schwarz, designated Senator Dingell 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:

**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.

**House Bill No. 6478, entitled**

A bill to amend 1937 PA 94, entitled "Use tax act," (MCL 205.91 to 205.111) by adding section 4x.

**House Bill No. 6481, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 4aa. 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 amendments, the following bill:

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

1. Amend page 2, line 6, after the first "provide" by striking out "provide reasonable" and inserting "reasonable and prudent".
2. Amend page 2, line 9, after "following" by inserting "the result of".
3. Amend page 2, line 10, after "means" by striking out "a" and inserting "an unbundled".
4. Amend page 2, line 13, after "recover" by striking out the balance of the line through "measures" on line 14 and inserting "enhanced security costs".

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.

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

**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. Substitute (S-2).

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

1. Amend page 2, line 9, after "SUPPORT" by striking out "PUBLIC".

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:

**House Bill No. 4352, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 811e (MCL 257.811e), as added by 2000 PA 77, and by adding section 811o; and to repeal acts and parts of acts.

Substitute (S-4).

The following are the amendments 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. 217I. (1) THE SECRETARY OF STATE SHALL DEVELOP UNDER SECTION 811E AND, UPON APPLICATION, MAY ISSUE UNDER SECTION 811F A STATE-SPONSORED CHOOSE LIFE FUND-RAISING

REGISTRATION PLATE AND A MATCHING STATE-SPONSORED CHOOSE LIFE FUND-RAISING COLLECTOR PLATE AS PROVIDED UNDER SECTION 811G. THE PLATE SHALL HAVE THE WORDS "CHOOSE LIFE" ON THE PLATE AND BE OF A DESIGN DETERMINED BY THE SECRETARY OF STATE.

(2) STATE-SPONSORED CHOOSE LIFE FUND-RAISING REGISTRATION PLATE SERVICE FEES COLLECTED UNDER THIS SECTION BY THE SECRETARY OF STATE SHALL BE IDENTIFIED AND SEGREGATED BY THE SECRETARY OF STATE INTO A SEPARATE ACCOUNT. THE SECRETARY OF STATE SHALL ON A QUARTERLY BASIS TRANSFER THE BALANCE OF THE STATE-SPONSORED CHOOSE LIFE FUND-RAISING REGISTRATION PLATE SERVICE FEES TO THE STATE TREASURER, WHO SHALL DO BOTH OF THE FOLLOWING:

(A) CREDIT \$20.00 OF THE DONATION RECEIVED UNDER SECTION 811F TO THE CHOOSE LIFE FUND CREATED IN SECTION 217J.

(B) CREDIT \$5.00 OF THE DONATION RECEIVED UNDER SECTION 811F TO THE GENERAL FUND.

SEC. 217J. (1) THE CHOOSE LIFE FUND IS CREATED WITHIN THE STATE TREASURY.

(2) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS FROM ANY SOURCE FOR DEPOSIT INTO 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.

(3) MONEY IN THE FUND AT THE CLOSE OF THE FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT LAPSE TO THE GENERAL FUND.

(4) THE STATE TREASURER SHALL DISBURSE MONEY IN THE FUND ON A SEMIANNUAL BASIS TO EACH COUNTY IN PROPORTION TO THE AMOUNT OF DONATIONS RECEIVED FROM ISSUING CHOOSE LIFE REGISTRATION PLATES IN EACH COUNTY.

(5) AS USED IN THIS SECTION, "FUND" MEANS THE CHOOSE LIFE FUND CREATED IN SUBSECTION (1).

(6) EACH COUNTY SHALL DISTRIBUTE THE MONEY RECEIVED FROM THE SECRETARY OF STATE UNDER THIS SECTION ONLY TO A NONGOVERNMENTAL NOT-FOR-PROFIT AGENCY OR ORGANIZATION THAT PROVIDES SERVICES AND COUNSELING TO WOMEN WHO HAVE UNPLANNED OR UNWANTED PREGNANCIES. MONEY SHALL NOT BE DISTRIBUTED TO AN AGENCY THAT IS INVOLVED OR ASSOCIATED WITH REFERRALS TO ABORTION CLINICS OR PROVIDING ABORTION PROCEDURES.

(7) AN AGENCY RECEIVING MONEY UNDER SUBSECTION (6) SHALL NOT CHARGE A FEE FOR THE SERVICES OR COUNSELING PROVIDED.

(8) AN AGENCY RECEIVING MONEY UNDER THIS SECTION SHALL PROVIDE AN ANNUAL ACCOUNTING OF THE USE OF THE MONEY TO THE COUNTY."

2. Amend page 5, line 7, after "No." by striking out "4352" and inserting "5122".

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. 1203, entitled**

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

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. 6479, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 2000 PA 400.

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:

**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.

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. 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.

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 amendments, the following bill:

**Senate Bill No. 795, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 32504a.

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

1. Amend page 1, line 5, by striking out "35202" and inserting "32502".
2. Amend page 1, line 10, after "OR" by striking out "COMMUNITY DEVELOPMENT ORGANIZATION" and inserting "A COMMUNITY DEVELOPMENT ORGANIZATION,".

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.

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

**Senate Bill No. 1506, entitled**

A bill to create the Michigan public educational facilities authority and to prescribe its powers and duties; to provide for the issuance of notes and bonds of the authority; to create funds and accounts; to authorize certain forms of assistance to public schools to make investments; to exempt certain property from certain taxes; to grant powers and impose duties on officers and agencies of this state and political subdivisions of this state; and to make, accept, and expend certain appropriations.

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:

**Senate Bill No. 708, 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; and to prescribe penalties and provide for remedies.

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:

**Senate Bill No. 709, entitled**

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

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. 710, 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.

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. 711, entitled**

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

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. 712, 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.

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. 713, entitled**

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

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. 714, entitled**

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

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

#### **Motions and Communications**

Senator Emmons moved that the Committee on Local, Urban and State Affairs be discharged from further consideration of the following bills:

**House Bill No. 5456, entitled**

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

**House Bill No. 5465, entitled**

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

The motion prevailed, a majority of the members serving voting therefor, and the bills were placed on the order of General Orders.

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. 795**

**Senate Bill No. 1505**

**House Bill No. 6478**

**House Bill No. 6479**

**House Bill No. 6480**

**House Bill No. 6481**

**Senate Bill No. 1203**

**Senate Bill No. 1506**

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

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

**House Bill No. 5552**

**Senate Bill No. 1422**

**Senate Bill No. 795**

**Senate Bill No. 1506**

**Senate Bill No. 1203**

**House Bill No. 6478**

**House Bill No. 6479**

**House Bill No. 6480**

**House Bill No. 6481**

**Senate Bill No. 1505**

The motion prevailed.

The following bill was read a third time:

**House Bill No. 5552, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17401, 17431, and 17432 (MCL 333.17401, 333.17431, and 333.17432), sections 17401 and 17432 as amended by 1997 PA 151 and section 17431 as amended by 1994 PA 234.

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. 917****Yeas—26**

Bennett  
Cherry  
DeBeaussaert  
Dingell  
Emerson  
Emmons  
Garcia

Gast  
Goschka  
Hammerstrom  
Hoffman  
Koivisto  
Leland  
McCotter

McManus  
Miller  
Murphy  
North  
Peters  
Sanborn

Scott  
Shugars  
Sikkema  
Steil  
Stille  
Van Regenmorter

**Nays—8**

Bullard  
Byrum

DeGrow  
Dunaskiss

Johnson  
Schuette

Schwarz  
Smith

**Excused—3**

Gougeon

Vaughn

Young

**Not Voting—1**

Hart

In The Chair: Schwarz

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 Shugars 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. 918****Yeas—26**

Bennett

Gast

McManus

Scott

Cherry

Goschka

Miller

Shugars

DeBeaussaert

Hammerstrom

Murphy

Sikkema

Dingell

Hoffman

North

Steil

Emerson

Koivisto

Peters

Stille

Emmons

Leland

Sanborn

Van Regenmorter

Garcia

McCotter

**Nays—8**

Bullard

DeGrow

Johnson

Schwarz

Byrum

Dunaskiss

Schuette

Smith

**Excused—3**

Gougeon

Vaughn

Young

**Not Voting—1**

Hart

In The Chair: Schwarz

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

“An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and

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

The Senate agreed to the full title.

Senator Emerson moved that Senator Hart be excused from the balance of today’s session.  
The motion prevailed.

The following bill was read a third time:

**Senate Bill No. 1422, entitled**

A bill to amend 1975 PA 228, entitled “Single business tax act,” by amending section 7 (MCL 208.7), as amended by 2001 PA 229.

The question being on the passage of the bill,  
Senator Emmons offered the following amendments:

1. Amend page 4, line 11, after the first “A” by striking out “THIRD PARTY” and inserting “PERSON”.
2. Amend page 4, line 14, by striking out all of subparagraph (i) and renumbering the remaining subparagraphs.
3. Amend page 4, line 20, after “STATE” by inserting “OR LOCAL”.
4. Amend page 4, following line 25, by inserting:

“(P) PROCEEDS FROM A SALE, TRANSACTION, EXCHANGE, INVOLUNTARY CONVERSION, OR OTHER DISPOSITION OF TANGIBLE, INTANGIBLE, OR REAL PROPERTY THAT IS A CAPITAL ASSET UNDER THE INTERNAL REVENUE CODE, EXCEPT FOR THE NET GAIN FROM SUCH TRANSACTIONS THAT IS INCLUDED IN FEDERAL TAXABLE INCOME. NET LOSSES FROM SUCH TRANSACTION SHALL NOT BE USED TO REDUCE GROSS RECEIPTS THAT ARISE FROM SALES OR OTHER TRANSACTIONS NOT DESCRIBED IN THIS SUBDIVISION.

(Q) THE PROCEEDS FROM A POLICY OF INSURANCE, A SETTLEMENT OF A CLAIM, OR A JUDGMENT IN A CIVIL ACTION EXCEPT TO THE EXTENT THE PROCEEDS ARE INCLUDED IN FEDERAL TAXABLE INCOME.” and relettering the remaining subdivision.

5. Amend page 4, line 26, by striking out all of subdivision (R).

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. 919**

**Yeas—31**

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

**Nays—3**

Emerson	Scott	Smith
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**Excused—4**

Gougeon

Hart

Vaughn

Young

**Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title of the bill.

**Protest**

Senator Smith, under her constitutional right of protest (Art. 4, Sec. 18), protested against the passage of Senate Bill No. 1422.

Senator Smith's statement is as follows:

I voted "no" on the last bill because, you know, a million here and a million there added to \$1.5 billion—you're talking real money in what we have to cut in the future. I oppose the legislation.

The following bill was read a third time:

**Senate Bill No. 795, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 32504a.

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. 920****Yeas—34**

Bennett

Emmons

McCotter

Schwarz

Bullard

Garcia

McManus

Scott

Byrum

Gast

Miller

Shugars

Cherry

Goschka

Murphy

Sikkema

DeBeaussaert

Hammerstrom

North

Smith

DeGrow

Hoffman

Peters

Steil

Dingell

Johnson

Sanborn

Stille

Dunaskiss

Koivisto

Schuette

Van Regenmorter

Emerson

Leland

**Nays—0****Excused—4**

Gougeon

Hart

Vaughn

Young

**Not Voting—0**

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 1506, entitled**

A bill to create the Michigan public educational facilities authority and to prescribe its powers and duties; to provide for the issuance of notes and bonds of the authority; to create funds and accounts; to authorize certain forms of assistance to public schools to make investments; to exempt certain property from certain taxes; to grant powers and impose duties on officers and agencies of this state and political subdivisions of this state; and to make, accept, and expend certain appropriations.

The question being on the passage of the bill,

Senator Peters offered the following amendment:

1. Amend page 25, following line 16, by inserting:

“Sec. 25. The authority shall provide that any construction, rehabilitation, or refurbishing of a public school or a qualified public school facility by the authority or a developer financed under this act is subject to the prevailing wage provisions described in 1965 PA 166, MCL 408.551 to 408.558.”.

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. 921**

**Yeas—33**

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

**Nays—0**

**Excused—4**

Gougeon	Hart	Vaughn	Young
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**Not Voting—1**

DeGrow

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

**Senate Bill No. 1203, entitled**

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

The 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. 922****Yeas—34**

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

**Nays—0****Excused—4**

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

In The Chair: Schwarz

The Senate agreed to the title of the bill.

The following bill was read a third time:

**House Bill No. 6478, entitled**

A bill to amend 1937 PA 94, entitled "Use tax act," (MCL 205.91 to 205.111) by adding section 4x.

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. 923****Yeas—34**

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

**Nays—0****Excused—4**

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

In The Chair: Schwarz

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.

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

“An act to provide for the levy, assessment and collection of a specific excise tax on the storage, use or consumption in this state of tangible personal property and certain services; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act.”.

The Senate agreed to the full title.

The following bill was read a third time:

**House Bill No. 6479, entitled**

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending section 30 (MCL 206.30), as amended by 2000 PA 400.

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. 924****Yeas—34**

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

**Nays—0****Excused—4**

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

In The Chair: Schwarz

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.

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

“An act to meet deficiencies in state funds by providing for the imposition, levy, computation, collection, assessment, and enforcement by lien and otherwise of taxes on or measured by net income; to prescribe the manner and time of making reports and paying the taxes, and the functions of public officers and others as to the taxes; to permit the inspection of the records of taxpayers; to provide for interest and penalties on unpaid taxes; to provide exemptions, credits and refunds of the taxes; to prescribe penalties for the violation of this act; to provide an appropriation; and to repeal certain acts and parts of acts.”.

The Senate agreed to the full title.

The following bill was read a third time:

**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.

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. 925**

**Yeas—34**

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

**Nays—0**

**Excused—4**

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

In The Chair: Schwarz

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. 926**

**Yeas—22**

Bennett	Gast	McManus	Shugars
Bullard	Goschka	North	Sikkema
DeGrow	Hammerstrom	Sanborn	Steil

Dunaskiss  
Emmons  
Garcia

Hoffman  
Johnson  
McCotter

Schuetz  
Schwarz

Stille  
Van Regenmorter

**Nays—11**

Byrum  
DeBeaussiaert  
Dingell

Emerson  
Koivisto  
Leland

Miller  
Murphy  
Peters

Scott  
Smith

**Excused—4**

Gougeon

Hart

Vaughn

Young

**Not Voting—1**

Cherry

In The Chair: Schwarz

Senator Emmons moved that the bill be given immediate effect.  
The question being on the motion to give the bill immediate effect,  
Senator Emmons moved that further consideration of the bill be postponed for today.  
The motion prevailed.

The following bill was read a third time:

**House Bill No. 6481, entitled**

A bill to amend 1933 PA 167, entitled “General sales tax act,” (MCL 205.51 to 205.78) by adding section 4aa.

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. 927**

**Yeas—34**

Bennett  
Bullard  
Byrum  
Cherry  
DeBeaussiaert  
DeGrow  
Dingell  
Dunaskiss  
Emerson

Emmons  
Garcia  
Gast  
Goschka  
Hammerstrom  
Hoffman  
Johnson  
Koivisto  
Leland

McCotter  
McManus  
Miller  
Murphy  
North  
Peters  
Sanborn  
Schuetz

Schwarz  
Scott  
Shugars  
Sikkema  
Smith  
Steil  
Stille  
Van Regenmorter

**Nays—0**

**Excused—4**

Gougeon

Hart

Vaughn

Young

**Not Voting—0**

In The Chair: Schwarz

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.

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

“An act to provide for the raising of additional public revenue by prescribing certain specific taxes, fees, and charges to be paid to the state for the privilege of engaging in certain business activities; to provide, incident to the enforcement thereof, for the issuance of licenses to engage in such occupations; to provide for the ascertainment, assessment and collection thereof; to appropriate the proceeds thereof; and to prescribe penalties for violations of the provisions of this act.”.

The Senate agreed to the full title.

The following bill was read a third time:

**Senate Bill No. 1505, entitled**

A bill to amend 1939 PA 280, entitled “The social welfare act,” by amending sections 115f, 115g, 115i, 115j, 115l, and 115m (MCL 400.115f, 400.115g, 400.115i, 400.115j, 400.115l, and 400.115m), section 115f as amended by 1998 PA 22, section 115g as amended and sections 115i and 115l as added by 1994 PA 238, section 115j as amended by 2000 PA 61, and section 115m as added by 1994 PA 207, and by adding sections 115r and 115s.

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. 928****Yeas—34**

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

**Nays—0****Excused—4**

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

In The Chair: Schwarz

The Senate agreed to the title of the bill.

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

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

**Senate Resolution No. 280**

**Senate Resolution No. 283**

**Senate Resolution No. 284**

The resolution consent calendar was adopted.

Senators Gougeon, North and McManus offered the following resolution:

**Senate Resolution No. 280.**

A resolution honoring Joseph Seitz.

Whereas, It is with honor that we congratulate Joseph Seitz on achieving 50 years of study as a devout student of automotive history and as one of Michigan's leading forces for automotive preservation; and

Whereas, Joseph Seitz began his studies as a young man working alongside his father Edgar, a master automotive technician for the Packard Motor Car Co. and racing expert who is immortalized at the Indianapolis Motor Speedway. His name is etched in stone with other early racing pioneers, and for years until his death, he was a highly recognized expert in automotive preservation; and

Whereas, Joseph Seitz has carried on this unique family tradition not only as a preservationist restoring to perfection early automobiles, particularly Packards, but has expanded the family tradition by becoming a statewide leader in the collection and preservation of automotive history; and

Whereas, Joseph Seitz has collected and saved from destruction over 20,000 historical pieces and maintains an extensive library of automotive history in thousands of unusual documents and examples; and

Whereas, Joseph Seitz donated over 500 pieces of rare original automotive documents to the Antique Automobile Club of America (AACA) of which he has been a lifelong member. He has been a member of the Society of Automobile Historians and continues to expend thousands of hours researching automotive history in Bay City for future publications; and

Whereas, Joseph Seitz has never missed a fall meet of the AACA and served for decades as a judge of restored automobiles presented there. He has been accorded the rank of senior master judge for his wide knowledge of all automobiles and their proper restoration; and

Whereas, Joseph Seitz promoted and served at many car shows in Michigan, including training judges in the further effort of automotive preservation. He has written and been a published author of many articles on unique aspects of automotive history; and

Whereas, Joseph Seitz provided the ideas and wording for Michigan Public Act No. 404 of 1996, a licensing legislation intended to encourage interest in antique automobiles in Michigan; now, therefore, be it

Resolved by the Senate, That we commend and congratulate Joseph Seitz for his determination and dedication to this unique lifelong advocacy which showcases Michigan's pride in its great automotive history, and we wish him many long years of future success. Each step he takes is a great stride for this great state; and be it further

Resolved, That a copy of this resolution be transmitted to Joseph Seitz as a reflection of our esteem for the contributions he has made to the preservation of automotive history.

Senator Schwarz offered the following resolution:

**Senate Resolution No. 283.**

A resolution to honor and recognize Nelson W. Westrin for distinguished service and leadership to the Michigan Gaming Control Board.

Whereas, It is with deep appreciation for the outstanding service that Nelson W. Westrin has put forth during his six-year tenure as the executive director of the Michigan Gaming Control Board that we offer this recognition and expression of our thanks. As the people of the state of Michigan acknowledge his excellent service and outstanding contributions to the proper implementation and regulation of legalized casino gaming in the city of Detroit, we add our sentiments of gratitude for a job well done; and

Whereas, On July 17, 1997, Governor John Engler appointed Nelson W. Westrin as the executive director of the Michigan Gaming Control Board after appointing him interim executive director of Michigan gaming in November 1996. Mr. Westrin was the gaming board's first executive director from that date until his resignation on November 22, 2002; and

Whereas, It is with great respect for his professional and personal commitment to our state and its legal structure that we honor and thank Executive Director Nelson Westrin for his service to the state of Michigan. Mr. Westrin has played a crucial role in shaping the quality of Michigan's casino gaming regulation and licensing. His devotion to duty ensures that the Detroit casino gaming activities and operations are conducted in a lawful manner, thereby protecting the best interests of the people of the state of Michigan; and

Whereas, A graduate of Michigan State University and the University of Detroit School of Law, Nelson came to Lansing and began serving as an assistant attorney general from 1977 to 1993. Prior to his appointment as the executive director of the Michigan Gaming Control Board, he was the state's racing commissioner, responsible for licensing and regulation of horse racing in Michigan; and

Whereas, Nelson W. Westrin has accomplished a plethora of achievements throughout his impressive career. His devotion and unyielding resolve have profoundly contributed to the betterment of the gaming board and the entire gaming industry in Michigan. He is a valued colleague and friend whose expertise will be dearly missed; now, therefore, be it

Resolved by the Senate, That we commend, congratulate, and thank Nelson W. Westrin for his outstanding years of service and commitment to the Michigan Gaming Control Board; and be it further

Resolved, That a copy of this resolution be transmitted to Nelson W. Westrin as evidence of our appreciation for his profound contributions to Michigan society.

Senator Schwarz offered the following resolution:

**Senate Resolution No. 284.**

A resolution to honor and recognize Dr. Glenn R. Stevens for distinguished service and leadership to the Presidents Council, State Universities of Michigan.

Whereas, It is with deep appreciation for the outstanding service that Dr. Glenn R. Stevens has devoted during his 20-year tenure as the executive director of the Presidents Council, State Universities of Michigan, that the members of the Michigan Senate acknowledge his dedication and accomplishments in the field of higher education; and

Whereas, Dr. Stevens' 42-year education career includes a 37-year association with Michigan's public universities, having served as an associate provost/associate vice president for academic affairs and professor of education at Northern Michigan University and a faculty member at Michigan State University's Justin Morrill College. Dr. Stevens earned a B.A. degree in social science in 1959, an M.A. degree in 1961, and a Ph.D. in 1971 from Michigan State University; and

Whereas, Dr. Glenn Stevens came to the Presidents Council, State Universities of Michigan, in 1983. As the organization's executive director, he has steadfastly served as the primary liaison between Michigan's public universities and state government. He has been responsible for coordinating the activities of a network of over 100 institutional representatives, serving on various committees of the Presidents Council dealing with academic, fiscal, legislative, legal, and public relations concerns. Through regular interaction with the Office of the Governor, legislative leaders, and various state agencies, the Council, which is governed by the presidents and chancellors of Michigan's 15 public universities, frames a consensus agenda to advance the interests of the public university community; and

Whereas, In this role, Dr. Stevens frequently testifies before legislative committees on fiscal and higher education policy issues, with his academic interests focused on higher education governance and the changing roles and expectations of public universities. Most recently, he was instrumental in developing an alliance with Michigan's lead economic development agency known as "The Partnership for Economic Progress"; and

Whereas, He has been engaged in policy issues through the Association of Governing Boards, the American Association of State Colleges and Universities (AASCU), the Council for the Advancement and Support of Education (CASE), and the Education Commission of the States. He has testified before Congress in support of university research facilities and was a member of a national advisory group which recommended major changes in the federal student loan program. He served on the Task Force on State Relations for the National Association of State Universities and Land Grant Colleges, CASE, and AASCU, and was a gubernatorial appointee to the Michigan Information Technology Commission; and

Whereas, Dr. Stevens has made a particular commitment to foster educational opportunities and improve performance standards for students by strengthening the connection between high schools and the public universities. With a strong interest in international education, he is president of the Michigan-Japan Foundation. In recognition of his efforts to expand cultural and educational exchange between the U.S. and Germany, he received Germany's highest civilian award in 1996, the Officer's Cross of the Order of Merit; and

Whereas, Volunteer service is a priority to Dr. Stevens, and he has served as a member of the board of the Michigan Nonprofit Association and the Michigan Economic Education Council, chair of the Stakeholders Council of the Detroit Compact, and founding member of the Big Brothers of Marquette. He is an active volunteer with the Salvation Army of Lansing, which recognized his contributions with a distinguished community service award in 1997; and

Whereas, Dr. Glenn Stevens will retire on January 3, 2003; now, therefore, be it

Resolved by the Senate, That a wholehearted accolade of tribute be hereby accorded to commemorate the dedication and leadership shown by Dr. Glenn R. Stevens as executive director of the Presidents Council, State Universities of Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to Dr. Glenn R. Stevens as evidence of our appreciation for his profound contributions to higher education in Michigan.

Senator Emmons moved that rule 3.204 be suspended to permit immediate consideration of the following resolutions:

**Senate Resolution No. 281**

**Senate Resolution No. 282**

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

Senators Sanborn, McManus, Koivisto, Sikkema, Dunaskiss and Garcia offered the following resolution:

**Senate Resolution No. 281.**

A resolution to memorialize the Congress of the United States to enact the Hunting Heritage Protection Act.

Whereas, Hunting is an activity that is enjoyed by millions of people across Michigan and our entire country. Unlike some recreational pursuits, however, hunting provides a direct link to the outdoors heritage of our nation and is a sport that is closely tied to the quality of our natural resources. The benefits of hunting extend far beyond economic considerations. This reality is especially appreciated by the people of Michigan; and

Whereas, Recreational hunting continues to be an important way people relate to the outdoors, even in our modern society. Hunters and hunting organizations are among the most dedicated supporters of sound wildlife management and conservation practices. Fees from licenses contribute to programs that maintain unique resources for future generations; and

Whereas, In an effort to perpetuate our country's hunting heritage, Congress has been considering legislation that would take steps to ensure that hunting remains a key part of wildlife management on federal lands. This legislation, the Hunting Heritage Protection Act, provides that federal lands will be open to hunting, with specific exceptions. Federal agencies with authority on public lands are to support and enhance hunting within applicable laws and regulations. The legislation includes provisions to ensure that there is no net loss of land available for hunting as future land decisions are made; and

Whereas, Michigan has a long history of respect for the role that sound wildlife management can play in preserving unique recreational resources. Our citizens have strongly supported moves to protect our woods, waters, and wildlife. Federal legislation to ensure that hunting remains part of our national heritage reflects the will of our state; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to enact the Hunting Heritage Protection Act; and be it further

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

The question being on the adoption of the resolution,

The resolution was adopted.

Senators Sanborn, McManus, Koivisto, Hammerstrom, Sikkema, Dunaskiss and Garcia offered the following resolution:

**Senate Resolution No. 282.**

A resolution to memorialize the Congress of the United States to provide funding for efforts to prevent the invasion of the Asian carp into the Great Lakes.

Whereas, Aquatic species from outside the Great Lakes that have become established here have significantly altered the ecology of this treasured freshwater resource. The lamprey, zebra mussel, and goby are the best known of these exotic invaders. The costs, from municipalities that have to maintain water systems to those who make their living on the lakes through recreation or other businesses, represent an enormous economic drain. Most importantly, these species can seriously upset the delicate balance of nature in ways we may not fully understand for decades; and

Whereas, Another invasive species is close to entering the Great Lakes. The Asian carp, a large, voracious fish imported to the Mississippi Valley region to clean certain vegetation and snails from commercial fish farming operations, has been making its way up the Chicago Ship and Sanitary Canal and is apparently getting close to Lake Michigan. Officials in the Great Lakes area and from the International Joint Commission have called for Congress to support measures to keep this threat out of the Great Lakes; and

Whereas, One of the strategies proposed to prevent the Asian carp from entering Lake Michigan is an electric dispersal barrier near Chicago. Congress has been considering appropriations that would provide for the United States Army Corps of Engineers to implement the dispersal barrier project. Delays in this effort jeopardize further the long-term health of the Great Lakes; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to provide funding for efforts to prevent the invasion of the Asian carp into the Great Lakes; and be it further

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

The question being on the adoption of the resolution,

The resolution was adopted.

Senator DeBeaussaert was named co-sponsor of the resolution.

### Introduction and Referral of Bills

Senators McManus and Gast introduced

**Senate Bill No. 1521, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 74117 (MCL 324.74117), as added by 1995 PA 58.

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

Senators McManus and Gast introduced

**Senate Bill No. 1522, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 42501, 42502, 43523, 43524, 43525, 43526, 43527, 43528, 43529, 43530, 43531, 43532, 43533, 47328, and 47330 (MCL 324.42501, 324.42502, 324.43523, 324.43524, 324.43525, 324.43526, 324.43527, 324.43528, 324.43529, 324.43530, 324.43531, 324.43532, 324.43533, 324.47328, and 324.47330), sections 42501, 42502, 47328, and 47330 as added by 1995 PA 57, sections 43523, 43525, 43526, 43527, 43528, 43529, 43531, and 43533 as amended by 1996 PA 585, section 43524 as amended by 2002 PA 81, section 43530 as amended by 2001 PA 23, and section 43532 as amended by 2002 PA 108, and by adding sections 501a and 43536c; 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 Appropriations.

Senator Peters introduced

**Senate Bill No. 1523, entitled**

A bill to amend 1972 PA 230, entitled "Stille-DeRossett-Hale single state construction code act," by amending sections 4 and 10 (MCL 125.1504 and 125.1510), as amended by 1999 PA 245.

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

Senator Emmons introduced

**Senate Bill No. 1524, entitled**

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

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

**House Bill No. 4875, entitled**

A bill to amend 1978 PA 90, entitled "Youth employment standards act," by amending section 11 (MCL 409.111), as amended by 2000 PA 418.

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 Education.

**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.

The House of Representatives has passed the bill.

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

**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.

The House of Representatives has passed the bill.

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

**House Bill No. 5641, entitled**

A bill to regulate the business of deferred presentment services; to prescribe powers and duties of certain state agencies and officials; and to prescribe penalties and provide remedies.

The 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. 5734, entitled**

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

The 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. 5735, entitled**

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

The 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. 5736, entitled**

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

The 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. 5967, entitled**

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

The 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 Families, Mental Health and Human Services.

**House Bill No. 6260, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 601 and 841 (MCL 600.601 and 600.841), section 601 as amended by 1996 PA 388 and section 841 as amended by 2000 PA 56, and by adding chapter 4 and section 8304.

The 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. 6333, entitled**

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

The 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. 6337, entitled**

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

The 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. 6428, entitled**

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

The 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. 6446, entitled**

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

The 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. 6447, entitled**

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

The 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. 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 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. 6496, entitled**

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

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. 6510, entitled**

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

The House of Representatives has passed the bill.

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

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

The following messages from the Governor were received:

Date: December 3, 2002  
 Time: 10:00 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 557 (Public Act No. 596), being**

An act to amend 1974 PA 258, entitled “An act to codify, revise, consolidate, and classify the laws relating to mental health; to prescribe the powers and duties of certain state and local agencies and officials and certain private agencies and individuals; to regulate certain agencies and facilities providing mental health services; to provide for certain charges and fees; to establish civil admission procedures for individuals with mental illness or developmental disability; to establish guardianship procedures for individuals with developmental disability; to establish procedures regarding individuals with mental illness or developmental disability who are in the criminal justice system; to provide for penalties and remedies; and to repeal acts and parts of acts,” by amending section 222 (MCL 330.1222), as amended by 1995 PA 290.

(Filed with the Secretary of State on December 3, 2002, at 11:08 a.m.)

Date: December 3, 2002  
 Time: 10:05 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

**Enrolled Senate Bill No. 1337 (Public Act No. 597), being**

An act to amend 1974 PA 258, entitled “An act to codify, revise, consolidate, and classify the laws relating to mental health; to prescribe the powers and duties of certain state and local agencies and officials and certain private agencies and individuals; to regulate certain agencies and facilities providing mental health services; to provide for certain charges and fees; to establish civil admission procedures for individuals with mental illness or developmental disability; to establish guardianship procedures for individuals with developmental disability; to establish procedures regarding individuals with mental illness or developmental disability who are in the criminal justice system; to provide for penalties and remedies; and to repeal acts and parts of acts,” (MCL 330.1001 to 330.2106) by adding section 232b.

(Filed with the Secretary of State on December 3, 2002, at 11:10 a.m.)

Respectfully,  
 John Engler  
 Governor

### Statements

Senators Leland, McCotter, Garcia and North asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Leland’s statement is as follows:

Earlier we moved Senate Bill No. 708, the predatory lending package, from General Orders to Third Reading of Bills, and I have some comments I would like to make with regard to that package. The package regarding predatory lending at this point is seriously flawed. It gives the illusion of consumer protection when, in fact, I believe there is very little consumer protection involved in this package. There is no enforcement from the Attorney General’s office.

There are a lot of folks who are against this legislation: AARP, the NAACP, and the city of Detroit.

I’ve talked with the sponsor of the package, and he has tried to work with the interest groups to get a good predatory lending package out of the Legislature, but we just have not moved this bill as far as we wanted it to go. I think that to try to get it out of here tomorrow on Third Reading would be a mistake because it is flawed. I’m hoping that we can continue the process. If we can’t get some issues resolved in the next 24 hours, we should look at this package again early next year.

Again, the sponsor has been very good to the members of the committee and myself in terms of trying to work this thing out, but it just isn’t where we ought to be right now. There is no purpose in passing flawed legislation for the purpose of just getting a predatory lending package out, giving people the illusion that it actually does something when it doesn’t do a whole lot.

Having said that, I hope that the sponsor will either get some more input or torpedo the package until next year when more people can get on board and the package actually does something to deal with these predatory lenders.

Senator McCotter's statement is as follows:

I would just like to, in what is becoming an annual ritual evidently, extend congratulations to Redford Catholic Central's Varsity Football Team on winning the Division I State Championship. The years of hard work have paid off, and clearly they have better players now than they did when I was there. I am grateful and I congratulate them.

Senator Garcia's statement is as follows:

I just rise to respond to my colleague over in the 5th District. I appreciate his kind remarks, but I respectfully disagree. Basically, I believe that as a package it's not perfect. It does provide consumer protection. It is not what everyone wants, but we're still trying to resolve it. I refuse to take "no" for an answer when we have real people being taken advantage of out there in the market. It is my intent to try to help them one way or the other. Again, these bills are not perfect, but the legislative process is such that sometimes you have to compromise. We have been trying to work with both sides of the aisle and groups of interest groups.

So I'm going to continue to try to find ways to resolve this so that we can help real people. That's what my intent is to do. Hopefully, I will be successful. If not, then we'll come back next year and try it again.

Senator North's statement is as follows:

I would just rise to congratulate the St. Ignace Girls Basketball Team. They're going to be participating in the State Championship Semi-Finals tomorrow at Mount Pleasant for the fourth time in the last four years. If the proposed bridge tolls go up, maybe this will be the last year they will be able to afford to participate in the playoff activity.

### Committee Reports

The Committee on Judiciary reported

**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.

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, Schuette, 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. 4675, entitled**

A bill to amend 1992 PA 234, entitled "The judges retirement act of 1992," (MCL 38.2101 to 38.2670) by adding section 512.

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. 5291, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 1, 22, and 35 of chapter XVII (MCL 777.1, 777.22, and 777.35), section 1 as amended by 2002 PA 34, section 22 as amended by 2002 PA 143, and section 35 as amended by 2000 PA 279.

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

William Van Regenmorter  
Chairperson

## To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Schuette, 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. 5296, entitled**

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

With the recommendation that the bill pass.

William Van Regenmorter  
Chairperson

## To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

**House Bill No. 5297, entitled**

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

With the recommendation that the bill pass.

William Van Regenmorter  
Chairperson

## To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

**House Bill No. 5858, entitled**

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

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

William Van Regenmorter  
Chairperson

## To Report Out:

Yeas: Senators Van Regenmorter, McCotter, Bullard, Schuette, 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. 6079, entitled**

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

and section 368 as amended by 1998 PA 360, sections 263 and 264 as amended by 1997 PA 155, section 302 as amended by 1989 PA 85, section 375 as amended by 1996 PA 206, section 411a as amended by 2000 PA 370, section 411d as added by 1980 PA 490, section 502b as amended by 1991 PA 44, section 508 as amended by 1990 PA 77, section 540e as amended by 1988 PA 395, and section 540f as added by 1996 PA 333.

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

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

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

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

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

William Van Regenmorter  
Chairperson

To Report Out:

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

Nays: None

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

The Committee on Judiciary reported

**House Bill No. 6095, entitled**

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 7212, 7401, 7402, 7403, and 7404 (MCL 333.7212, 333.7401, 333.7402, 333.7403, and 333.7404), section 7212 as amended by 1998 PA 248, sections 7401 and 7403 as amended by 2001 PA 236, and sections 7402 and 7404 as amended by 2000 PA 314.

With the recommendation that the bill pass.

William Van Regenmorter  
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Judiciary reported

**House Bill No. 6096, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 13m of chapter XVII (MCL 777.13m), as added by 2002 PA 30.

With the recommendation that the bill pass.

William Van Regenmorter  
Chairperson

To Report Out:

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

Nays: None

The bill was referred to the Committee of the Whole.

#### COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, December 3, 2002, at 1:00 p.m., Room 405, Capitol Building

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

The Committee on Finance reported  
**Senate Bill No. 1203, entitled**

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

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.

Joanne G. Emmons  
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Garcia, Peters and Byrum

Nays: None

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

The Committee on Finance reported  
**Senate Bill No. 1445, entitled**

A bill to amend 2000 PA 403, entitled "Motor fuel tax act," by amending sections 40 and 41 (MCL 207.1040 and 207.1041).

With the recommendation that the bill pass.

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

Joanne G. Emmons  
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Garcia, Peters and Byrum

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported  
**House Bill No. 5403, entitled**

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

With the recommendation that the bill pass.

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

Joanne G. Emmons  
Chairperson

To Report Out:

Yeas: Senators Emmons, Bullard, Garcia, Peters and Byrum

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported  
**House Bill No. 6069, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 512 (MCL 206.512), as amended by 1996 PA 484.

With the recommendation that the bill pass.

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

Joanne G. Emmons  
Chairperson

To Report Out:

Yeas: Senators Emmons, Garcia and Byrum

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported  
**House Bill No. 6478, entitled**

A bill to amend 1937 PA 94, entitled "Use tax act," (MCL 205.91 to 205.111) by adding section 4x.

With the recommendation that the bill pass.

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

Joanne G. Emmons  
Chairperson

## To Report Out:

Yeas: Senators Emmons, Bullard, Garcia and Byrum

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Finance reported

**House Bill No. 6479, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 30 (MCL 206.30), as amended by 2000 PA 400.

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.

Joanne G. Emmons

Chairperson

## To Report Out:

Yeas: Senators Emmons, Bullard, Garcia and Byrum

Nays: None

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

The Committee on Finance reported

**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.

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.

Joanne G. Emmons

Chairperson

## To Report Out:

Yeas: Senators Emmons, Bullard, Garcia and Byrum

Nays: None

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

The Committee on Finance reported

**House Bill No. 6481, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 4aa.

With the recommendation that the bill pass.

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

Joanne G. Emmons

Chairperson

## To Report Out:

Yeas: Senators Emmons, Bullard, Garcia and Byrum

Nays: None

The bill was referred to the Committee of the Whole.

## COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Tuesday, December 3, 2002, at 1:10 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Emmons (C), Bullard, Garcia, Peters and Byrum

The Committee on Economic Development, International Trade and Regulatory Affairs reported  
**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.

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 Schuette  
 Chairperson

To Report Out:

Yeas: Senators Schuette, McCotter, Sanborn, Leland and Peters

Nays: None

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

The Committee on Economic Development, International Trade and Regulatory Affairs reported  
**House Bill No. 4035, entitled**

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending sections 701, 705, and 905 (MCL 436.1701, 436.1705, and 436.1905).

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

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

Bill Schuette  
 Chairperson

To Report Out:

Yeas: Senators Schuette, McCotter, Sanborn, Leland and Peters

Nays: None

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

The Committee on Economic Development, International Trade and Regulatory Affairs reported  
**House Bill No. 6501, entitled**

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 38g (MCL 208.38g), as added by 2000 PA 143.

With the recommendation that the bill pass.

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

Bill Schuette  
 Chairperson

To Report Out:

Yeas: Senators Schuette, McCotter, Sanborn, Leland and Peters

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Economic Development, International Trade and Regulatory Affairs reported  
**House Bill No. 6502, entitled**

A bill to amend 1996 PA 381, entitled "Brownfield redevelopment financing act," by amending sections 13 and 15 (MCL 125.2663 and 125.2665), as amended by 2000 PA 145.

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 Schuette  
 Chairperson

To Report Out:

Yeas: Senators Schuette, McCotter, Sanborn, Leland and Peters

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 Economic Development, International Trade and Regulatory Affairs submits the following:  
 Meeting held on Tuesday, December 3, 2002, at 1:10 p.m., Room 110, Farnum Building  
 Present: Senators Schuette (C), McCotter, Sanborn, Leland and Peters

## COMMITTEE ATTENDANCE REPORT

The Conference Committee on Home Solicitation Sales Do Not Call Register (HB 4042) submitted the following:  
Meeting held on Tuesday, December 3, 2002, at 8:30 a.m., Room H-428, Capitol Building  
Present: Senators Emmons and Steil  
Absent: Senator Cherry

## COMMITTEE ATTENDANCE REPORT

The Conference Committee on Home Solicitation Sales Unfair Practices (HB 4632) submitted the following:  
Meeting held on Tuesday, December 3, 2002, at 8:30 a.m., Room H-428, Capitol Building  
Present: Senators Emmons and Steil  
Absent: Senator Cherry

**Scheduled Meetings**

**Appropriations, Joint Senate/House** - Thursday, December 5, 8:30 a.m., House Appropriations Room, 3rd Floor, Capitol Building (373-6960)

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

**Transportation and Tourism** - Thursday, December 5, 12:00 p.m., or later immediately following session, Room 110, Farnum Building (373-1758)

Senator Emmons moved that the Senate adjourn.  
The motion prevailed, the time being 1:20 p.m.

The President pro tempore, Senator Schwarz, declared the Senate adjourned until Thursday, December 5, at 10:00 a.m.

CAROL MOREY VIVENTI  
Secretary of the Senate.

