

No. 48
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
92nd Legislature
REGULAR SESSION OF 2003

House Chamber, Lansing, Thursday, June 5, 2003.

10:00 a.m.

The House was called to order by the Speaker Pro Tempore.

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

Accavitti—present	Garfield—present	Meyer—present	Sheen—present
Acciavatti—present	Gieleghem—present	Middaugh—present	Sheltrown—present
Adamini—present	Gillard—present	Milosch—present	Shulman—present
Amos—present	Gleason—present	Minore—present	Smith—present
Anderson—present	Hager—present	Moolenaar—present	Spade—present
Bieda—present	Hardman—present	Mortimer—present	Stahl—present
Bisbee—present	Hart—excused	Murphy—present	Stakoe—present
Bradstreet—present	Hood—present	Newell—present	Stallworth—present
Brandenburg—present	Hoogendyk—present	Nitz—present	Steil—present
Brown—present	Hopgood—present	Nofs—present	Stewart—present
Byrum—present	Howell—present	O’Neil—present	Tabor—present
Casperson—present	Huizenga—present	Paletko—present	Taub—present
Caswell—present	Hummel—present	Palmer—present	Tobocman—present
Caul—present	Hune—present	Palsrok—present	Vagnozzi—present
Cheeks—present	Hunter—present	Pappageorge—present	Van Regenmorter—present
Clack—present	Jamnack—excused	Pastor—present	Vander Veen—present
Condino—present	Johnson, Rick—present	Phillips—present	Voorhees—present
Daniels—present	Johnson, Ruth—present	Plakas—present	Walker—present
Dennis—present	Julian—present	Pumford—present	Ward—present
DeRoche—present	Koetje—present	Reeves—present	Waters—present
DeRossett—present	Kolb—present	Richardville—present	Wenke—present
Drolet—present	Kooiman—present	Rivet—present	Whitmer—present
Ehardt—present	LaJoy—present	Robertson—present	Williams—present
Elkins—present	LaSata—present	Rocca—present	Wojno—present
Emmons—present	Law—present	Sak—present	Woodward—present
Farhat—present	Lipsey—present	Shackleton—present	Woronchak—present
Farrah—present	McConico—present	Shaffer—present	Zelenko—present
Gaffney—present	Meisner—present		

e/d/s = entered during session

Rep. Alexander C. Lipsey, from the 60th District, offered the following invocation:

“O Endless Creator, Force of Life, Seat of the Unconscious, Dharma, Atman, Ra, Qalb, Dear Center of our Love, Christlight, Yaweh, Allah, Mawu, Mother of the Universe . . . Let us, when swimming with the stream, become the stream . . . Let us, when moving with the music, become the music . . . Let us, when rocking the wounded, become the suffering . . . Let us live deep enough till there is only one direction . . . and slow enough till there is only the beginning of time . . . and loud enough in our hearts till there is no need to speak . . . Let us live in our hands till our minds grow humble as a root . . . Let us live for the grace beneath all we want, let us see it in everything and everyone, till we admit to the mystery that when I look deep enough into You, I find me, and when You dare to hear my fear in the recess of Your heart, You recognize it as Your secret which You thought no one else knew . . . O let us embrace. Amen.”

Rep. Waters moved that Rep. Jamnick be excused from today’s session.
The motion prevailed.

Rep. Palmer moved that Rep. Hart be excused from today’s session.
The motion prevailed.

Second Reading of Bills

House Bill No. 4280, entitled

A bill to amend 1980 PA 350, entitled “The nonprofit health care corporation reform act,” (MCL 550.1101 to 550.1704) by adding sections 422a and 422b.

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

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 4280, entitled

A bill to amend 1980 PA 350, entitled “The nonprofit health care corporation reform act,” (MCL 550.1101 to 550.1704) by adding sections 422a and 422b.

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

Roll Call No. 187

Yeas—107

Accavitti	Gaffney	Meyer	Sheltrown
Acciavatti	Garfield	Middaugh	Shulman
Adamini	Gielegem	Milosch	Smith
Amos	Gillard	Minore	Spade
Anderson	Gleason	Moolenaar	Stahl
Bieda	Hager	Mortimer	Stakoe
Bisbee	Hardman	Murphy	Stallworth
Bradstreet	Hood	Newell	Steil
Brandenburg	Hoogendyk	Nitz	Stewart
Brown	Hopgood	Nofs	Tabor
Byrum	Howell	O’Neil	Taub

Casperson	Huizenga	Paletko	Tobocman
Caswell	Hummel	Palmer	Vagnozzi
Caul	Hune	Palsrok	Van Regenmorter
Cheeks	Hunter	Pappageorge	Vander Veen
Clack	Johnson, Rick	Pastor	Voorhees
Condino	Johnson, Ruth	Phillips	Walker
Daniels	Julian	Plakas	Ward
Dennis	Koetje	Pumford	Waters
DeRoche	Kolb	Reeves	Wenke
DeRossett	Kooiman	Richardville	Whitmer
Drolet	LaJoy	Rivet	Williams
Ehardt	LaSata	Robertson	Wojno
Elkins	Law	Rocca	Woodward
Emmons	Lipsey	Sak	Woronchak
Farhat	McConico	Shackleton	Zelenko
Farrar	Meisner	Shaffer	

Nays—1

Sheen

In The Chair: Julian

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

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

A bill to amend 1980 PA 350, entitled “The nonprofit health care corporation reform act,” (MCL 550.1101 to 550.1704) by adding sections 420a, 422a, and 422b.

The motion prevailed.

The House agreed to the title as amended.

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

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

Second Reading of Bills

House Bill No. 4281, entitled

A bill to amend 1980 PA 350, entitled “The nonprofit health care corporation reform act,” (MCL 550.1101 to 550.1704) by adding section 401i.

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

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 4281, entitled

A bill to amend 1980 PA 350, entitled “The nonprofit health care corporation reform act,” (MCL 550.1101 to 550.1704) by adding section 401i.

The bill was read a third time.

The question being on the passage of the bill,

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

Second Reading of Bills

House Bill No. 4282, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," by amending section 501 (MCL 550.1501).

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

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 4282, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," by amending section 501 (MCL 550.1501).

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

Roll Call No. 188

Yeas—108

Accavitti	Gaffney	Meyer	Sheen
Acciavatti	Garfield	Middaugh	Sheltrown
Adamini	Gielegthem	Milosch	Shulman
Amos	Gillard	Minore	Smith
Anderson	Gleason	Moolenaar	Spade
Bieda	Hager	Mortimer	Stahl
Bisbee	Hardman	Murphy	Stakoe
Bradstreet	Hood	Newell	Stallworth
Brandenburg	Hoogendyk	Nitz	Steil
Brown	Hopgood	Nofs	Stewart
Byrum	Howell	O'Neil	Tabor
Casperson	Huizenga	Paletko	Taub
Caswell	Hummel	Palmer	Tobocman
Caul	Hune	Palsrok	Vagnozzi
Cheeks	Hunter	Pappageorge	Van Regenmorter
Clack	Johnson, Rick	Pastor	Vander Veen
Condino	Johnson, Ruth	Phillips	Voorhees
Daniels	Julian	Plakas	Walker
Dennis	Koetje	Pumford	Ward
DeRoche	Kolb	Reeves	Waters
DeRossett	Kooiman	Richardville	Wenke
Drolet	LaJoy	Rivet	Whitmer
Ehardt	LaSata	Robertson	Williams
Elkins	Law	Rocca	Wojno
Emmons	Lipsey	Sak	Woodward
Farhat	McConico	Shackleton	Woronchak
Farrah	Meisner	Shaffer	Zelenko

Nays—0

In The Chair: Julian

The House agreed to the title of the bill.

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

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

Second Reading of Bills**Senate Bill No. 236, entitled**

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 422b.

The bill was read a second time.

Rep. Ehardt moved to substitute (H-1) the bill.

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills**Senate Bill No. 236, entitled**

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 422b.

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

Roll Call No. 189**Yeas—107**

Accavitti	Gaffney	Meyer	Sheltrown
Acciavatti	Garfield	Middaugh	Shulman
Adamini	Gielegem	Milosch	Smith
Amos	Gillard	Minore	Spade
Anderson	Gleason	Moolenaar	Stahl
Bieda	Hager	Mortimer	Stakoe
Bisbee	Hardman	Murphy	Stallworth
Bradstreet	Hood	Newell	Steil
Brandenburg	Hoogendyk	Nitz	Stewart
Brown	Hopgood	Nofs	Tabor
Byrum	Howell	O'Neil	Taub
Casperson	Huizenga	Paletko	Tobocman
Caswell	Hummel	Palmer	Vagnozzi
Caul	Hune	Palsrok	Van Regenmorter
Cheeks	Hunter	Pappageorge	Vander Veen
Clack	Johnson, Rick	Pastor	Voorhees
Condino	Johnson, Ruth	Phillips	Walker
Daniels	Julian	Plakas	Ward
Dennis	Koetje	Pumford	Waters
DeRoche	Kolb	Reeves	Wenke
DeRossett	Kooiman	Richardville	Whitmer

Drolet
Ehardt
Elkins
Emmons
Farhat
Farrah

LaJoy
LaSata
Law
Lipsey
McConico
Meisner

Rivet
Robertson
Rocca
Sak
Shackleton
Shaffer

Williams
Wojno
Woodward
Woronchak
Zelenko

Nays—1

Sheen

In The Chair: Julian

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

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

A bill to amend 1980 PA 350, entitled “An act to provide for the incorporation of nonprofit health care corporations; to provide their rights, powers, and immunities; to prescribe the powers and duties of certain state officers relative to the exercise of those rights, powers, and immunities; to prescribe certain conditions for the transaction of business by those corporations in this state; to define the relationship of health care providers to nonprofit health care corporations and to specify their rights, powers, and immunities with respect thereto; to provide for a Michigan caring program; to provide for the regulation and supervision of nonprofit health care corporations by the commissioner of insurance; to prescribe powers and duties of certain other state officers with respect to the regulation and supervision of nonprofit health care corporations; to provide for the imposition of a regulatory fee; to regulate the merger or consolidation of certain corporations; to prescribe an expeditious and effective procedure for the maintenance and conduct of certain administrative appeals relative to provider class plans; to provide for certain administrative hearings relative to rates for health care benefits; to provide for certain causes of action; to prescribe penalties and to provide civil fines for violations of this act; and to repeal certain acts and parts of acts,” (MCL 550.1101 to 550.1704) by adding sections 420a, 422a, and 422b.

The motion prevailed.

The House agreed to the title as amended.

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

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

Second Reading of Bills

Senate Bill No. 237, entitled

A bill to amend 1980 PA 350, entitled “The nonprofit health care corporation reform act,” (MCL 550.1101 to 550.1704) by adding section 401i.

The bill was read a second time.

Rep. Ehardt moved to substitute (H-1) the bill.

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 237, entitled

A bill to amend 1980 PA 350, entitled “The nonprofit health care corporation reform act,” (MCL 550.1101 to 550.1704) by adding section 401i.

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

Roll Call No. 190**Yeas—108**

Accavitti	Gaffney	Meyer	Sheen
Acciavatti	Garfield	Middaugh	Sheltrown
Adamini	Gielegem	Milosch	Shulman
Amos	Gillard	Minore	Smith
Anderson	Gleason	Moolenaar	Spade
Bieda	Hager	Mortimer	Stahl
Bisbee	Hardman	Murphy	Stakoe
Bradstreet	Hood	Newell	Stallworth
Brandenburg	Hoogendyk	Nitz	Steil
Brown	Hopgood	Nofs	Stewart
Byrum	Howell	O'Neil	Tabor
Casperson	Huizenga	Paletko	Taub
Caswell	Hummel	Palmer	Tobocman
Caul	Hune	Palsrok	Vagnozzi
Cheeks	Hunter	Pappageorge	Van Regenmorter
Clack	Johnson, Rick	Pastor	Vander Veen
Condino	Johnson, Ruth	Phillips	Voorhees
Daniels	Julian	Plakas	Walker
Dennis	Koetje	Pumford	Ward
DeRoche	Kolb	Reeves	Waters
DeRossett	Kooiman	Richardville	Wenke
Drolet	LaJoy	Rivet	Whitmer
Ehardt	LaSata	Robertson	Williams
Elkins	Law	Rocca	Wojno
Emmons	Lipsey	Sak	Woodward
Farhat	McConico	Shackleton	Woronchak
Farrah	Meisner	Shaffer	Zelenko

Nays—0

In The Chair: Julian

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

“An act to provide for the incorporation of nonprofit health care corporations; to provide their rights, powers, and immunities; to prescribe the powers and duties of certain state officers relative to the exercise of those rights, powers, and immunities; to prescribe certain conditions for the transaction of business by those corporations in this state; to define the relationship of health care providers to nonprofit health care corporations and to specify their rights, powers, and immunities with respect thereto; to provide for a Michigan caring program; to provide for the regulation and supervision of nonprofit health care corporations by the commissioner of insurance; to prescribe powers and duties of certain other state officers with respect to the regulation and supervision of nonprofit health care corporations; to provide for the imposition of a regulatory fee; to regulate the merger or consolidation of certain corporations; to prescribe an expeditious and effective procedure for the maintenance and conduct of certain administrative appeals relative to provider class plans; to provide for certain administrative hearings relative to rates for health care benefits; to provide for certain causes of action; to prescribe penalties and to provide civil fines for violations of this act; and to repeal certain acts and parts of acts,”

The House agreed to the full title.

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

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

Second Reading of Bills**Senate Bill No. 238, entitled**

A bill to amend 1980 PA 350, entitled “The nonprofit health care corporation reform act,” by amending section 501 (MCL 550.1501).

The bill was read a second time.

Rep. Ehardt moved to substitute (H-1) the bill.

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 238, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," by amending section 501 (MCL 550.1501).

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

Roll Call No. 191

Yeas—108

Accavitti	Gaffney	Meyer	Sheen
Acciavatti	Garfield	Middaugh	Sheltrown
Adamini	Gielegem	Milosch	Shulman
Amos	Gillard	Minore	Smith
Anderson	Gleason	Moolenaar	Spade
Bieda	Hager	Mortimer	Stahl
Bisbee	Hardman	Murphy	Stakoe
Bradstreet	Hood	Newell	Stallworth
Brandenburg	Hoogendyk	Nitz	Steil
Brown	Hopgood	Nofs	Stewart
Byrum	Howell	O'Neil	Tabor
Casperson	Huizenga	Paletko	Taub
Caswell	Hummel	Palmer	Tobocman
Caul	Hune	Palsrok	Vagnozzi
Cheeks	Hunter	Pappageorge	Van Regenmorter
Clack	Johnson, Rick	Pastor	Vander Veen
Condino	Johnson, Ruth	Phillips	Voorhees
Daniels	Julian	Plakas	Walker
Dennis	Koetje	Pumford	Ward
DeRoche	Kolb	Reeves	Waters
DeRossett	Kooiman	Richardville	Wenke
Drolet	LaJoy	Rivet	Whitmer
Ehardt	LaSata	Robertson	Williams
Elkins	Law	Rocca	Wojno
Emmons	Lipsey	Sak	Woodward
Farhat	McConico	Shackleton	Woronchak
Farrah	Meisner	Shaffer	Zelenko

Nays—0

In The Chair: Julian

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

"An act to provide for the incorporation of nonprofit health care corporations; to provide their rights, powers, and immunities; to prescribe the powers and duties of certain state officers relative to the exercise of those rights, powers,

and immunities; to prescribe certain conditions for the transaction of business by those corporations in this state; to define the relationship of health care providers to nonprofit health care corporations and to specify their rights, powers, and immunities with respect thereto; to provide for a Michigan caring program; to provide for the regulation and supervision of nonprofit health care corporations by the commissioner of insurance; to prescribe powers and duties of certain other state officers with respect to the regulation and supervision of nonprofit health care corporations; to provide for the imposition of a regulatory fee; to regulate the merger or consolidation of certain corporations; to prescribe an expeditious and effective procedure for the maintenance and conduct of certain administrative appeals relative to provider class plans; to provide for certain administrative hearings relative to rates for health care benefits; to provide for certain causes of action; to prescribe penalties and to provide civil fines for violations of this act; and to repeal certain acts and parts of acts,”

The House agreed to the full title.

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

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

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

By unanimous consent the House returned to the order of

Reports of Standing Committees

The Committee on Family and Children Services, by Rep. Hager, Chair, reported

House Resolution No. 28.

A resolution to urge the Governor to create a commission on student backpack safety.

(For text of resolution, see House Journal No. 20, p. 235.)

With the recommendation that the following substitute (H-1) be adopted and that the resolution then be adopted.

Substitute for House Resolution No. 28.

A resolution to urge the Governor to proclaim October as student backpack safety month.

Whereas, The United States Consumer Product Safety Commission cites that in 1999, more than 3,400 pupils between the ages of 5 and 14 sought treatment in hospital emergency rooms for injuries related to backpacks and book bags. Overall, 7,000 people sought treatment in hospital emergency rooms for backpack-related injuries; and

Whereas, The American Chiropractic Association states that a child's backpack should weigh no more than 10 percent of his or her body weight. The average weight of a child's backpack is 20 pounds, which is much higher than 10 percent of the average weight of a 14-year-old child, which is approximately 123 pounds, according to the Centers for Disease Control and Prevention; and

Whereas, The New Jersey State Bar Foundation cites the organization Backpack Safety America in saying that over the course of a 180-day school year, a student could carry as much as 21,600 pounds, which is equivalent to carrying six full-sized automobiles; and

Whereas, A 1999 survey conducted by the American Academy of Orthopedic Surgeons found that more than 70 percent of orthopedic surgeons indicated that backpacks can become a clinical problem in school-age children if not enough attention is given to keeping the weight of the backpacks within reasonable levels. The same study revealed that 58 percent of the orthopedists polled reported seeing kids with back or shoulder pain related to backpacks; now, therefore, be it

Resolved by the House of Representatives, That we urge the Governor to proclaim October as student backpack safety month for the purpose of raising awareness of the effects of heavy backpacks on the children of Michigan, and how to best address any present or imminent problems presented by excessive backpack weight; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the Governor.

The Speaker announced that under Rule 77 the resolution would lie over one day.

Favorable Roll Call

To Report Out:

Yeas: Reps. Hager, Stahl, Hart, Voorhees, Sheen, Hardman and Clack

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Hager, Chair of the Committee on Family and Children Services, was received and read:

Meeting held on: Wednesday, June 4, 2003, at 2:35 p.m.

Present: Reps. Hager, Stahl, Hart, Vander Veen, Voorhees, Sheen, Hardman, Clack and Elkins

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

House Bill No. 4708, entitled

A bill to amend 1909 PA 283, entitled "An act to revise, consolidate, and add to the laws relating to the establishment, opening, discontinuing, vacating, closing, altering, improvement, maintenance, and use of the public highways and private roads; the condemnation of property and gravel therefor; the building, repairing and preservation of bridges; maintaining public access to waterways under certain conditions; setting and protecting shade trees, drainage, and cutting weeds and brush within this state; providing for the election or appointment and defining the powers, duties, and compensation of state, county, township, and district highway officials; and to prescribe penalties and provide remedies," by amending section 10 (MCL 224.10), as amended by 1989 PA 251.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills and laid over one day.

Favorable Roll Call

To Report Out:

Yeas: Reps. DeRossett, Casperson, Hummel, Gaffney, Hune, LaJoy, Robertson, Anderson, Gleason, Tobocman, Adamini, Murphy and Elkins

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, June 5, 2003, at 9:00 a.m.

Present: Reps. DeRossett, Casperson, Hummel, Gaffney, Hune, LaJoy, Robertson, Anderson, Gleason, Tobocman, Adamini, Murphy and Elkins

Absent: Reps. DeRoche, Huizenga, Ward and Jamnick

Excused: Reps. DeRoche, Huizenga, Ward and Jamnick

The Committee on Senior Health, Security and Retirement, by Rep. Woronchak, Chair, reported

House Bill No. 4340, entitled

A bill to amend 1980 PA 300, entitled "The public school employees retirement act of 1979," by amending section 61 (MCL 38.1361), as amended by 2001 PA 30.

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

The bill and substitute were referred to the order of Second Reading of Bills and laid over one day.

Favorable Roll Call

To Report Out:

Yeas: Reps. Woronchak, Mortimer, Pappageorge, Rocca, Tabor, Vander Veen, Stallworth, Vagnozzi and Zelenko

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Woronchak, Chair of the Committee on Senior Health, Security and Retirement, was received and read:

Meeting held on: Thursday, June 5, 2003, at 9:00 a.m.

Present: Reps. Woronchak, Mortimer, Pappageorge, Rocca, Tabor, Vander Veen, Stallworth, Vagnozzi and Zelenko

Announcement by the Clerk of Printing and Enrollment

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

House Bill Nos. 4804 4805 4806

The Clerk announced that the following Senate bills had been received on Thursday, June 5:

Senate Bill Nos. 379 380 381 382 383 384 472

By unanimous consent the House returned to the order of
Notices

June 4, 2003

Mr. Gary Randall, Clerk of the House
Ground Floor, Capitol
Lansing, Michigan 48909

Dear Mr. Randall:

I am writing to inform you that Representatives Mickey Mortimer and Paul Condino have been added to the Standing Committee on Insurance. Also, Representatives Mickey Mortimer and Paula Zelenko have been added to the Appropriations Committee.

Representatives Mortimer and Zelenko will serve on the Fiscal Oversight Subcommittee and Representative Mortimer will take the seat as Vice Chair of Fiscal Oversight. Representative Judy Emmons will continue to serve as a member of the subcommittee.

Please feel free to contact my office, should you have any questions.

Sincerely,
Rick Johnson
Speaker of the House

Introduction of Bills

Rep. Casperson introduced

House Bill No. 4807, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 311 (MCL 206.311), as amended by 1987 PA 254.

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

Reps. Richardville, Ehardt, Tabor, Bieda, Gillard, Garfield, Farhat, Gleason, Rocca, Byrum and Meyer introduced

House Bill No. 4808, entitled

A bill to regulate watercraft manufacturers, distributors, wholesalers, dealers, and their representatives; to regulate their dealings with dealers and consumers; to prohibit unfair practices; to provide remedies and penalties; and to repeal acts and parts of acts.

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

Reps. Hunter, Gaffney, Rivet, Lipsey, Tobocman, Kolb, Richardville, Howell, Kooiman, Farhat, LaSata, Jamnick, Woronchak, Pumford, Gleason, Condino, McConico and Huizenga introduced

House Bill No. 4809, entitled

A bill to provide for the creation, operation, and dissolution of neighborhood improvement districts; to permit the creation of certain boards; and to authorize the collection and disbursement of revenue.

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

Reps. Pastor, Vander Veen, Amos, Voorhees, Emmons, Brandenburg and Garfield introduced

House Bill No. 4810, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 4921 and 4969 (MCL 600.4921 and 600.4969), as added by 1986 PA 178.

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

Reps. Pastor, Brandenburg, Garfield and Vander Veen introduced
House Bill No. 4811, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 5739 (MCL 600.5739).
 The bill was read a first time by its title and referred to the Committee on Judiciary.

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

House Concurrent Resolution No. 9.

A concurrent resolution to memorialize the Congress of the United States to enact legislation to provide for tariff rate quotas to deal with the importation of dry milk protein concentrates.

(For text of concurrent resolution, see House Journal No. 22, p. 268.)

The Senate has adopted the concurrent resolution and named Senators Garcia, Prusi, Van Woerkom and Goschka as co-sponsors.

The concurrent resolution was referred to the Clerk for record.

House Concurrent Resolution No. 10.

A concurrent resolution to urge the United States Customs Service to work for greater enforcement of food safety standards by reconsidering the classification of dairy products, especially those containing milk protein concentrates.

(For text of concurrent resolution, see House Journal No. 22, p. 268.)

The Senate has adopted the concurrent resolution and named Senators Allen, Garcia, Jelinek, Prusi, Switalski, Van Woerkom, Clarke and Goschka as co-sponsors.

The concurrent resolution was referred to the Clerk for record.

House Concurrent Resolution No. 11.

A concurrent resolution to memorialize the Congress of the United States to enact legislation that will address the issue of the improper labeling and classification of dairy products.

(For text of concurrent resolution, see House Journal No. 22, p. 269.)

The Senate has adopted the concurrent resolution and named Senators Allen, Garcia, Jelinek, Prusi, Switalski, Van Woerkom, Clarke and Goschka as co-sponsors.

The concurrent resolution was referred to the Clerk for record.

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

Rep. Palmer moved that Reps. Shackleton and Tabor be excused from the balance of today's session.
 The motion prevailed.

Third Reading of Bills

The House returned to the consideration of

House Bill No. 4281, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 401i.

(The bill was considered earlier today, see today's Journal p. 733.)

The question being on the passage of the bill,

The bill was then passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 192

Yeas—104

Accavitti
 Acciavatti

Farrah
 Gaffney

Meisner
 Meyer

Sheen
 Sheltroun

Adamini	Garfield	Middaugh	Shulman
Amos	Gielegem	Milosch	Smith
Anderson	Gillard	Moolenaar	Spade
Bieda	Gleason	Mortimer	Stahl
Bisbee	Hager	Murphy	Stakoe
Bradstreet	Hardman	Newell	Stallworth
Brandenburg	Hood	Nitz	Steil
Brown	Hoogendyk	Nofs	Stewart
Byrum	Hopgood	O'Neil	Taub
Casperson	Howell	Paletko	Tobocman
Caswell	Huizenga	Palmer	Vagnozzi
Caul	Hummel	Palsrok	Van Regenmorter
Cheeks	Hune	Pappageorge	Vander Veen
Clack	Hunter	Pastor	Voorhees
Condino	Johnson, Rick	Phillips	Walker
Daniels	Johnson, Ruth	Plakas	Ward
Dennis	Julian	Pumford	Waters
DeRoche	Koetje	Reeves	Wenke
DeRossett	Kolb	Richardville	Whitmer
Drolet	Kooiman	Rivet	Williams
Ehardt	LaJoy	Robertson	Wojno
Elkins	LaSata	Rocca	Woodward
Emmons	Lipsey	Sak	Woronchak
Farhat	McConico	Shaffer	Zelenko

Nays—1

Law

In The Chair: Julian

The House agreed to the title of the bill.

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

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

Second Reading of Bills

Senate Bill No. 234, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," by amending sections 204, 206, 207, 211, 401, 502, 602, 606, and 609 (MCL 550.1204, 550.1206, 550.1207, 550.1211, 550.1401, 550.1502, 550.1602, 550.1606, and 550.1609), section 207 as amended by 1999 PA 210, section 211 as amended by 1993 PA 127, section 401 as amended by 2000 PA 26, section 502 as amended by 1998 PA 446, and section 609 as amended by 1991 PA 61, and by adding sections 204a, 205a, 219, 401j; and to repeal acts and parts of acts.

The bill was read a second time.

Rep. Ehardt moved to substitute (H-2) the bill.

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

Rep. O'Neil moved to amend the bill as follows:

1. Amend page 3, line 12, by striking out all of section 201.

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

Rep. Ehardt moved to amend the bill as follows:

1. Amend page 9, line 5, after “**until**” by striking out “**January 1, 2007**” and inserting “**March 1, 2007**”.
The motion prevailed and the amendment was adopted, a majority of the members serving voting therefor.

Rep. Vander Veen moved to amend the bill as follows:

1. Amend page 23, following line 23, by inserting:

“**Sec. 403b. A health care corporation shall not include in any bill for services or products any advertising material for any other service or product sold by the corporation or by a person controlled by the corporation.**”.

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

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

The motion prevailed.

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

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

Rep. Waters moved that Rep. Stallworth be excused temporarily from today’s session.

The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 234, entitled

A bill to amend 1980 PA 350, entitled “The nonprofit health care corporation reform act,” by amending sections 204, 206, 207, 211, 401, 502, 602, 606, and 609 (MCL 550.1204, 550.1206, 550.1207, 550.1211, 550.1401, 550.1502, 550.1602, 550.1606, and 550.1609), section 207 as amended by 1999 PA 210, section 211 as amended by 1993 PA 127, section 401 as amended by 2000 PA 26, section 502 as amended by 1998 PA 446, and section 609 as amended by 1991 PA 61, and by adding sections 204a, 205a, 219, 401j; and to repeal acts and parts of acts.

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

Roll Call No. 193

Yeas—104

Accavitti	Farrah	McConico	Shaffer
Acciavatti	Gaffney	Meisner	Sheen
Adamini	Garfield	Meyer	Sheltrown
Amos	Gielegem	Middaugh	Shulman
Anderson	Gillard	Milosch	Smith
Bieda	Gleason	Moolenaar	Spade
Bisbee	Hager	Mortimer	Stahl
Bradstreet	Hardman	Murphy	Stakoe
Brandenburg	Hood	Newell	Steil
Brown	Hoogendyk	Nitz	Stewart
Byrum	Hopgood	Nofs	Taub
Casperson	Howell	O’Neil	Tobocman
Caswell	Huizenga	Paletko	Vagnozzi
Caul	Hummel	Palmer	Van Regenmorter
Cheeks	Hune	Palsrok	Vander Veen
Clack	Hunter	Pappageorge	Voorhees
Condino	Johnson, Rick	Pastor	Walker
Daniels	Johnson, Ruth	Phillips	Ward
Dennis	Julian	Plakas	Waters
DeRoche	Koetje	Pumford	Wenke
DeRossett	Kolb	Reeves	Whitmer

Drolet
Ehardt
Elkins
Emmons
Farhat

Kooiman
LaJoy
LaSata
Law
Lipsey

Richardville
Rivet
Robertson
Rocca
Sak

Williams
Wojno
Woodward
Woronchak
Zelenko

Nays—0

In The Chair: Julian

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

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

A bill to amend 1980 PA 350, entitled “An act to provide for the incorporation of nonprofit health care corporations; to provide their rights, powers, and immunities; to prescribe the powers and duties of certain state officers relative to the exercise of those rights, powers, and immunities; to prescribe certain conditions for the transaction of business by those corporations in this state; to define the relationship of health care providers to nonprofit health care corporations and to specify their rights, powers, and immunities with respect thereto; to provide for a Michigan caring program; to provide for the regulation and supervision of nonprofit health care corporations by the commissioner of insurance; to prescribe powers and duties of certain other state officers with respect to the regulation and supervision of nonprofit health care corporations; to provide for the imposition of a regulatory fee; to regulate the merger or consolidation of certain corporations; to prescribe an expeditious and effective procedure for the maintenance and conduct of certain administrative appeals relative to provider class plans; to provide for certain administrative hearings relative to rates for health care benefits; to provide for certain causes of action; to prescribe penalties and to provide civil fines for violations of this act; and to repeal certain acts and parts of acts,” by amending sections 107, 204, 206, 207, 211, 502, 602, 606, 607, 608, 609, 610, 613, and 619 (MCL 550.1107, 550.1204, 550.1206, 550.1207, 550.1211, 550.1502, 550.1602, 550.1606, 550.1607, 550.1608, 550.1609, 550.1610, 550.1613, and 550.1619), section 207 as amended by 1999 PA 210, section 211 as amended by 1993 PA 127, section 502 as amended by 1998 PA 446, section 608 as amended by 1991 PA 73, and section 609 as amended by 1991 PA 61, and by adding sections 204a, 205a, 219, 401j, 403b, and 422c; and to repeal acts and parts of acts.

The motion prevailed.

The House agreed to the title as amended.

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

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

Second Reading of Bills

Senate Bill No. 460, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending section 3406q (MCL 500.3406q), as added by 2002 PA 538, and by adding chapter 37.

The bill was read a second time.

Rep. Ehardt moved to substitute (H-2) the bill.

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

Rep. Van Regenmorter moved to amend the bill as follows:

1. Amend page 10, following line 11, by inserting:

“**Sec. 3704. For health benefit plans offered under this chapter, a health maintenance organization is not required to offer basic health services, as defined in MCL 500.3501 (b). All health benefit plans offered by a health maintenance organization shall include coverage for preventative services.**”.

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

Rep. Ehardt moved to amend the bill as follows:

1. Amend page 8, line 6, after “**carrier**” by inserting “**to each small employer or sole proprietor**”.

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

Rep. Ehardt moved to amend the bill as follows:

1. Amend page 16, line 16, after **“organization,”** by inserting **“an adjustment not to exceed 35% annually, and adjusted pro rata for rating periods of less than 1 year, due to industry, age, gender, and group size of the small employer’s employees or the employees’ dependents or of the sole proprietor or the sole proprietor’s dependents and”**.

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

Rep. Ehardt moved to amend the bill as follows:

1. Amend page 10, line 17, by striking out all of line 17 through line 22 and inserting:

“(2) Except as otherwise provided in subsection (3), the premiums for a health benefit plan under this chapter are subject to the following:”.

2. Amend page 11, line 26, by striking out all of line 26 through **“February 29, 2008.”** on line 1 of page 12 and inserting:

“(3) This subsection applies beginning on the effective date of this chapter and continuing until the next renewal period for a health benefit plan following February 29, 2008 at which time subsection (2) shall apply.”.

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

Rep. Ehardt moved to amend the bill as follows:

1. Amend page 26, line 5, after **“a”** by striking out **“filing”** and inserting **“request”**.

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

Rep. Sheen moved to amend the bill as follows:

1. Amend page 26, following line 4, by inserting:

“Sec. 3716. This chapter does not apply to a health benefit plan covering an employee of a small employer that is a high deductible plan, as defined in section 220 of the internal revenue code of 1986, issued in conjunction with an Archer medical savings account or with a health reimbursement arrangement.”.

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

Rep. Ehardt moved to amend the bill as follows:

1. Amend page 26, line 5, after **“Sec. 3717.”** by inserting **“(1)”**.

2. Amend page 26, following line 13, by inserting:

“(2) A small employer carrier that is not a nonprofit health care corporation or health maintenance organization and whose capital and surplus as concerns policyholders as of December 31, 2003 as shown on the annual financial statement filed with the commissioner is \$8,000,000.00 or less may be exempt from this chapter, if the carrier files with the commissioner a written request for an exemption and the commissioner, after reviewing the carrier’s request and annual financial statement, determines an exemption is warranted.

(3) An exemption granted under subsection (2) is effective for 3 years, so long as the carrier experiences no disproportionate growth in premium volume in business written, or changes in the carrier’s pattern, location, or contours of that insurance business which indicate that the carrier is utilizing its exemption to take unfair competitive advantage of competing carriers who do not qualify for the exemption. A carrier that meets the requirements of subsections (2) to (5) may reapply every 3 years to the commissioner for a subsection (2) exemption. The commissioner shall determine whether the continuation of the exemption is warranted.

(4) The commissioner shall not grant an exemption under subsection (2) to any carrier that directly, or indirectly through 1 or more intermediaries, controls, is controlled by, or is under common control with a carrier whose surplus as concerns policyholders is in excess of the amount stated in subsection (2).

(5) A carrier admitted to do business in this state after January 1, 2004 is not eligible for an exemption under subsection (2).

(6) This chapter does not apply to a health benefit plan covering an employee of a small employer that is a high deductible plan, as defined in section 220 of the internal revenue code of 1986, issued in conjunction with an Archer medical savings account or with a health reimbursement arrangement.”.

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

Rep. Van Regenmorter moved to amend the bill as follows:

1. Amend page 10, following line 11, by inserting:

“Sec. 3704. Notwithstanding section 3501, a health maintenance organization is not required to offer basic health services as defined in section 3501 in a health benefit plan under this chapter. A health maintenance organization shall make available upon request a health benefit plan that covers at a minimum physician services, inpatient services, outpatient services, ambulance services, and diagnostic lab and x-ray services. All health benefit plans offered by a health maintenance organization shall include preventative health services.”.

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

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

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

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

Senate Bill No. 460, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3406q (MCL 500.3406q), as added by 2002 PA 538, and by adding chapter 37.

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

Roll Call No. 194

Yeas—58

Acciavatti	Hager	Milosch	Sheen
Amos	Hoogendyk	Moolenaar	Shulman
Bisbee	Howell	Mortimer	Stahl
Bradstreet	Huizenga	Newell	Stakoe
Brandenburg	Hummel	Nitz	Steil
Casperson	Hune	Palmer	Stewart
Caswell	Johnson, Rick	Palsrok	Taub
Caul	Johnson, Ruth	Pappageorge	Van Regenmorter
DeRoche	Julian	Pastor	Vander Veen
DeRossett	Koetje	Pumford	Voorhees
Drolet	Kooiman	Richardville	Walker
Ehardt	LaJoy	Robertson	Ward
Emmons	LaSata	Rocca	Wenke
Gaffney	Meyer	Shaffer	Woronchak
Garfield	Middaugh		

Nays—45

Accavitti	Farhat	Lipsey	Sheltrown
Adamini	Farrah	McConico	Smith
Anderson	Gielegem	Meisner	Spade
Bieda	Gillard	Murphy	Tobocman
Brown	Gleason	Nofs	Vagnozzi
Byrum	Hardman	O'Neil	Waters
Cheeks	Hood	Paletko	Whitmer
Clack	Hopgood	Phillips	Williams
Condino	Hunter	Plakas	Wojno
Daniels	Kolb	Reeves	Woodward
Dennis	Law	Sak	Zelenko
Elkins			

In The Chair: Julian

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

"An act to revise, consolidate, and classify the laws relating to the insurance and surety business; to regulate the incorporation or formation of domestic insurance and surety companies and associations and the admission of foreign and alien companies and associations; to provide their rights, powers, and immunities and to prescribe the conditions

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

The House agreed to the full title.

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

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

Reps. Hunter, Accavitti, Whitmer, Anderson, Brown, Condino, Dennis, Gleason, Law, Farrah, Adamini, Hopgood, Kolb, Murphy, Byrum and Waters, having reserved the right to explain their protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted ‘No’ on Senate Bill 460 (H-2) because it does not meet its original intent, and it does not help many of Michigan’s citizens. This legislation does nothing to address the issue of cherry-picking in Michigan’s small employer market. Even if this legislation passes, commercial carriers will continue to cherry-pick consumers and charge Michigan’s families and senior citizens higher and higher health insurance rates. This legislation was originally crafted to help stabilize Michigan’s small group market, and to make sure that Blue Cross Blue Shield is around in the future to continue offering high quality insurance coverage to Michigan’s families. However, this substitute does more to protect the unregulated commercial insurance companies in Michigan than the 70% of individuals and families who rely on Blue Cross Blue Shield for their health insurance. In addition, under this bill, small group market reform will not be implemented until 2008. That is five years too late for Michigan’s families.”

Rep. Tobocman, having reserved the right to explain his protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted ‘No’ on Senate Bill 460 (H-2) because it does not meet its original intent, and it does not help many of Michigan’s citizens. This legislation does nothing to address the issue of cherry-picking in Michigan’s small employer market. Even if this legislation passes, commercial carriers will continue to cherry-pick consumers and charge Michigan’s families and senior citizens higher and higher health insurance rates. This legislation was originally crafted to help stabilize Michigan’s small group market, and to make sure that Blue Cross Blue Shield is around in the future to continue offering high quality insurance coverage to Michigan’s families. However, this substitute does more to protect the unregulated commercial insurance companies in Michigan than the 70% of individuals and families and 14,000+ residents of Southwest Detroit who rely on Blue Cross Blue Shield for their health insurance. In addition, under this bill, small group market reform will not be implemented until 2008. That is five years too late for Michigan’s families.”

Rep. Zelenko, having reserved the right to explain her protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

I voted ‘No’ on Senate Bill 460 (H-2) because I feel it does not meet its original intent, and therefore, it does not help many of Michigan’s citizens. Several last minute amendments were added on to this bill. I feel that policy as important as the health care insurance of our citizens deserves, at the very least, to return back to committee for further debate. Although, this legislation was originally crafted to help stabilize Michigan’s small group market, and to make sure that Blue Cross Blue Shield is around in the future to continue offering high quality insurance coverage to Michigan’s families, this legislation still allows for cherry-picking in Michigan’s small employer market whereby commercial carriers will continue to cherry-pick consumers and charge Michigan’s families and senior citizens higher and higher health insurance rates. SB 460, in the form passed today, does more to protect the unregulated commercial insurance companies in Michigan than the 70% of individuals and families who rely on Blue Cross Blue Shield for their health insurance. In addition, under this bill, small group market reform will not be implemented until 2008. That is five years too late for Michigan’s families.”

Second Reading of Bills

House Bill No. 4764, entitled

A bill to amend 1972 PA 284, entitled “Business corporation act,” by amending sections 511, 611, 791, and 798 (MCL 450.1511, 450.1611, 450.1791, and 450.1798), section 511 as amended by 1989 PA 121, section 611 as amended by 1997 PA 118, section 791 as amended by 1993 PA 91, and section 798 as added by 1988 PA 58.

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

The substitute (H-3) was not adopted, a majority of the members serving not voting therefor.

Reps. Huizenga and Tobocman moved to substitute (H-6) the bill.

The motion prevailed and the substitute (H-6) was adopted, a majority of the members serving voting therefor.

Rep. Rivet moved to amend the bill as follows:

1. Amend page 3, line 14, by striking out all of section 798a.

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 4764, entitled

A bill to amend 1972 PA 284, entitled “Business corporation act,” by amending sections 511, 611, 791, and 798 (MCL 450.1511, 450.1611, 450.1791, and 450.1798), section 511 as amended by 1989 PA 121, section 611 as amended by 1997 PA 118, section 791 as amended by 1993 PA 91, and section 798 as added by 1988 PA 58.

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

Roll Call No. 195

Yeas—77

Acciavatti	Gaffney	Lipsey	Rocca
Adamini	Garfield	McConico	Shaffer
Amos	Gillard	Meisner	Sheen
Bisbee	Gleason	Meyer	Shulman
Bradstreet	Hager	Middaugh	Smith
Brandenburg	Hood	Milosch	Spade
Brown	Hoogendyk	Moolenaar	Stahl

Byrum	Hopgood	Mortimer	Stakoe
Casperson	Howell	Murphy	Steil
Caswell	Huizenga	Newell	Stewart
Cheeks	Hummel	Nitz	Taub
Clack	Hune	Nofs	Tobocman
Condino	Hunter	Palmer	Vagnozzi
DeRoche	Johnson, Rick	Pappageorge	Van Regenmorter
DeRossett	Johnson, Ruth	Pastor	Vander Veen
Drolet	Koetje	Phillips	Voorhees
Ehardt	Kolb	Reeves	Wenke
Elkins	Koومان	Richardville	Whitmer
Emmons	LaJoy	Robertson	Zelenko
Farhat			

Nays—27

Accavitti	Gielegem	Palsrok	Ward
Anderson	Hardman	Plakas	Waters
Bieda	Julian	Pumford	Williams
Caul	LaSata	Rivet	Wojno
Daniels	Law	Sak	Woodward
Dennis	O'Neil	Sheltrown	Woronchak
Farrah	Paletko	Walker	

In The Chair: Julian

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

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

A bill to amend 1972 PA 284, entitled "Business corporation act," by amending section 791 (MCL 450.1791), as amended by 1993 PA 91, and by adding section 798a.

The motion prevailed.

The House agreed to the title as amended.

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

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

Reps. Rocca, Rick Johnson, Koetje, Hoogendyk and Stahl were named co-sponsors of the bill.

Reps. Anderson, Dennis and Waters, having reserved the right to explain their protest against the passage of the bill, made the following statement:

"Mr. Speaker and members of the House:

I voted no on House Bill 4764 (H-6) because I believe the House has not fully explored all of the ramifications of this bill, including its impact on an impending federal court case involving a hostile takeover of a Michigan corporation. I believe this issue should be further studied in committee with time to contemplate the consequences of any action we might take on this section of the Business Corporations Act."

Rep. Accavitti, having reserved the right to explain his protest against the passage of the bill, made the following statement:

"Mr. Speaker and members of the House:

I voted no on House Bill 4764 (H-6) because I believe the House has not fully explored all of the ramifications of this bill, including its impact on an impending federal court case involving a hostile takeover of a Michigan corporation. I believe this issue should be further studied in committee with time to contemplate the consequences of any action we might take on this section of the Business Corporations Act. Additionally, this is not the bill that was passed out of committee and has been grossly distorted from the good it could have accomplished."

Rep. Law, having reserved the right to explain her protest against the passage of the bill, made the following statement:
“Mr. Speaker and members of the House:

My NO vote reflects my belief that the judicial system needs to complete their work, This case is in appeal court and making law prior to court decision is premature.”

Notices

June 5, 2003

Mr. Gary Randall, Clerk of the House
Ground Floor, Capitol
Lansing, Michigan 48909

Dear Mr. Randall,

I am writing to inform you of the following changes; I am removing Representative Jack Brandenburg from the Committee on Commerce and replacing him with Representative Joe Hune. Also, I am removing Representative Jack Brandenburg from the Committee on Land Use and Environment and replacing him with Representative Stephen Ehardt.

Thank you for your attention in this matter. If you have any questions, please do not hesitate to contact my office.

Sincerely,
Rick Johnson
Speaker of the House

Messages from the Governor

Date: June 4, 2003

Time: 4:17 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4257 (Public Act No. 14, I.E.), being

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts,” by amending sections 30301, 30305, 30306, 30312, 32501, 32512, and 32513 (MCL 324.30301, 324.30305, 324.30306, 324.30312, 324.32501, 324.32512, and 324.32513), sections 30301, 30312, 32501, and 32512 as added by 1995 PA 59, section 30305 as amended by 1996 PA 550, section 30306 as amended by 1998 PA 228, and section 32513 as amended by 1999 PA 106, and by adding sections 32512a and 32516.

(Filed with the Secretary of State June 5, 2003, at 2:18 p.m.)

Rep. Koetje moved that the House adjourn.

The motion prevailed, the time being 3:25 p.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, June 10, at 1:00 p.m.

GARY L. RANDALL
Clerk of the House of Representatives

