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House Chamber, Lansing, Wednesday, October 17, 2007.

1:30 p.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	Dillon—present	Lahti—present	Pearce—present
Acciavatti—present	Donigan—present	LaJoy—present	Polidori—present
Agema—present	Ebli—present	Law, David—present	Proos—present
Amos—present	Elsenheimer—present	Law, Kathleen—present	Robertson—present
Angerer—present	Emmons—present	LeBlanc—present	Rocca—present
Ball—present	Espinoza—present	Leland—present	Sak—present
Bauer—present	Farrah—excused	Lemmons—present	Schuitmaker—present
Bennett—present	Gaffney—present	Lindberg—present	Scott—present
Bieda—present	Garfield—excused	Marleau—present	Shaffer—present
Booher—present	Gillard—present	Mayes—present	Sheen—present
Brandenburg—present	Gonzales—present	McDowell—present	Sheltrown—present
Brown—present	Green—present	Meadows—present	Simpson—present
Byrnes—present	Griffin—present	Meekhof—present	Smith, Alma—present
Byrum—present	Hammel—present	Meisner—present	Smith, Virgil—present
Calley—present	Hammon—present	Melton—present	Spade—present
Casperson—present	Hansen—present	Meltzer—present	Stahl—present
Caswell—present	Hildenbrand—present	Miller—present	Stakoe—present
Caul—present	Hood—present	Moolenaar—present	Steil—present
Cheeks—present	Hoogendyk—present	Moore—present	Tobocman—present
Clack—present	Hopgood—present	Moss—present	Vagnozzi—present
Clemente—present	Horn—present	Nitz—present	Valentine—present
Condino—present	Huizenga—present	Nofs—present	Walker—present
Constan—present	Hune—present	Opsommer—present	Ward—excused
Corriveau—present	Jackson—present	Palmer—present	Warren—present
Coulouris—present	Johnson—present	Palsrok—present	Wenke—present
Cushingberry—present	Jones, Rick—present	Pastor—present	Wojno—present
Dean—present	Jones, Robert—present	Pavlov—present	Young—present
DeRoche—present	Knollenberg—present		

e/d/s = entered during session

Rep. Robert Dean, from the 75th District, offered the following invocation:

“Our Father, as we come to You at this moment, this hour, this day, teach us how to speak to Thee. May Thy spirit lead us into the light, for we know so little about You and are so dull and slow to learn. Will Thou forgive us when we do wrong and keep us from going away from Thee? O good shepherd the wilderness is so large and we are so weak, and so easily lose our way. Keep us from the wild beast of sin and may we never miss the path that leads to Thy fold, in Christ Jesus’ name, Amen.”

Rep. Booher moved that Reps. Garfield and Ward be excused from today’s session.
The motion prevailed.

Rep. Tobocman moved that Rep. Farrah be excused from today’s session.
The motion prevailed.

Second Reading of Bills

House Bill No. 5036, entitled

A bill to amend 1941 PA 207, entitled “Fire prevention code,” by amending section 2c (MCL 29.2c), as amended by 2006 PA 189.

Was read a second time, and the question being on the adoption of the proposed amendments previously recommended by the Committee on Appropriations (for amendments, see House Journal No. 86, p. 1446),

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

Rep. Robertson moved to amend the bill as follows:

1. Amend page 2, line 10, after the first “**THE**” by striking out the balance of the line through “**BOARD**” on line 11 and inserting “**LEGISLATURE, IN THE MANNER PROVIDED FOR IN SUBSECTION (3)**”.

The question being on the adoption of the amendment offered by Rep. Robertson,

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

By unanimous consent the House returned to the order of

Motions and Resolutions

The Speaker, on behalf of the entire membership of the House of Representatives, offered the following resolution:
House Resolution No. 211.

A resolution honoring the life of Jerry Lawler.

Whereas, Jerry Lawler was born on August 2, 1943, in Clare, Iowa, the son of Cork and Ruth Lawler. He was raised on a farm and, inspired by an uncle, became interested in politics and government at an early age. He graduated from Saint Mathews Academy and Drake University. After graduation, he served in the United States Army; and

Whereas, In 1968, Jerry moved to Lansing, Michigan, to work for the newly-established Legislative Service Bureau as a research analyst. Within the Bureau, he also served as Administrative Assistant, Director of Administrative Services, and Associate Director; and

Whereas, In 1989, Jerry was selected to be the first executive director of the Michigan Capitol Committee, a bipartisan, executive-legislative body which had formed in 1989 to manage and direct the restoration of the Capitol. Jerry was in charge of overseeing the architectural firms restoring the building, making sure that budgets and schedules were adhered to, meeting multiple deadlines, and defusing never-ending crisis. For three years, he literally worked around the clock to restore the Capitol to its original beauty and to make it functional in the modern world; and

Whereas, In 1994, the Legislative Council Facilities Agency was created and Jerry was named Director. Jerry received the Michigan Historic Preservation Network 2007 Lifetime Achievement Award for his career of promoting historic preservation of the Capitol. He also received the 2007 Capitol Preservation Lifetime Leadership Award given by the Michigan Capitol Committee and Friends of the Capitol. In February 2007, the Jerry Lawler Gala Celebration took place at the Capitol to honor his life’s work; and

Whereas, Jerry was heavily involved in community and civic groups, including the East Side Neighborhood Organization of which he served in various capacities including president for several years. He also served on the East Side Planning Association, East Side Transportation Study, United Way Property Committee, Center for Urban Affairs Community Council, East Michigan Avenue Business Association, and East Side Commercial Club. Additionally, he pursued his passion for history by serving on the boards of the Turner Dodge House, Greater Lansing Historical Society, and Friends of the Capitol; and

Whereas, Jerry was a great Spartan fan and faithfully attended many of Michigan State University's sporting events. He enjoyed classical music, especially the Metropolitan Opera broadcast. He took pleasure in gardening and was often seen weeding the flower beds in front of the Capitol. He was also a roller coaster buff. The highlight of his summer was his annual vacation to Cedar Point with his grandchildren; and

Whereas, Jerry is survived by his wife, Connie; his two step-daughters, Kim Dewey and Beth Sandborn; a step-son, Dr. Michael Sandborn; eight grandchildren, Jennifer, Elizabeth, Charles, Erin, Maeve, Ethan, Lara, and Elin. He also leaves behind a brother, Lowell Lawler; and sisters, Kathleen Halpin, and Carolyn Saladino; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body honor the life of Jerry Lawler; and be it further

Resolved, That a copy of this resolution be transmitted to the Lawler family as evidence of our esteem.

The question being on the adoption of the resolution,

The resolution was adopted.

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

Rep. Tobocman moved that when the House adjourns today it stand adjourned until Thursday, October 18, at 10:00 a.m.
The motion prevailed.

Reps. Sak, Ball, Bieda, Brandenburg, Brown, Byrnes, Byrum, Casperson, Condino, Constan, Dean, Gillard, Gonzales, Green, Griffin, Hammel, Hammon, Hansen, Hopgood, Johnson, Rick Jones, Robert Jones, Lahti, Kathleen Law, Leland, Lemmons, Marleau, Melton, Palmer, Pastor, Pearce, Proos, Shaffer, Sheltroun, Spade, Tobocman, Vagnozzi and Warren offered the following resolution:

House Resolution No. 212.

A resolution commemorating the 25th anniversary of the Michigan Snowmobile Association on October 26, 2007.

Whereas, Twenty-five years ago the Michigan Snowmobile Association (MSA) was established with less than 400 members, all dedicated to making snowmobiling more than just a passing fancy; and

Whereas, This year, the Michigan Snowmobile Association is celebrating its 25th anniversary. They now have a membership more than 20,000 strong; and

Whereas, The Michigan Snowmobile Association is the voice of over 380,000 registered Michigan snowmobile riders, and more than 100,000 out-of-state riders; and

Whereas, The Michigan Snowmobile Association works to develop a common appreciation, understanding, and knowledge of the sport of snowmobiling in the state of Michigan; and

Whereas, The Michigan Snowmobile Association facilitates the distribution and exchange of information regarding the sport of snowmobiling, including matters pertaining to snowmobiling safety and general education and knowledge about the sport; and

Whereas, The Michigan snowmobile association acts as a resource and distribution point for information and knowledge which furthers the safety of snowmobiling and the safety of the public in general; and

Whereas, The Michigan Snowmobile Association is one of the first associations in the country to plan and implement the 'zero tolerance' program. The 'zero tolerance' while snowmobiling campaign is meant to reinforce and complement existing safety initiatives such as public education, policy, legislation and enforcement already in place in many jurisdictions across the country; and

Whereas, The Michigan Snowmobile Association is proud to represent those responsible riders who respect Michigan's environment, appreciate the rights of other riders, and interact courteously with motorists and private citizens; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body commemorate the 25th anniversary of the Michigan Snowmobile Association on October 26, 2007.

Pending the reference of the resolution to a committee,
 Rep. Tobocman moved that Rule 71 be suspended and the resolution be considered at this time.
 The motion prevailed, 3/5 of the members present voting therefor.
 The question being on the adoption of the resolution,
 The resolution was adopted.

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 Wednesday, October 17:

House Bill Nos.	5311	5312	5313	5314	5315	5316	5317	5318	5319	5320	5321
Senate Bill Nos.	825	826	827	828	829	830	831	832	833		

The Clerk announced that the following Senate bills had been received on Wednesday, October 17:

Senate Bill Nos.	628	629	747
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Reports of Standing Committees

The Committee on Insurance, by Rep. Virgil Smith, Chair, reported

House Bill No. 5282, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 2213b, 3406f, 3503, 3519, 3521, 3525, and 3539 (MCL 500.2213b, 500.3406f, 500.3503, 500.3519, 500.3521, 500.3525, and 500.3539), section 2213b as amended by 1998 PA 457, section 3406f as added by 1996 PA 517, section 3503 as amended by 2006 PA 366, sections 3519 and 3539 as amended by 2005 PA 306, and sections 3521 and 3525 as added by 2000 PA 252, and by adding chapter 37A.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Virgil Smith, Farrah, Condino, Constan, Johnson, Lemmons, Polidori, Scott, Simpson, Wojno, Hune, Hildenbrand, David Law, Moore, Rocca and Gaffney

Nays: Rep. Emmons

The Committee on Insurance, by Rep. Virgil Smith, Chair, reported

House Bill No. 5283, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," by amending sections 308, 401e, 402b, 608, and 610 (MCL 550.1308, 550.1401e, 550.1402b, 550.1608, and 550.1610), section 401e as added by 1996 PA 516, section 402b as amended by 1999 PA 7, and section 608 as amended by 1991 PA 73, and by adding section 220; and to repeal acts and parts of acts.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Virgil Smith, Farrah, Condino, Constan, Johnson, Lemmons, Polidori, Scott, Simpson, Wojno, Hune, Hildenbrand, David Law, Moore, Rocca and Gaffney

Nays: Rep. Emmons

The Committee on Insurance, by Rep. Virgil Smith, Chair, reported

House Bill No. 5284, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," by amending sections 202, 206, and 207 (MCL 550.1202, 550.1206, and 550.1207), section 202 as amended by 1994 PA 40 and sections 206 and 207 as amended by 2003 PA 59.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Virgil Smith, Farrah, Condino, Constan, Johnson, Lemmons, Polidori, Scott, Simpson, Wojno, Hune, Hildenbrand, David Law, Moore, Rocca and Gaffney

Nays: Rep. Emmons

The Committee on Insurance, by Rep. Virgil Smith, Chair, reported

House Bill No. 5285, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 5104 (MCL 500.5104), as amended by 1999 PA 211.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Virgil Smith, Farrah, Condino, Constan, Johnson, Lemmons, Polidori, Scott, Simpson, Wojno, Hune, Hildenbrand, David Law, Moore, Rocca and Gaffney

Nays: Rep. Emmons

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Virgil Smith, Chair, of the Committee on Insurance, was received and read:
Meeting held on: Wednesday, October 17, 2007

Present: Reps. Virgil Smith, Farrah, Condino, Constan, Johnson, Lemmons, Polidori, Scott, Simpson, Wojno, Hune, Emmons, Hildenbrand, David Law, Moore, Rocca and Gaffney

The Committee on Great Lakes and Environment, by Rep. Warren, Chair, reported

House Bill No. 4222, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11502, 11503, 11504, 11505, and 11506 (MCL 324.11502, 324.11503, 324.11504, 324.11505, and 324.11506), section 11502 as amended by 2004 PA 35, sections 11503 and 11506 as amended by 1998 PA 466, and section 11504 as amended by 1996 PA 359, and by adding sections 11532c, 11532d, 11532e, 11532f, 11532g, and 11532h; and to repeal acts and parts of acts.

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

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Warren, Donigan, Ebli, Griffin, Kathleen Law, Meadows, Miller and Valentine

Nays: Reps. Robertson, Palmer, Emmons, Moolenaar, Meekhof and Agema

The Committee on Great Lakes and Environment, by Rep. Warren, Chair, reported
House Bill No. 4484, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11507a, 11539, and 11547 (MCL 324.11507a, 324.11539, and 324.11547), section 11507a as amended by 2004 PA 39 and section 11547 as amended by 1998 PA 466.

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

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Warren, Donigan, Ebli, Griffin, Kathleen Law, Meadows, Miller and Valentine

Nays: Reps. Palmer, Meekhof and Agema

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Warren, Chair, of the Committee on Great Lakes and Environment, was received and read:

Meeting held on: Wednesday, October 17, 2007

Present: Reps. Warren, Donigan, Ebli, Griffin, Kathleen Law, Meadows, Miller, Valentine, Robertson, Palmer, Emmons, Moolenaar, Meekhof and Agema

Absent: Rep. Leland

Excused: Rep. Leland

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Meadows, Chair, of the Committee on Retiree Health Care Reforms, was received and read:

Meeting held on: Wednesday, October 17, 2007

Present: Reps. Meadows, Coulouris, Spade, Johnson, Alma Smith, Valentine, Wenke, Knollenberg and Moss

Absent: Rep. Calley

Excused: Rep. Calley

Messages from the Senate

House Bill No. 5217, entitled

A bill to amend 1971 PA 140, entitled "Glenn Steil state revenue sharing act of 1971," by amending section 13 (MCL 141.913), as amended by 2006 PA 437.

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

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

The Speaker announced that pursuant to Rule 42, the bill was laid over one day.

House Concurrent Resolution No. 46.

A concurrent resolution to revise the total project cost of the Health Program Expansion and Information Commons project at Jackson Community College.

(For text of resolution, see House Journal No. 81, p. 1352.)

The Senate has adopted the concurrent resolution and named Senators Birkholz, Jelinek, Richardville, Schauer, Scott and Clarke as co-sponsors.

The concurrent resolution was referred to the Clerk for record.

Senate Bill No. 628, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 12542 (MCL 333.12542).

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Tourism, Outdoor Recreation and Natural Resources.

Senate Bill No. 629, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 80105 (MCL 324.80105), as added by 1995 PA 58, and by adding section 80155a.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Tourism, Outdoor Recreation and Natural Resources.

Senate Bill No. 747, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1138.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Military and Veterans Affairs and Homeland Security.

Introduction of Bills

Reps. Clack, Meadows, Donigan, Lindberg, Byrnes, Valentine, Bennett, Robert Jones, McDowell, Gonzales, Coulouris, Simpson, Warren, Alma Smith, Constan, Bauer and Gillard introduced

House Bill No. 5322, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1177a (MCL 380.1177a), as added by 2005 PA 240.

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

Reps. Miller, Moss, Hopgood, Polidori, Angerer, Rick Jones, Hammel, Vagnozzi, Bieda, Meisner, Alma Smith, Accavitti, Corriveau, Sak, LeBlanc, Knollenberg, Hoogendyk, David Law, Meltzer, Emmons, Amos, Opsommer, Stahl, Donigan, Lemmons, Sheen, Leland, Gonzales, McDowell, Wenke, Palsrok, Clack, Cushingberry, Ebli, Kathleen Law, Young, Sheltrown, Condino, Constan, Dean, Warren, Pastor, Gillard, Farrah, Mayes, Bennett, Tobocman, Meadows, Bauer, Wojno, Espinoza, Hammon, Steil, LaJoy, Hansen, Moolenaar, Scott, Jackson and Virgil Smith introduced

House Bill No. 5323, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1701, 1702, 1703, 1704, 1711, 1741, 1751, and 1761 (MCL 380.1701, 380.1702, 380.1703, 380.1704, 380.1711, 380.1741, 380.1751, and 380.1761), section 1703 as amended by 1995 PA 289 and section 1704 as added by 2000 PA 129.

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

Rep. Calley introduced

House Bill No. 5324, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 2950 and 2950a (MCL 600.2950 and 600.2950a), section 2950 as amended by 2001 PA 200 and section 2950a as amended by 2001 PA 201.

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

Rep. Bauer moved that the House adjourn.

The motion prevailed, the time being 2:40 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, October 18, at 10:00 a.m.

