

No. 112
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
94th Legislature
REGULAR SESSION OF 2007

House Chamber, Lansing, Wednesday, October 24, 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—present	Lemmons—present	Schuitmaker—present
Bennett—present	Gaffney—present	Lindberg—present	Scott—present
Bieda—present	Garfield—present	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—excused	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—present
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. Kevin J. Green, from the 77th District, offered the following invocation:

“Before I begin I would like to ask for a moment of silence in honor of the firefighters and the people of California as they continue to combat the devastating wildfire.

Lord, thank You for delivering each of us to this chamber today safely, and for the privilege each of us enjoys in serving the people of Michigan.

Today we pray for the courage to follow Your greatest commandment: to love others as you would love yourself.

We pray for the courage to forgive even when it seems impossible to forgive.

We pray for the courage to be peacemakers when it seems natural to see others as adversaries.

Lord, in the vastness of the universe and infinite scope of time, our deeds done in our present roles of service are small. Sometimes we forget that our mission here is to serve the people for a brief time, do good works, and then move on to some other calling only You know for each of us.

All of us that serve in this chamber must come together in Your name, Lord. We must put aside personal animosity, distrust, and frustration. We must reach out to one another following the example of Your son, Jesus Christ.

Lord, when terrible things happen, our faith in You leads us toward the light. Circumstances in recent times have reminded many of us of that. In the darkest times faith, hope, and love can carry each of us through.

Bless the members of the House of Representatives today and let us not forget the importance of kindness, trust, and reconciliation. Amen.”

Rep. Cushingberry asked and obtained an excuse from session on Tuesday, November 13, 2007.

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

Reports of Standing Committees

The Speaker laid before the House

House Resolution No. 109.

A resolution to urge the United States Secretary of State to increase efforts to urge the People’s Republic of China to halt its violation of the human rights of its citizens, specifically the persecution of and forced harvesting of organs from practitioners of Falun Gong.

(For text of resolution, see House Journal No. 47, p. 698.)

(The resolution was reported by the Committee on Government Operations on October 23, consideration of which, under the rules, was postponed until today.)

The question being on the adoption of the resolution,

The resolution was adopted.

The Speaker laid before the House

House Resolution No. 129.

A resolution to memorialize the Congress of the United States to provide funding to the United States Army Corps of Engineers for dredging recreational harbors in Michigan.

(For text of resolution, see House Journal No. 57, p. 862.)

(The resolution was reported by the Committee on Tourism, Outdoor Recreation and Natural Resources on July 17, with substitute (H-1), consideration of which, under the rules, was postponed until July 18.)

(For substitute, see House Journal No. 69, p. 1121.)

The question being on the adoption of the proposed substitute (H-1) recommended by the Committee,

Rep. Tobocman moved that the resolution be re-referred to the Committee on Tourism, Outdoor Recreation and Natural Resources.

The motion prevailed.

Second Reading of Bills

Senate Bill No. 403, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1278b (MCL 380.1278b), as amended by 2006 PA 623.

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

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

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

The motion prevailed.

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.

The bill was read a second time.

Rep. Farrah 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. Virgil Smith moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

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

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

Rep. Tobocman moved that Rep. Cushingberry be excused temporarily from today’s session.

The motion prevailed.

Rep. Palsrok moved that Reps. DeRoche and Knollenberg be excused temporarily from today’s session.

The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills

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.

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

Roll Call No. 487

Yeas—89

Accavitti	Dillon	Jones, Robert	Pastor
Acciavatti	Donigan	LaJoy	Pavlov
Amos	Ebli	Law, David	Polidori
Angerer	Elsenheimer	Law, Kathleen	Proos
Ball	Espinoza	LeBlanc	Robertson

Bauer	Farrah	Leland	Rocca
Bennett	Gaffney	Lemmons	Sak
Bieda	Gillard	Lindberg	Scott
Booher	Gonzales	Marleau	Shaffer
Brandenburg	Green	Mayes	Sheltrown
Brown	Griffin	McDowell	Simpson
Byrnes	Hammel	Meadows	Smith, Virgil
Byrum	Hammon	Meisner	Spade
Casperson	Hansen	Melton	Steil
Caswell	Hildenbrand	Miller	Tobocman
Caul	Hood	Moolenaar	Vagnozzi
Clack	Hopgood	Moore	Valentine
Clemente	Huizenga	Moss	Ward
Condino	Hune	Nitz	Warren
Constan	Jackson	Nofs	Wenke
Corriveau	Johnson	Opsommer	Wojno
Coulouris	Jones, Rick	Palsrok	Young
Dean			

Nays—17

Agema	Horn	Palmer	Smith, Alma
Calley	Lahti	Pearce	Stahl
Emmons	Meekhof	Schuitmaker	Stakoe
Garfield	Meltzer	Sheen	Walker
Hoogendyk			

In The Chair: Sak

The House agreed to the title of the bill.

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

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

Rep. Agema, 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 believe this bill should have had more consideration before a vote during a time of budget constraints. This should not have been rushed through at this time. There needs to be improvement before a vote.”

Rep. Calley, 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:

While the goals of this legislation are admirable, I believe that there were several modifications that should have been considered. Had the process afforded more time for public vetting, and input from the public, I believe that the end product could have been improved.”

Rep. Emmons, 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:

Due to the lack of due diligence through the committee process, I believe voting on these bills today is premature. Legislation of this magnitude requires in depth scrutiny at the committee level to serve the citizens of this state. That scrutiny was lacking and citizens of Michigan expect better of their legislators.”

Rep. Alma Smith, 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:

House Bills 5282 - 5285 were introduced on October 11, 2007 and 13 days later the full House is being asked to vote on policy that makes extensive, substantive changes to the way both Blue Cross Blue Shield (BCBS) and the Accident Fund will operate. Members not on the committee were deprived of the opportunity for adequate review and it is beyond me why we needed to act in such haste. On fast reading, it is possible that these bills remove BCBS's obligations as the state's insurer of last resort - a very exclusive responsibility and opportunity established in statute. I am concerned that the public's interest is not necessarily served by these changes so I voted against the package.

I share the concerns of Consumers Union that this legislation may remove essential consumer protections. Among other provisions, the bill: removes the requirement that rates be approved in advance by the insurance commissioner; eliminates the right of subscribers and the attorney general to challenge rates; allows Blue Cross Blue Shield to maintain 30% of the premium dollars for administration and fund equity - considering that Michigan's Medicaid program operates its administrative functions with 2% of Medicaid dollars that leaves a huge residual for 'profit'; and, allows Blue Cross Blue Shield to limit high risk patients to four unspecified 'guaranteed access' health plans with no assurances of standards to ensure a reasonable level of coverage. Without these protections it is my concern that consumers will face new obstacles in finding affordable, quality health care.”

Rep. Sheen, 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:

In 1938 the Blues made a deal in the state of Michigan to be the 'insurer of last resort,' in exchange for tax exempt status and the ability to deal exclusively, (exclusively means that if BCBS is the provider a company cannot have any other insurance provider but them). Thanks to this arrangement in 68 years BCBS has captured 70% of the Health Insurance Market. No other Health Insurance Provider has this large of a percentage of market share in any other state in the nation - the closest Blues market share in another state is 38%. No where in their original charter and mission was there any intention to allow the blues to buy property and casualty companies or any other insurance companies. Blue Cross has non-profit status, but can buy and sell like a for-profit company. They are the Microsoft of the Healthcare industry in Michigan, but unlike Microsoft they are not subject to any of the monopoly or anti-trust laws.

The Blues are so dominant in the large to medium markets all the other commercial insurance companies combined control only 10%. These bills will not help competition it will hurt it. I cannot vote for this set of BCBS/Accident Reform HBs 5282 - 5285, because they will drive up the cost of Health Insurance on the citizens of Michigan. Five years ago the Small Group Health Reform drove up the cost of group Health Insurances by adding new regulation and rate band - now they want to the same thing to the individual market.

This will drive up the cost of individual Health Insurances, so the Blues can more easily compete. Commercial Insurance Companies and the people will have to bear the cost of this change, which will benefit Blue Cross. If Blue Cross wants to operate like a for profit company then lets make them one and remove their tax exempt status and ability to deal exclusively. California received 3 billion dollars for letting their Blues do what Michigan has allowed them to do for nothing.”

Rep. Palmer, 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 am voting no on this bill because I believe it makes a mockery of the proper committee process and conducive to policy debate and dialogue necessary for good legislation. The comprehensive reform of an issue as complex, and essential, as the individual insurance market demands serious and thoughtful discussion, not a single perfunctory committee meeting and a rushed vote on the floor of this chamber. There may be good reforms in this bill, and there may also be items that could be very deleterious for our state, yet those potential eventualities have not been well documented and vetted in an orderly public process. As representatives of the people, we owe it to them to take a careful look at this complex issue, and not send it through simply based upon the limited analysis we have reviewed thus far.

The expansion of the 'for profit' component of Blue Cross Blue Shield of Michigan may end up being good for consumers, as they will have additional options in the care market. The cost of insurance for seniors who have traditionally benefited from subsidized insurance rates may remain unchanged or lower as a result. However, these issues, as well as the proposed reduction of the BCBSM loss ratio, potential changes in administrative costs, and any risk changes to BCBSM reserves, and the ability of other carriers to compete in the market are all questions and issues that are yet unresolved from the perspective of many of my constituents and my own analysis at this time. House bills 5282-5285 will clearly affect the social mission of BCBSM. This vote in no way is meant to reflect upon the mission or the great service that Blue Cross Blue Shield of Michigan has provided to the families of Michigan since 1939, but simply a result of the lack of information and analysis available so far.”

Rep. Stahl, 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:

BCBS Ind/Mkt Reform Bills No Vote

In 1938 the Blues made a deal in the state of Michigan to be the ‘insurer of last resort,’ in exchange for tax exempt status and the ability to deal exclusively, (exclusively means that if BCBS is the provider a company cannot have any other insurance provider but them). Thanks to this arrangement in 68 years BCBS has captured 70% of the Health Insurance Market. No other Health Insurance Provider has this large of a percentage of market share in any other state in the nation - the closest Blues market share in another state is 38%. No where in their original charter and mission was there any intention to allow the blues to buy property and casualty companies or any other insurance companies. Blue Cross has non-profit status, but can buy and sell like a for- profit company. They are the Microsoft of the Healthcare industry in Michigan, but unlike Microsoft they are not subject to any of the monopoly or anti-trust laws.

The Blues are so dominant in the large to medium markets all the other commercial insurance companies combined control only 10%. These bills will not help competition it will hurt it. I cannot vote for this set of BCBS/Accident Reform HBs 5282 - 5285, because they will drive up the cost of Health Insurance on the citizens of Michigan. Five years ago the Small Group Health Reform drove up the cost of group Health Insurances by adding new regulation and rate band - now they want to the same thing to the individual market.

This will drive up the cost of individual Health Insurances, so the Blues can more easily compete. Commercial Insurance Companies and the people will have to bear the cost of this change, which will benefit Blue Cross. If Blue Cross wants to operate like a for profit company then lets make them one and remove their tax exempt status and ability to deal exclusively. California received 3 billion dollars for letting their Blues do what Michigan has allowed them to do for nothing.”

Second Reading of Bills

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.

The bill was read a second time.

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

The motion prevailed.

Rep. Tobocman 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. 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.

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

Roll Call No. 488

Yeas—90

Accavitti	Dillon	Lahti	Pastor
Acciavatti	Donigan	LaJoy	Pavlov
Amos	Ebli	Law, David	Polidori
Angerer	Elsenheimer	Law, Kathleen	Proos
Ball	Espinoza	LeBlanc	Robertson
Bauer	Farrah	Leland	Rocca
Bennett	Gaffney	Lemmons	Sak

Bieda	Gillard	Lindberg	Scott
Booher	Gonzales	Marleau	Shaffer
Brandenburg	Green	Mayes	Sheltrown
Brown	Griffin	McDowell	Simpson
Byrnes	Hammel	Meadows	Smith, Virgil
Byrum	Hammon	Meisner	Spade
Casperson	Hansen	Melton	Steil
Caswell	Hildenbrand	Miller	Tobocman
Caul	Hood	Moolenaar	Vagnozzi
Clack	Hopgood	Moore	Valentine
Clemente	Huizenga	Moss	Ward
Condino	Hune	Nitz	Warren
Constan	Jackson	Nofs	Wenke
Corriveau	Johnson	Opsommer	Wojno
Coulouris	Jones, Rick	Palsrok	Young
Dean	Jones, Robert		

Nays—16

Agema	Hoogendyk	Palmer	Smith, Alma
Calley	Horn	Pearce	Stahl
Emmons	Meekhof	Schuitmaker	Stakoe
Garfield	Meltzer	Sheen	Walker

In The Chair: Sak

The House agreed to the title of the bill.

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

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

Rep. Agema, 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:

This package of bills was rushed through the House. I can't vote for something that has not been adequately addressed.”

Rep. Emmons, 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:

Due to the lack of due diligence through the committee process, I believe voting on these bills today is premature. Legislation of this magnitude requires indepth scrutiny at the committee level to serve the citizens of this state. That scrutiny was lacking and citizens of Michigan expect better of their legislators.”

Rep. Alma Smith, 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:

House Bills 5282 - 5285 were introduced on October 11, 2007 and 13 days later the full House is being asked to vote on policy that makes extensive, substantive changes to the way both Blue Cross Blue Shield (BCBS) and the Accident Fund will operate. Members not on the committee were deprived of the opportunity for adequate review and it is beyond me why we needed to act in such haste. On fast reading, it is possible that these bills remove BCBS's obligations as the state's insurer of last resort - a very exclusive responsibility and opportunity established in statute. I am concerned that the public's interest is not necessarily served by these changes so I voted against the package.

I share the concerns of Consumers Union that this legislation may remove essential consumer protections. Among other provisions, the bill: removes the requirement that rates be approved in advance by the insurance commissioner; eliminates the right of subscribers and the attorney general to challenge rates; allows Blue Cross Blue Shield to maintain 30% of the premium dollars for administration and fund equity - considering that Michigan's Medicaid program operates its administrative functions with 2% of Medicaid dollars that leaves a huge residual for 'profit'; and, allows Blue Cross Blue Shield to limit high risk patients to four unspecified 'guaranteed access' health health plans with no assurances of standards to ensure a reasonable level of coverage. Without these protections it is my concern that consumers will face new obstacles in finding affordable, quality health care."

Rep. Sheen, 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:

In 1938 the Blues made a deal in the state of Michigan to be the 'insurer of last resort,' in exchange for tax exempt status and the ability to deal exclusively, (exclusively means that if BCBS is the provider a company cannot have any other insurance provider but them). Thanks to this arrangement in 68 years BCBS has captured 70% of the Health Insurance Market. No other Health Insurance Provider has this large of a percentage of market share in any other state in the nation - the closest Blues market share in another state is 38%. No where in their original charter and mission was there any intention to allow the blues to buy property and casualty companies or any other insurance companies. Blue Cross has non-profit status, but can buy and sell like a for-profit company. They are the Microsoft of the Healthcare industry in Michigan, but unlike Microsoft they are not subject to any of the monopoly or anti-trust laws.

The Blues are so dominant in the large to medium markets all the other commercial insurance companies combined control only 10%. These bills will not help competition it will hurt it. I cannot vote for this set of BCBS/Accident Reform HBs 5282 - 5285, because they will drive up the cost of Health Insurance on the citizens of Michigan. Five years ago the Small Group Health Reform drove up the cost of group Health Insurances by adding new regulation and rate band - now they want to do the same thing to the individual market.

This will drive up the cost of individual Health Insurances, so the Blues can more easily compete. Commercial Insurance Companies and the people will have to bear the cost of this change, which will benefit Blue Cross. If Blue Cross wants to operate like a for profit company then lets make them one and remove their tax exempt status and ability to deal exclusively. California received 3 billion dollars for letting their Blues do what Michigan has allowed them to do for nothing."

Rep. Palmer, 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 am voting no on this bill because I believe it makes a mockery of the proper committee process and conducive to policy debate and dialogue necessary for good legislation. The comprehensive reform of an issue as complex, and essential, as the individual insurance market demands serious and thoughtful discussion, not a single perfunctory committee meeting and a rushed vote on the floor of this chamber. There may be good reforms in this bill, and there may also be items that could be very deleterious for our state, yet those potential eventualities have not been well documented and vetted in an orderly public process. As representatives of the people, we owe it to them to take a careful look at this complex issue, and not send it through simply based upon the limited analysis we have reviewed thus far.

The expansion of the 'for profit' component of Blue Cross Blue Shield of Michigan may end up being good for consumers, as they will have additional options in the care market. The cost of insurance for seniors who have traditionally benefited from subsidized insurance rates may remain unchanged or lower as a result. However, these issues, as well as the proposed reduction of the BCBSM loss ratio, potential changes in administrative costs, and any risk changes to BCBSM reserves, and the ability of other carriers to compete in the market are all questions and issues that are yet unresolved from the perspective of many of my constituents and my own analysis at this time. House bills 5282-5285 will clearly affect the social mission of BCBSM. This vote in no way is meant to reflect upon the mission or the great service that Blue Cross Blue Shield of Michigan has provided to the families of Michigan since 1939, but simply a result of the lack of information and analysis available so far."

Rep. Stahl, 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:

BCBS Ind/Mkt Reform Bills No Vote

In 1938 the Blues made a deal in the state of Michigan to be the 'insurer of last resort,' in exchange for tax exempt status and the ability to deal exclusively, (exclusively means that if BCBS is the provider a company cannot have any other insurance provider but them). Thanks to this arrangement in 68 years BCBS has captured 70% of the Health Insurance Market. No other Health Insurance Provider has this large of a percentage of market share in any other state

in the nation - the closest Blues market share in another state is 38%. No where in their original charter and mission was there any intention to allow the blues to buy property and casualty companies or any other insurance companies. Blue Cross has non-profit status, but can buy and sell like a for-profit company. They are the Microsoft of the Healthcare industry in Michigan, but unlike Microsoft they are not subject to any of the monopoly or anti-trust laws.

The Blues are so dominant in the large to medium markets all the other commercial insurance companies combined control only 10%. These bills will not help competition it will hurt it. I cannot vote for this set of BCBS/Accident Reform HBs 5282 - 5285, because they will drive up the cost of Health Insurance on the citizens of Michigan. Five years ago the Small Group Health Reform drove up the cost of group Health Insurances by adding new regulation and rate band - now they want to do the same thing to the individual market.

This will drive up the cost of individual Health Insurances, so the Blues can more easily compete. Commercial Insurance Companies and the people will have to bear the cost of this change, which will benefit Blue Cross. If Blue Cross wants to operate like a for profit company then lets make them one and remove their tax exempt status and ability to deal exclusively. California received 3 billion dollars for letting their Blues do what Michigan has allowed them to do for nothing."

Second Reading of Bills

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.

The bill was read a second time.

Rep. Virgil Smith moved to amend the bill as follows:

1. Amend page 6, line 1, after "500.644" by inserting a comma and "**SO LONG AS THE HEALTH CARE CORPORATION OR THE SUBSIDIARY OF THE HEALTH CARE CORPORATION DOES NOT DIRECTLY OR INDIRECTLY SUBSIDIZE THE USE OF ANY PROVIDER OR SUBSCRIBER INFORMATION, LOSS DATA, CONTRACT, AGREEMENT, REIMBURSEMENT MECHANISM OR ARRANGEMENT, COMPUTER SYSTEM, OR HEALTH CARE PROVIDER DISCOUNT IN THE MARKETING OR TRANSACTING OF THAT INSURANCE**".

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

Rep. Hune moved to amend the bill as follows:

1. Amend page 10, following line 16, by inserting:

"(v) FOR TRANSFERS OF CAPITAL WITHIN A HOLDING COMPANY SYSTEM, THE HEALTH CARE CORPORATION COMPLIES WITH, AND THE TRANSFER SATISFIES THE APPLICABLE PROVISIONS OF, SECTION 1341 OF THE INSURANCE CODE OF 1956, 1956 PA 218, MCL 500.1341."

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

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

The motion prevailed.

Rep. Tobocman 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. 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.

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

Roll Call No. 489

Yeas—84

Accavitti
Acciavatti

Dillon
Donigan

Jones, Robert
Lahti

Pastor
Pavlov

Angerer	Ebli	LaJoy	Polidori
Bauer	Elsenheimer	Law, David	Proos
Bennett	Espinoza	Law, Kathleen	Rocca
Bieda	Farrah	LeBlanc	Sak
Booher	Gaffney	Leland	Scott
Brandenburg	Gillard	Lemmons	Shaffer
Brown	Gonzales	Lindberg	Sheltrown
Byrnes	Green	Marleau	Simpson
Byrum	Griffin	Mayes	Smith, Virgil
Casperson	Hammel	McDowell	Spade
Caswell	Hammon	Meadows	Steil
Caul	Hansen	Meisner	Tobocman
Clack	Hildenbrand	Melton	Vagnozzi
Clemente	Hood	Miller	Valentine
Condino	Hopgood	Moolenaar	Ward
Constan	Hune	Moore	Warren
Corriveau	Jackson	Nitz	Wenke
Coulouris	Johnson	Nofs	Wojno
Dean	Jones, Rick	Palsrok	Young

Nays—22

Agema	Hoogendyk	Opsommer	Sheen
Amos	Horn	Palmer	Smith, Alma
Ball	Huizenga	Pearce	Stahl
Calley	Meekhof	Robertson	Stakoe
Emmons	Meltzer	Schuitmaker	Walker
Garfield	Moss		

In The Chair: Sak

The House agreed to the title of the bill.

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

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

Rep. Emmons, 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:

Due to the lack of due diligence through the committee process, I believe voting on these bills today is premature. Legislation of this magnitude requires indepth scrutiny at the committee level to serve the citizens of this state. That scrutiny was lacking and citizens of Michigan expect better of their legislators.”

Rep. Alma Smith, 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 this bill because of its potential to substantially constrict the insurance market to Blue Cross Blue Shield and its known and future subsidiaries. Such restriction of competition has the opportunity to increase insurance costs to Michigan’s consumers.”

Rep. Sheen, 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:

In 1938 the Blues made a deal in the state of Michigan to be the ‘insurer of last resort,’ in exchange for tax exempt status and the ability to deal exclusively, (exclusively means that if BCBS is the provider a company cannot have any other insurance provider but them). Thanks to this arrangement in 68 years BCBS has captured 70% of the Health Insurance Market. No other Health Insurance Provider has this large of a percentage of market share in any other state in the nation - the closest Blues market share in another state is 38%. No where in their original charter and mission was there any intention to allow the blues to buy property and casualty companies or any other insurance companies. Blue Cross has non-profit status, but can buy and sell like a for-profit company. They are the Microsoft of the Healthcare industry in Michigan, but unlike Microsoft they are not subject to any of the monopoly or anti-trust laws.

The Blues are so dominant in the large to medium markets all the other commercial insurance companies combined control only 10%. These bills will not help competition it will hurt it. I cannot vote for this set of BCBS/Accident Reform HBs 5282 - 5285, because they will drive up the cost of Health Insurance on the citizens of Michigan. Five years ago the Small Group Health Reform drove up the cost of group Health Insurances by adding new regulation and rate band - now they want to the same thing to the individual market.

This will drive up the cost of individual Health Insurances, so the Blues can more easily compete. Commercial Insurance Companies and the people will have to bear the cost of this change, which will benefit Blue Cross. If Blue Cross wants to operate like a for profit company then lets make them one and remove their tax exempt status and ability to deal exclusively. California received 3 billion dollars for letting their Blues do what Michigan has allowed them to do for nothing.”

Rep. Palmer, 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 am voting no on this bill because I believe it makes a mockery of the proper committee process and conducive to policy debate and dialogue necessary for good legislation. The comprehensive reform of an issue as complex, and essential, as the individual insurance market demands serious and thoughtful discussion, not a single perfunctory committee meeting and a rushed vote on the floor of this chamber. There may be good reforms in this bill, and there may also be items that could be very deleterious for our state, yet those potential eventualities have not been well documented and vetted in an orderly public process. As representatives of the people, we owe it to them to take a careful look at this complex issue, and not send it through simply based upon the limited analysis we have reviewed thus far.

The expansion of the ‘for profit’ component of Blue Cross Blue Shield of Michigan may end up being good for consumers, as they will have additional options in the care market. The cost of insurance for seniors who have traditionally benefited from subsidized insurance rates may remain unchanged or lower as a result. However, these issues, as well as the proposed reduction of the BCBSM loss ratio, potential changes in administrative costs, and any risk changes to BCBSM reserves, and the ability of other carriers to compete in the market are all questions and issues that are yet unresolved from the perspective of many of my constituents and my own analysis at this time. House bills 5282-5285 will clearly affect the social mission of BCBSM. This vote in no way is meant to reflect upon the mission or the great service that Blue Cross Blue Shield of Michigan has provided to the families of Michigan since 1939, but simply a result of the lack of information and analysis available so far.”

Rep. Stahl, 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:

BCBS Ind/Mkt Reform Bills No Vote

In 1938 the Blues made a deal in the state of Michigan to be the ‘insurer of last resort,’ in exchange for tax exempt status and the ability to deal exclusively, (exclusively means that if BCBS is the provider a company cannot have any other insurance provider but them). Thanks to this arrangement in 68 years BCBS has captured 70% of the Health Insurance Market. No other Health Insurance Provider has this large of a percentage of market share in any other state in the nation - the closest Blues market share in another state is 38%. No where in their original charter and mission was there any intention to allow the blues to buy property and casualty companies or any other insurance companies. Blue Cross has non-profit status, but can buy and sell like a for-profit company. They are the Microsoft of the Healthcare industry in Michigan, but unlike Microsoft they are not subject to any of the monopoly or anti-trust laws.

The Blues are so dominant in the large to medium markets all the other commercial insurance companies combined control only 10%. These bills will not help competition it will hurt it. I cannot vote for this set of BCBS/Accident Reform HBs 5282 - 5285, because they will drive up the cost of Health Insurance on the citizens of Michigan. Five years ago the Small Group Health Reform drove up the cost of group Health Insurances by adding new regulation and rate band - now they want to the same thing to the individual market.

This will drive up the cost of individual Health Insurances, so the Blues can more easily compete. Commercial Insurance Companies and the people will have to bear the cost of this change, which will benefit Blue Cross. If Blue Cross wants to operate like a for profit company then lets make them one and remove their tax exempt status and ability to deal exclusively. California received 3 billion dollars for letting their Blues do what Michigan has allowed them to do for nothing.”

Second Reading of Bills

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.

The bill was read a second time.

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

The motion prevailed.

Rep. Tobocman 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. 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.

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

Roll Call No. 490

Yeas—84

Accavitti	Dillon	Jones, Robert	Pastor
Acciavatti	Donigan	Lahti	Pavlov
Angerer	Ebli	LaJoy	Polidori
Bauer	Elsenheimer	Law, David	Proos
Bennett	Espinoza	Law, Kathleen	Rocca
Bieda	Farrah	LeBlanc	Sak
Booher	Gaffney	Leland	Scott
Brandenburg	Gillard	Lemmons	Shaffer
Brown	Gonzales	Lindberg	Sheltrown
Byrnes	Green	Marleau	Simpson
Byrum	Griffin	Mayes	Smith, Virgil
Casperson	Hammel	McDowell	Spade
Caswell	Hammon	Meadows	Steil
Caul	Hansen	Meisner	Tobocman
Clack	Hildenbrand	Melton	Vagnozzi
Clemente	Hood	Miller	Valentine
Condino	Hopgood	Moolenaar	Ward
Constan	Hune	Moore	Warren
Corriveau	Jackson	Nitz	Wenke
Coulouris	Johnson	Nofs	Wojno
Dean	Jones, Rick	Palsrok	Young

Nays—22

Agema	Hoogendyk	Opsommer	Sheen
Amos	Horn	Palmer	Smith, Alma

Ball	Huizenga	Pearce	Stahl
Calley	Meekhof	Robertson	Stakoe
Emmons	Meltzer	Schuitmaker	Walker
Garfield	Moss		

In The Chair: Sak

The House agreed to the title of the bill.

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

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

Rep. Calley, 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:

While the goals of this legislation are admirable, I believe that there were several modifications that should have been considered. Had the process afforded more time for public vetting, and input from the public, I believe that the end product could have been improved.”

Rep. Emmons, 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:

Due to the lack of due diligence through the committee process, I believe voting on these bills today is premature. Legislation of this magnitude requires indepth scrutiny at the committee level to serve the citizens of this state. That scrutiny was lacking and citizens of Michigan expect better of their legislators.”

Rep. Sheen, 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:

In 1938 the Blues made a deal in the state of Michigan to be the ‘insurer of last resort,’ in exchange for tax exempt status and the ability to deal exclusively, (exclusively means that if BCBS is the provider a company cannot have any other insurance provider but them). Thanks to this arrangement in 68 years BCBS has captured 70% of the Health Insurance Market. No other Health Insurance Provider has this large of a percentage of market share in any other state in the nation - the closest Blues market share in another state is 38%. No where in their original charter and mission was there any intention to allow the blues to buy property and casualty companies or any other insurance companies. Blue Cross has non-profit status, but can buy and sell like a for- profit company. They are the Microsoft of the Healthcare industry in Michigan, but unlike Microsoft they are not subject to any of the monopoly or anti-trust laws.

The Blues are so dominant in the large to medium markets all the other commercial insurance companies combined control only 10%. These bills will not help competition it will hurt it. I cannot vote for this set of BCBS/Accident Reform HBs 5282 - 5285, because they will drive up the cost of Health Insurance on the citizens of Michigan. Five years ago the Small Group Health Reform drove up the cost of group Health Insurances by adding new regulation and rate band - now they want to the same thing to the individual market.

This will drive up the cost of individual Health Insurances, so the Blues can more easily compete. Commercial Insurance Companies and the people will have to bear the cost of this change, which will benefit Blue Cross. If Blue Cross wants to operate like a for profit company then lets make them one and remove their tax exempt status and ability to deal exclusively. California received 3 billion dollars for letting their Blues do what Michigan has allowed them to do for nothing.”

Rep. Alma Smith, 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 this bill because of its potential to limit market competition to the state’s largest insurer and its subsidiaries and the opportunity that creates to substantially increase to cost of insurance in Michigan.”

Rep. Palmer, 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 am voting no on this bill because I believe it makes a mockery of the proper committee process and conducive to policy debate and dialogue necessary for good legislation. The comprehensive reform of an issue as complex, and essential, as the individual insurance market demands serious and thoughtful discussion, not a single perfunctory committee meeting and a rushed vote on the floor of this chamber. There may be good reforms in this bill, and there may also be items that could be very deleterious for our state, yet those potential eventualities have not been well documented and vetted in an orderly public process. As representatives of the people, we owe it to them to take a careful look at this complex issue, and not send it through simply based upon the limited analysis we have reviewed thus far.

The expansion of the ‘for profit’ component of Blue Cross Blue Shield of Michigan may end up being good for consumers, as they will have additional options in the care market. The cost of insurance for seniors who have traditionally benefited from subsidized insurance rates may remain unchanged or lower as a result. However, these issues, as well as the proposed reduction of the BCBSM loss ratio, potential changes in administrative costs, and any risk changes to BCBSM reserves, and the ability of other carriers to compete in the market are all questions and issues that are yet unresolved from the perspective of many of my constituents and my own analysis at this time. House bills 5282-5285 will clearly affect the social mission of BCBSM. This vote in no way is meant to reflect upon the mission or the great service that Blue Cross Blue Shield of Michigan has provided to the families of Michigan since 1939, but simply a result of the lack of information and analysis available so far.”

Rep. Stahl, 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:

BCBS Ind/Mkt Reform Bills No Vote

In 1938 the Blues made a deal in the state of Michigan to be the ‘insurer of last resort,’ in exchange for tax exempt status and the ability to deal exclusively, (exclusively means that if BCBS is the provider a company cannot have any other insurance provider but them). Thanks to this arrangement in 68 years BCBS has captured 70% of the Health Insurance Market. No other Health Insurance Provider has this large of a percentage of market share in any other state in the nation - the closest Blues market share in another state is 38%. No where in their original charter and mission was there any intention to allow the blues to buy property and casualty companies or any other insurance companies. Blue Cross has non-profit status, but can buy and sell like a for-profit company. They are the Microsoft of the Healthcare industry in Michigan, but unlike Microsoft they are not subject to any of the monopoly or anti-trust laws.

The Blues are so dominant in the large to medium markets all the other commercial insurance companies combined control only 10%. These bills will not help competition it will hurt it. I cannot vote for this set of BCBS/Accident Reform HBs 5282 - 5285, because they will drive up the cost of Health Insurance on the citizens of Michigan. Five years ago the Small Group Health Reform drove up the cost of group Health Insurances by adding new regulation and rate band - now they want to do the same thing to the individual market.

This will drive up the cost of individual Health Insurances, so the Blues can more easily compete. Commercial Insurance Companies and the people will have to bear the cost of this change, which will benefit Blue Cross. If Blue Cross wants to operate like a for profit company then lets make them one and remove their tax exempt status and ability to deal exclusively. California received 3 billion dollars for letting their Blues do what Michigan has allowed them to do for nothing.”

Second Reading of Bills

House Bill No. 5102, entitled

A bill to amend 1972 PA 239, entitled “McCauley-Traxler-Law-Bowman-McNeely lottery act,” by amending section 23 (MCL 432.23), as amended by 2004 PA 272.

The bill was read a second time.

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

The motion prevailed.

House Bill No. 5006, entitled

A bill to amend 1984 PA 431, entitled “The management and budget act,” by amending sections 115, 213, and 215 (MCL 18.1115, 18.1213, and 18.1215), section 115 as amended by 1999 PA 8, section 213 as amended by 2006 PA 269, and section 215 as amended by 1988 PA 504.

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

The substitute (H-2) was adopted, a majority of the members serving voting therefor.
Rep. Corriveau moved that the bill be placed on the order of Third Reading of Bills.
The motion prevailed.

Rep. Tobocman 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. 5006, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending sections 115, 213, and 215 (MCL 18.1115, 18.1213, and 18.1215), section 115 as amended by 1999 PA 8, section 213 as amended by 2006 PA 269, and section 215 as amended by 1988 PA 504.

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

Roll Call No. 491

Yeas—107

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

Nays—1

Wenke

In The Chair: Sak

The House agreed to the title of the bill.
Rep. Tobocman 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. 5005, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 208, 304, 555, 821, and 8202 (MCL 600.208, 600.304, 600.555, 600.821, and 600.8202), sections 304 and 555 as amended by 1996 PA 374, section 821 as amended by 2004 PA 492, and section 8202 as amended by 1996 PA 388.

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

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

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

The motion prevailed.

Rep. Tobocman 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. 5005, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 208, 304, 555, 821, and 8202 (MCL 600.208, 600.304, 600.555, 600.821, and 600.8202), sections 304 and 555 as amended by 1996 PA 374, section 821 as amended by 2004 PA 492, and section 8202 as amended by 1996 PA 388.

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

Roll Call No. 492

Yeas—107

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

Nays—1

Wenke

In The Chair: Sak

The House agreed to the title of the bill.

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

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

Reps. Accavitti, Agema, Ball, Bauer, Bieda, Calley, Clemente, Condino, Espinoza, Hammel, Hammon, Horn, Hune, Jackson, Johnson, Rick Jones, Knollenberg, David Law, Lemmons, Mayes, Moss, Opsommer, Palmer, Palsrok, Rocca, Shaffer, Alma Smith, Spade and Tobocman were named co-sponsors of the bill.

Rep. Tobocman 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
Motions and Resolutions

Rep. Tobocman moved that when the House adjourns today it stand adjourned until Thursday, October 25, at 10:00 a.m.
The motion prevailed.

Rep. Virgil Smith asked and obtained an excuse from tomorrow's session.

Reps. Young, Ball, Dean, Bieda, Byrnes, Clack, Hammel, Hammon, Robert Jones, Lemmons, Palmer, Polidori, Sak, Stahl, Vagnozzi and Valentine offered the following resolution:

House Resolution No. 218.

A resolution to encourage the President and Congress of the United States to include Michigan transportation corridors in future funding of the U.S. Department of Transportation's Corridors of the Future Program.

Whereas, As part of its National Strategy to Reduce Congestion on America's Transportation Network, launched in May 2006, the U.S. Department of Transportation introduced the Corridors of the Future Program. Corridors of the Future is a program designed to help manage congestion on major interstate highway corridors through extensive use of innovative technologies such as computerized traffic control systems, electronic congestion tolling, and traveler information systems. The program's purpose is to facilitate transportation planning across state lines to reduce congestion and preserve the efficient flow of goods and commerce across America; and

Whereas, Congestion is an increasing problem as highway usage is growing steadily. The average Detroit commuter wasted 57 hours in traffic congestion in 2003 and the total cost to Detroit consumers in wasted time and fuel in 2003 was estimated at over \$2 billion. The Federal Highway Administration has ranked the I-94 interchange with I-75 in Detroit as the worst in Michigan and among the worst in the nation for annual hours of delay for trucks; and

Whereas, Michigan has several interstate transportation corridors, but the most prominent is the I-94 corridor that is the primary east-west interstate link with the Midwest's major industrial and commercial centers in Michigan, Indiana, Illinois, Wisconsin, and Minnesota. I-94 is an international corridor that includes two of the busiest commercial United States/Canada border crossings and is critical to the well-being of local, state, and national economies. United States/Canada trade supports 5.2 million jobs in the United States, including approximately 174,000 jobs in Michigan; and

Whereas, Clearly, Michigan would be a good fit for the Corridors of the Future Program and it would support economic growth not only in Michigan, but in the entire Midwest region; now, therefore, be it

Resolved by the House of Representatives, That we encourage the President and Congress of the United States to include Michigan transportation corridors in future funding of the U.S. Department of Transportation's Corridors of the Future Program; and be it further

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

The resolution was referred to the Committee on Transportation.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills and joint resolution had been printed and placed upon the files of the members on Wednesday, October 24:

House Bill Nos. 5335 5336 5337 5338 5339 5340 5341

House Joint Resolution DD

The Clerk announced that the following Senate bills had been received on Wednesday, October 24:

Senate Bill Nos. 455 577 754

Reports of Standing Committees

The Committee on Intergovernmental, Urban and Regional Affairs, by Rep. Byrum, Chair, reported

House Bill No. 5032, entitled

A bill to amend 2006 PA 110, entitled "Michigan zoning enabling act," by amending sections 102, 103, 202, 208, 301, 401, 601, 604, 606, and 702 (MCL 125.3102, 125.3103, 125.3202, 125.3208, 125.3301, 125.3401, 125.3601, 125.3604, 125.3606, and 125.3702).

With the recommendation that the substitute (H-2) 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. Byrum, Young, Coulouris, Farrah, Johnson, Meadows, Pavlov, Nitz, Meekhof and Opsommer

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Byrum, Chair, of the Committee on Intergovernmental, Urban and Regional Affairs, was received and read:

Meeting held on: Wednesday, October 24, 2007

Present: Reps. Byrum, Young, Coulouris, Farrah, Johnson, Meadows, Pavlov, Nitz, Meekhof and Opsommer

Absent: Rep. Tobocman

Excused: Rep. Tobocman

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 24, 2007

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

Absent: Reps. Griffin and Palmer

Excused: Reps. Griffin and Palmer

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, October 24, 2007

Present: Reps. Condino, Coulouris, Bieda, Corriveau, Meadows, Meisner, Scott, Virgil Smith, Warren, Schuitmaker, David Law, Elsenheimer, Rick Jones and Rocca

Absent: Rep. Stakoe

Excused: Rep. Stakoe

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, October 24, 2007

Present: Reps. Cushingberry, Gillard, Bauer, Bennett, Byrnes, Espinoza, Gonzales, Hammel, Hood, Jackson, Lahti, LeBlanc, McDowell, Alma Smith, Spade, Tobocman, Vagnozzi, Acciavatti, Caswell, Shaffer, Brandenburg, Amos, Booher, Caul, Hansen, Proos, Moss, Nofs and Walker

Absent: Rep. Cheeks

Excused: Rep. Cheeks

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Clack, Chair, of the Committee on Families and Children's Services, was received and read:

Meeting held on: Wednesday, October 24, 2007

Present: Reps. Clack, Dean, Accavitti, Hammon, Wojno, Sheen, Stahl and Hoogendyk

Absent: Rep. Palmer

Excused: Rep. Palmer

Messages from the Senate**Senate Bill No. 455, entitled**

A bill to amend 1986 PA 281, entitled "The local development financing act," by amending section 2 (MCL 125.2152), as amended by 2004 PA 17.

The Senate has passed the bill.

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

Senate Bill No. 577, entitled

A bill to regulate certain persons building certain residential structures; to provide for certain disclosures and prescribe certain limitations regarding the transfer of that residential structure; and to provide for remedies and penalties.

The Senate has passed the bill.

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

Senate Bill No. 754, entitled

A bill to assure that returning veterans are informed of state-funded veterans service organizations; and to prescribe certain duties of certain state agencies.

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.

Notices

October 24, 2007

Rich Brown
Clerk of the House

Mr. Clerk,

I hereby make the following changes to Representative Seating:

Rep. Hildenbrand seat 20 to seat 6.

Rep. Ward seat 6 to seat 40.

Rep. Meekhof seat 22 to seat 20.

Rep. Pearce seat 40 to seat 22.

Regards,
Andy Dillon
Speaker of the House
Michigan House of Representatives

Communications from State Officers

The following communication from the Department of Treasury was received and read:

October 23, 2007

Please find attached one copy of the Principal Residence Exemption Compliance Program Quarterly Report for the period July 1, 2007 through September 30, 2007. The report is required by Public Act 345 of 2006, the General Government Appropriations Act. Section 947 of the Act provides, in part, as follows:

(1) Of the \$5,856,800.00 included in part 1 for the revenue enhancement program, \$5,356,000.00 shall be used for revenue collection enhancement activities including auditing functions.

(3) The \$500,000.00 balance of the \$5,856,800.00 shall be used for the principal residence exemption compliance program. Along with other program costs, expenditures shall include the development of a statewide web-based database created for the purpose of enforcing the principal residence exemption compliance program. The department shall submit quarterly progress reports that include the number of exemptions denied and the revenue received under this program. The legislative auditor general shall complete a performance audit of the principal residence exemption compliance program prior to April 1, 2007. Revenue generated to the state from the principal residence exemption compliance program shall be used to reimburse the state general fund for the \$500,000.00 appropriation prior to any other allocation. Additional funds from the revenue enhancement program and carry-forward appropriations may be used to support costs in excess of \$500,000.00.

Frederick Headen, Director
Bureau of Local Government Services

The communication was referred to the Clerk.

Introduction of Bills

Rep. Cushingberry introduced
House Bill No. 5342, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2008; and to provide for the expenditure of the appropriations.

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

Rep. Cushingberry introduced
House Bill No. 5343, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2008; and to provide for the expenditure of the appropriations.

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

Rep. Cushingberry introduced
House Bill No. 5344, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2008; and to provide for the expenditure of the appropriations.

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

Rep. Cushingberry introduced
House Bill No. 5345, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2008; and to provide for the expenditure of the appropriations.

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

Rep. Cushingberry introduced
House Bill No. 5346, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2008; and to provide for the expenditure of the appropriations.

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

Rep. Cushingberry introduced
House Bill No. 5347, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2008; and to provide for the expenditure of the appropriations.

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

Reps. Steil and Opsommer introduced
House Bill No. 5348, entitled

A bill to amend 1996 PA 195, entitled "Police officer's and fire fighter's survivor tuition act," by amending section 4 (MCL 390.1244).

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

Rep. David Law introduced
House Bill No. 5349, entitled

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending sections 3, 4, 5a, and 7 (MCL 28.723, 28.724, 28.725a, and 28.727), section 3 as amended by 1999 PA 85, section 4 as amended by 2004 PA 240, section 5a as amended by 2005 PA 322, and section 7 as amended by 2004 PA 237.

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

Reps. Knollenberg, Miller and Moss introduced
House Bill No. 5350, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending section 12 (MCL 169.212), as amended by 2001 PA 250.

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

Reps. Byrnes, Wojno, Condino, Bieda, Lindberg, Lahti, Byrum, Griffin, Coulouris and LeBlanc introduced
House Bill No. 5351, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 611 (MCL 257.611).

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

Reps. Hammon, Melton, Constan, Bauer, Warren, Clack, Meekhof, Johnson, Meisner, Bennett, Valentine, Gonzales, Byrum, Alma Smith, Vagnozzi, Mayes, Simpson, Jackson, Kathleen Law, Brown, Meadows, LeBlanc and Young introduced

House Bill No. 5352, entitled

A bill to amend 1917 PA 350, entitled "An act to regulate and license second hand dealers and junk dealers; and to prescribe penalties for the violation of the provisions of this act," by amending section 4 (MCL 445.404), as amended by 2006 PA 675.

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

Reps. Griffin, Corriveau, Byrum, Valentine, Ebli, Clemente, Brown, Meadows, Condino, Lindberg, Donigan, Simpson, Johnson, Young, LeBlanc, Bennett, Miller, Tobocman and Dean introduced

House Bill No. 5353, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 613a, 614a, 615a, 616a, 624g, 641, and 759a (MCL 168.613a, 168.614a, 168.615a, 168.616a, 168.624g, 168.641, and 168.759a), as amended by 2007 PA 52, and by adding sections 495a, 562b, 618, 619, and 620a; and to repeal acts and parts of acts.

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

Rep. McDowell introduced

House Bill No. 5354, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16315 (MCL 333.16315), as amended by 2001 PA 232.

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

Rep. McDowell introduced

House Bill No. 5355, entitled

A bill to amend 1989 PA 196, entitled "An act to abolish the criminal assessments commission; to prescribe certain duties of the crime victim services commission; to create the crime victim's rights fund; to provide for expenditures from the fund; to provide for assessments against criminal defendants and certain juvenile offenders; to provide for payment of crime victim's rights services; and to prescribe the powers and duties of certain state and local agencies and departments," by amending sections 1, 4, and 8 (MCL 780.901, 780.904, and 780.908), sections 1 and 4 as amended by 1996 PA 520 and section 8 as amended by 1993 PA 345.

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

Reps. Huizenga, Meisner and Clemente introduced

House Bill No. 5356, entitled

A bill to amend 1972 PA 284, entitled "Business corporation act," by amending sections 108, 109, 123, 201, 211, 217, 241, 251, 545a, 564a, 564b, 762, 1002, and 1060 (MCL 450.1108, 450.1109, 450.1123, 450.1201, 450.1211, 450.1217, 450.1241, 450.1251, 450.1545a, 450.1564a, 450.1564b, 450.1762, 450.2002, and 450.2060), sections 108, 211, and 241 as amended by 1989 PA 121, sections 109 and 251 as amended by 1993 PA 91, sections 123 and 564b as amended by 2001 PA 57, sections 217, 564a, and 762 as amended by 1997 PA 118, section 545a as added by 1989 PA 121, and section 1060 as amended by 2007 PA 83, and by adding sections 745 and 746; and to repeal acts and parts of acts.

The bill was read a first time by its title and referred to the Committee on New Economy and Quality of Life.

Reps. Meisner, Clemente and Huizenga introduced

House Bill No. 5357, entitled

A bill to amend 1962 PA 192, entitled "Professional service corporation act," by amending sections 2, 3, 4, and 13 (MCL 450.222, 450.223, 450.224, and 450.233), section 2 as amended by 1998 PA 48, section 4 as amended by 2000 PA 335, and section 13 as amended by 2001 PA 58.

The bill was read a first time by its title and referred to the Committee on New Economy and Quality of Life.

Reps. Clemente, Meisner and Huizenga introduced

House Bill No. 5358, entitled

A bill to amend 1993 PA 23, entitled "Michigan limited liability company act," by amending section 902 (MCL 450.4902), as amended by 1997 PA 52.

The bill was read a first time by its title and referred to the Committee on New Economy and Quality of Life.

Reps. Pastor, Knollenberg, Stakoe, Stahl, Meekhof, Polidori, Huizenga and LaJoy introduced
House Bill No. 5359, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 30301, 30306, and 30307 (MCL 324.30301, 324.30306, and 324.30307), sections 30301 and 30306 as amended by 2003 PA 14 and section 30307 as amended by 2006 PA 430.

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

Reps. Pastor, Knollenberg, Stakoe, Stahl, Meekhof, Polidori, Huizenga and LaJoy introduced

House Bill No. 5360, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 1301 (MCL 324.1301), as amended by 2004 PA 381.

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

Reps. Moss, Marleau, Garfield, Rick Jones, Vagnozzi, David Law, Robertson, LeBlanc, Knollenberg, Agema and Stakoe introduced

House Bill No. 5361, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 383a (MCL 750.383a).

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

Reps. Moss, Marleau, Garfield, Rick Jones, Vagnozzi, David Law, Robertson, LeBlanc, Knollenberg, Agema and Stakoe introduced

House Bill No. 5362, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16s of chapter XVII (MCL 777.16s), as amended by 2005 PA 106.

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

Announcements by the Clerk

October 23, 2007

Received from the Auditor General a copy of the following audit report and/or report summary:

Performance audit of Fee Adequacy Within the Air Quality Division, Department of Environmental Quality, October 2007.

Richard J. Brown
Clerk of the House

Rep. Amos moved that the House adjourn.
The motion prevailed, the time being 4:05 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, October 25, at 10:00 a.m.

RICHARD J. BROWN
Clerk of the House of Representatives

