

No. 9
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House of Representatives
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House Chamber, Lansing, Thursday, January 31, 2008.

12:00 Noon.

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—excused	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—excused	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—excused
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—excused
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—excused	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. Chuck Moss, from the 40th District, offered the following invocation:

“This is a prayer from Father Solanus Casey the great Capuchin priest who served St. Bonaventure Monastery in Detroit, passing away in 1957.

‘Do not pray for easy lives. Pray to be stronger.

Do not pray for tasks equal to your powers. Pray for powers equal to your tasks.

Then the doing of your work shall be no miracle but you shall be a miracle.’

Will you please join me in the words our Savior taught us?

Our Father Who art in heaven,

Hallowed be Thy name.

Thy kingdom come.

Thy will be done on earth, as it is in heaven.

Give us this day our daily bread;

And forgive us our debts, as we forgive our debtors.

And lead us not into temptation, but deliver us from evil;

For Thine is the kingdom, and the power, and the glory, forever .

Amen.”

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

Rep. Tobocman moved that Reps. Gillard, Kathleen Law and Vagnozzi be excused from today’s session.
The motion prevailed.

Motions and Resolutions

Reps. Clack, Sak, Johnson, Hammon, Vagnozzi, Bauer, Angerer, Espinoza, Corriveau, Cheeks, Virgil Smith, Robert Jones, Donigan, Meadows, Coulouris, LeBlanc, Brown, Polidori, Valentine, Bennett, Lahti, Young, Stahl, Alma Smith, Melton, Garfield, Lemmons, Bieda, Farrah, Byrnes, Dean, Scott, Rick Jones, Gaffney, Wenke, LaJoy, David Law, Steil, Hune, Stakoe, Hansen, Moore, Ebli, Leland, Schuitmaker, Spade, Gonzales, Rocca, Jackson, Tobocman, Dillon, Accavitti, Ball, Brandenburg, Caul, Condino, Constan, Cushingberry, Hopgood, Horn, Huizenga, Mayes, Miller, Pastor, Pearce, Shaffer, Sheltrown, Wojno, Booher, Calley, Hammel, Marleau, Moss and Proos offered the following resolution:

House Resolution No. 261.

A resolution to commemorate February 2008 as Black History Month in the state of Michigan.

Whereas, The origins of an Annual Black History Celebration began in 1900 when Mary Church Terrell would honor Frederick Douglas’s birthday which is February 14, in Washington, DC. In 1926, Carter G. Woodson, who witnessed this Annual Celebration, chose the second week of February for Black History Week because it marks the birthdays of two men who had a profound impact on Black Americans: Frederick Douglas and Abraham Lincoln. Fifty years later, Black History Week evolved into Black History Month which celebrates and acknowledges the achievements of Black Americans; and

Whereas, History books had barely started covering Black history when the tradition of Black History Month began. At that point, most representations of Blacks in history books was only in reference to the low social position they held, with the exception of George Washington Carver and Booker T. Washington; and

Whereas, Part of the aim of Black History Month is to expose the harms of racial prejudice and to cultivate Black self-esteem following centuries of socio-economic oppression. It is also an opportunity to recognize significant contributions to society made by people with African heritage; and

Whereas, Black History Month sparks an annual debate about the continued relevance of a designated month dedicated to the history of one race. Woodson, creator of the Black History Week, hoped that the week would eventually be eliminated, when Black History would be fully integrated with American History. His dream has yet to be realized; and

Whereas, Black History acknowledges the impact Black Americans have had on American society as a whole. Black Americans have played a significant role in the United States since the first Africans arrived in Jamestown, Virginia in August 1619. Black Americans have made many contributions, from agriculture to the arts, which include many inventions such as the traffic light, disposable syringe, and the microphone, among many others; and

Whereas, A national month dedicated to educating all Americans on the achievements and contributions of Black Americans has afforded us the opportunity to learn a segment of American history that has been marginalized. Until the day that history

books honestly integrate Black History with American History, we should continue to celebrate Black History Month; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body commemorate February 2008 as Black History Month in the state of Michigan. We honor the contributions it is making to educate Americans on the achievements of Black Americans; and be it further

Resolved, We honor and join other organizations throughout the state and this country, as they use this occasion to honor the contribution of Black Americans; and be it further

Resolved, That a copy of this resolution be transmitted to local civil rights organizations and Black History Museums throughout the state of Michigan.

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.

Reps. Sak, Accavitti, Ball, Bieda, Brandenburg, Condino, Constan, Cushingberry, Dean, Donigan, Farrah, Garfield, Gonzales, Hopgood, Horn, Huizenga, Robert Jones, LaJoy, Lemmons, Mayes, Pastor, Pearce, Polidori, Shaffer, Sheltroun, Spade, Wojno, Booher, Byrnes, Calley, Clack, Hammel, Hammon, Hansen, LeBlanc, Marleau, Moss, Proos, Rocca, Bauer, Brown, Melton and Leland offered the following resolution:

House Resolution No. 262.

A resolution commemorating the 10th anniversary of the Michigan International Auto Show.

Whereas, The Michigan International Auto Show celebrates its 10th anniversary this year, rolling into DeVos Place January 31 through February 3, 2008. Presented by the Grand Rapids New Car Dealers Association (GRNCDA) and ShowSpan Inc., this has become the most highly attended annual event in Grand Rapids; and

Whereas, This year even more of the newest models, pre-production models and concept cars than ever before will be seen at this year's show which celebrates its milestone 10th anniversary; and

Whereas, For ten years, the Michigan International Auto Show has provided the general public with the opportunity to shop for various makes and models side-by-side, under one roof, in a relaxed environment. No matter their budget or personal style, for the last ten years, attendees get an up close look at the latest and greatest new vehicles from GM, Ford and Chrysler, as well as those from Audi, Lexus, Mercedes, Volvo, Infiniti, Jaguar, Saturn, Saab, and many others; and

Whereas, More than 35 car manufacturers from around the world will bring their finest traveling displays to the Michigan International Auto Show and more than 300 new vehicles will be showcased with factory representatives on hand to answer any questions. A handful of concept cars and pre-production models are also expected to be on display; and

Whereas, There will, once again, be many exciting vehicle introductions for the new year. The new Hybrids will continue to be a popular attraction as they continue to make an impact in the marketplace. Also many of the latest technological advances are expected to be seen; and

Whereas, The "Million Dollar Motorway", a special display of vehicles with a retail price of \$100,000 or more and a display of 10 vintage vehicles from the Gilmore Car Museum from Hickory Corners will return to the auto show this year as well; and

Whereas, The 10th Annual Michigan International Auto Show is presented by the Grand Rapids New Car Dealers Association and is one of 16 consumer expositions produced by ShowSpan Inc., Grand Rapids, Michigan. Founded in 1945, ShowSpan is a John D. Loeks, Jr., Company and has grown to be one of the largest producers of consumer shows in the Midwest; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body recognize and commemorate the 10th anniversary of the Michigan International Auto Show.

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.

Reps. Sak, Accavitti, Ball, Bieda, Brandenburg, Condino, Constan, Cushingberry, Dean, Donigan, Farrah, Garfield, Gonzales, Hopgood, Huizenga, Rick Jones, Robert Jones, LaJoy, Lemmons, Mayes, Pastor, Pearce, Polidori, Scott, Shaffer, Spade, Valentine, Wojno, Booher, Byrnes, Calley, Clack, Hammel, Hammon, Hansen, LeBlanc, Marleau, Proos, Rocca, Bauer, Brown, Melton and Leland offered the following resolution:

House Resolution No. 263.

A resolution proclaiming February 1, 2008 as Wear Red Day in the state of Michigan.

Whereas, We support the American Heart Association and its Go Red for Women campaign in support of women's heart health; and

Whereas, Heart diseases are the number one cause of death in the United States; and

Whereas, Cardiovascular diseases are the leading cause of death among women; and

Whereas, One in five females in the United States have some form of cardiovascular disease; and

Whereas, Heart attack, stroke, and other cardiovascular diseases claim the lives of more than half a million women each year, nearly twice as many as all forms of cancer, including breast cancer; and

Whereas, February is National American Heart Month; and

Whereas, In an effort to prevent the increase of heart disease in women and heighten awareness of these diseases the American Heart Association has developed the Go Red for Woman movement; and

Whereas, The Go Red for Women movement invites woman to take charge of their heart health as a top priority to live stronger, longer lives; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body proclaim February 1, 2008 as Wear Red Day in the state of Michigan. We recognize the American Heart Association and its Go Red for Women campaign; now, therefore, be it

Resolved, We urge all our colleagues and Michigan citizens to wear red in recognition of their family members, friends, and neighbors who have suffered from heart disease and as a show of support in the fight against these diseases.

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.

Rep. Stakoe offered the following resolution:

House Resolution No. 264.

A resolution to urge the United States Congress to take action to help stop children and employees from accessing internet pornography.

Whereas, The internet has become an extremely important and popular means of exchanging information, and is relied upon in Michigan for business, education, recreation and other uses; and

Whereas, Many internet sites contain material that is pornographic, either obscene or inappropriate for children, and a majority of these sites originate within the United States but outside the state of Michigan; and

Whereas, The availability of internet pornography on the job costs Michigan employers significant numbers of work hours, strains employers' computer equipment, reduces productivity, and leads to potentially hostile work environments for men and women; and

Whereas, While the custody, care, and nurturing of children resides primarily with parents, the widespread availability of internet pornography and the ability of children to circumvent existing filtering technology defeat the best attempts at parental supervision or control; and

Whereas, Internet pornographers use evolving techniques to lure Michigan children and others into viewing and purchasing pornographic material, defying existing technology designed to block adult content; and

Whereas, Current methods for protecting computers and computer networks from unwanted internet content are expensive, block more than the intended content, and are easily circumvented; and

Whereas, Because children, employees, and others may seek out pornography, warnings and other labels meant to help avoid inadvertent hits on pornographic sites may simply increase the likelihood that these sites will be visited; and

Whereas, Credit card verification systems burden credit card companies, are expensive and time consuming to establish and maintain, and inhibit legal speech; and

Whereas, Other forms of age verification have not been practicable; and

Whereas, Prior Congressional attempts to address children's access to internet pornography have been held unconstitutional or otherwise have not passed constitutional scrutiny; and

Whereas, Prior Congressional attempts to address children's access to internet pornography have not been based on technology that allows individual internet users to select what kind of internet content enters their homes and work spaces; and

Whereas, Protecting the physical and psychological well-being of Michigan's children by shielding them from inappropriate materials is a compelling interest of the Michigan Legislature; and

Whereas, Protecting the right of Michigan's citizens to control what materials enter their homes and other private property is a compelling interest of the Michigan Legislature; and

Whereas, Although the State of Michigan has taken rigorous action in an attempt to shield Michigan's children from obscenity and other inappropriate adult content, it cannot effectively curb the problems with internet pornography within its borders without the support of the United States government; and

Whereas, The United States remains in control of the internet through the Department of Commerce and the National Telecommunication and Information Association; and

Whereas, The United States has the ability to create appropriate policies and enforcement tools to effectively deal with these issues; and

Whereas, We strongly urge the United States Congress to seriously consider enacting legislation to facilitate a technology-based solution that allows parents and employers to subscribe to internet access services that exclude adult content; now, therefore, be it

Resolved by the House of Representatives, That we urge the United States Congress to take action to help stop children and employees from accessing internet pornography; and be it further

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

The resolution was referred to the Committee on Judiciary.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills had been printed and placed upon the files of the members on Thursday, January 31:

House Bill Nos. 5670 5671 5672 5673 5674
Senate Bill Nos. 1066 1067 1075

The Clerk announced that the following Senate bill had been received on Thursday, January 31:

Senate Bill No. 954

Reports of Standing Committees

The Committee on Health Policy, by Rep. Angerer, Chair, reported

House Bill No. 5171, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 9205b. With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Angerer, Simpson, Byrum, Clack, Corriveau, Coulouris, Donigan, Hammon, Robert Jones, Valentine, Wojno, Gaffney, Marleau, Green, Ball and Calley

Nays: None

The Committee on Health Policy, by Rep. Angerer, Chair, reported

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.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Angerer, Simpson, Byrum, Clack, Corriveau, Coulouris, Donigan, Hammon, Robert Jones, Valentine, Wojno, Gaffney, Marleau, Green, Ball and Calley

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Angerer, Chair, of the Committee on Health Policy, was received and read:
Meeting held on: Thursday, January 31, 2008

Present: Reps. Angerer, Simpson, Byrum, Clack, Corriveau, Coulouris, Donigan, Hammon, Robert Jones, Valentine, Wojno, Gaffney, Marleau, Green, Ball, Calley and Robertson

Absent: Rep. Hune

Excused: Rep. Hune

The Committee on Banking and Financial Services, by Rep. Coulouris, Chair, reported

House Bill No. 4596, entitled

A bill to amend 1987 PA 173, entitled "Mortgage brokers, lenders, and servicers licensing act," by amending the title and sections 1a, 2, 3, 4, 5, 6, 8, 9, 11, 21, 23, 25, 27, and 29 (MCL 445.1651a, 445.1652, 445.1653, 445.1654, 445.1655, 445.1656, 445.1658, 445.1659, 445.1661, 445.1671, 445.1673, 445.1675, 445.1677, and 445.1679), sections 1a and 11 as amended by 2002 PA 391, section 2 as amended by 2005 PA 113, sections 3, 4, 5, 6, 8, 23, and 29 as amended by 1996 PA 210, section 21 as amended by 1992 PA 206, and section 25 as amended by 1998 PA 371, and by adding sections 5a, 5b, 6a, 7a, and 29a; and to repeal acts and parts of acts.

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. Coulouris, Johnson, Clemente, Mayes, Virgil Smith, Moore, Robertson, Green and Calley

Nays: None

The Committee on Banking and Financial Services, by Rep. Coulouris, Chair, reported

House Bill No. 5287, entitled

A bill to amend 1987 PA 173, entitled "Mortgage brokers, lenders, and servicers licensing act," by amending section 2 (MCL 445.1652), as amended by 2005 PA 113.

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. Coulouris, Johnson, Clemente, Mayes, Virgil Smith, Moore, Robertson, Green and Calley

Nays: None

The Committee on Banking and Financial Services, by Rep. Coulouris, Chair, reported

House Bill No. 5288, entitled

A bill to amend 1987 PA 173, entitled "Mortgage brokers, lenders, and servicers licensing act," (MCL 445.1651 to 445.1684) by adding section 2a.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Coulouris, Johnson, Clemente, Mayes, Virgil Smith, Moore, Robertson, Green and Calley

Nays: None

The Committee on Banking and Financial Services, by Rep. Coulouris, Chair, reported

House Bill No. 5289, entitled

A bill to amend 1987 PA 173, entitled "Mortgage brokers, lenders, and servicers licensing act," (MCL 445.1651 to 445.1684) by adding section 2c.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Coulouris, Johnson, Clemente, Mayes, Virgil Smith, Moore, Robertson, Green and Calley

Nays: None

The Committee on Banking and Financial Services, by Rep. Coulouris, Chair, reported

House Bill No. 5290, entitled

A bill to amend 1987 PA 173, entitled "Mortgage brokers, lenders, and servicers licensing act," by amending sections 11 and 12 (MCL 445.1661 and 445.1662), section 11 as amended by 2002 PA 391.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Coulouris, Johnson, Clemente, Mayes, Virgil Smith, Moore, Robertson, Green and Calley

Nays: None

The Committee on Banking and Financial Services, by Rep. Coulouris, Chair, reported

House Bill No. 5291, entitled

A bill to amend 1987 PA 173, entitled "Mortgage brokers, lenders, and servicers licensing act," by amending section 14 (MCL 445.1664).

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. Coulouris, Johnson, Clemente, Mayes, Virgil Smith, Moore, Robertson, Green and Calley

Nays: None

The Committee on Banking and Financial Services, by Rep. Coulouris, Chair, reported

Senate Bill No. 826, entitled

A bill to amend 1987 PA 173, entitled "Mortgage brokers, lenders, and servicers licensing act," by amending section 33 (MCL 445.1683).

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. Coulouris, Johnson, Clemente, Mayes, Virgil Smith, Moore, Robertson, Green and Calley

Nays: None

The Committee on Banking and Financial Services, by Rep. Coulouris, Chair, reported

Senate Bill No. 827, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 14h of chapter XVII (MCL 777.14h), as amended by 2006 PA 594.

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. Coulouris, Johnson, Clemente, Mayes, Virgil Smith, Moore, Robertson, Green and Calley

Nays: None

The Committee on Banking and Financial Services, by Rep. Coulouris, Chair, reported

Senate Bill No. 828, entitled

A bill to amend 1987 PA 173, entitled "Mortgage brokers, lenders, and servicers licensing act," by amending the title and section 1a (MCL 445.1651a), section 1a as amended by 2002 PA 391.

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. Coulouris, Johnson, Clemente, Mayes, Virgil Smith, Moore, Robertson, Green and Calley

Nays: None

The Committee on Banking and Financial Services, by Rep. Coulouris, Chair, reported

Senate Bill No. 829, entitled

A bill to amend 1987 PA 173, entitled "Mortgage brokers, lenders, and servicers licensing act," (MCL 445.1651 to 445.1684) by adding section 2b.

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. Coulouris, Johnson, Clemente, Mayes, Virgil Smith, Moore, Robertson, Green and Calley

Nays: None

The Committee on Banking and Financial Services, by Rep. Coulouris, Chair, reported

Senate Bill No. 830, entitled

A bill to amend 1987 PA 173, entitled "Mortgage brokers, lenders, and servicers licensing act," by amending section 8 (MCL 445.1658), as amended by 1996 PA 210.

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. Coulouris, Johnson, Clemente, Mayes, Virgil Smith, Moore, Robertson, Green and Calley

Nays: None

The Committee on Banking and Financial Services, by Rep. Coulouris, Chair, reported

Senate Bill No. 831, entitled

A bill to amend 1987 PA 173, entitled "Mortgage brokers, lenders, and servicers licensing act," by amending section 10 (MCL 445.1660), as amended by 1996 PA 210.

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. Coulouris, Johnson, Clemente, Mayes, Virgil Smith, Moore, Robertson, Green and Calley

Nays: None

The Committee on Banking and Financial Services, by Rep. Coulouris, Chair, reported

Senate Bill No. 832, entitled

A bill to amend 1987 PA 173, entitled "Mortgage brokers, lenders, and servicers licensing act," by amending section 22a (MCL 445.1672a), as added by 1996 PA 210, and by adding section 22b.

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. Coulouris, Johnson, Clemente, Mayes, Virgil Smith, Moore, Robertson, Green and Calley

Nays: None

The Committee on Banking and Financial Services, by Rep. Coulouris, Chair, reported

Senate Bill No. 833, entitled

A bill to amend 1987 PA 173, entitled "Mortgage brokers, lenders, and servicers licensing act," by amending section 29 (MCL 445.1679), as amended by 1996 PA 210.

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. Coulouris, Johnson, Clemente, Mayes, Virgil Smith, Moore, Robertson, Green and Calley

Nays: None

The Committee on Banking and Financial Services, by Rep. Coulouris, Chair, reported

Senate Concurrent Resolution No. 20.

A concurrent resolution to urge the Michigan Office of Financial and Insurance Services to continue its participation in the states-based development of the Nationwide Mortgage Licensing System.

(For text of concurrent resolution, see House Journal No. 119 of 2007, p. 2222.)

With the recommendation that the concurrent resolution be adopted.

The concurrent resolution was laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Coulouris, Johnson, Clemente, Mayes, Virgil Smith, Moore, Robertson, Green and Calley

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Coulouris, Chair, of the Committee on Banking and Financial Services, was received and read:

Meeting held on: Thursday, January 31, 2008

Present: Reps. Coulouris, Johnson, Clemente, Mayes, Virgil Smith, Moore, Robertson, Green and Calley

Messages from the Senate**Senate Bill No. 954, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 387 (MCL 750.387), as amended by 1998 PA 311.

The Senate has passed the bill.

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

Introduction of Bills

Rep. Virgil Smith introduced

House Bill No. 5675, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 404a. The bill was read a first time by its title and referred to the Committee on Insurance.

Reps. Sheltroun, Gillard, Booher, Stahl and Mayes introduced

House Bill No. 5676, entitled

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending section 2 (MCL 207.552), as amended by 2005 PA 267.

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

Reps. Palsrok, Elsenheimer, Sheltroun, Walker, Booher, Hansen, Ball, Stahl and Mayes introduced

House Bill No. 5677, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 36101 (MCL 324.36101), as amended by 2000 PA 262.

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

Reps. Elsenheimer, Sheltroun, Palsrok, Walker, Booher, Hansen, Ball, Stahl and Mayes introduced

House Bill No. 5678, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 9 (MCL 211.9), as amended by 2006 PA 550.

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

Reps. Walker, Elsenheimer, Sheltroun, Palsrok, Hansen, Booher, Ball, Stahl and Mayes introduced

House Bill No. 5679, entitled

A bill to amend 2000 PA 92, entitled "Food law of 2000," by amending section 1107 (MCL 289.1107).

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

Reps. Sheltroun, Elsenheimer, Palsrok, Walker, Hansen, Booher, Ball, Stahl and Mayes introduced

House Bill No. 5680, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 34c (MCL 211.34c), as amended by 2006 PA 646.

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

Reps. Tobocman and Huizenga introduced

House Bill No. 5681, entitled

A bill to amend 1982 PA 162, entitled “Nonprofit corporation act,” by amending sections 106, 141, 143, 404, 405, 407, 413, 421, 441, 446, 451, 505, 521, 525, 548, 611, 901, 1103, and 1144 (MCL 450.2106, 450.2141, 450.2143, 450.2404, 450.2405, 450.2407, 450.2413, 450.2421, 450.2441, 450.2446, 450.2451, 450.2505, 450.2521, 450.2525, 450.2548, 450.2611, 450.2901, 450.3103, and 450.3144), section 611 as amended and sections 1103 and 1144 as added by 1984 PA 209, and by adding section 404a.

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

Rep. Caul introduced

House Bill No. 5682, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 6023 and 6027 (MCL 600.6023 and 600.6027), section 6023 as amended by 1998 PA 61.

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

Second Reading of Bills

House Bill No. 4872, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 135a.

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

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

Rep. Meadows 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. 4872, entitled

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 135a.

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

Roll Call No. 14

Yeas—105

Accavitti	DeRoche	Jones, Robert	Pavlov
Acciavatti	Dillon	Knollenberg	Pearce
Agema	Donigan	Lahti	Polidori
Amos	Ebli	LaJoy	Proos
Angerer	Elsenheimer	Law, David	Robertson
Ball	Emmons	LeBlanc	Rocca
Bauer	Espinoza	Leland	Sak

Bennett	Farrah	Lemmons	Schuitmaker
Bieda	Gaffney	Lindberg	Scott
Booher	Garfield	Marleau	Shaffer
Brandenburg	Gonzales	Mayer	Sheen
Brown	Green	McDowell	Sheltrown
Byrnes	Griffin	Meadows	Simpson
Byrum	Hammel	Meekhof	Smith, Alma
Calley	Hammon	Meisner	Smith, Virgil
Casperson	Hansen	Melton	Spade
Caswell	Hildenbrand	Meltzer	Stakoe
Caul	Hood	Miller	Steil
Cheeks	Hoogendyk	Moolenaar	Tobocman
Clack	Hopgood	Moore	Valentine
Clemente	Horn	Moss	Walker
Condino	Huizenga	Nitz	Ward
Constan	Hune	Nofs	Warren
Corriveau	Jackson	Opsommer	Wenke
Coulouris	Johnson	Palsrok	Wojno
Cushingberry	Jones, Rick	Pastor	Young
Dean			

Nays—0

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. 4873, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16g of chapter XVII (MCL 777.16g), as amended by 2002 PA 630.

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

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

Rep. Amos 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. 4873, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 16g of chapter XVII (MCL 777.16g), as amended by 2002 PA 630.

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

Roll Call No. 15**Yeas—105**

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

Nays—0

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. 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 Wednesday, February 6, at 2:30 p.m.
The motion prevailed.

Reports of Standing Committees

The Committee on Regulatory Reform, by Rep. Farrah, Chair, reported

House Bill No. 5563, entitled

A bill to designate the day upon which the first University of Michigan home football game occurs each year as Bo Schembechler Day in the state of Michigan.

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. Farrah, Virgil Smith, Wojno, Marleau and Gaffney

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Farrah, Chair, of the Committee on Regulatory Reform, was received and read:

Meeting held on: Thursday, January 31, 2008

Present: Reps. Farrah, Scott, Meadows, Virgil Smith, Wojno, Marleau, Palsrok and Gaffney

Absent: Rep. Ward

Excused: Rep. Ward

The Committee on Retiree Health Care Reforms, by Rep. Meadows, Chair, reported

House Resolution No. 243.

A resolution to memorialize Congress to enact legislation to change the computation of state Federal Medical Assistance Percentage (FMAPs) by disregarding employer contributions to prefund retiree health care in calculating Medicaid and the State Children's Health Insurance Program (SCHIP).

(For text of resolution, see House Journal No. 133 of 2007, p. 2571.)

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

Substitute for House Resolution No. 243.

A resolution to memorialize Congress to enact legislation to change the computation of state Federal Medical Assistance Percentage (FMAPs) by disregarding employer contributions to prefund retiree health care in calculating Medicaid.

Whereas, The Federal Medicaid Assistance Percentage (FMAP) determines the distribution of federal matching funds for medical assistance programs, including Medicaid. The United States Department of Health and Human Services calculates the FMAP annually for each state. The formula for calculating the FMAP is determined by a state's per capita income as calculated by the United States Department of Commerce. In 2003, the state lost about \$160 million in federal Medicaid funds when General Motors made a one-time \$16 billion payment to its underfunded pension plan. This one-time payment was included and skewed the calculation of the state's per capita income; and

Whereas, Recent contract negotiations between three domestic automakers and the UAW will generate large one-time payments beginning in 2010 to a Volunteer Employee Benefits Association (VEBA) trust fund to be administered by the union. These payments will be similar in character to the payment made by General Motors for underfunded pension liabilities that skewed the FMAP calculation of state per capita income in 2003; and

Whereas, State and local governments are encouraged to prefund their retiree health benefits as a result of the Governmental Accounting Standards Board (GASB) 45 reporting requirement. These payments will be similar in character to the General Motors one-time payment for underfunded pension liabilities that skewed the FMAP calculation of state per capita income; and

Whereas, The combined contributions of the automobile companies will result in over \$60 billion that will overstate the state's personal income by billions of dollars. The prefunding of public employee retirement by state and local governments will result in an exponential increase in this overstatement. This would place the state at risk of a decline in its FMAP for the three years that these contributions affect personal income calculations; now, therefore, be it

Resolved by the House of Representatives, That we memorialize Congress to enact legislation to change the computing of state Federal Medical Assistance Percentage by disregarding employer contributions toward retiree health care in calculating Medicaid; and be it further

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

The resolution and substitute were laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Meadows, Spade, Valentine, Wenke, Knollenberg and Moss

Nays: None

The Committee on Retiree Health Care Reforms, by Rep. Meadows, Chair, reported

House Concurrent Resolution No. 62.

A concurrent resolution to memorialize Congress to enact legislation to change the computation of state Federal Medical Assistance Percentage (FMAPs) as defined in section 1905(B) of the Social Security Act (43 U.S.C. 1396 (D)) by disregarding employer contributions to prefund retiree health care in calculating Medicaid and the State Children's Health Insurance Program (SCHIP).

(For text of concurrent resolution, see House Journal No. 133 of 2007, p. 2573.)

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

Substitute for House Concurrent Resolution No. 62.

A concurrent resolution to memorialize Congress to enact legislation to change the computation of state Federal Medical Assistance Percentage (FMAPs) by disregarding employer contributions to prefund retiree health care in calculating Medicaid.

Whereas, The Federal Medicaid Assistance Percentage (FMAP) determines the distribution of federal matching funds for medical assistance programs, including Medicaid. The United States Department of Health and Human Services calculates the FMAP annually for each state. The formula for calculating the FMAP is determined by a state's per capita income as calculated by the United States Department of Commerce. In 2003, the state lost about \$160 million in federal Medicaid funds when General Motors made a one-time \$16 billion payment to its underfunded pension plan. This one-time payment was included and skewed the calculation of the state's per capita income; and

Whereas, Recent contract negotiations between three domestic automakers and the UAW will generate large one-time payments beginning in 2010 to a Volunteer Employee Benefits Association (VEBA) trust fund to be administered by the union. These payments will be similar in character to the payment made by General Motors for underfunded pension liabilities that skewed the FMAP calculation of state per capita income in 2003; and

Whereas, State and local governments are encouraged to prefund their retiree health benefits as a result of the Governmental Accounting Standards Board (GASB) 45 reporting requirement. These payments will be similar in character to the General Motors one-time payment for underfunded pension liabilities that skewed the FMAP calculation of state per capita income; and

Whereas, The combined contributions of the automobile companies will result in over \$60 billion that will overstate the state's personal income by billions of dollars. The prefunding of public employee retirement by state and local governments will result in an exponential increase in this overstatement. This would place the state at risk of a decline in its FMAP for the three years that these contributions affect personal income calculations; now, therefore, be it

Resolved by the House of Representatives, (the Senate concurring) That we memorialize Congress to enact legislation to change the computing of state Federal Medical Assistance Percentage by disregarding employer contributions toward retiree health care in calculating Medicaid; and be it further

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

The concurrent resolution and substitute were laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Meadows, Spade, Valentine, Wenke, Knollenberg and Moss

Nays: None

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: Thursday, January 31, 2008

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

Absent: Reps. Coulouris, Alma Smith and Calley

Excused: Reps. Coulouris, Alma Smith and Calley

Notices

January 31, 2008

Rich Brown
Clerk of the House

Mr. Clerk:

I hereby appoint Rep. Howard Walker to replace Rep. Dick Ball as the Minority Vice Chair of the Committee on Agriculture.

Andy Dillon
Speaker of the House
Michigan House of Representatives

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Health Policy from further consideration of **Senate Bill No. 415**.

Rep. Angerer

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Health Policy from further consideration of **Senate Bill No. 416**.

Rep. Angerer

Rep. Rocca moved that the House adjourn.
The motion prevailed, the time being 2:00 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, February 6, at 2:30 p.m.

RICHARD J. BROWN
Clerk of the House of Representatives