

No. 13
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House of Representatives
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House Chamber, Lansing, Thursday, February 9, 2006.

10:30 a.m.

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

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

Accavitti—present	Elsenheimer—present	Law, Kathleen—present	Robertson—present
Acciavatti—present	Emmons—present	Leland—present	Rocca—present
Adamini—present	Espinoza—present	Lemmons, III—present	Sak—present
Amos—present	Farhat—present	Lemmons, Jr.—excused	Schuitmaker—present
Anderson—present	Farrah—present	Lipsey—present	Shaffer—present
Angerer—present	Gaffney—present	Marleau—present	Sheen—present
Ball—present	Garfield—present	Mayes—present	Sheltrown—present
Baxter—present	Gillard—present	McConico—present	Smith, Alma—present
Bennett—present	Gleason—present	McDowell—present	Smith, Virgil—present
Bieda—present	Gonzales—present	Meisner—present	Spade—present
Booher—present	Gosselin—present	Meyer—present	Stahl—present
Brandenburg—present	Green—present	Miller—present	Stakoe—present
Brown—present	Hansen—present	Moolenaar—present	Steil—present
Byrnes—present	Hildenbrand—present	Moore—present	Stewart—present
Byrum—present	Hood—present	Mortimer—present	Taub—present
Casperson—present	Hoogendyk—present	Murphy—present	Tobocman—present
Caswell—present	Hopgood—present	Newell—present	Vagnozzi—present
Caul—present	Huizenga—present	Nitz—present	Van Regenmorter—excused
Cheeks—present	Hummel—present	Nofs—present	Vander Veen—present
Clack—present	Hune—present	Palmer—present	Walker—present
Clemente—present	Hunter—present	Palsrok—present	Ward—present
Condino—present	Jones—present	Pastor—present	Waters—present
Cushingberry—present	Kahn—present	Pavlov—present	Wenke—present
DeRoche—present	Kolb—present	Pearce—present	Whitmer—present
Dillon—present	Kooiman—present	Plakas—present	Williams—present
Donigan—present	LaJoy—present	Polidori—present	Wojno—present
Drolet—present	Law, David—present	Proos—present	Zelenko—present

Rep. Paul Condino, from the 35th District, offered the following invocation:

“Almighty and eternal God, You know the longing of men’s hearts, and You protect their rights. In Your goodness watch over those in authority, so that people everywhere may enjoy freedom, security and peace.

You guide and govern everything with order and love. Look upon the assembly of this body and fill us with the spirit of Your wisdom. Amen.”

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

Rep. Sak moved that Rep. Lemmons, Jr. be excused from today’s session.
The motion prevailed.

The Speaker Pro Tempore called Associate Speaker Pro Tempore Caswell to the Chair.

Third Reading of Bills

House Bill No. 4893, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 16263 (MCL 333.16263), as amended by 2004 PA 97, and by adding section 16336 and part 179.

The bill was read a third time.

The question being on the passage of the bill,

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

House Bill No. 4536, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 34c (MCL 211.34c), as amended by 2002 PA 620.

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

Roll Call No. 63

Yeas—106

Accavitti	Elsenheimer	Law, Kathleen	Robertson
Acciavatti	Emmons	Leland	Rocca
Adamini	Espinoza	Lemmons, III	Sak
Amos	Farhat	Lipsey	Schuitmaker
Anderson	Farrah	Marleau	Shaffer
Angerer	Gaffney	Mayes	Sheen
Ball	Garfield	McConico	Sheltrown
Baxter	Gillard	McDowell	Smith, Alma
Bennett	Gleason	Meisner	Smith, Virgil
Bieda	Gonzales	Meyer	Spade
Booher	Gosselin	Miller	Stahl
Brandenburg	Green	Moolenaar	Stakoe
Brown	Hansen	Moore	Steil
Byrnes	Hildenbrand	Mortimer	Stewart
Byrum	Hood	Murphy	Taub
Casperson	Hoogendyk	Newell	Tobocman
Caswell	Hopgood	Nitz	Vagnozzi
Caul	Huizenga	Nofs	Vander Veen

Cheeks	Hummel	Palmer	Walker
Clack	Hune	Palsrok	Ward
Clemente	Hunter	Pastor	Waters
Condino	Jones	Pavlov	Wenke
Cushingberry	Kahn	Pearce	Whitmer
DeRoche	Kolb	Plakas	Williams
Dillon	Kooiman	Polidori	Wojno
Donigan	LaJoy	Proos	Zelenko
Drolet	Law, David		

Nays—0

In The Chair: Caswell

The House agreed to the title of the bill.
Rep. Ward moved that the bill be given immediate effect.
The motion prevailed, 2/3 of the members serving voting therefor.

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

By unanimous consent the House returned to the order of
Reports of Standing Committees

The Committee on Natural Resources, Great Lakes, Land Use, and Environment, by Rep. Palsrok, Chair, reported
Senate Bill No. 850, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 30103, 32701, 32702, 32707, and 32713 (MCL 324.30103, 324.32701, 324.32702, 324.32707, and 324.32713), sections 30103, 32702, and 32713 as added by 1995 PA 59 and sections 32701 and 32707 as amended by 2003 PA 148, and by adding sections 32704a, 32721, 32722, 32723, 32724, 32726, 32727, and 32728; and to repeal acts and parts of acts.

With the recommendation that the substitute (H-4) 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. Palsrok, Pavlov, Meyer, LaJoy, Ward, Elsenheimer, Moore, Pearce, Gillard, Byrnes, Kathleen Law, Bennett and Donigan

Nays: None

The Committee on Natural Resources, Great Lakes, Land Use, and Environment, by Rep. Palsrok, Chair, reported
Senate Bill No. 851, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 32803 (MCL 324.32803), as added by 2003 PA 148.

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. Palsrok, Pavlov, Meyer, LaJoy, Ward, Elsenheimer, Moore, Pearce, Gillard, Miller, Byrnes, Kathleen Law, Bennett and Donigan

Nays: None

The Committee on Natural Resources, Great Lakes, Land Use, and Environment, by Rep. Palsrok, Chair, reported **Senate Bill No. 852, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 32705 and 32708 (MCL 324.32705 and 324.32708), as amended by 2003 PA 148, and by adding section 32708a.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Palsrok, Pavlov, Meyer, LaJoy, Ward, Elsenheimer, Moore, Pearce, Gillard, Miller, Byrnes, Kathleen Law, Bennett and Donigan

Nays: None

The Committee on Natural Resources, Great Lakes, Land Use, and Environment, by Rep. Palsrok, Chair, reported **Senate Bill No. 854, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 32725.

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. Palsrok, Pavlov, Meyer, LaJoy, Ward, Elsenheimer, Moore, Pearce, Gillard, Miller, Byrnes, Kathleen Law, Bennett and Donigan

Nays: None

The Committee on Natural Resources, Great Lakes, Land Use, and Environment, by Rep. Palsrok, Chair, reported **Senate Bill No. 857, entitled**

A bill to amend 1976 PA 399, entitled "Safe drinking water act," by amending section 4 (MCL 325.1004), as amended by 1998 PA 56.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Palsrok, Pavlov, Meyer, LaJoy, Ward, Elsenheimer, Moore, Pearce, Gillard, Miller, Byrnes, Kathleen Law, Bennett and Donigan

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Palsrok, Chair, of the Committee on Natural Resources, Great Lakes, Land Use, and Environment, was received and read:

Meeting held on: Thursday, February 9, 2006

Present: Reps. Palsrok, Pavlov, Meyer, LaJoy, Ward, Elsenheimer, Moore, Pearce, Gillard, Miller, Byrnes, Kathleen Law, Bennett and Donigan

Absent: Rep. Palmer
Excused: Rep. Palmer

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Palsrok, Chair, of the Committee on Natural Resources, Great Lakes, Land Use, and Environment, was received and read:

Meeting held on: Wednesday, February 8, 2006

Present: Reps. Palsrok, Pavlov, Meyer, LaJoy, Elsenheimer, Moore, Pearce, Gillard, Miller, Byrnes, Kathleen Law, Bennett and Donigan

Absent: Reps. Palmer and Ward

Excused: Reps. Palmer and Ward

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Sak, McDowell, Accavitti, Anderson, Brandenburg, Clack, Condino, Espinoza, Gleason, Gonzales, Kathleen Law, Leland, Miller, Mortimer, Pearce, Polidori, Alma Smith, Spade, Vander Veen, Wojno and Zelenko offered the following resolution:

House Resolution No. 196.

A resolution to urge the Department of Natural Resources and the Natural Resources Commission not to sell any state park lands without legislative approval.

Whereas, The people of Michigan have a long history of enjoying our state's bounty and beauty through outdoor activities. Our heritage as a haven for hiking, hunting, fishing, camping, and boating has led our citizens to make a major investment in our network of state parks. These facilities offer a variety of attractions, all of which provide an opportunity for our citizens to enjoy our waters and woods; and

Whereas, A proposal has been made to sell some of the Michigan's state park lands. This suggestion has been made to alleviate some of the state's budget difficulties and as a way to reduce potential conflicts with private sector enterprises, especially private campgrounds; and

Whereas, Michigan's state parks represent a long-term investment that generations of our citizens have made. To sell some of these parks, especially for the short-term benefit of an infusion of cash, would do little to help our state. In essence, selling park lands would leave our state poorer. Doing so would certainly not be prudent in view of the fact that tourism continues to play an important role in our state economy. For certain areas of the state, of course, state parks are major elements of community life; and

Whereas, Michigan's citizens strongly support our state park system. In fact, they have approved ballot measures to secure our park system and recreational resources far into the future. To replace this public commitment with a policy that promotes the sale of parks for possible short-term benefits would be wrong; now, therefore, be it

Resolved by the House of Representatives, That we urge the Department of Natural Resources and the Natural Resources Commission not to sell any state park lands without legislative approval; and be it further

Resolved, That copies of this resolution be transmitted to the Department of Natural Resources and the Natural Resources Commission.

The resolution was referred to the Committee on Government Operations.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced the enrollment printing and presentation to the Governor on Thursday, February 9, for her approval of the following bills:

Enrolled House Bill No. 5559 at 11:44 a.m.

Enrolled House Bill No. 4670 at 11:46 a.m.

The Clerk announced that the following bills had been printed and placed upon the files of the members on Thursday, February 9:

House Bill Nos. 5647 5648 5649 5650 5651 5652 5653 5654 5655 5656 5657 5658 5659

Senate Bill Nos. 1038 1039 1040 1041

The Clerk announced that the following Senate bill had been received on Thursday, February 9:
Senate Bill No. 880

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

Senate Bill No. 880, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding chapter 41A. The Senate has passed the bill.

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

Introduction of Bills

Reps. Hansen and Booher introduced

House Bill No. 5660, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 2601, 2605, 2611, 2613, 2614, 2615, 2617, 2619, 2621, 2627, 2629, 2633, 2635, and 2637 (MCL 339.2601, 339.2605, 339.2611, 339.2613, 339.2614, 339.2615, 339.2617, 339.2619, 339.2621, 339.2627, 339.2629, 339.2633, 339.2635, and 339.2637), sections 2601, 2605, 2611, 2613, 2615, 2617, 2619, 2621, 2627, 2629, 2633, 2635, and 2637 as amended and section 2614 as added by 1999 PA 170.

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

Reps. Nofs, Hunter, Stewart, Garfield, Meyer, Gaffney, Steil, Proos, Jones, Booher, Moolenaar, Amos, Vander Veen, Vagnozzi, Sheltroun, Hune, Kolb, Lipsey, Condino, Plakas, Mayes, Alma Smith, Hopgood, Moore, Baxter, Nitz, Kahn, Ward, Shaffer, David Law, Newell, Caul, Marleau, LaJoy, Mortimer, Acciavatti, Schuitmaker, Pearce, Hansen and Waters introduced

House Bill No. 5661, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2111a.

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

Reps. Caswell, Stahl, Plakas, Wenke, Marleau, Amos, Sheen, Hoogendyk, Gosselin, Moore, Taub and Baxter introduced

House Bill No. 5662, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 732a (MCL 257.732a), as amended by 2004 PA 52; and to repeal acts and parts of acts.

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

Reps. Hunter, Nofs, Tobocman, Vagnozzi, Cheeks, Kolb, Condino, Hood, Plakas, Anderson, Hune, Lipsey, Bieda, Waters, Alma Smith, Espinoza, Mayes, Leland, Dillon, Farrah, Virgil Smith, Gonzales, Gillard and Lemmons, III introduced

House Bill No. 5663, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 310f.

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

Reps. Spade, Jones, Polidori, Wojno, Anderson, Clemente, Mortimer, Gaffney, Gleason, Bennett, Plakas, Stahl, Farrah, Hune, Byrnes, Miller, Kathleen Law, Bieda, Accavitti, Brown, Gonzales, David Law, Kahn, Pavlov, Ward, Hansen, Waters, Cushingberry, Tobocman, Gillard, Mayes, Meisner, Espinoza, Dillon, Lipsey, Hood, Sak, Leland, Lemmons, Jr., Hunter, Clack, Adamini, Sheltroun, McDowell, Garfield, Vagnozzi, Pearce, Green and Lemmons, III introduced

House Bill No. 5664, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 2118 and 2120 (MCL 500.2118 and 500.2120), section 2118 as amended by 2002 PA 492 and section 2120 as amended by 1984 PA 350, and by adding section 2116a.

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

Reps. Leland, Accavitti, Tobocman, Lipsey, Condino, Adamini, Hunter, McConico, Virgil Smith, Meisner and Alma Smith introduced

House Bill No. 5665, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 4706 and 8733 (MCL 600.4706 and 600.8733), section 4706 as added by 1988 PA 104 and section 8733 as amended by 2003 PA 95, and by adding section 2975.

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

Reps. Leland, Accavitti, Tobocman, Lipsey, Adamini, Hunter, McConico, Virgil Smith, Meisner and Alma Smith introduced

House Bill No. 5666, entitled

A bill to amend 1993 PA 327, entitled "Tobacco products tax act," by amending section 9 (MCL 205.429), as amended by 2004 PA 474.

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

Reps. Leland, Accavitti, Tobocman, Lipsey, Condino, Adamini, Hunter, McConico, Virgil Smith, Meisner and Alma Smith introduced

House Bill No. 5667, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 625n (MCL 257.625n), as amended by 1998 PA 349.

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

Reps. Leland, Accavitti, Tobocman, Lipsey, Condino, Adamini, Hunter, McConico, Virgil Smith, Meisner and Alma Smith introduced

House Bill No. 5668, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 159n and 535a (MCL 750.159n and 750.535a), section 159n as added by 1995 PA 187 and section 535a as amended by 1999 PA 185.

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

Reps. David Law, Marleau, LaJoy, Proos, Stahl, Green, Kahn and Jones introduced

House Bill No. 5669, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending section 224 (MCL 18.1224), as added by 2003 PA 12.

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

Reps. Proos, David Law, Marleau, LaJoy, Stahl, Green, Kahn and Jones introduced

House Bill No. 5670, entitled

A bill to require departments and regulatory agencies of this state to acknowledge timely receipt of information requests submitted by mail as the postmark date; and to provide for rule-making authority.

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

Rep. Steil introduced

House Joint Resolution S, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending sections 2, 3, and 54 of article IV, to reduce the number of senators and representatives and to increase term limits.

The joint resolution was read a first time by its title and referred to the Committee on Government Operations.

Quorum Call

Rep. Rocca questioned the presence of a quorum and moved that the roll be called and printed in the Journal. The motion prevailed.

The roll was called and the Clerk announced that a quorum was present.

The following is the roll call:

Roll Call No. 64

Yeas—104

Accavitti	Drolet	LaJoy	Robertson
Acciavatti	Elsenheimer	Law, David	Rocca
Adamini	Emmons	Law, Kathleen	Sak
Amos	Espinoza	Leland	Schuitmaker
Anderson	Farhat	Lemmons, III	Shaffer
Angerer	Farrah	Lipsey	Sheen
Ball	Gaffney	Marleau	Sheltrown
Baxter	Garfield	Mayes	Smith, Alma
Bennett	Gillard	McConico	Smith, Virgil
Bieda	Gleason	McDowell	Spade
Booher	Gonzales	Meisner	Stahl
Brandenburg	Gosselin	Meyer	Stakoe
Brown	Green	Miller	Steil
Byrnes	Hansen	Moolenaar	Stewart
Byrum	Hildenbrand	Moore	Taub
Casperson	Hood	Mortimer	Tobocman
Caswell	Hoogendyk	Murphy	Vagnozzi
Caul	Hopgood	Nitz	Vander Veen
Cheeks	Huizenga	Nofs	Walker
Clack	Hummel	Palmer	Ward
Clemente	Hune	Palsrok	Waters
Condino	Hunter	Pastor	Wenke
Cushingberry	Jones	Pavlov	Whitmer
DeRoche	Kahn	Pearce	Williams
Dillon	Kolb	Polidori	Wojno
Donigan	Kooiman	Proos	Zelenko

In The Chair: Elsenheimer

The Speaker Pro Tempore resumed the Chair.

Second Reading of Bills

House Bill No. 5624, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending section 1305 (MCL 500.1305), as amended by 1992 PA 182.

The bill was read a second time.

Rep. Adamini moved to amend the bill as follows:

1. Amend page 3, following line 8, by inserting:

“(6) THE PROVISIONS OF SUBSECTIONS (2) THROUGH (6) NO LONGER APPLY AFTER DECEMBER 31, 2008.”.

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

Rep. Byrum moved to amend the bill as follows:

1. Amend page 3, following line 2, by inserting:

“(5) A DOMESTIC INSURER THAT RECOGNIZES AS AN ADMITTED ASSET ANY AMOUNT UNDER SUBSECTIONS (2) AND (3) SHALL ANNUALLY TEST THE VALUE OF THE ASSET FOR IMPAIRMENT. THE DOMESTIC INSURER SHALL FOLLOW THE ASSET ADEQUACY ANALYSIS AS REQUIRED UNDER SECTION 830A.” and renumbering the remaining subsection.

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

Rep. Tobocman moved to amend the bill as follows:

1. Amend page 2, line 1, by striking out all of subsection (2) and inserting:

“(2) IF A DOMESTIC INSURER ACQUIRES THROUGH A BUSINESS ACQUISITION OR A REINSURANCE TRANSACTION A BOOK OF BUSINESS THAT INCLUDES LIFE INSURANCE OR OTHER BUSINESS WRITTEN BY A LIFE INSURANCE COMPANY, AND THE BOOK OF BUSINESS HAS A READILY DETERMINABLE MARKET VALUE REPRESENTED BY THE PRESENT VALUE OF THE FUTURE AFTER-TAX PROFITS THAT WILL BE EARNED ON THE BOOK OF BUSINESS IN FORCE AT THE DATE OF THE ACQUISITION, THE ADDITIONAL VALUE OF THE BOOK OF BUSINESS ACQUIRED ABOVE THE CURRENT AMOUNT THAT MAY BE ADMITTED BY THE DOMESTIC INSURER UNDER STATUTORY ACCOUNTING PRINCIPLES MAY BE RECOGNIZED WITH THE PRIOR APPROVAL OF THE COMMISSIONER AS AN ADMITTED ASSET IN THE ANNUAL STATEMENT FILED PURSUANT TO SECTION 438. THE COMMISSIONER SHALL MAKE A DETERMINATION REGARDING THE ADMISSIBILITY OF THIS ASSET WITHIN 60 DAYS AFTER RECEIVING A FILING WITH SUPPORTING DOCUMENTATION, IN A FORM SATISFACTORY TO THE COMMISSIONER, FROM THE DOMESTIC INSURER REQUESTING SUCH APPROVAL. IN MAKING THIS DETERMINATION, THE COMMISSIONER SHALL EXAMINE THE DOMESTIC INSURER’S TOTAL ADJUSTED CAPITAL AS REPORTED BY THE DOMESTIC INSURER IN ITS MOST RECENT ANNUAL STATEMENT FILED PURSUANT TO SECTION 438 AND RECALCULATED TO EXCLUDE THE CURRENT BOOK VALUE OF ANY ADMITTED ASSET PREVIOUSLY APPROVED BY THE COMMISSIONER UNDER SUBSECTION (3).”

2. Amend page 2, line 10, by striking out all of subsection (3) and inserting:

“(3) THE VALUE OF THE BOOK OF BUSINESS ACQUIRED AS DESCRIBED IN SUBSECTION (2) THAT A DOMESTIC INSURER MAY RECOGNIZE AS AN ADMITTED ASSET SHALL NOT EXCEED THE FOLLOWING:

(A) TWENTY PERCENT OF THAT CAPITAL AND SURPLUS THAT IS LESS THAN 600% OF AUTHORIZED CONTROL LEVEL RISK BASED CAPITAL, PLUS

(B) TWENTY-FIVE PERCENT OF THAT CAPITAL AND SURPLUS THAT IS EQUAL TO OR GREATER THAN 600%, BUT LESS THAN 750%, OF AUTHORIZED CONTROL LEVEL RISK BASED CAPITAL, PLUS

(C) FORTY-FIVE PERCENT OF THAT CAPITAL AND SURPLUS THAT IS EQUAL TO OR GREATER THAN 750%, BUT LESS THAN 900%, OF AUTHORIZED CONTROL LEVEL RISK BASED CAPITAL, PLUS

(D) FIFTY PERCENT OF THAT CAPITAL AND SURPLUS THAT IS EQUAL TO OR GREATER THAN 900% OF AUTHORIZED CONTROL LEVEL RISK BASED CAPITAL.”

3. Amend page 3, line 3, by striking out all of subsection (5) and inserting:

“(5) AS USED IN THIS SECTION, “CAPITAL AND SURPLUS” MEANS CAPITAL AND SURPLUS AS REPORTED BY THE DOMESTIC INSURER IN ITS MOST RECENT ANNUAL STATEMENT FILED PURSUANT TO SECTION 438 EXCLUDING THE CURRENT BOOK VALUE OF ANY ADMITTED ASSET PREVIOUSLY APPROVED BY THE COMMISSIONER UNDER SUBSECTION (3).”

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

Rep. Sak moved that Rep. Plakas be excused temporarily from today’s session.

The motion prevailed.

Rep. Palmer moved that Rep. Newell be excused temporarily from today’s session.

The motion prevailed.

Rep. Adamini moved to reconsider the vote by which the House did not adopt the amendment offered previously by Rep. Adamini.

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

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

Rep. Adamini demanded the yeas and nays.

The demand was supported.

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

Rep. Adamini withdrew the amendment.

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

The motion prevailed.

Rep. Stakoe 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. 5624, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 1305 (MCL 500.1305), as amended by 1992 PA 182.

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

Roll Call No. 65

Yeas—94

Accavitti	Drolet	Kooiman	Robertson
Acciavatti	Elsenheimer	LaJoy	Rocca
Amos	Emmons	Law, David	Sak
Anderson	Espinoza	Leland	Schuitmaker
Angerer	Farhat	Lipsey	Shaffer
Ball	Farrah	Marleau	Sheen
Baxter	Gaffney	Mayes	Sheltrown
Bennett	Garfield	McDowell	Spade
Bieda	Gillard	Meyer	Stahl
Booher	Gleason	Miller	Stakoe
Brandenburg	Gonzales	Moolenaar	Steil
Brown	Gosselin	Moore	Stewart
Byrnes	Green	Mortimer	Taub
Byrum	Hansen	Murphy	Vagnozzi
Casperson	Hildenbrand	Nitz	Vander Veen
Caswell	Hoogendyk	Nofs	Walker
Caul	Hopgood	Palmer	Ward
Clack	Huizenga	Palsrok	Waters
Clemente	Hummel	Pastor	Wenke
Condino	Hune	Pavlov	Whitmer
Cushingberry	Hunter	Pearce	Williams
DeRoche	Jones	Polidori	Wojno
Dillon	Kahn	Proos	Zelenko
Donigan	Kolb		

Nays—10

Adamini	Law, Kathleen	Meisner	Smith, Virgil
Cheeks	Lemmons, III	Smith, Alma	Tobocman
Hood	McConico		

In The Chair: Kooiman

The House agreed to the title of the bill.

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

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

Reps. Anderson, Kolb, Lipsey, Whitmer, Kooiman, Hunter, Pastor, Brandenburg, Bieda, Condino, DeRoche, Stakoe, Wenke, Byrum, Emmons, Sak, Nitz, Huizenga, Gillard, Ball, Baxter, Caul, Elsenheimer, Gonzales, Jones, David Law, Leland, Mayes, Mortimer, Pearce, Sheltroun and Murphy were named co-sponsors of the bill.

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

“Mr. Speaker and members of the House:

Without the support of the State of Michigan’s Commissioner of the Office of Financial and Insurance Services, we should not be changing the accounting rules within our insurance industry. OFIS is entrusted by the public to make certain that our insurance industry operates with fiscal responsibility so that consumers are protected. Since this bill was introduced less than two weeks ago, there has been little opportunity to insure the technical limits of the schedule of tranches and other issues are written in an optimal manner. With accounting scandals, like Enron, fresh in the history of American commerce, the Legislature should tread lightly when loosening accounting rules to benefit any particular business model. The accounting rule changes in HB 5624 have NOT been adopted by any other state, nor are they approved by the National Association of Insurance Commissioners (NAIC). I can only hope that consumers and investors are not hurt by the loosening of generally-accepted accounting standards in our lust for retaining and creating jobs.”

Rep. Hood, 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:

Without support of the State of Michigan’s Commissioner of the Office of Financial and Insurance Services, we should not be changing the accounting rules within our insurance industry. O.F.I.S. is entrusted by the public to make certain that our insurance industry operates with fiscal responsibility so that consumers are protected. Since this bill was introduced less than two weeks ago, there has been little opportunity to insure the technical limits of calculating assets and that other issues are written in an optimal manner. With accounting scandals, like Enron, fresh in the history of American commerce, the Legislature should tread lightly in entering into loosening accounting rules to benefit any particular business model. The accounting rule changes in HB 5624 have not been adopted by any other state, nor are they approved by the National Association of Insurance Commissioners (N.A.I.C.)”

The Speaker Pro Tempore called Associate Speaker Pro Tempore Elsenheimer to the Chair.

Second Reading of Bills

Senate Bill No. 850, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 30103, 32701, 32702, 32707, and 32713 (MCL 324.30103, 324.32701, 324.32702, 324.32707, and 324.32713), sections 30103, 32702, and 32713 as added by 1995 PA 59 and sections 32701 and 32707 as amended by 2003 PA 148, and by adding sections 32704a, 32721, 32722, 32723, 32724, 32726, 32727, and 32728; and to repeal acts and parts of acts.

Was read a second time, and the question being on the adoption of the proposed substitute (H-4) previously recommended by the Committee on Natural Resources, Great Lakes, Land Use, and Environment,

The substitute (H-4) was adopted, a majority of the members serving voting therefor.

Rep. Palsrok moved to amend the bill as follows:

1. Amend page 12, line 6, after “**CONSIDER**” by striking out “**SECTION 51**” and inserting “**SECTIONS 51 AND 52**”.
- The motion prevailed and the amendment was adopted, a majority of the members serving voting therefor.

Rep. Palsrok moved to amend the bill as follows:

1. Amend page 24, line 25, by striking out all of subdivision (a) and relettering the remaining subdivisions. The motion prevailed and the amendment was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 850, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 30103, 32701, 32702, 32707, and 32713 (MCL 324.30103, 324.32701, 324.32702, 324.32707, and 324.32713), sections 30103, 32702, and 32713 as added by 1995 PA 59 and sections 32701 and 32707 as amended by 2003 PA 148, and by adding sections 32704a, 32721, 32722, 32723, 32724, 32726, 32727, and 32728; 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. 66

Yeas—100

Accavitti	Donigan	LaJoy	Proos
Acciavatti	Elsenheimer	Law, David	Rocca
Adamini	Emmons	Law, Kathleen	Sak
Amos	Espinoza	Leland	Schuitmaker
Anderson	Farhat	Lemmons, III	Shaffer
Angerer	Farrah	Lipsey	Sheltrown
Ball	Gaffney	Marleau	Smith, Alma
Baxter	Gillard	Mayes	Smith, Virgil
Bennett	Gleason	McConico	Spade
Bieda	Gonzales	McDowell	Stahl
Booher	Gosselin	Meisner	Stakoe
Brandenburg	Green	Meyer	Steil
Brown	Hansen	Miller	Stewart
Byrnes	Hildenbrand	Moolenaar	Taub
Byrum	Hood	Moore	Tobocman
Casperson	Hoogendyk	Mortimer	Vagnozzi
Caswell	Hopgood	Murphy	Vander Veen
Caul	Huizenga	Nitz	Walker
Cheeks	Hummel	Nofs	Ward
Clack	Hune	Palmer	Waters
Clemente	Hunter	Palsrok	Wenke
Condino	Jones	Pastor	Whitmer
Cushingberry	Kahn	Pavlov	Williams
DeRoche	Kolb	Pearce	Wojno
Dillon	Kooiman	Polidori	Zelenko

Nays—4

Drolet

Garfield

Robertson

Sheen

In The Chair: Elsenheimer

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

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

A bill to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending sections 30103, 32701, 32702, 32703, 32707, 32713, and 32714 (MCL 324.30103, 324.32701, 324.32702, 324.32703, 324.32707, 324.32713, and 324.32714), sections 30103, 32702, 32703, and 32713 as added by 1995 PA 59 and sections 32701, 32707, and 32714 as amended by 2003 PA 148, and by adding sections 32703a, 32704a, 32721, 32722, 32723, 32724, 32726, 32727, and 32728; and to repeal acts and parts of acts.

The motion prevailed.

The House agreed to the title as amended.

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

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

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:

No Vote Explanation on Water Bills

This is not about clean water or protecting the Great Lakes. It is about regulating water withdrawal from residents and businesses. This is not a time to make any more regulations to make it any more difficult or expensive to do business, create jobs, or for families to live in Michigan. This legislation may be carefully crafted to protect current businesses and residents, but it opens the door to future regulation, higher costs of doing business, and further erosion of private property rights. I can not support more job killing regulations, increased costs, and further erosion of private property rights."

Rep. Robertson, 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 I continue to oppose the diversion of water from the Great Lakes basin and continue to believe that that power should remain in the hands of state governments, I am compelled to vote against SB 850. This legislation creates an entirely new area of government regulation and with it, potentially, vast new power to intervene in the lives of Michigan residents. That this intervention involves something as basic and essential to human life and activity as water usage concerns me greatly. Diversion of water from the Great Lakes is one thing, extending the governments reach into groundwater regulation is another. My no vote on SB 850 and another bill in this package, SB 852, is an expression of my philosophic opposition to the state's involvement in groundwater regulation. I appreciate the attempt to bring objectivity to state action in this area, however, my overriding concern for the private property rights of all Michigan residents-now and in the future-requires that I cast a 'NO' vote on SB 850."

Second Reading of Bills

Senate Bill No. 851, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 32803 (MCL 324.32803), as added by 2003 PA 148.

Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Natural Resources, Great Lakes, Land Use, and Environment,

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

Rep. Palsrok moved to amend the bill as follows:

1. Amend page 5, line 14, by striking out all of subdivision (a) and relettering the remaining subdivisions.

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

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

The motion prevailed.

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

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

Senate Bill No. 851, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 32803 (MCL 324.32803), as added by 2003 PA 148.

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

Roll Call No. 67

Yeas—103

Accavitti	Drolet	LaJoy	Robertson
Acciavatti	Elsenheimer	Law, David	Rocca
Adamini	Emmons	Law, Kathleen	Sak
Amos	Espinoza	Leland	Schuitmaker
Anderson	Farhat	Lemmons, III	Shaffer
Angerer	Farrah	Lipsey	Sheltrown
Ball	Gaffney	Marleau	Smith, Alma
Baxter	Garfield	Mayes	Smith, Virgil
Bennett	Gillard	McConico	Spade
Bieda	Gleason	McDowell	Stahl
Booher	Gonzales	Meisner	Stakoe
Brandenburg	Gosselin	Meyer	Steil
Brown	Green	Miller	Stewart
Byrnes	Hansen	Moolenaar	Taub
Byrum	Hildenbrand	Moore	Tobocman
Casperson	Hood	Mortimer	Vagnozzi
Caswell	Hoogendyk	Murphy	Vander Veen
Caul	Hopgood	Nitz	Walker
Cheeks	Huizenga	Nofs	Ward
Clack	Hummel	Palmer	Waters
Clemente	Hune	Palsrok	Wenke
Condino	Hunter	Pastor	Whitmer
Cushingberry	Jones	Pavlov	Williams
DeRoche	Kahn	Pearce	Wojno
Dillon	Kolb	Polidori	Zelenko
Donigan	Kooiman	Proos	

Nays—1

Sheen

In The Chair: Elsenheimer

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

"An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,"

The House agreed to the full title.

Rep. Stakoe moved that the bill be given immediate effect.
 The motion prevailed, 2/3 of the members serving voting therefor.



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:
 No Vote Explanation on Water Bills

This is not about clean water or protecting the Great Lakes. It is about regulating water withdrawal from residents and businesses. This is not a time to make any more regulations to make it any more difficult or expensive to do business, create jobs, or for families to live in Michigan. This legislation may be carefully crafted to protect current businesses and residents, but it opens the door to future regulation, higher costs of doing business, and further erosion of private property rights. I can not support more job killing regulations, increased costs, and further erosion of private property rights.”

Second Reading of Bills

Senate Bill No. 852, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 32705 and 32708 (MCL 324.32705 and 324.32708), as amended by 2003 PA 148, and by adding section 32708a.

Was read a second time, and the question being on the adoption of the proposed substitute (H-3) previously recommended by the Committee on Natural Resources, Great Lakes, Land Use, and Environment,

The substitute (H-3) was adopted, a majority of the members serving voting therefor.

Rep. Palsrok moved to amend the bill as follows:

1. Amend page 6, line 21, by striking out all of subdivision (a) and relettering the remaining subdivisions.
 The motion prevailed and the amendment was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 852, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 32705 and 32708 (MCL 324.32705 and 324.32708), as amended by 2003 PA 148, and by adding section 32708a.

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

Roll Call No. 68

Yeas—97

Accavitti	Donigan	Law, David	Rocca
Acciavatti	Elsenheimer	Law, Kathleen	Sak
Adamini	Emmons	Leland	Schuitmaker
Amos	Espinoza	Lemmons, III	Shaffer
Anderson	Farhat	Lipsey	Sheltrown
Angerer	Farrah	Marleau	Smith, Alma
Ball	Gaffney	Mayes	Smith, Virgil
Baxter	Gillard	McConico	Spade
Bennett	Gleason	McDowell	Stahl

Bieda	Gonzales	Meisner	Stakoe
Booher	Green	Meyer	Steil
Brandenburg	Hansen	Miller	Stewart
Brown	Hildenbrand	Moolenaar	Taub
Byrnes	Hood	Moore	Tobocman
Byrum	Hopgood	Mortimer	Vagnozzi
Casperson	Huizenga	Murphy	Vander Veen
Caswell	Hummel	Nitz	Walker
Caul	Hune	Nofs	Ward
Cheeks	Hunter	Palsrok	Waters
Clack	Jones	Pastor	Wenke
Clemente	Kahn	Pavlov	Whitmer
Condino	Kolb	Pearce	Williams
Cushingberry	Kooiman	Polidori	Wojno
DeRoche	LaJoy	Proos	Zelenko
Dillon			

Nays—7

Drolet	Gosselin	Palmer	Sheen
Garfield	Hoogendyk	Robertson	

In The Chair: Elsenheimer

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

“An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,”

The House agreed to the full title.

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

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

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:

No Vote Explanation on Water Bills

This is not about clean water or protecting the Great Lakes. It is about regulating water withdrawal from residents and businesses. This is not a time to make any more regulations to make it any more difficult or expensive to do business, create jobs, or for families to live in Michigan. This legislation may be carefully crafted to protect current businesses and residents, but it opens the door to future regulation, higher costs of doing business, and further erosion of private property rights. I can not support more job killing regulations, increased costs, and further erosion of private property rights.”

Rep. Robertson, 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 I continue to oppose the diversion of water from the Great Lakes basin and continue to believe that that power should remain in the hands of state governments, I am compelled to vote against SB 850. This legislation creates an

entirely new area of government regulation and with it, potentially, vast new power to intervene in the lives of Michigan residents. That this intervention involves something as basic and essential to human life and activity as water usage concerns me greatly. Diversion of water from the Great Lakes is one thing, extending the governments reach into groundwater regulation is another. My no vote on SB 850 and another bill in this package, SB 852, is an expression of my philosophic opposition to the state's involvement in groundwater regulation. I appreciate the attempt to bring objectivity to state action in this area, however, my overriding concern for the private property rights of all Michigan residents- now and in the future-requires that I cast a 'NO' vote on SB 850."

Second Reading of Bills

Senate Bill No. 854, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 32725.

Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Natural Resources, Great Lakes, Land Use, and Environment,

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

Rep. Palsrok moved to amend the bill as follows:

1. Amend page 3, line 27, by striking out all of subdivision (a) and relettering the remaining subdivisions.

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 854, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding section 32725.

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

Roll Call No. 69

Yeas—103

Accavitti	Drolet	LaJoy	Robertson
Acciavatti	Elsenheimer	Law, David	Rocca
Adamini	Emmons	Law, Kathleen	Sak
Amos	Espinoza	Leland	Schuitmaker
Anderson	Farhat	Lemmons, III	Shaffer
Angerer	Farrah	Lipsey	Sheltrown
Ball	Gaffney	Marleau	Smith, Alma
Baxter	Garfield	Mayer	Smith, Virgil
Bennett	Gillard	McConico	Spade
Bieda	Gleason	McDowell	Stahl
Booher	Gonzales	Meisner	Stakoe
Brandenburg	Gosselin	Meyer	Steil
Brown	Green	Miller	Stewart
Byrnes	Hansen	Moolenaar	Taub
Byrum	Hildenbrand	Moore	Tobocman
Casperson	Hood	Mortimer	Vagnozzi
Caswell	Hoogendyk	Murphy	Vander Veen
Caul	Hopgood	Nitz	Walker
Cheeks	Huizenga	Nofs	Ward

Clack	Hummel	Palmer	Waters
Clemente	Hune	Palsrok	Wenke
Condino	Hunter	Pastor	Whitmer
Cushingberry	Jones	Pavlov	Williams
DeRoche	Kahn	Pearce	Wojno
Dillon	Kolb	Polidori	Zelenko
Donigan	Kooiman	Proos	

Nays—1

Sheen

In The Chair: Elsenheimer

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

“An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts.”

The House agreed to the full title.

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

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

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:

No Vote Explanation on Water Bills

This is not about clean water or protecting the Great Lakes. It is about regulating water withdrawal from residents and businesses. This is not a time to make any more regulations to make it any more difficult or expensive to do business, create jobs, or for families to live in Michigan. This legislation may be carefully crafted to protect current businesses and residents, but it opens the door to future regulation, higher costs of doing business, and further erosion of private property rights. I can not support more job killing regulations, increased costs, and further erosion of private property rights.”

Second Reading of Bills

Senate Bill No. 857, entitled

A bill to amend 1976 PA 399, entitled “Safe drinking water act,” by amending section 4 (MCL 325.1004), as amended by 1998 PA 56.

Was read a second time, and the question being on the adoption of the proposed substitute (H-3) previously recommended by the Committee on Natural Resources, Great Lakes, Land Use, and Environment,

The substitute (H-3) was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 857, entitled

A bill to amend 1976 PA 399, entitled “Safe drinking water act,” by amending section 4 (MCL 325.1004), as amended by 1998 PA 56.

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

Roll Call No. 70

Yeas—101

Accavitti	Elsenheimer	Law, David	Robertson
Acciavatti	Emmons	Law, Kathleen	Rocca
Adamini	Espinoza	Leland	Sak
Amos	Farhat	Lemmons, III	Schuitmaker
Anderson	Farrah	Lipsey	Shaffer
Angerer	Gaffney	Marleau	Sheltrown
Ball	Garfield	Mayes	Smith, Alma
Baxter	Gillard	McConico	Smith, Virgil
Bennett	Gleason	McDowell	Spade
Bieda	Gonzales	Meisner	Stahl
Booher	Green	Meyer	Stakoe
Brandenburg	Hansen	Miller	Steil
Brown	Hildenbrand	Moolenaar	Stewart
Byrnes	Hood	Moore	Taub
Byrum	Hoogendyk	Mortimer	Tobocman
Casperson	Hopgood	Murphy	Vagnozzi
Caswell	Huizenga	Nitz	Vander Veen
Caul	Hummel	Nofs	Walker
Cheeks	Hune	Palmer	Ward
Clack	Hunter	Palsrok	Waters
Clemente	Jones	Pastor	Wenke
Condino	Kahn	Pavlov	Whitmer
Cushingberry	Kolb	Pearce	Williams
DeRoche	Kooiman	Polidori	Wojno
Dillon	LaJoy	Proos	Zelenko
Donigan			

Nays—3

Drolet	Gosselin	Sheen
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In The Chair: Elsenheimer

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

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

A bill to amend 1976 PA 399, entitled “An act to protect the public health; to provide for supervision and control over public water supplies; to prescribe the powers and duties of the department of environmental quality; to provide for the submission of plans and specifications for waterworks systems and the issuance of construction permits therefor; to provide for capacity assessments and source water assessments of public water supplies; to provide for the classification of public water supplies and the examination, certification and regulation of persons operating those systems; to provide for continuous, adequate operation of privately owned, public water supplies; to authorize the promulgation of rules to carry out the intent of the act; to create the water supply fund; to provide for the

administration of the water supply fund; and to provide penalties,” by amending sections 4 and 17 (MCL 325.1004 and 325.1017), section 4 as amended by 1998 PA 56 and section 17 as amended by 1993 PA 165.

The motion prevailed.

The House agreed to the title as amended.

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

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

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:

No Vote Explanation on Water Bills

This is not about clean water or protecting the Great Lakes. It is about regulating water withdrawal from residents and businesses. This is not a time to make any more regulations to make it any more difficult or expensive to do business, create jobs, or for families to live in Michigan. This legislation may be carefully crafted to protect current businesses and residents, but it opens the door to future regulation, higher costs of doing business, and further erosion of private property rights. I can not support more job killing regulations, increased costs, and further erosion of private property rights.”

Second Reading of Bills

House Bill No. 5497, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending section 1204c (MCL 500.1204c), as amended by 2005 PA 247.

The bill was read a second time.

Rep. Hune moved to amend the bill as follows:

1. Amend page 9, line 14, after “**INSURANCE**” by striking out the balance of the sentence and inserting a period. The motion prevailed and the amendment was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

Rep. Sak moved that Reps. Adamini and Gleason be excused temporarily from today’s session.

The motion prevailed.

By unanimous consent the House returned to the order of

Third Reading of Bills

The House returned to the consideration of

House Bill No. 4893, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending section 16263 (MCL 333.16263), as amended by 2004 PA 97, and by adding section 16336 and part 179.

(The bill was considered earlier today, see today’s Journal p. 198.)

The question being on the passage of the bill,

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

Roll Call No. 71

Yeas—71

Acciavatti
Amos
Anderson

Farrah
Gaffney
Gillard

Law, David
Law, Kathleen
Leland

Proos
Rocca
Sak

Angerer	Gonzales	Lemmons, III	Schuitmaker
Ball	Green	Lipsey	Shaffer
Bennett	Hansen	Mayer	Smith, Virgil
Bieda	Hildenbrand	McConico	Stahl
Booher	Hood	McDowell	Stakoe
Brown	Hopgood	Meisner	Stewart
Byrnes	Huizenga	Meyer	Walker
Caul	Hummel	Miller	Ward
Cheeks	Hune	Moolenaar	Waters
Clack	Hunter	Mortimer	Wenke
Clemente	Jones	Murphy	Whitmer
Condino	Kahn	Nitz	Williams
Emmons	Kolb	Nofs	Wojno
Espinoza	Kooiman	Palsrok	Zelenko
Farhat	LaJoy	Pavlov	

Nays—31

Accavitti	Dillon	Moore	Smith, Alma
Baxter	Donigan	Palmer	Spade
Brandenburg	Drolet	Pastor	Steil
Byrum	Elsenheimer	Pearce	Taub
Casperson	Garfield	Polidori	Tobocman
Caswell	Gosselin	Robertson	Vagnozzi
Cushingberry	Hoogendyk	Sheen	Vander Veen
DeRoche	Marleau	Sheltrown	

In The Chair: Elsenheimer

The House agreed to the title of the bill.

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

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

Rep. Drolet, 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 bill is yet another example of a disturbing and persistent rush to regulate by state government.

Yesterday, the supposed market failure was unlicensed interior decorators. Of the many problems punishing Michigan’s economy right now, how is it that we decided to dedicate our hours here to saving the citizens from clashing color schemes? How did Michigan get by without licensing this profession in the many decades that brought us to this one? Is there a trail of examples of people wounded and injured by failed fashion who need these protections?

I’m betting not, and more likely going to assume that the only people helped by this licensing are the interior decorators themselves who wish to be insulated from competition – hardly the message to send when making the case that Michigan is open for business.

Likewise, today with this bill we create another unprecedented license for athletic trainers. The presumption behind this bill is that injuries will be sustained when schools and other athletic institutions employ unqualified people to perform these tasks. But where is the trail of wounded examples to make this case? We have gone for decades without these regulations and fees, yet somehow those who oversee athletic events in Michigan have managed the wisdom and responsibility to hire athletic trainers that are qualified and up to the task of the job that they are being paid to do.

No regulation passed by this chamber is going to get Michigan’s unemployment rate out of the toilet. We’re going to have to trust the people of Michigan to make the right decisions regarding the hiring of qualified people. Requiring

them to follow new rules, regulations and fees is not likely to improve their judgment regarding these hiring decisions, but it will surely make those decisions more expensive.”

By unanimous consent the House returned to the order of

Reports of Standing Committees

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, February 9, 2006

Present: Reps. Hummel, Pastor, Acciavatti, Kooiman, Stewart, Amos, Brandenburg, Caswell, Farhat, Moolenaar, Shaffer, Steil, Taub, Walker, Booher, Caul, Hansen, Kahn, Whitmer, Brown, Kolb, Sak, Cushingberry, Cheeks, Williams, Plakas, Alma Smith and Gonzales

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Absent: Reps. Stewart, Brandenburg and Plakas

Excused: Reps. Stewart, Brandenburg and Plakas

Announcements by the Clerk

Following is a change to the schedule of the Standing Committee on **Tort Reform** for the 2005-2006 Legislative Session:

Tuesdays 9:30 a.m. 519 House Office Building

Rep. Williams moved that the House adjourn.
The motion prevailed, the time being 3:00 p.m.

Associate Speaker Pro Tempore Elsenheimer declared the House adjourned until Tuesday, February 14, at 1:00 p.m.

GARY L. RANDALL
Clerk of the House of Representatives