

No. 17
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House Chamber, Lansing, Thursday, February 22, 2007.

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—present	Robertson—present
Angerer—present	Emmons—present	LeBlanc—present	Rocca—present
Ball—present	Espinoza—present	Leland—present	Sak—present
Bauer—present	Farrah—present	Lemmons—present	Schuitmaker—present
Bennett—present	Gaffney—present	Lindberg—present	Scott—present
Bieda—present	Garfield—present	Marleau—present	Shaffer—present
Booher—present	Gillard—present	Mayes—present	Sheen—present
Brandenburg—excused	Gonzales—present	McDowell—present	Sheltrown—present
Brown—present	Green—present	Meadows—present	Simpson—present
Byrnes—present	Griffin—present	Meekhof—present	Smith, Alma—present
Byrum—present	Hammel—present	Meisner—present	Smith, Virgil—present
Calley—present	Hammon—present	Melton—present	Spade—present
Casperson—present	Hansen—present	Meltzer—present	Stahl—present
Caswell—present	Hildenbrand—present	Miller—present	Stakoe—present
Caul—present	Hood—present	Moolenaar—present	Steil—present
Cheeks—present	Hoogendyk—present	Moore—present	Tobocman—present
Clack—present	Hopgood—present	Moss—present	Vagnozzi—present
Clemente—present	Horn—present	Nitz—present	Valentine—present
Condino—present	Huizenga—present	Nofs—present	Walker—present
Constan—present	Hune—present	Opsommer—present	Ward—present
Corriveau—present	Jackson—present	Palmer—present	Warren—present
Coulouris—present	Johnson—present	Palsrok—present	Wenke—present
Cushingberry—e/d/s	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. Brenda J. Clack, from the 34th District, offered the following invocation:

“Our heavenly Father, the maker of all things, the judge of us all, we humble ourselves before Thee.

May we be exceedingly grateful for all that You have done for us. May we recognize the magnitude of Your powers now and here after.

Guide us as we stand in these chambers to make the best decisions for those who are affected the most. We must be the voice of the voiceless.

May we be ever mindful of all whom we represent. The have’s and the have not- the skilled and unskilled, the young and the elderly, the givers and the takers.

May we not be so absorbed in ourselves and our responsibilities that we forget our families that we leave behind each day.

Heavenly Father, bless the children and give them guidance to do what is good and right. Equip those young people who must make their own decisions in life, a sound mind.

Bless our leaders, both nationally and our state elected leaders. And local leaders may we all be mindful of our responsibilities to every citizen in the state.

As I close, lay Your hands on the families who have lost loved ones in a foreign land. Stay by those who have not known the grief of losing a loved one and give them the strength to continually have faith that they will see their loved ones again.

Pray for our deliverance today and forever. Amen.”

Rep. Booher moved that Rep. Brandenburg be excused from today’s session.
The motion prevailed.

Second Reading of Bills

House Bill No. 4044, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending section 2946 (MCL 600.2946), as amended by 1995 PA 249.

The bill was read a second time.

Rep. Walker moved to amend the bill as follows:

1. Amend page 4, following line 17, by inserting:

“(5) IN A PRODUCT LIABILITY ACTION AGAINST THE MANUFACTURER OR SELLER OF A PRODUCT THAT IS A DRUG, IF THE DRUG WAS APPROVED BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION AT THE TIME IT LEFT THE CONTROL OF THE MANUFACTURER OR SELLER, THE ACTION SHALL BE DISMISSED BEFORE TRIAL UNLESS THE COURT DETERMINES THAT THERE IS CLEAR AND CONVINCING EVIDENCE THAT THE USE OF THE DRUG WAS A PROXIMATE CAUSE OF THE DAMAGES CLAIMED.”.

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

Rep. Ward demanded the yeas and nays.

The demand was supported.

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

The amendment was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 4

Yeas—49

Acciavatti
Agema
Amos
Ball

Green
Hansen
Hildenbrand
Hoogendyk

Meekhof
Meltzer
Moolenaar
Moore

Pearce
Proos
Robertson
Schuitmaker

Booher	Horn	Moss	Shaffer
Calley	Huizenga	Nitz	Sheen
Casperson	Hune	Nofs	Stahl
Caswell	Jones, Rick	Opsommer	Stakoe
Caul	Knollenberg	Palmer	Steil
DeRoche	LaJoy	Palsrok	Walker
Elsenheimer	Law, David	Pastor	Ward
Emmons	Marleau	Pavlov	Wenke
Garfield			

Nays—59

Accavitti	Dean	Johnson	Rocca
Angerer	Dillon	Jones, Robert	Sak
Bauer	Donigan	Lahti	Scott
Bennett	Ebli	Law, Kathleen	Sheltrown
Bieda	Espinoza	LeBlanc	Simpson
Brown	Farrar	Leland	Smith, Alma
Byrnes	Gaffney	Lemmons	Smith, Virgil
Byrum	Gillard	Lindberg	Spade
Cheeks	Gonzales	Mayes	Tobocman
Clack	Griffin	McDowell	Vagnozzi
Clemente	Hammel	Meadows	Valentine
Condino	Hammon	Meisner	Warren
Constan	Hood	Melton	Wojno
Corriveau	Hopgood	Miller	Young
Coulouris	Jackson	Polidori	

In The Chair: Sak

Rep. Caswell moved to amend the bill as follows:

1. Amend page 4, following line 17, by inserting:

“Enacting section 1. This amendatory act does not take effect unless House Bill No. 4267 of the 94th Legislature is enacted into law.”.

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

Rep. Ward demanded the yeas and nays.

The demand was supported.

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

The amendment was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 5**Yeas—47**

Acciavatti	Green	Meltzer	Proos
Agema	Hansen	Moolenaar	Robertson
Amos	Hildenbrand	Moore	Rocca
Ball	Hoogendyk	Moss	Shaffer
Booher	Horn	Nitz	Sheen
Calley	Huizenga	Nofs	Stahl
Casperson	Jones, Rick	Opsommer	Stakoe
Caswell	Knollenberg	Palmer	Steil
Caul	LaJoy	Palsrok	Walker

DeRoche	Law, David	Pastor	Ward
Emmons	Marleau	Pavlov	Wenke
Garfield	Meekhof	Pearce	

Nays—61

Accavitti	Dillon	Jackson	Polidori
Angerer	Donigan	Johnson	Sak
Bauer	Ebli	Jones, Robert	Schuitmaker
Bennett	Elsenheimer	Lahti	Scott
Bieda	Espinoza	Law, Kathleen	Sheltrown
Brown	Farrah	LeBlanc	Simpson
Byrnes	Gaffney	Leland	Smith, Alma
Byrum	Gillard	Leemons	Smith, Virgil
Cheeks	Gonzales	Lindberg	Spade
Clack	Griffin	Mayes	Tobocman
Clemente	Hammel	McDowell	Vagnozzi
Condino	Hammon	Meadows	Valentine
Constan	Hood	Meisner	Warren
Corriveau	Hopgood	Melton	Wojno
Coulouris	Hune	Miller	Young
Dean			

In The Chair: Sak

Rep. Hoogendyk moved to amend the bill as follows:

1. Amend page 4, following line 17, by inserting:

“(5) In a product liability action against a manufacturer or seller, **INVOLVING** a product that is a drug **THAT WAS DEVELOPED OR MANUFACTURED IN THIS STATE, THE DRUG** is not defective or unreasonably dangerous, and the manufacturer or seller is not liable, if the drug was approved for safety and efficacy by the United States food and drug administration, and the drug and its labeling were in compliance with the United States food and drug administration’s approval at the time the drug left the control of the manufacturer or seller. However, this subsection does not apply to a drug that is sold in the United States after the effective date of an order of the United States food and drug administration to remove the drug from the market or to withdraw its approval. This subsection does not apply if the defendant at any time before the event that allegedly caused the injury does any of the following:

(a) Intentionally withholds from or misrepresents to the United States food and drug administration information concerning the drug that is required to be submitted under the federal food, drug, and cosmetic act, ~~chapter 675, 52 Stat. 1040, 21 U.S.C. 301 to 321, 331 to 343 2, 344 to 346a, 347, 348 to 353, 355 to 360, 360b to 376, and 378 to 395-21 USC 301 TO 395~~, and the drug would not have been approved, or the United States food and drug administration would have withdrawn approval for the drug if the information were accurately submitted.

(b) Makes an illegal payment to an official or employee of the United States food and drug administration for the purpose of securing or maintaining approval of the drug.”.

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

Rep. Ward demanded the yeas and nays.

The demand was supported.

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

The amendment was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 6**Yeas—50**

Acciavatti	Garfield	Meekhof	Pearce
Agema	Green	Meltzer	Proos
Amos	Hansen	Moolenaar	Robertson

Ball	Hildenbrand	Moore	Schuitmaker
Booher	Hoogendyk	Moss	Shaffer
Calley	Horn	Nitz	Sheen
Casperson	Huizenga	Nofs	Stahl
Caswell	Hune	Opsommer	Stakoe
Caul	Jones, Rick	Palmer	Steil
DeRoche	Knollenberg	Palsrok	Walker
Elsenheimer	LaJoy	Pastor	Ward
Emmons	Law, David	Pavlov	Wenke
Gaffney	Marleau		

Nays—58

Accavitti	Dean	Jones, Robert	Rocca
Angerer	Dillon	Lahti	Sak
Bauer	Donigan	Law, Kathleen	Scott
Bennett	Ebli	LeBlanc	Sheltrown
Bieda	Espinoza	Leland	Simpson
Brown	Farrar	Lemmons	Smith, Alma
Byrnes	Gillard	Lindberg	Smith, Virgil
Byrum	Gonzales	Mayer	Spade
Cheeks	Griffin	McDowell	Tobocman
Clack	Hammel	Meadows	Vagnozzi
Clemente	Hammon	Meisner	Valentine
Condino	Hood	Melton	Warren
Constan	Hopgood	Miller	Wojno
Corriveau	Jackson	Polidori	Young
Coulouris	Johnson		

In The Chair: Sak

Rep. Acciavatti moved to amend the bill as follows:

1. Amend page 4, following line 17, by inserting:

“(5) IF AN ATTORNEY AT LAW ENTERS INTO AN EXPRESS OR IMPLIED AGREEMENT TO PROSECUTE A CLAIM FOR PERSONAL INJURY OR WRONGFUL DEATH CAUSED BY OR RESULTING FROM THE PRODUCTION OF A PRODUCT AND IF THE AGREEMENT PROVIDES THAT THE ATTORNEY’S COMPENSATION IS CONTINGENT IN WHOLE OR IN PART ON SUCCESSFUL PROSECUTION OR SETTLEMENT OF THE CLAIM OR ON THE AMOUNT OF RECOVERY, THE ATTORNEY SHALL NOT RECEIVE, RETAIN, OR SHARE A FEE THAT IS MORE THAN 33% OF THE FIRST \$1,000,000.00 RECOVERED, 15% OF THE NEXT \$4,000,000.00 RECOVERED, AND 10% OF ANY AMOUNT RECOVERED OVER \$5,000,000.00. THE ATTORNEY SHALL PAY 1/2 OF ANY AMOUNT RECEIVED AS COMPENSATION THAT IS MORE THAN \$333,333.00 TO THE STATE INJURED PARTY RESTITUTION FUND.

(6) THE MAXIMUM FEE UNDER SUBSECTION (5) SHALL BE CALCULATED USING THE NET AMOUNT RECOVERED, INCLUDING TAXED COSTS AND INTEREST INCLUDED IN OR ON THE JUDGMENT, BUT NOT INCLUDING DISBURSEMENTS PROPERLY CHARGEABLE TO THE ENFORCEMENT OR PROSECUTION OF THE CLAIM. IF THE RECOVERY IS BY A SETTLEMENT OR JUDGMENT PAYABLE IN INSTALLMENTS, THE MAXIMUM FEE UNDER SUBSECTION (5) SHALL BE CALCULATED USING THE PRESENT VALUE OF THE FUTURE PAYMENTS.

(7) BEFORE ENTERING INTO A FEE AGREEMENT UNDER SUBSECTION (5), AN ATTORNEY AT LAW SHALL ADVISE A CLIENT THAT AN ATTORNEY MAY BE EMPLOYED UNDER A DIFFERENT FEE ARRANGEMENT IN WHICH THE ATTORNEY IS COMPENSATED FOR THE REASONABLE VALUE OF SERVICES PERFORMED, SUCH AS ON AN HOURLY OR PER DIEM BASIS. THIS SUBSECTION DOES NOT REQUIRE AN ATTORNEY TO ENTER INTO A FEE AGREEMENT THAT THE ATTORNEY DOES NOT WISH TO ENTER INTO.

(8) A FEE AGREEMENT UNDER SUBSECTION (5) SHALL BE IN WRITING STATING THE METHOD BY WHICH THE FEE IS TO BE DETERMINED, THE NATURE OF DISBURSEMENTS THAT WILL BE DEDUCTED FROM THE RECOVERY, AND THE ADVICE REQUIRED BY SUBSECTION (7) REGARDING THE AVAILABILITY OF A DIFFERENT FEE ARRANGEMENT. A COPY OF THE WRITTEN FEE AGREEMENT SHALL BE PROVIDED TO THE CLIENT.”.

The question being on the adoption of the amendment offered by Rep. Acciavatti, Rep. Ward demanded the yeas and nays.

The demand was supported.

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

The amendment was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 7

Yeas—49

Acciavatti	Green	Meltzer	Proos
Agema	Hansen	Moolenaar	Robertson
Amos	Hildenbrand	Moore	Rocca
Ball	Hoogendyk	Moss	Schuitmaker
Booher	Horn	Nitz	Shaffer
Calley	Huizenga	Nofs	Sheen
Casperson	Jones, Rick	Opsommer	Stahl
Caswell	Knollenberg	Palmer	Stakoe
Caul	LaJoy	Palsrok	Steil
DeRoche	Law, David	Pastor	Walker
Elsenheimer	Marleau	Pavlov	Ward
Emmons	Meekhof	Pearce	Wenke
Garfield			

Nays—59

Accavitti	Dean	Jackson	Polidori
Angerer	Dillon	Johnson	Sak
Bauer	Donigan	Jones, Robert	Scott
Bennett	Ebli	Lahti	Sheltrown
Bieda	Espinoza	Law, Kathleen	Simpson
Brown	Farrah	LeBlanc	Smith, Alma
Byrnes	Gaffney	Leland	Smith, Virgil
Byrum	Gillard	Lemmons	Spade
Cheeks	Gonzales	Lindberg	Tobocman
Clack	Griffin	Mayes	Vagnozzi
Clemente	Hammel	McDowell	Valentine
Condino	Hammon	Meadows	Warren
Constan	Hood	Meisner	Wojno
Corriveau	Hopgood	Melton	Young
Coulouris	Hune	Miller	

In The Chair: Sak

Rep. Hildenbrand moved to amend the bill as follows:

1. Amend page 1, following “**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**” by inserting:

“Sec. 2591. (1) ~~Upon~~ **IF, ON** motion of any party **TO A CIVIL ACTION, if a** ~~THE~~ court finds that ~~a civil~~ **THE** action or **A** defense to ~~a civil~~ **THE** action was frivolous, the court ~~that conducts the civil action~~ shall award to the prevailing party the costs and fees incurred by that party in connection with the ~~civil~~ action by assessing the costs and fees against the nonprevailing ~~party and their~~ **PARTY’S** attorney.

(2) The amount of costs and fees awarded under this section shall include all reasonable costs actually incurred by the prevailing party and any costs allowed by law or by court rule, including court costs and reasonable attorney fees.

(3) IN ADDITION TO OTHER COSTS AND FEES AWARDED UNDER THIS SECTION, THE COURT MAY IMPOSE AN APPROPRIATE SANCTION ON THE ATTORNEYS OR LAW FIRMS THAT INITIATED THE ACTION OR ASSERTED THE DEFENSE FOUND TO BE FRIVOLOUS. A SANCTION IMPOSED UNDER THIS SUBSECTION SHALL NOT EXCEED AN AMOUNT SUFFICIENT TO DETER THE REPETITION OF THE CONDUCT OR COMPARABLE CONDUCT BY OTHERS SIMILARLY SITUATED.

(4) ~~(3)~~ As used in this section:

(a) “Frivolous” means that at least 1 of the following conditions is met:

(i) The party’s primary purpose in initiating the action or asserting the defense was to harass, embarrass, or injure the prevailing party.

(ii) The party had no reasonable basis to believe that the facts underlying that party’s legal position were in fact true.

(iii) The party’s legal position was devoid of arguable legal merit.

(b) “Prevailing party” means a party who wins on the entire record.”.

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

Rep. Ward demanded the yeas and nays.

The demand was supported.

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

The amendment was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 8

Yeas—50

Acciavatti	Green	Meltzer	Proos
Agema	Hansen	Moolenaar	Robertson
Amos	Hildenbrand	Moore	Rocca
Ball	Hoogendyk	Moss	Schuitmaker
Booher	Horn	Nitz	Shaffer
Calley	Huizenga	Nofs	Sheen
Casperson	Hune	Opsommer	Stahl
Caswell	Jones, Rick	Palmer	Stakoe
Caul	Knollenberg	Palsrok	Steil
DeRoche	LaJoy	Pastor	Walker
Elsenheimer	Law, David	Pavlov	Ward
Emmons	Marleau	Pearce	Wenke
Garfield	Meekhof		

Nays—58

Accavitti	Dean	Johnson	Polidori
Angerer	Dillon	Jones, Robert	Sak
Bauer	Donigan	Lahti	Scott
Bennett	Ebli	Law, Kathleen	Sheltrown
Bieda	Espinoza	LeBlanc	Simpson
Brown	Farrah	Leland	Smith, Alma
Byrnes	Gaffney	Lemmons	Smith, Virgil
Byrum	Gillard	Lindberg	Spade
Cheeks	Gonzales	Mayer	Tobocman
Clack	Griffin	McDowell	Vagnozzi
Clemente	Hammel	Meadows	Valentine
Condino	Hammon	Meisner	Warren
Constan	Hood	Melton	Wojno
Corriveau	Hopgood	Miller	Young
Coulouris	Jackson		

In The Chair: Sak

Rep. Casperson moved to amend the bill as follows:

1. Amend page 4, following line 17, by inserting:

“(5) IN A PRODUCT LIABILITY ACTION THAT IS CERTIFIED BY A COURT IN THIS STATE AS A CLASS ACTION AGAINST A MANUFACTURER OR SELLER OF A PRODUCT THAT IS A DRUG, THE ATTORNEY FOR THE PLAINTIFF SHALL NOT RECEIVE, RETAIN, OR SHARE A FEE THAT IS MORE THAN WHICHEVER OF THE FOLLOWING, WHETHER RECOVERED BY SETTLEMENT OR JUDGMENT, AND DETERMINED AFTER DEDUCTING DISBURSEMENTS PROPERLY CHARGEABLE TO THE ENFORCEMENT OF THE CLAIM, IS SMALLER:

(A) TEN PERCENT OF THE TOTAL AMOUNT RECOVERED BY ALL THE CLASS MEMBERS.

(B) THE AVERAGE AMOUNT RECOVERED BY THE CLASS MEMBERS.”.

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

Rep. Ward demanded the yeas and nays.

The demand was supported.

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

The amendment was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 9

Yeas—49

Acciavatti	Green	Meltzer	Proos
Agema	Hansen	Moolenaar	Robertson
Amos	Hildenbrand	Moore	Rocca
Ball	Hoogendyk	Moss	Schuitmaker
Booher	Horn	Nitz	Shaffer
Calley	Huizenga	Nofs	Sheen
Casperson	Jones, Rick	Opsommer	Stahl
Caswell	Knollenberg	Palmer	Stakoe
Caul	LaJoy	Palsrok	Steil
DeRoche	Law, David	Pastor	Walker
Elsenheimer	Marleau	Pavlov	Ward
Emmons	Meekhof	Pearce	Wenke
Garfield			

Nays—59

Accavitti	Dean	Jackson	Polidori
Angerer	Dillon	Johnson	Sak
Bauer	Donigan	Jones, Robert	Scott
Bennett	Ebli	Lahti	Sheltrown
Bieda	Espinoza	Law, Kathleen	Simpson
Brown	Farrah	LeBlanc	Smith, Alma
Byrnes	Gaffney	Leland	Smith, Virgil
Byrum	Gillard	Lemmons	Spade
Cheeks	Gonzales	Lindberg	Tobocman
Clack	Griffin	Mayes	Vagnozzi
Clemente	Hammel	McDowell	Valentine
Condino	Hammon	Meadows	Warren
Constan	Hood	Meisner	Wojno
Corriveau	Hopgood	Melton	Young
Coulouris	Hune	Miller	

In The Chair: Sak

Rep. Casperson moved to amend the bill as follows:

1. Amend page 4, following line 17, by inserting:

“(5) THE STATE BAR OF MICHIGAN SHALL MAINTAIN A WEBSITE THAT DISCLOSES THE FOLLOWING INFORMATION FOR EACH PRODUCT LIABILITY ACTION AGAINST A MANUFACTURER OR SELLER OF A PRODUCT THAT IS A DRUG THAT IS DISMISSED SUMMARILY BY A TRIAL COURT IN THIS STATE:

(A) THE TITLE OF THE ACTION AND THE COURT AND COUNTY IN WHICH IT WAS FILED.

(B) THE NAME OF THE PLAINTIFF’S ATTORNEY AND THE COUNTY IN WHICH THE ATTORNEY’S BUSINESS ADDRESS IS LOCATED.

(C) THE NAME OF ANY LAW FIRM WITH WHICH THE PLAINTIFF’S ATTORNEY IS ASSOCIATED.

(D) THE DATE ON WHICH SUMMARY DISPOSITION WAS GRANTED.

(E) THE REASONS FOR THE SUMMARY DISPOSITION.”.

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

Rep. Ward demanded the yeas and nays.

The demand was supported.

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

The amendment was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 10

Yeas—40

Acciavatti	Garfield	LaJoy	Pastor
Agema	Green	Law, David	Pavlov
Amos	Hansen	Marleau	Proos
Ball	Hildenbrand	Meekhof	Robertson
Booher	Hoogendyk	Moore	Shaffer
Calley	Horn	Nitz	Sheen
Casperson	Huizenga	Nofs	Stahl
Caswell	Hune	Opsommer	Stakoe
DeRoche	Jones, Rick	Palmer	Steil
Emmons	Knollenberg	Palsrok	Wenke

Nays—68

Accavitti	Dillon	Lahti	Rocca
Angerer	Donigan	Law, Kathleen	Sak
Bauer	Ebli	LeBlanc	Schuitmaker
Bennett	Elsenheimer	Leland	Scott
Bieda	Espinoza	Lemmons	Sheltrown
Brown	Farrah	Lindberg	Simpson
Byrnes	Gaffney	Mayer	Smith, Alma
Byrum	Gillard	McDowell	Smith, Virgil
Caul	Gonzales	Meadows	Spade
Cheeks	Griffin	Meisner	Tobocman
Clack	Hammel	Melton	Vagnozzi
Clemente	Hammon	Meltzer	Valentine
Condino	Hood	Miller	Walker
Constan	Hopgood	Moolenaar	Ward
Corriveau	Jackson	Moss	Warren
Coulouris	Johnson	Pearce	Wojno
Dean	Jones, Robert	Polidori	Young

In The Chair: Sak

Rep. Simpson moved that the bill be placed on the order of Third Reading of Bills.
The motion prevailed.
Rep. Tobocman moved that the bill be placed on its immediate passage.
The motion prevailed, a majority of the members serving voting therefor.

Rep. Cushingberry entered the House Chambers.

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

House Bill No. 4044, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2946 (MCL 600.2946), as amended by 1995 PA 249.

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

Roll Call No. 11

Yeas—70

Accavitti	Dillon	Lahti	Palsrok
Angerer	Donigan	Law, David	Polidori
Ball	Ebli	Law, Kathleen	Rocca
Bauer	Espinoza	LeBlanc	Sak
Bennett	Farrah	Leland	Scott
Bieda	Gaffney	Lemmons	Sheltrown
Brown	Gillard	Lindberg	Simpson
Byrnes	Gonzales	Marleau	Smith, Alma
Byrum	Hammel	Mayer	Smith, Virgil
Cheeks	Hammon	McDowell	Spade
Clack	Hansen	Meadows	Tobocman
Clemente	Hood	Meisner	Vagnozzi
Condino	Hopgood	Melton	Valentine
Constan	Horn	Meltzer	Ward
Corriveau	Jackson	Miller	Warren
Coulouris	Johnson	Moore	Wojno
Cushingberry	Jones, Rick	Opsommer	Young
Dean	Jones, Robert		

Nays—39

Acciavatti	Emmons	Meekhof	Robertson
Agema	Garfield	Moolenaar	Schuitmaker
Amos	Green	Moss	Shaffer
Booher	Griffin	Nitz	Sheen
Calley	Hildenbrand	Nofs	Stahl
Casperson	Hoogendyk	Palmer	Stakoe
Caswell	Huizenga	Pastor	Steil
Caul	Hune	Pavlov	Walker
DeRoche	Knollenberg	Pearce	Wenke
Elsenheimer	LaJoy	Proos	

In The Chair: Sak

The House agreed to the title of the bill.

Rep. Hoogendyk, 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:

Mr. Speaker

I rise in opposition to HB 4044. I have agonized over this bill because I certainly am concerned about the well-being of our citizens and their ability to seek damages in a court of law against any individual or corporation who they believe has injured them. But this bill is not about whether an individual can continue to do that. In fact, under current law, anyone who believes they have been injured by a pharmaceutical company can file suit once they have made the case before the Food and Drug Administration.

But there needs to be a balance between protecting the rights of the individual to seek damages and the rights of a life science company to make a product that benefits the population at large and provides employment for thousands of people in this state. As a state representative I will continue to uphold the rights of victims to seek damages. But I must also be mindful of how our actions affect the economic future of our state.

Mr. Speaker under this new legislation, there will be no winners, no real benefit for victims hurt by prescription drugs. They will still have their day in court if they can show that the manufacturer was truly negligent or fraudulent. There may be, however, many losers, those who are employed in the life sciences industries in this state who may not expand in this state and those individuals who may benefit in the future from a newly developed life-saving drug.

Let us not forget this is one of the key industries our governor has highlighted for growth, and rightly so. In my district alone, over 40 new life sciences companies have spun off or started up in the last ten years. These are not ‘big pharma’ companies, not greedy corporations who only care about profits, no, these companies are just trying to create jobs and new, life saving drugs. But passage of this bill will not encourage job growth. Currently, there are over 13,000 men and women in Michigan who earn their livelihood from the pharmaceutical and life science industry, 4000 in my district alone. I shudder to think what message this legislation will send to those individuals and the companies who employ them.

Let us be mindful that should this legislation pass our loved ones and future generations will be that much further from a cure for any number of diseases because the companies whose mission it is to find that cure had to divert precious research dollars to pay lawyers to defend a product which had already undergone years of research, development, testing and FDA approval.

I ask my colleagues to vote no on this bill.”

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:

I could not in good conscience vote for House Bills 4044, 4045 and 4046 which would allow more lawsuits and predominantly benefit attorneys, not consumers. These bills will drive up the cost of all prescriptions for Michigan residents. The inane position that states, ‘If this legislation helps just one person or even 100 people, we should pass it,’ is foolish at best. If Congress or any state legislature passes legislation which benefits one to a hundred people, but potentially hurts and drives up the cost of healthcare for thousands or millions of people, they have in fact passed bad legislation.

It is difficult to control the cost of prescriptions, medical procedures and operations, but limiting the ability to sue is something we can do. The FDA approval process is by leaps and bounds the most stringent, costly, and time-consuming drug approval process in the world. It is one of the reasons prescription drugs cost more in the United States than anywhere else and why it generally takes 7 to 10 years and millions of dollars to get a new drug approved. Most of the drugs currently being reviewed in the U.S. are already available in other countries. People around the world are already benefiting from these new drugs and in some situations these drugs have saved their lives.

I think we should limit liability more, not less, and divide the FDA approval process into two steps. The first step would allow people to take drugs currently in the approval process at their own risk and choice. They would not be able sue and the risks would be made clear, but people ought to be given that choice. They may not have 7 to 10 years to wait, especially when already approved medications and procedures are not working. The second step is full approval. If the process was in place, it would lower the cost of all medications entering the market in the U.S. Pharmaceutical companies would be able to get their product to the market sooner and still retain their patent, which usually only last ten years, and thus recover their costs over 7 to 10 years rather than 1 to 2 years. This would also reduce the drug importation differentials between the U.S. and other countries.

I do not want to ignore the pain and tragedy which can take place when someone reacts negatively to a medication or procedure, which unfortunately will always be a possibility. FDA-approved drugs have very good effectiveness ratios, especially when you compare ratios of 10 to 100 people reacting negatively, to millions of people reacting positively. The overwhelming majority of people using FDA approved drugs, are living healthier and longer, because of them. The risk should be clear, but the choice should be theirs.

Finally, if we want to truly reduce the cost of health care, give people more choices and options, and control lawsuits that have nothing to do with health care, then we should limit lawsuits-not expand them as this legislation does.”

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

“Mr. Speaker and members of the House:

I support giving victims of pharmaceutical malfeasance their day in court, and I believe drug companies should be held accountable if they knowingly sell a product on the market that will injure or prove to be fatal.

But I cannot support legislation that puts personal injury lawyers ahead of victims, and puts honest Michigan job providers in jeopardy of a tidal wave of frivolous lawsuits. Our already fragile economy would be irrevocably harmed by this well-intentioned, but ultimately misguided piece of legislation.

Victims harmed by fraudulent acts or information provided by a drug manufacturer deserve to be compensated for their injuries, and those responsible should face not just financial, but criminal repercussions.

But HB 4044 is not about victims or holding drug companies accountable. It’s about giving a handful of personal injury lawyers unlimited access to our legal system to flood our courts with frivolous suits in hopes of windfall payoff.

I cannot support HB 4044 unless it is amended to focus solely on the rights of victims. Our aim must be to help those who are the victims of injustice, not those who seek to profit by exploiting the legal system.”

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

“Mr. Speaker and members of the House:

I rise today to oppose this legislation because there were amendments offered, but not accepted by the majority, that would have limited trial lawyers from taking advantage of the system and the very people they represent.

I also believe the passage of this bill will hurt future opportunities for research in new drugs. I have been thankful for the research that has been put into drugs because my family has personally benefited from those developments. My wife, Diane, has battled cancer for eight years and has won thanks to continued research and the drugs that have come out of that. Also, my family has seen first hand the effects of Alzheimer’s in the loss of my Dad. My hope and prayer is that no other family has to go through what we have experienced. That can happen with continued research in the hope that someday this horrible disease will be cured.

This package of bills will not bring victims back or help people in the long run. It will only benefit greedy trial lawyers”

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

“Mr. Speaker and members of the House:

I rise today in opposition to HB 4044 for the following reasons:

The way this bill, and the rest of the package of bills, are constructed do not put the interests of consumers and victims ahead of those of the Michigan Trial Lawyers Association. A series of amendments were offered that would have corrected this error of priorities which put attorney profits above victims needs. Unfortunately these amendments were rejected.

Every Life Science organization in Michigan, including VAI and MICHBIO, oppose this package of bills even though they do not directly manufacture drugs in this state. They do so because they realize that the message sent by passage of these bills today is the wrong one. The attempt to foster a climate of innovation in the past years, including my attempt as co-author of the 21st Century Jobs Fund with the current Speaker, has started to reap rewards in the way of jobs. Research and bringing that research into production are the keys to success as we attempt to cure the most horrible of diseases. Unfortunately again, the majority has chosen to ignore past positive actions in favor of short term political gain.”

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:

My opposition to this legislation is based upon my genuine concern for the chilling effect its passage would have on life-saving research and development of new drugs and treatments. I am moved by the compelling testimony of Anthony Lesnick, a prostate cancer survivor, which appears in the House Judiciary Committee record. The proponents of this legislation argue that the United States Food and Drug Administration (USFDA) process of approval of prescription drugs cannot be relied upon to protect our citizens from harm. No drug or treatment is without risk. Our policy therefore must be based upon sound science and our best estimate of cost and benefit. Concerns about our drug approval should be advanced in Washington D.C. not here in Lansing. Proponents have cynically characterized this debate as one of putting ‘people over profits’, yet they ignore those many people like Anthony Lesnick whose life was saved by pharmaceuticals drugs used in combination with gene therapy. The proponents of this legislation’s failure to support amendments which would have placed limitation on attorney’s fees severely undermines their credibility in advancing this legislation.”

Second Reading of Bills

House Bill No. 4045, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 5805 (MCL 600.5805), as amended by 2002 PA 715.

The bill was read a second time.

Rep. McDowell 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. 4045, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 5805 (MCL 600.5805), as amended by 2002 PA 715.

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

Roll Call No. 12

Yeas—60

Accavitti	Cushingberry	Johnson	Polidori
Angerer	Dean	Jones, Robert	Rocca
Bauer	Dillon	Lahti	Sak
Bennett	Donigan	Law, Kathleen	Scott
Bieda	Ebli	LeBlanc	Sheltrown
Brown	Espinoza	Leland	Simpson
Byrnes	Farrah	Lemmons	Smith, Alma
Byrum	Gaffney	Lindberg	Smith, Virgil
Cheeks	Gillard	Mayes	Spade
Clack	Gonzales	McDowell	Tobocman
Clemente	Hammel	Meadows	Vagnozzi
Condino	Hammon	Meisner	Valentine
Constan	Hood	Melton	Warren
Corriveau	Hopgood	Miller	Wojno
Coulouris	Jackson	Moore	Young

Nays—49

Acciavatti	Green	Marleau	Pearce
Agema	Griffin	Meekhof	Proos
Amos	Hansen	Meltzer	Robertson
Ball	Hildenbrand	Moolenaar	Schuitmaker
Booher	Hoogendyk	Moss	Shaffer
Calley	Horn	Nitz	Sheen
Casperson	Huizenga	Nofs	Stahl
Caswell	Hune	Opsommer	Stakoe
Caul	Jones, Rick	Palmer	Steil
DeRoche	Knollenberg	Palsrok	Walker
Elsenheimer	LaJoy	Pastor	Ward

Emmons
Garfield

Law, David

Pavlov

Wenke

In The Chair: Sak

The House agreed to the title of the bill.

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:

I could not in good conscience vote for House Bills 4044, 4045 and 4046 which would allow more lawsuits and predominantly benefit attorneys, not consumers. These bills will drive up the cost of all prescriptions for Michigan residents. The inane position that states, ‘If this legislation helps just one person or even 100 people, we should pass it,’ is foolish at best. If Congress or any state legislature passes legislation which benefits one to a hundred people, but potentially hurts and drives up the cost of healthcare for thousands or millions of people, they have in fact passed bad legislation.

It is difficult to control the cost of prescriptions, medical procedures and operations, but limiting the ability to sue is something we can do. The FDA approval process is by leaps and bounds the most stringent, costly, and time-consuming drug approval process in the world. It is one of the reasons prescription drugs cost more in the United States than anywhere else and why it generally takes 7 to 10 years and millions of dollars to get a new drug approved. Most of the drugs currently being reviewed in the U.S. are already available in other countries. People around the world are already benefiting from these new drugs and in some situations these drugs have saved their lives.

I think we should limit liability more, not less, and divide the FDA approval process into two steps. The first step would allow people to take drugs currently in the approval process at their own risk and choice. They would not be able sue and the risks would be made clear, but people ought to be given that choice. They may not have 7 to 10 years to wait, especially when already approved medications and procedures are not working. The second step is full approval. If the process was in place, it would lower the cost of all medications entering the market in the U.S. Pharmaceutical companies would be able to get their product to the market sooner and still retain their patent, which usually only last ten years, and thus recover their costs over 7 to 10 years rather than 1 to 2 years. This would also reduce the drug importation differentials between the U.S. and other countries.

I do not want to ignore the pain and tragedy which can take place when someone reacts negatively to a medication or procedure, which unfortunately will always be a possibility. FDA-approved drugs have very good effectiveness ratios, especially when you compare ratios of 10 to 100 people reacting negatively, to millions of people reacting positively. The overwhelming majority of people using FDA approved drugs, are living healthier and longer, because of them. The risk should be clear, but the choice should be theirs.

Finally, if we want to truly reduce the cost of health care, give people more choices and options, and control lawsuits that have nothing to do with health care, then we should limit lawsuits-not expand them as this legislation does.”

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

Second Reading of Bills

House Bill No. 4046, entitled

A bill to amend 1976 PA 331, entitled “Michigan consumer protection act,” by amending sections 2 and 3 (MCL 445.902 and 445.903), as amended by 2006 PA 508.

The bill was read a second time.

Rep. Agema moved to amend the bill as follows:

1. Amend page 3, following line 19, by inserting:

“(G) **“SERVICE” INCLUDES LEGAL SERVICES.**” and relettering the remaining subdivisions.

2. Amend page 12, following line 16, by inserting:

“(MM) **FAILING TO ACCURATELY REPRESENT THE RISKS INVOLVED IN THE COMMENCEMENT OF A CIVIL ACTION.**”.

The question being on the adoption of the amendments offered by Rep. Agema,

Rep. Ward demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendments offered by Rep. Agema,

The amendments were not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 13

Yeas—44

Acciavatti	Garfield	Marleau	Pavlov
Agema	Green	Meekhof	Pearce
Amos	Hansen	Meltzer	Proos
Ball	Hildenbrand	Moolenaar	Robertson
Booher	Hoogendyk	Moore	Shaffer
Calley	Horn	Nitz	Sheen
Casperson	Huizenga	Nofs	Stahl
Caswell	Hune	Opsommer	Stakoe
Caul	Jones, Rick	Palmer	Steil
DeRoche	Knollenberg	Palsrok	Ward
Emmons	LaJoy	Pastor	Wenke

Nays—64

Accavitti	Dean	Johnson	Rocca
Angerer	Dillon	Jones, Robert	Sak
Bauer	Donigan	Law, David	Schuitmaker
Bennett	Ebli	Law, Kathleen	Scott
Bieda	Elsenheimer	LeBlanc	Sheltrown
Brown	Espinoza	Leland	Simpson
Byrnes	Farrah	Lemmons	Smith, Alma
Byrum	Gaffney	Lindberg	Smith, Virgil
Cheeks	Gillard	Mayes	Spade
Clack	Gonzales	McDowell	Tobocman
Clemente	Griffin	Meadows	Vagnozzi
Condino	Hammel	Meisner	Valentine
Constan	Hammon	Melton	Walker
Corriveau	Hood	Miller	Warren
Coulouris	Hopgood	Moss	Wojno
Cushingberry	Jackson	Polidori	Young

In The Chair: Sak

Rep. Condino moved to amend the bill as follows:

1. Amend page 12, line 13, after “(I)” by striking out “**FAILING**” and inserting “**FAILURE, ON THE PART OF A MANUFACTURER OR PRODUCER,**”.

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

Rep. Valentine 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. 4046, entitled

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending sections 2 and 3 (MCL 445.902 and 445.903), as amended by 2006 PA 508.

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—58

Accavitti	Cushingberry	Jones, Robert	Rocca
Angerer	Dean	Law, Kathleen	Sak
Bauer	Dillon	LeBlanc	Scott
Bennett	Donigan	Leland	Sheltrown
Bieda	Ebli	Lemmons	Simpson
Brown	Espinoza	Lindberg	Smith, Alma
Byrnes	Farrah	Mayer	Smith, Virgil
Byrum	Gillard	McDowell	Spade
Cheeks	Gonzales	Meadows	Tobocman
Clack	Hammel	Meisner	Vagnozzi
Clemente	Hammon	Melton	Valentine
Condino	Hood	Miller	Warren
Constan	Hopgood	Moore	Wojno
Corriveau	Jackson	Polidori	Young
Coulouris	Johnson		

Nays—49

Acciavatti	Garfield	Marleau	Pearce
Agema	Green	Meekhof	Proos
Amos	Griffin	Meltzer	Robertson
Ball	Hansen	Moolenaar	Schuitmaker
Booher	Hildenbrand	Moss	Shaffer
Calley	Hoogendyk	Nitz	Sheen
Casperson	Huizenga	Nofs	Stahl
Caswell	Hune	Opsommer	Stakoe
Caul	Jones, Rick	Palmer	Steil
DeRoche	Knollenberg	Palsrok	Walker
Elsenheimer	LaJoy	Pastor	Ward
Emmons	Law, David	Pavlov	Wenke
Gaffney			

In The Chair: Sak

The House agreed to the title of the bill.

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:

I could not in good conscience vote for House Bills 4044, 4045 and 4046 which would allow more lawsuits and predominantly benefit attorneys, not consumers. These bills will drive up the cost of all prescriptions for Michigan residents. The inane position that states, ‘If this legislation helps just one person or even 100 people, we should pass it,’ is foolish at best. If Congress or any state legislature passes legislation which benefits one to a hundred people, but potentially hurts and drives up the cost of healthcare for thousands or millions of people, they have in fact passed bad legislation.

It is difficult to control the cost of prescriptions, medical procedures and operations, but limiting the ability to sue is something we can do. The FDA approval process is by leaps and bounds the most stringent, costly, and time-consuming drug approval process in the world. It is one of the reasons prescription drugs cost more in the United States than anywhere else and why it generally takes 7 to 10 years and millions of dollars to get a new drug approved. Most of the drugs currently being reviewed in the U.S. are already available in other countries. People around the world are already benefiting from these new drugs and in some situations these drugs have saved their lives.

I think we should limit liability more, not less, and divide the FDA approval process into two steps. The first step would allow people to take drugs currently in the approval process at their own risk and choice. They would not be able sue and the risks would be made clear, but people ought to be given that choice. They may not have 7 to 10 years to wait, especially when already approved medications and procedures are not working. The second step is full approval. If the process was in place, it would lower the cost of all medications entering the market in the U.S. Pharmaceutical companies would be able to get their product to the market sooner and still retain their patent, which usually only last ten years, and thus recover their costs over 7 to 10 years rather than 1 to 2 years. This would also reduce the drug importation differentials between the U.S. and other countries.

I do not want to ignore the pain and tragedy which can take place when someone reacts negatively to a medication or procedure, which unfortunately will always be a possibility. FDA-approved drugs have very good effectiveness ratios, especially when you compare ratios of 10 to 100 people reacting negatively, to millions of people reacting positively. The overwhelming majority of people using FDA approved drugs, are living healthier and longer, because of them. The risk should be clear, but the choice should be theirs.

Finally, if we want to truly reduce the cost of health care, give people more choices and options, and control lawsuits that have nothing to do with health care, then we should limit lawsuits-not expand them as this legislation does.”

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 Tuesday, February 27, at 1:30 p.m. The motion prevailed.

Reps. Sak, Accavitti, Ball, Bieda, Byrum, Clack, Constan, Dean, Gillard, Gonzales, Green, Hammel, Hammon, Hansen, Hopgood, Huizenga, Johnson, Kathleen Law, Lemmons, McDowell, Polidori, Proos, Shaffer, Sheltroun, Alma Smith, Spade, Stahl, Tobocman, Vagnozzi and Warren offered the following resolution:

House Resolution No. 24.

A resolution proclaiming February 22, 2007, as Go Red at the Capitol Day in Michigan.

Whereas, Heart diseases is 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 woman and heighten awareness of these diseases the American Heart Association has developed the Go Red for Woman movement; and

Whereas, The Go Red for Woman 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 recognize February 22, 2007, as Go Red at the Capitol Day in recognition of the American Heart Association and their Go Red for Woman campaign; and be it further

Resolved, That 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. Agema offered the following resolution:

House Resolution No. 25.

A resolution to memorialize Congress to fully fund the states' efforts to implement the Real ID Act of 2005.

Whereas, Congress enacted the Real ID Act in 2005, which mandates that beginning in May 2008, a state driver's license cannot be used for any federal purpose such as boarding an airplane or entering a federal building, unless the driver's license meets specific national standards. Federal requirements include a digital image of the cardholder's face, proof of legal status, and card security features. In addition, states will be required to link their record-keeping systems to a national database; and

Whereas, Implementation costs are estimated at \$11 billion nationwide over the first five years of the Real ID program. Additionally, the federal government has not yet issued rules or regulations detailing what the cards should look like and what information is necessary to obtain a card. States have been left with potentially exorbitant implementation costs and little time to prepare and change over to the Real ID; and

Whereas, The National Conference of State Legislatures has completed a study detailing the costs of the Real ID program. NCSL notes that states and the federal government will need federal funds to properly implement this program. NCSL urges Congress to appropriate at least \$1 billion in new funding. It is important that states have both the time and resources to properly implement the federally mandated Real ID Act; now, therefore, be it

Resolved by the House of Representatives, That we memorialize Congress to fully fund the states' efforts to implement the Real ID Act of 2005; 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 New Economy and Quality of Life.

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, February 22:

House Bill Nos. 4305 4306 4307 4308

The Clerk announced that the following Senate bill had been received on Thursday, February 22:

Senate Bill No. 1

Reports of Standing Committees

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, February 21, 2007

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

Absent: Rep. Brandenburg

Excused: Rep. Brandenburg

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, February 22, 2007

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

Absent: Rep. Ward

Excused: Rep. Ward

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Virgil Smith, Chair, of the Committee on Insurance, was received and read:
Meeting held on: Thursday, February 22, 2007

Present: Reps. Virgil Smith, Constan, Johnson, Lemmons, Polidori, Scott, Simpson, Wojno, Hune, Robertson, Emmons, Hildenbrand, Moore and Rocca

Absent: Reps. Farrah, Condino and David Law

Excused: Reps. Farrah, Condino and David Law

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Hopgood, Chair, of the Committee on Transportation, was received and read:
Meeting held on: Thursday, February 22, 2007

Present: Reps. Hopgood, Griffin, Accavitti, Bieda, Donigan, Ebli, Leland, Mayes, Miller, Young, LaJoy, Casperson, Nitz, Pavlov, Pearce, Stahl and Knollenberg

Messages from the Senate**Senate Bill No. 1, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 105b. The Senate has passed the bill.

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

Notices

February 22, 2007

Mr. Richard J. Brown, Clerk
Michigan House of Representatives
State Capitol Building
Lansing, MI 48909

Dear Mr. Clerk:

I hereby create the Subcommittee on Investigations of the Standing Committee on Appropriations for the 2007-2008 Legislative Session and appoint the following Members of the 94th Legislature to the subcommittee:

Investigations

Reps. Cushingberry (C), Jackson (Maj. VC), Nofs (Min. VC)

Sincerely,
Representative George Cushingberry Jr., Chair
House Appropriations Committee

Introduction of Bills

Reps. Hansen, Brandenburg, Proos, Booher and Caul introduced

House Bill No. 4309, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 20i (MCL 791.220i), as added by 2006 PA 351.

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

Rep. LaJoy introduced

House Bill No. 4310, entitled

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification;

to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 9a (MCL 247.659a), as amended by 2002 PA 499.

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

Rep. Cushingberry introduced
House Bill No. 4311, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 12 of chapter IX (MCL 769.12), as amended by 1998 PA 317.

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

Rep. Cushingberry introduced
House Bill No. 4312, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," (MCL 125.2001 to 125.2094) by adding section 79.

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

Reps. Corriveau, LeBlanc, Tobocman, Byrum, Clemente, Meadows, Condino, Angerer, Simpson, Brown, Spade, Valentine, Young, Lahti, Lindberg, McDowell, Ebli, Polidori, Byrnes, Kathleen Law, Vagnozzi, Constan, Bieda, Wojno, Gillard, Hopgood, Sak, Hammel, Miller, Espinoza, Mayes, Ward, Pearce, Wenke and Dean introduced

House Bill No. 4313, entitled

A bill to amend 1978 PA 472, entitled "An act to regulate political activity; to regulate lobbyists, lobbyist agents, and lobbying activities; to require registration of lobbyists and lobbyist agents; to require the filing of reports; to prescribe the powers and duties of the department of state; to prescribe penalties; and to repeal certain acts and parts of acts," by amending section 6a (MCL 4.416a), as added by 1994 PA 383.

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

Reps. Polidori, Brown, Bennett, Spade, Gonzales, Lemmons, Simpson, Wojno, Hood, Vagnozzi, Lindberg, Donigan, Hammel, Hammon, Johnson, Kathleen Law, Hopgood, Scott, Sheltroun, Accavitti, Miller, Leland, Constan, Warren, Alma Smith, Virgil Smith, Clemente and Cheeks introduced

House Bill No. 4314, entitled

A bill to amend 2000 PA 92, entitled "Food law of 2000," by amending section 4115 (MCL 289.4115) and by adding section 4115a.

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

Reps. Bieda, Tobocman, Corriveau, Clemente, Meadows, Brown, Polidori, Condino and Mayes introduced **House Bill No. 4315, entitled**

A bill to amend 1968 PA 318, entitled "An act to implement the provisions of section 10 of article 4 of the constitution relating to substantial conflicts of interest on the part of members of the legislature and state officers in respect to contracts with the state and the political subdivisions thereof; to provide for penalties for the violation thereof; to repeal all acts and parts of acts in conflict with this act; and to validate certain contracts," by amending section 2 (MCL 15.302).

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

Announcements by the Clerk

Following is a change to the schedule of the Standing Committee on Agriculture for the 2007-2008 Legislative Session:

Wednesdays	2:30 p.m./after session	307 House Office Building
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Rep. Sheltroun moved that the House adjourn.
The motion prevailed, the time being 2:40 p.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, February 27, at 1:30 p.m.

RICHARD J. BROWN
Clerk of the House of Representatives

