

No. 3
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
95th Legislature
REGULAR SESSION OF 2010

House Chamber, Lansing, Tuesday, January 19, 2010.

1:30 p.m.

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

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

Agema—present	Durhal—present	Kurtz—present	Polidori—present
Amash—present	Ebli—present	Lahti—present	Proos—present
Angerer—present	Elsenheimer—present	LeBlanc—present	Roberts—present
Ball—present	Espinoza—present	Leland—present	Rocca—present
Barnett—present	Geiss—present	Lemmons—present	Rogers—present
Bauer—present	Genetski—present	Lindberg—present	Schmidt, R.—present
Bennett—present	Gonzales—present	Lipton—present	Schmidt, W.—present
Bledsoe—present	Green—present	Liss—present	Schuitmaker—present
Bolger—present	Gregory—present	Lori—present	Scott, B.—excused
Booher—present	Griffin—present	Lund—present	Scott, P.—present
Brown, L.—present	Haase—present	Marleau—present	Scripps—present
Brown, T.—present	Haines—present	Mayes—present	Segal—present
Byrnes—present	Hammel—present	McDowell—present	Sheltrown—present
Byrum—present	Hansen—present	McMillin—present	Slavens—present
Calley—present	Haugh—present	Meadows—present	Slezak—present
Caul—present	Haveman—present	Meekhof—present	Smith—present
Clemente—present	Hildenbrand—present	Melton—present	Spade—present
Constan—present	Horn—present	Meltzer—present	Stamas—present
Corriveau—present	Huckleberry—present	Miller—present	Stanley—present
Coulouris—present	Jackson—present	Moore—present	Switalski—present
Crawford—present	Johnson—present	Moss—present	Tlaib—present
Cushingberry—present	Jones, Rick—present	Nathan—present	Tyler—present
Daley—present	Jones, Robert—present	Nerat—present	Valentine—present
Dean—present	Kandrevas—present	Neumann—present	Walsh—present
Denby—present	Kennedy—present	Opsommer—present	Warren—present
DeShazor—present	Knollenberg—present	Pavlov—present	Womack—present
Dillon—present	Kowall—present	Pearce—present	Young—present
Donigan—present			

e/d/s = entered during session

Rep. Jennifer Haase, from the 32nd District, offered the following invocation:

“Here today let us resolve to put aside our differences, lay rest to our own ambitions and come together to make the difficult decisions and sacrifices needed to help the people of this great state.

Make us mindful of the blessings we have, the talents we possess and keep us focused on our state’s great bounty of kindness and compassion, our appreciation of our beautiful lakes and forests and our creative history of innovation and determination.

And most especially today, let us all keep in our prayers and hearts those who are suffering, those who have lost loved ones, those who themselves have perished in the devastation that has befallen the people of Haiti—a tragedy for all humanity. Amen.”

Rep. Segal moved that Rep. Bettie Scott be excused from today’s session.
The motion prevailed.

Reports of Standing Committees

The Speaker laid before the House

House Resolution No. 112.

A resolution to urge the U.S. Department of State to work with Italian authorities to do all they can to maintain the Italian Consulate in Detroit.

(For text of resolution, see House Journal No. 60 of 2009, p. 1216.)

(The resolution was reported by the Committee on Government Operations on December 16, 2009.)

The question being on the adoption of the resolution,

The resolution was adopted.

Messages from the Senate

The Speaker laid before the House

House Bill No. 5403, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2010; and to provide for the expenditure of the appropriations.

(The bill was received from the Senate on January 14, with substitute (S-1), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 2, p. 16.)

The question being on concurring in the substitute (S-1) made to the bill by the Senate,

The substitute (S-1) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 1

Yeas—107

Agema	Durhal	Kurtz	Polidori
Angerer	Ebli	Lahti	Proos
Ball	Elsenheimer	LeBlanc	Roberts
Barnett	Espinoza	Leland	Rocca
Bauer	Geiss	Lemmons	Rogers
Bennett	Genetski	Lindberg	Schmidt, R.
Bledsoe	Gonzales	Lipton	Schmidt, W.
Bolger	Green	Liss	Schuitmaker
Booher	Gregory	Lori	Scott, P.
Brown, L.	Griffin	Lund	Scripps
Brown, T.	Haase	Marleau	Segal

Byrnes	Haines	Mayes	Sheltrown
Byrum	Hammel	McDowell	Slavens
Calley	Hansen	McMillin	Slezak
Caul	Haugh	Meadows	Smith
Clemente	Haveman	Meekhof	Spade
Constan	Hildenbrand	Melton	Stamas
Corriveau	Horn	Meltzer	Stanley
Coulouris	Huckleberry	Miller	Switalski
Crawford	Jackson	Moore	Tlaib
Cushingberry	Johnson	Moss	Tyler
Daley	Jones, Rick	Nathan	Valentine
Dean	Jones, Robert	Nerat	Walsh
Denby	Kandreas	Neumann	Warren
DeShazor	Kennedy	Opsommer	Womack
Dillon	Knollenberg	Pavlov	Young
Donigan	Kowall	Pearce	

Nays—1

Amash

In The Chair: Byrnes

The House agreed to the title as amended.

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

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

The bill was referred to the Clerk for enrollment printing and presentation to the Governor.

Second Reading of Bills

Senate Bill No. 689, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7333 (MCL 333.7333), as amended by 2006 PA 451.

The bill was read a second time.

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

The motion prevailed.

Rep. Segal 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. 689, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7333 (MCL 333.7333), as amended by 2006 PA 451.

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

Roll Call No. 2

Yeas—107

Agema	Donigan	Kowall	Polidori
Amash	Durhal	Kurtz	Proos
Angerer	Ebli	Lahti	Roberts
Ball	Elsenheimer	LeBlanc	Rocca

Barnett	Espinoza	Leland	Rogers
Bauer	Geiss	Lemmons	Schmidt, R.
Bennett	Genetski	Lindberg	Schmidt, W.
Bledsoe	Gonzales	Lipton	Schuitmaker
Bolger	Green	Liss	Scott, P.
Booher	Gregory	Lori	Scripps
Brown, L.	Griffin	Lund	Segal
Brown, T.	Haase	Marleau	Sheltrown
Byrnes	Haines	Mayes	Slavens
Byrum	Hammel	McDowell	Slezak
Calley	Hansen	McMillin	Smith
Caul	Haugh	Meadows	Spade
Clemente	Haveman	Meekhof	Stamas
Constan	Hildenbrand	Melton	Stanley
Corriveau	Horn	Meltzer	Switalski
Coulouris	Huckleberry	Miller	Tlaib
Crawford	Jackson	Moore	Tyler
Cushingberry	Johnson	Moss	Valentine
Daley	Jones, Rick	Nathan	Walsh
Dean	Jones, Robert	Nerat	Warren
Denby	Kandrevas	Opsommer	Womack
DeShazor	Kennedy	Pavlov	Young
Dillon	Knollenberg	Pearce	

Nays—1

Neumann

In The Chair: Byrnes

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

“An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates.”

The House agreed to the full title.

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

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

Second Reading of Bills

House Bill No. 5654, entitled

A bill to amend 2008 PA 295, entitled “Clean, renewable, and efficient energy act,” by amending section 51 (MCL 460.1051).

The bill was read a second time.

Rep. McMillin moved to amend the bill as follows:

1. Amend page 4, following line 23, by inserting:

“(J) PROVIDE ALL ASSUMPTIONS AND CALCULATIONS USED TO DETERMINE THE INCREMENTAL COST FOR COMPLIANCE IN SECTION 45(1) AND ALL ASSUMPTIONS AND CALCULATIONS USED TO DETERMINE THE ESTIMATED MONTHLY SAVINGS IN SECTION 45(5)(C) AND (D).”

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

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

The motion prevailed.

Rep. Segal 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. 5654, entitled

A bill to amend 2008 PA 295, entitled “Clean, renewable, and efficient energy act,” by amending section 51 (MCL 460.1051).

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

Roll Call No. 3

Yeas—106

Amash	Durhal	Kurtz	Pearce
Angerer	Ebli	Lahti	Polidori
Ball	Elsenheimer	LeBlanc	Proos
Barnett	Espinoza	Leland	Roberts
Bauer	Geiss	Lemmons	Rocca
Bennett	Genetski	Lindberg	Rogers
Bledsoe	Gonzales	Lipton	Schmidt, R.
Bolger	Green	Liss	Schmidt, W.
Booher	Gregory	Lori	Schuitmaker
Brown, L.	Griffin	Lund	Scott, P.
Brown, T.	Haase	Marleau	Segal
Byrnes	Haines	Mayes	Sheltrown
Byrum	Hammel	McDowell	Slavens
Calley	Hansen	McMillin	Slezak
Caul	Haugh	Meadows	Smith
Clemente	Haveman	Meekhof	Spade
Constan	Hildenbrand	Melton	Stamas
Corriveau	Horn	Meltzer	Stanley
Coulouris	Huckleberry	Miller	Switalski
Crawford	Jackson	Moore	Tlaib
Cushingberry	Johnson	Moss	Tyler
Daley	Jones, Rick	Nathan	Valentine
Dean	Jones, Robert	Nerat	Walsh
Denby	Kandreas	Neumann	Warren
DeShazor	Kennedy	Opsommer	Womack
Dillon	Knollenberg	Pavlov	Young
Donigan	Kowall		

Nays—2

Agema

Scripps

In The Chair: Byrnes

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

Second Reading of Bills

House Bill No. 5680, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 253 (MCL 206.253), as added by 2008 PA 287.

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

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

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

The motion prevailed.

Rep. Segal 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. 5680, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 253 (MCL 206.253), as added by 2008 PA 287.

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

Roll Call No. 4

Yeas—108

Agema	Donigan	Kowall	Pearce
Amash	Durhal	Kurtz	Polidori
Angerer	Ebli	Lahti	Proos
Ball	Elsenheimer	LeBlanc	Roberts
Barnett	Espinoza	Leland	Rocca
Bauer	Geiss	Lemmons	Rogers
Bennett	Genetski	Lindberg	Schmidt, R.
Bledsoe	Gonzales	Lipton	Schmidt, W.
Bolger	Green	Liss	Schuitmaker
Booher	Gregory	Lori	Scott, P.
Brown, L.	Griffin	Lund	Scripps
Brown, T.	Haase	Marleau	Segal
Byrnes	Haines	Mayes	Sheltrown
Byrum	Hammel	McDowell	Slavens
Calley	Hansen	McMillin	Slezak
Caul	Haugh	Meadows	Smith
Clemente	Haveman	Meekhof	Spade
Constan	Hildenbrand	Melton	Stamas
Corriveau	Horn	Meltzer	Stanley
Coulouris	Huckleberry	Miller	Switalski
Crawford	Jackson	Moore	Tlaib
Cushingberry	Johnson	Moss	Tyler
Daley	Jones, Rick	Nathan	Valentine
Dean	Jones, Robert	Nerat	Walsh
Denby	Kandreas	Neumann	Warren
DeShazor	Kennedy	Opsommer	Womack
Dillon	Knollenberg	Pavlov	Young

Nays—0

In The Chair: Byrnes

The House agreed to the title of the bill.

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

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

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Knollenberg, Ball, Crawford, Daley, DeShazor, Haines, Horn, Kowall, Kurtz, Lund, Marleau, McMillin, Rogers and Tyler offered the following resolution:

House Resolution No. 197.

A resolution calling for the state to adopt a three-year budget with a five-year outlook.

Whereas, One of the key issues facing a legislature is how to most effectively organize the budget process. A number of elements go into deciding the approach a state should use in addressing budgetary issues, organizing and implementing the process, such as constitutional, statutory, and legislative rules, as well as standard operating procedures. One of the key components is the period of time for which the budget is effective; and

Whereas, The American states have tried various approaches in organizing their budget process. Individual states have utilized annual or biennial budgets at one time or another. In a state like Michigan, which has faced economic stress over the past half decade and has faced difficult decisions over raising revenues, it is incumbent upon the legislature to examine different approaches to get a better outlook on reviewing and evaluating state programs; and

Whereas, Various approaches can be looked at in trying to better adapt to the changing conditions Michigan faces. Recently, House Concurrent Resolution No. 15 was introduced to express support for the concept of preparing biennial state budgets. However, other approaches are being utilized. An approach which deserves serious attention is the “triennial budget” approach utilized by Oakland County; and

Whereas, The objectives of the Oakland County triennial budget approach is to gain more advanced notice, better long-term planning, and greater opportunities to react before a crisis arises. The Oakland County approach is characterized by the following features: incorporates a long-term perspective; establishes linkages to broad organizational goals; focuses budget decisions on results and outcomes; involves and promotes effective communication with stakeholders; and provides incentives to government management and employees; and

Whereas, For a good part of this decade, Michigan has experienced historical job losses and a downward economic spiral. The loss in revenues for the State of Michigan and for local governments has increased the need for a budget approach which allows both the state government and local governments to better plan for uncertain economic downturns and in context of a long-term perspective. The triennial budget approach consists of a budget for the first year with the second and third year as budget plans which are line-itemed and balanced based on projections. The county also prepares quarterly public accounting summaries and adjusts the budget accordingly based on those accounting reports; now, therefore, be it

Resolved by the House of Representatives, That we call for the state to adopt a three-year budget with a five-year outlook; and be it further

Resolved, That copies of this resolution be transmitted to the Speaker of the House of Representatives, the Chair of the House Appropriations Committee, the Senate Majority Leader, the Chair of the Senate Appropriations Committee, the Governor, and the State Budget Director.

The resolution was referred to the Committee on Appropriations.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills and joint resolutions had been printed and placed upon the files of the members on Friday, January 15:

House Bill Nos. 5747 5748

House Joint Resolutions RR SS

Senate Bill Nos. 1058 1059 1060 1061 1062 1063 1064

The Clerk announced that the following Senate bill had been received on Tuesday, January 19:

Senate Bill No. 38

Reports of Standing Committees

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

House Bill No. 5614, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16231 and 16233 (MCL 333.16231 and 333.16233), section 16231 as amended by 1993 PA 79 and section 16233 as amended by 1995 PA 196.

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Corriveau, Segal, Byrum, Coulouris, Donigan, Johnson, Liss, Neumann, Roy Schmidt, Slavens, Valentine, Womack, Marleau, Ball, Calley, Denby, Moore and Paul Scott

Nays: None

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

House Resolution No. 109.

A resolution to memorialize Congress to enact legislation to eliminate the 24-month Medicare waiting period for participants on Social Security Disability Insurance.

(For text of resolution, see House Journal No. 56 of 2009, p. 1113.)

With the recommendation that the resolution be adopted.

Favorable Roll Call

To Report Out:

Yeas: Reps. Corriveau, Segal, Byrum, Coulouris, Donigan, Johnson, Liss, Neumann, Roy Schmidt, Slavens, Valentine, Womack, Marleau, Ball, Calley, Denby, Moore and Paul Scott

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Corriveau, Chair, of the Committee on Health Policy, was received and read:

Meeting held on: Tuesday, January 19, 2010

Present: Reps. Corriveau, Segal, Byrum, Coulouris, Donigan, Johnson, Liss, Neumann, Roy Schmidt, Slavens, Valentine, Womack, Marleau, Ball, Calley, Denby, Green, Moore and Paul Scott

Absent: Rep. Crawford

Excused: Rep. Crawford

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, January 14, 2010

Present: Reps. Melton, Lisa Brown, Bledsoe, Corriveau, Geiss, Haase, Kennedy, Lindberg, Nathan, Polidori, Roberts, Sheltroun, Valentine, Pavlov, Amash, Ball, DeShazor, McMillin, Pearce, Tyler and Walsh

Absent: Reps. Byrum and Paul Scott

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Mayes, Chair, of the Committee on Energy and Technology, was received and read:

Meeting held on: Tuesday, January 19, 2010

Present: Reps. Mayes, Geiss, Lisa Brown, Clemente, Huckleberry, Lindberg, Lipton, Melton, Roberts, Scripps, Horn, Crawford, Marleau, Opsommer, Proos, Wayne Schmidt and Schuitmaker

Absent: Reps. Ebli and Johnson

Excused: Rep. Ebli

Messages from the Senate

Senate Bill No. 38, entitled

A bill to amend 1967 PA 281, entitled “Income tax act of 1967,” by amending section 261 (MCL 206.261), as amended by 2008 PA 207.

The Senate has passed the bill.

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

Senate Concurrent Resolution No. 32.

A concurrent resolution to memorialize the President, the Congress, and the Secretary of the Department of Health and Human Services to remove provisions from the final version of federal health care reform legislation that would increase financial obligations for Michigan and other states, whether through expanded Medicaid requirements or other mandates.

Whereas, As federal health care reform approaches its final stage, there remain many areas of serious concern. An issue drawing considerable attention in Michigan and across the country is the future expansion of Medicaid. It has been reported that states will be required to increase Medicaid eligibility to all nonelderly individuals below 133 percent of the federal poverty level and that the cost of covering this increase in eligibility will in significant measure be pushed off to the states in future years; and

Whereas, Michigan currently has 1.8 million people enrolled in its Medicaid program, almost 1 in 5 residents. This number continues to grow under current Medicaid eligibility standards, and the increase in Medicaid eligibility present in both versions of federal health care reform will almost certainly increase Michigan’s Medicaid enrollment; and

Whereas, In order to secure sufficient votes to pass H.R. 3590 in the U.S. Senate, numerous deals were struck, including the insertion of one provision that favored one state, Nebraska, to the detriment of the other 49. This favoritism—solely for political expediency at the expense of fairness—is especially egregious as Michigan and many other states cope with budgetary perils more severe than any experienced in most Americans’ lifetimes; and

Whereas, Michigan’s multiyear economic crisis has placed a severe strain on the state budget and its social welfare programs. Based on recent revenue projections by the Michigan Department of Treasury, the Michigan House Fiscal Agency, and the Michigan Senate Fiscal Agency, Michigan is facing a potential \$1.3 billion to \$1.5 billion shortfall in General Fund dollars for fiscal year 2011; and

Whereas, The importance of health care to our nation, our citizens, our businesses, and the economies of our states makes it imperative for consistency and fairness to be central to the final legislation. It is also essential that reforms not be predicated on shifting costs to the states. Such short-term thinking will only compound problems for our country and the states. Instead, Congress should be focusing on providing states greater flexibility in developing their state Medicaid programs and encourage innovation instead of conformance to rigid federal standards; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the President, the Congress, and the Secretary of the Department of Health and Human Services to provide that federal health care reforms, including the federal Patient Protection and Affordable Care Act (H.R. 3590) and the Affordable Health Care for America Act (H.R. 3962), not impose increased costs on Michigan and other states, whether through expanded Medicaid requirements or other mandates; and be it further

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

The Senate has adopted the concurrent resolution.

Reps. Agema, Ball, Bolger, Daley, Denby, DeShazor, Haines, Horn, Rick Jones, Knollenberg, Kowall, Kurtz, Lori, Lund, Marleau, McMillin, Rogers and Schuitmaker were named co-sponsors of the concurrent resolution.

The concurrent resolution was referred to the Committee on Health Policy.

Senate Concurrent Resolution No. 33.

A concurrent resolution to memorialize the President, the Congress, and the Secretary of the Department of Health and Human Services to remove the so-called “Nebraska Compromise” from the final version of the federal health care reform legislation.

Whereas, Numerous deals were struck to get the necessary votes to pass the U.S. Senate version of H.R. 3590, including insertion of a provision that favored one state, Nebraska, to the detriment of 49 states. Bills passed by the House and Senate virtually ensure a major expansion of the Medicaid program by making all nonelderly people with incomes below at least 133 percent of the poverty level eligible for Medicaid. All states, except Nebraska, will be responsible for covering a share of the expanded program’s cost. This arbitrary singling out of one state for a special benefit is fundamentally unfair; and

Whereas, Michigan's multiyear economic crisis has put the citizens of our great state and the state budget under great duress. Almost 1 in 5 Michigan residents are enrolled in Medicaid. Today's enrollment of 1.8 million is 700,000 more than the enrollment 10 years ago. Given the continuing job losses in our state and slow rate of economic recovery, Medicaid enrollment can only be expected to grow; and

Whereas, The state budget is already strained to cover the rising demand for Medicaid services, currently spending approximately \$11.1 billion in gross appropriations, with approximately \$1.6 billion coming from shrinking general funds. The Medicaid portion of the state budget accounts for over 20 percent of gross appropriations and approximately 20 percent of General Fund appropriations; and

Whereas, Aside from being fundamentally unfair, the arbitrary singling out of Nebraska for special treatment is likely unconstitutional and subject to a legal challenge if the special treatment provision remains in the bill signed by the President. The Supreme Court has already admonished Congress that its spending authority does not allow it to demonstrate a "display of arbitrary power"; and

Whereas, The "Nebraska Compromise" provision disadvantages the citizens of 49 states who will see their limited tax dollars diverted from other essential state programs to fund these new federal mandates; and

Whereas, Other provisions in the bill, such as the mandate on individuals to buy insurance and the penalty for not doing so, regulation of the insurance industry, and the excise tax on high-cost health plans, are also subject to constitutional challenges; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the President, the Congress, and the Secretary of the Department of Health and Human Services to remove the so-called "Nebraska Compromise" from the final version of the federal health care reform legislation; and be it further

Resolved, That we request Congress to provide in the final legislation a statement of the constitutional authority for enactment of health care reform and these questionable provisions regarding the mandate on individuals to buy insurance and the penalty for not doing so, regulation of the insurance industry, and the excise tax on high-cost health plans; and be it further

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

The Senate has adopted the concurrent resolution.

Reps. Agema, Ball, Bolger, Booher, Crawford, Denby, Geiss, Haines, Horn, Rick Jones, Knollenberg, Kowall, Kurtz, Lund, Marleau, McMillin, Rogers, Schuitmaker, Sheltroun, Stamas, Constan and Daley were named co-sponsors of the concurrent resolution.

The concurrent resolution was referred to the Committee on Health Policy.

Introduction of Bills

Reps. Gregory, Hammel, LeBlanc, Bledsoe, Cushingberry, Haugh, Slezak, Geiss and Angerer introduced

House Bill No. 5749, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 17967 (MCL 333.17967), as added by 2008 PA 471.

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

Reps. Miller, Liss, Mayes, Constan, Geiss, Smith, Roberts, Angerer, Leland, Barnett, Byrnes, Corriveau, Slavens, Durhal, Young, Slezak, Meadows, Switalski and Polidori introduced

House Bill No. 5750, entitled

A bill to amend 1984 PA 274, entitled "Michigan antitrust reform act," by amending section 4a (MCL 445.774a), as added by 1987 PA 243.

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

Reps. Donigan, Roberts, Tlaib, Scripps, Bauer, LeBlanc and Leland introduced

House Bill No. 5751, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 5301 and 5303 (MCL 324.5301 and 324.5303), section 5301 as amended by 2005 PA 255 and section 5303 as amended by 2002 PA 398.

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

Rep. Meekhof introduced

House Bill No. 5752, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 2001, 2005, and 2030 (MCL 324.2001, 324.2005, and 324.2030), as added by 2004 PA 587, and by adding sections 1911 and 2045; and to repeal acts and parts of acts.

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

Rep. LeBlanc introduced

House Bill No. 5753, entitled

A bill to amend 1879 PA 237, entitled "An act to provide for the execution, acknowledgment, and recording of contracts for the sale of land," (MCL 565.351 to 565.361) by amending the title and by adding section 4a.

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

Rep. LeBlanc introduced

House Bill No. 5754, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 5805 and 5839 (MCL 600.5805 and 600.5839), section 5805 as amended by 2002 PA 715 and section 5839 as amended by 1985 PA 188.

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

Reps. Stamas, Rocca, Meltzer, Horn, Caul, Crawford, Wayne Schmidt, DeShazor, Tyler, Haines, Kowall, Knollenberg, Walsh, Rick Jones, Meekhof, Elsenheimer, LeBlanc, Bledsoe, Terry Brown, Coulouris, Griffin, Mayes, Lori, Stanley, Roy Schmidt, Sheltroun, Slezak, Pearce, Pavlov, Proos, Green, Liss and Moore introduced

House Bill No. 5755, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," (MCL 208.1101 to 208.1601) by adding section 465. The bill was read a first time by its title and referred to the Committee on Tax Policy.

Rep. Barnett moved that the House adjourn.

The motion prevailed, the time being 2:50 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, January 20, at 1:30 p.m.

RICHARD J. BROWN
Clerk of the House of Representatives

