

No. 19
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REGULAR SESSION OF 2010

House Chamber, Lansing, Thursday, February 25, 2010.

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.

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—excused	Rogers—present
Bauer—present	Genetski—present	Lindberg—present	Schmidt, R.—present
Bennett—excused	Gonzales—present	Lipton—present	Schmidt, W.—present
Bledsoe—present	Green—excused	Liss—present	Schuitmaker—present
Bolger—present	Gregory—present	Lori—present	Scott, B.—present
Booher—excused	Griffin—present	Lund—present	Scott, P.—present
Brown, L.—present	Haase—present	Marleau—excused	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—excused	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—excused
Denby—present	Kennedy—present	Opsommer—present	Warren—present
DeShazor—present	Knollenberg—present	Pavlov—present	Womack—present
Dillon—present	Kowall—present	Pearce—present	Young—present

e/d/s = entered during session

Rep. Jeff Mayes, from the 96th District, offered the following invocation:

“As we gather today, we hope and pray for the wisdom to guide us as we do the work of the people of Michigan.

We know that these difficult times have tried our families, our friendships, and the patience of the people we are honored to represent. But we remain committed to working to improve this great state, and the lives of all the people who call it home.

We oftentimes do not see eye to eye with our colleagues, but even though we disagree, we should not let our personal disagreements blind us to our greater goal: serving the people of Michigan and creating a better future for the generations that will come after us.

We all share the same values: hard work and to love and respect one another.

We thank You for these enduring ideals, the guarantee that our bonds of affection will endure, even when they are most strained.

We ask for the wisdom to lead Michigan through these turbulent times, and the courage to make the tough decisions that true leadership demands.

Amen.”

Rep. Wayne Schmidt moved that Reps. Booher, Green, Marleau and Walsh be excused from today’s session.
The motion prevailed.

Rep. Angerer moved that Reps. Bennett, Jackson and Lemmons be excused from today’s session.
The motion prevailed.

Second Reading of Bills

Senate Bill No. 374, entitled

A bill to provide for the recovery or replacement of durable monuments defining the Michigan-Indiana state boundary line; to create a commission; to provide for certain powers and duties of certain state officers and agencies; and to repeal acts and parts of acts.

The bill was read a second time.

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

The motion prevailed.

Rep. Angerer 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. 374, entitled

A bill to provide for the recovery or replacement of durable monuments defining the Michigan-Indiana state boundary line; to create a commission; to provide for certain powers and duties of certain state officers and agencies; and to repeal acts and parts of acts.

The bill was read a third time.

The question being on the passage of the bill,

Rep. Angerer moved that consideration of the bill be postponed for the day.

The motion prevailed.

Second Reading of Bills

House Bill No. 5195, entitled

A bill to amend 1998 PA 386, entitled “Estates and protected individuals code,” by amending sections 2802, 2803, and 2804 (MCL 700.2802, 700.2803, and 700.2804).

The bill was read a second time.

Rep. Amash moved to substitute (H-1) the bill.

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

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

The motion prevailed.

Rep. Angerer 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. 5195, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 2802, 2803, and 2804 (MCL 700.2802, 700.2803, and 700.2804).

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

Roll Call No. 44

Yeas—102

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

Nays—0

In The Chair: Byrnes

The House agreed to the title of the bill.

Rep. Angerer 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. Hildenbrand, Ball, Bolger, Daley, Denby, Haines, Kandreas, Kowall, Lahti, Liss, Lori, Lund, Opsommer, Pearce, Proos, Rogers, Schuitmaker and Tyler offered the following resolution:

House Resolution No. 212.

A resolution to declare February 25, 2010, as Conductive Education Day in the state of Michigan.

Whereas, Conductive education (CE) was developed over sixty years ago in Hungary by Dr. András Peto; and

Whereas, CE is a unique teaching system that maximizes the independence and mobility of children and adults with neuro-motor disabilities like stroke survivors, and those with cerebral palsy, multiple sclerosis, acquired brain injuries, Parkinson's disease and spina bifida; and

Whereas, CE operates from a core belief in neuroplasticity, the lifelong ability of the brain to reorganize neural pathways based on new experiences; and on the premise that no matter how severe the disability, people can learn and improve when they are motivated; and

Whereas, CE has the potential to make a significant, life-changing impact on the mobility and independence of close to nine million people in the United States and Canada; and

Whereas, CE helps individuals learn their way to independence; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body recognize February 25, 2010, as Conductive Education Day in the state of Michigan. We encourage support for this important program that increases the independence of people with disabilities in our community.

The question being on the adoption of the resolution,

The resolution was adopted.

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 25:

House Bill Nos.	5891	5892	5893	5894	5895	5896	5897												
Senate Bill Nos.	1149	1150	1151	1152	1153	1154	1155	1156	1157	1158	1159	1160	1161	1162					
	1163	1164	1165	1166	1167	1168	1169	1170	1171	1173									

Messages from the Senate

Senate Concurrent Resolution No. 34.

A concurrent resolution to memorialize the Congress of the United States, the President, the Secretary of the U.S. Department of Health and Human Services, and the director of the Centers for Medicare and Medicaid Services to change Medicaid laws, rules, and policies to reward states for maintaining healthy Medicaid populations and administering efficient, cost-effective programs.

Whereas, An unfortunate contradiction exists with the Medicaid program which causes states that efficiently administer Medicaid and reduce state spending to be penalized by reducing federal matching funds. The current system rewards states that spend significant amounts of general fund dollars on their Medicaid programs with increased federal matching funds regardless of the effectiveness of the program in keeping the population healthy. This incentive leads to programs fraught with overspending and inefficiencies that are leading state governments to the brink of insolvency; and

Whereas, The Medicaid system is built on a false premise that spending more money on health care services will improve the health of a population when, in fact, a population's behavior is the single greatest determinant of its health. Under the current program, states which spend more on inefficient and costly services and administration are rewarded with greater federal matching dollars. This causes states to divert precious resources from other priorities to chase federal dollars. In return, it is a factor in driving the federal government into deeper and deeper debt. It is of vital necessity for the federal government to change the course of the Medicaid program and provide incentives for states to achieve better results from Medicaid programs while spending less; and

Whereas, In recent years, the burden of Medicaid has begun to weigh down the state's ability to function. In fiscal year 1999-2000, Medicaid only accounted for approximately 15 percent of total adjusted gross spending for the state. In fiscal year 2009-2010, Medicaid will account for approximately 23 percent of total adjusted gross spending for the state. If this escalation in Medicaid spending continues, the state will be unable to meet its other obligations. It is time

that federal Medicaid laws, rules, and policies reverse the practices of the past by discontinuing a system that rewards inefficiencies and excessive spending; and

Whereas, It is time for the federal government to reconsider these ineffective and flawed federal dollar match practices that encourage inefficient Medicaid programs and, instead, provide federal block grants to states, which would ensure that states receive the money they are due to operate their Medicaid programs so that states have an incentive to operate cost-effective programs; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the Congress, the President of the United States, the Secretary of the U.S. Department of Health and Human Services, and the director of the Centers for Medicare and Medicaid Services to change Medicaid laws, rules, and policies to reward states for results, staying healthy, and spending less; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the Secretary of the U.S. Department of Health and Human Services, the director of the Centers for Medicare and Medicaid Services, and the members of the Michigan congressional delegation.

The Senate has adopted the concurrent resolution.

Reps. Ball, Barnett, Bauer, Bolger, Daley, DeShazor, Haines, Robert Jones, Liss, Lori, Lund, McDowell, Proos, Rogers, Schuitmaker, Slavens and Tyler were named co-sponsors of the concurrent resolution.

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

By unanimous consent the House returned to the order of

Reports of Standing Committees

The Committee on Transportation, by Rep. Byrnes, Chair, reported

Senate Bill No. 1045, entitled

A bill to amend 2006 PA 384, entitled "Driver education provider and instructor act," by amending section 39 (MCL 256.659).

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. Byrnes, Kandrevas, Geiss, Haugh, Leland, Nerat, Roy Schmidt, Young, Bolger, Knollenberg and Wayne Schmidt

Nays: Reps. Griffin and Opsommer

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, February 25, 2010

Present: Reps. Byrnes, Kandrevas, Geiss, Griffin, Haugh, Leland, Nerat, Roy Schmidt, Young, Opsommer, Bolger, DeShazor, Knollenberg, Pearce, Wayne Schmidt and Paul Scott

Absent: Rep. Donigan

Excused: Rep. Donigan

The Committee on Great Lakes and Environment, by Rep. Warren, Chair, reported

Senate Bill No. 1057, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 74101, 74102, 74102a, 74116, 74117, 74120, and 74122 (MCL 324.74101, 324.74102, 324.74102a, 324.74116, 324.74117, 324.74120, and 324.74122), sections 74101 and 74122 as amended by 2004 PA 587, sections 74102, 74116, and 74120 as added by 1995 PA 58, section 74102a as amended by 2006 PA 307, and section 74117 as amended by 2009 PA 197; and to repeal acts and parts of acts.

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. Warren, Bledsoe, Ebli, Kennedy, Leland, Meadows, Scripps, Meekhof, Daley, Haveman and Wayne Schmidt
 Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Warren, Chair, of the Committee on Great Lakes and Environment, was received and read:

Meeting held on: Thursday, February 25, 2010

Present: Reps. Warren, Nerat, Bledsoe, Ebli, Kennedy, Leland, Meadows, Roberts, Scripps, Meekhof, Daley, Haveman, Rick Jones, Pavlov and Wayne Schmidt

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Thursday, February 25, 2010

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

Absent: Reps. Nathan, Polidori and Walsh

Excused: Rep. Walsh

Announcements by the Clerk

February 24, 2010

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

Management letter related to our audit of the financial statements of the Michigan State Police Retirement System as of and for the fiscal year ended September 30, 2009.

February 24, 2010

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

Management letter related to our audit of the financial statements of the Michigan Judges' Retirement System as of and for the fiscal year ended September 30, 2009.

February 24, 2010

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

Management letter related to our audit of the financial statements of the Michigan State Employees' Retirement System as of and for the fiscal year ended September 30, 2009.

February 24, 2010

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

Management letter related to our audit of the financial statements of the Michigan Public School Employees' Retirement System as of and for the fiscal year ended September 30, 2009.

Richard J. Brown
 Clerk of the House

By unanimous consent the House returned to the order of

Introduction of Bills

Reps. Rogers, Denby, Calley, Pavlov, Haines and Crawford introduced

House Bill No. 5898, entitled

A bill to amend 1978 PA 361, entitled "Michigan exposition and fairgrounds authority act," by amending the title and sections 1, 2, 5, 6, 7, 8, 11, 12, 14a, 15a, and 15b (MCL 285.161, 285.162, 285.165, 285.166, 285.167, 285.168, 285.171,

285.172, 285.174a, 285.175a, and 285.175b), the title and sections 1, 2, 5, 6, 7, 8, 11, 12, 14a, and 15a as amended and section 15b as added by 2004 PA 468; and to repeal acts and parts of acts.

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

Reps. Kurtz, Polidori and Gonzales introduced

House Bill No. 5899, entitled

A bill to amend 2009 PA 149, entitled "An act to amend 1980 PA 299, entitled "An act to revise, consolidate, and classify the laws of this state regarding the regulation of certain occupations; to create a board for each of those occupations; to establish the powers and duties of certain departments and agencies and the boards of each occupation; to provide for the promulgation of rules; to provide for certain fees; to provide for penalties and civil fines; to establish rights, relationships, and remedies of certain persons under certain circumstances; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," (MCL 339.101 to 339.2919) by amending the title, as amended by 1993 PA 93, and by adding section 1809a," by amending enacting section 1.

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

Reps. Polidori, Kurtz and Gonzales introduced

House Bill No. 5900, entitled

A bill to amend 2009 PA 148, entitled "An act to amend 1980 PA 299, entitled "An act to revise, consolidate, and classify the laws of this state regarding the regulation of certain occupations; to create a board for each of those occupations; to establish the powers and duties of certain departments and agencies and the boards of each occupation; to provide for the promulgation of rules; to provide for certain fees; to provide for penalties and civil fines; to establish rights, relationships, and remedies of certain persons under certain circumstances; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," (MCL 339.101 to 339.2919) by adding section 1809b," by amending enacting section 1.

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

Rep. Cushingberry introduced

House Bill No. 5901, 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 read a first time by its title and referred to the Committee on Appropriations.

Rep. Cushingberry introduced

House Bill No. 5902, 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 read a first time by its title and referred to the Committee on Appropriations.

Rep. Cushingberry introduced

House Bill No. 5903, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2011; and to provide for the expenditure of the appropriations.

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

Rep. Cushingberry introduced

House Bill No. 5904, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2011; and to provide for the expenditure of the appropriations.

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

Rep. Cushingberry introduced

House Bill No. 5905, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2011; and to provide for the expenditure of the appropriations.

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

Reps. Scripps, Byrnes, Huckleberry, Angerer, Robert Jones, Roberts, Tlaib, Switalski, Warren, Liss, Lipton, Polidori, Meadows and Lisa Brown introduced

House Bill No. 5906, entitled

A bill to amend 2008 PA 295, entitled "Clean, renewable, and efficient energy act," by amending sections 27, 31, and 47 (MCL 460.1027, 460.1031, and 460.1047).

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

Reps. Byrnes, Scripps, Huckleberry, Angerer, Robert Jones, Roberts, Lisa Brown, Tlaib, Switalski, Warren, Liss, Lipton, Polidori and Meadows introduced

House Bill No. 5907, entitled

A bill to amend 2008 PA 295, entitled "Clean, renewable, and efficient energy act," by amending sections 27, 31, and 47 (MCL 460.1027, 460.1031, and 460.1047).

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

Rep. Smith moved that the House adjourn.

The motion prevailed, the time being 3:05 p.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, March 2, at 1:30 p.m.

RICHARD J. BROWN
Clerk of the House of Representatives