

No. 79
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
93rd Legislature
REGULAR SESSION OF 2005

House Chamber, Lansing, Wednesday, September 21, 2005.

1:00 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.

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

e/d/s = entered during session

Rep. Phillip J. Pavlov, from the 81st District, offered the following invocation:

“Lord, as we gather today, in our ordinary way, in Your presence, and in the presence of one another, we are all too aware that much is amiss in the world. Some of Your beloved people and parts of Your beloved earth are being visited by death and destruction. For the sake of the world You love, we pray that our simple commitment to the routines of worship will not be an escape from life but a sacrament of hope that turns us back to the needs of the world more grounded in Your love. May our attention to ordinary things be a way of saying that we trust You as the one who cradles the world and its people in Your all-embracing arms. In Jesus’ name, Amen.”

Rep. Sak moved that Rep. Cheeks be excused from today’s session.
The motion prevailed.

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

Reports of Select Committees

House Bill No. 4831, entitled

An act to make, supplement, adjust, and consolidate appropriations for various state departments and agencies for the fiscal year ending September 30, 2006; to supplement and adjust certain appropriations for the fiscal year ending September 30, 2005; to provide for certain conditions on appropriations; and to provide for the expenditure of the appropriations.

(For text of conference report, see House Journal No. 78, p. 1529.)

The Senate has adopted the report of the Committee of Conference and ordered that the bill be given immediate effect.

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

Senate Bill No. 276, entitled

A bill to make appropriations for the department of labor and economic growth, the Michigan strategic fund, and certain other state purposes for the fiscal year ending September 30, 2006; to provide for the expenditure of those appropriations; to provide for the imposition of certain fees; to provide for the disposition of fees and other income received by the state agencies; to provide for reports to certain persons; and to prescribe powers and duties of certain state departments and certain state and local agencies and officers.

The Senate has adopted the report of the Committee of Conference and ordered that the bill be given immediate effect.

The Conference Report was read as follows:

First Conference Report

The Committee of Conference on the matters of difference between the two Houses concerning

Senate Bill No. 276, entitled

A bill to make appropriations for the department of labor and economic growth, the Michigan strategic fund, and certain other state purposes for the fiscal year ending September 30, 2006; to provide for the expenditure of those appropriations; to provide for the imposition of certain fees; to provide for the disposition of fees and other income received by the state agencies; to provide for reports to certain persons; and to prescribe powers and duties of certain state departments and certain state and local agencies and officers.

Recommends:

First: That the House recede from the Substitute of the House as passed by the House.

Second: That the Senate and House agree to the Substitute of the Senate as passed by the Senate, amended to read as follows:

A bill to make appropriations for the department of labor and economic growth, the Michigan strategic fund, and certain other state purposes for the fiscal year ending September 30, 2006; to provide for the expenditure of those

appropriations; to provide for the imposition of certain fees; to provide for the disposition of fees and other income received by the state agencies; to provide for reports to certain persons; and to prescribe powers and duties of certain state departments and certain state and local agencies and officers.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. The amounts listed in this part are appropriated for the department of labor and economic growth and the Michigan strategic fund, subject to the conditions set forth in this act, for the fiscal year ending September 30, 2006, from the funds identified in this part. The following is a summary of the appropriations in this part:

DEPARTMENT OF LABOR AND ECONOMIC GROWTH

APPROPRIATION SUMMARY:

Full-time equated unclassified positions	58.5	
Full-time equated classified positions	4,351.5	
GROSS APPROPRIATION		\$ 1,273,315,300

Interdepartmental grant revenues:

Total interdepartmental grants and intradepartmental transfers	10,822,400	
ADJUSTED GROSS APPROPRIATION		\$ 1,262,492,900

Federal revenues:

Total federal revenues	842,527,600	
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Special revenue funds:

Total local revenues	15,738,200	
Total private revenues	3,990,600	
Total other state restricted revenues	329,882,200	
State general fund/general purpose		\$ 70,354,300

Sec. 102. DEPARTMENTAL ADMINISTRATION

Full-time equated unclassified positions	58.5	
Full-time equated classified positions	212.0	

Unclassified salaries		\$ 5,349,400
Executive director programs—53.0 FTE positions		5,961,500
Regulatory efficiency improvements/backlog reduction initiative		665,600
Property management.....		10,945,100
Rent		17,338,600
Worker’s compensation		1,608,000
Special project advances		940,000
HR optimization charges.....		147,600
Administrative services—159.0 FTE positions.....		15,535,000
GROSS APPROPRIATION		\$ 58,490,800

Appropriated from:

Interdepartmental grant revenues:

IDG from department of community health	300,000	
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Federal revenues:

CNS	295,700	
DED-OSERS, rehabilitation services, vocational rehabilitation of state grants	4,897,500	
DOL-ETA, unemployment insurance	16,739,900	
DOL-ETA, workforce investment act.....	809,400	
DOL, federal funds	2,503,700	
DOL, multiple grants for safety and health	654,000	
Federal revenues	785,700	
HHS, temporary assistance for needy families	347,000	
HHS, titles XVIII and XIX	36,700	

Special revenue funds:

Private - special project advances	940,000	
Local revenues	134,100	
Bank fees	485,100	
Boiler fees.....	239,400	
Construction code fund	1,444,700	
Consumer finance fees	168,800	
Contingent fund penalty and interest account	890,000	
Corporation fees.....	5,106,100	

	For Fiscal Year Ending Sept. 30, 2006
Credit union fees.....	327,600
Elevator fees.....	264,000
Fees and collections/asbestos.....	65,900
Fire service fees.....	232,500
Insurance licensing and regulation fees.....	2,209,400
Insurance regulatory fees.....	996,000
Licensing and regulation fees.....	900,900
Liquor purchase revolving fund.....	5,767,800
Manufactured housing commission fees.....	288,200
Michigan state housing development authority fees and charges.....	3,575,400
Motor carrier fees.....	185,200
Public utility assessments.....	2,157,200
Private occupational school license fees.....	14,000
Rehabilitation services fees.....	90,300
Safety education and training fund.....	502,300
Second injury fund.....	253,500
Securities fees.....	2,381,500
Self-insurers security fund.....	83,300
Silicosis and dust disease fund.....	101,300
Tax tribunal fees.....	1,100
State general fund/general purpose.....	\$ 1,315,600
Sec. 103. OFFICE OF FINANCIAL AND INSURANCE SERVICES	
Full-time equated classified positions.....	273.0
Administration—9.0 FTE positions.....	\$ 2,686,700
Policy conduct and consumer assistance—119.0 FTE positions.....	14,364,400
Financial evaluation—145.0 FTE positions.....	20,940,400
GROSS APPROPRIATION.....	\$ 37,991,500
Appropriated from:	
Federal revenues:	
Federal regulatory project revenue.....	50,400
Special revenue funds:	
Bank fees.....	7,355,400
Consumer finance fees.....	4,034,700
Credit union fees.....	4,666,500
Insurance continuing education fees.....	829,600
Insurance licensing and regulation fees.....	4,488,000
Insurance regulatory fees.....	14,627,400
Multiple employer welfare arrangement.....	67,500
Securities fees.....	1,872,000
State general fund/general purpose.....	\$ 0
Sec. 104. MICHIGAN BROADBAND DEVELOPMENT AUTHORITY	
Full-time equated classified positions.....	13.0
Director of legal and regulatory affairs—1.0 FTE positions.....	\$ 149,400
Director of finance—1.0 FTE positions.....	142,300
Project director—1.0 FTE positions.....	142,300
Director of accounting and purchasing—1.0 FTE positions.....	123,500
Director of marketing and customer development—1.0 FTE positions.....	123,500
Director of community and government affairs—1.0 FTE positions.....	97,700
Executive assistant 13—1.0 FTE positions.....	75,300
Executive assistant 11—1.0 FTE positions.....	65,500
Accountant—1.0 FTE positions.....	75,300
Department specialist 14—1.0 FTE positions.....	97,700
Financial specialist 14—1.0 FTE positions.....	97,700
Financial specialist 12—1.0 FTE positions.....	81,300
Intern position—1.0 FTE positions.....	39,500
Administration.....	277,200
GROSS APPROPRIATION.....	\$ 1,588,200

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Appropriated from:	
Special revenue funds:	
Michigan broadband authority fees and charges.....	1,588,200
State general fund/general purpose	\$ 0
Sec. 105. PUBLIC SERVICE COMMISSION	
Full-time equated classified positions.....	158.0
Administration, planning and regulation—147.0 FTE positions	\$ 18,795,000
Energy office—9.0 FTE positions	5,267,100
Children’s protection registry administration—2.0 FTE positions.....	250,000
GROSS APPROPRIATION.....	\$ 24,312,100
Appropriated from:	
Federal revenues:	
DOE-OEERE, multiple grants.....	4,828,100
DOT-RSPA, gas pipeline safety	984,900
Special revenue funds:	
Private - oil overcharge.....	30,000
Children’s protection registry fund.....	250,000
Motor carrier fees	2,060,700
Public utility assessments	16,158,400
State general fund/general purpose	\$ 0
Sec. 106. LIQUOR CONTROL COMMISSION	
Full-time equated classified positions.....	152.0
Management support services—28.0 FTE positions	\$ 3,092,300
Liquor licensing and enforcement—124.0 FTE positions.....	11,278,000
GROSS APPROPRIATION.....	\$ 14,370,300
Appropriated from:	
Special revenue funds:	
Liquor license revenue.....	5,699,300
Liquor purchase revolving fund	8,671,000
State general fund/general purpose	\$ 0
Sec. 107. MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY	
Full-time equated classified positions.....	232.0
Payments on behalf of tenants	\$ 130,000,000
Housing and rental assistance program—232.0 FTE positions	32,887,700
GROSS APPROPRIATION.....	\$ 162,887,700
Appropriated from:	
Federal revenues:	
HUD, lower income housing assistance program	130,000,000
Special revenue funds:	
Michigan state housing development authority fees and charges	32,887,700
State general fund/general purpose	\$ 0
Sec. 108. TAX TRIBUNAL	
Full-time equated classified positions.....	11.0
Operations—11.0 FTE positions	\$ 1,298,100
GROSS APPROPRIATION.....	\$ 1,298,100
Appropriated from:	
Special revenue funds:	
Corporation fees.....	290,600
Securities fees.....	356,000
Tax tribunal fees	651,500
State general fund/general purpose	\$ 0
Sec. 109. OCCUPATIONAL REGULATION	
Full-time equated classified positions.....	419.0
Code enforcement and fire safety—177.0 FTE positions	\$ 18,387,000
Boiler inspection program—25.0 FTE positions	2,592,200
Elevator inspection program—30.0 FTE positions	2,751,700

	For Fiscal Year Ending Sept. 30, 2006
Commercial services—154.0 FTE positions.....	16,282,000
Local manufactured housing communities inspections.....	250,000
Manufactured housing and land resources program—22.0 FTE positions.....	2,853,200
Property development group—11.0 FTE positions.....	1,474,200
GROSS APPROPRIATION.....	\$ 44,590,300
Appropriated from:	
Interdepartmental grant revenues:	
IDG from department of community health, inspection contract.....	111,100
IDG from department of state police, homeland security.....	800,000
Federal revenues:	
FEMA.....	150,000
DOT.....	85,000
HHS, titles XVIII and XIX.....	872,300
Special revenue funds:	
Boiler fee revenue.....	2,758,600
Construction code fund.....	14,546,500
Corporation fees.....	5,430,000
Elevator fees.....	2,891,200
Fire service fees.....	2,167,300
Homeowner construction lien recovery fund.....	1,532,800
Licensing and regulation fees.....	9,084,300
Manufactured housing commission fees.....	2,452,200
Michigan boxing fund.....	206,200
Property development fees.....	265,700
Remonumentation fees.....	666,600
Real estate appraiser continuing education fund.....	45,000
Real estate education fund.....	217,500
Security business fund.....	308,000
State general fund/general purpose.....	\$ 0
Sec. 110. EMPLOYMENT RELATIONS	
Full-time equated classified positions.....21.0	
Employment and labor relations—21.0 FTE positions.....	\$ 3,006,400
GROSS APPROPRIATION.....	\$ 3,006,400
Appropriated from:	
Federal revenues:	
EEOC, federal funds.....	10,000
Special revenue funds:	
Securities fees.....	2,944,200
State general fund/general purpose.....	\$ 52,200
Sec. 111. MICHIGAN OCCUPATIONAL SAFETY AND HEALTH	
ADMINISTRATION	
Full-time equated classified positions.....229.0	
Occupational safety and health—229.0 FTE positions.....	\$ 25,189,300
GROSS APPROPRIATION.....	\$ 25,189,300
Appropriated from:	
Federal revenues:	
DOL, multiple grants for safety and health.....	12,084,200
Special revenue funds:	
Corporation fees.....	2,087,200
Fees and collections/asbestos.....	795,600
Licensing and regulation fees.....	1,126,900
Safety education and training fund.....	7,371,000
Securities fees.....	1,724,400
State general fund/general purpose.....	\$ 0

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Sec. 112. BUREAU OF WORKER'S AND UNEMPLOYMENT COMPENSATION

Full-time equated classified positions	1,216.0	
Administration—96.6 FTE positions		\$ 9,220,600
Board of magistrates and appellate commission—19.4 FTE positions		2,786,200
Wage and hour division—31.0 FTE positions		2,548,500
Insurance funds administration—28.0 FTE positions		4,363,700
Supplemental benefit fund		1,300,000
Unemployment programs—971.7 FTE positions		81,443,100
Advocacy assistance program		1,500,000
Special audit and collections program—34.0 FTE positions		2,639,500
Training program for agency staff—2.1 FTE positions		1,788,600
Expanded fraud control program—33.2 FTE positions		2,954,900
GROSS APPROPRIATION		\$ <u>110,545,100</u>

Appropriated from:

Federal revenues:

DOL-ETA, employment and training administration	613,400
DOL-ETA, unemployment insurance	83,850,000
Federal Reed act funds	4,362,700

Special revenue funds:

Corporation fees	3,842,300
Contingent fund, penalty and interest account	6,739,100
Licensing and regulation fees	753,100
Second injury fund	2,349,100
Securities fees	3,842,600
Self-insurers security fund	1,111,200
Silicosis and dust disease fund	903,400
Worker's compensation administrative revolving fund	2,178,200
State general fund/general purpose	\$ 0

Sec. 113. STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

Full-time equated classified positions	163.0	
Administrative hearings and rules—163.0 FTE positions		\$ 19,855,200
GROSS APPROPRIATION		\$ <u>19,855,200</u>

Appropriated from:

Interdepartmental grant revenues:

IDG from department of community health	1,547,300
IDG from department of corrections	3,461,000
IDG from department of education	966,300
IDG from department of environmental quality	479,300
IDG from department of human services	3,038,300
IDG from department of management and budget	40,500

Federal revenues:

DOL-ETA, unemployment insurance	5,761,400
DOL, multiple grants for safety and health	183,300

Special revenue funds:

Construction code fund	270,400
Corporation fees	328,400
Insurance regulatory fees	310,400
Licensing and regulation fees	1,015,300
Liquor license fees	100,000
Liquor purchase revolving fund	3,500
Manufactured housing commission fees	126,200
Public utility assessments	1,155,500
Safety education and training fund	177,000
Securities fees	808,700
Tax tribunal fees	73,600
State general fund/general purpose	\$ 8,800

	For Fiscal Year Ending Sept. 30, 2006
Sec. 114. INFORMATION TECHNOLOGY	
Information technology services and projects	\$ 42,486,200
GROSS APPROPRIATION	\$ 42,486,200
Appropriated from:	
Federal revenues:	
DOL-ETA, unemployment insurance	20,754,300
DOL, multiple grants for safety and health	518,400
Federal revenues	5,772,700
HHS, temporary assistance for needy families	176,300
Special revenue funds:	
Bank fees	477,300
Boiler fee revenue.....	264,300
Construction code fund	1,435,900
Consumer finance fees	94,200
Corporation fees.....	1,715,500
Credit union fees.....	269,300
Elevator fees	254,400
Fees and collections/asbestos	11,000
Insurance regulatory fees	497,200
Licensing and regulation fees.....	1,109,900
Liquor purchase revolving fund	4,340,600
Manufactured housing commission fees.....	72,400
Michigan state housing development authority fees and charges	1,940,300
Motor carrier fees	95,900
Public utility assessments	773,100
Safety education and training fund.....	285,600
Second injury fund.....	106,500
Securities fees.....	1,433,500
Self-insurers security fund	38,300
Silicosis and dust disease fund.....	49,300
State general fund/general purpose	\$ 0
Sec. 115. WORKFORCE DEVELOPMENT	
Full-time equated classified positions	872.5
Employment services—246.0 FTE positions	\$ 44,999,700
Labor market information—52.0 FTE positions	6,020,800
Michigan rehabilitation services—513.5 FTE positions	68,109,100
Office of workforce development—61.0 FTE positions	29,895,500
GROSS APPROPRIATION	\$ 149,025,100
Appropriated from:	
Federal revenues:	
DAG, employment and training	178,700
DED-OPSE, multiple grants	1,145,400
DED-OSERS, centers for independent living.....	58,200
DED-OSERS, rehabilitation long-term training	566,900
DED-OSERS, rehabilitation services, vocational rehabilitation of state grants	50,176,300
DED-OSERS, state grants for technical related assistance	56,000
DED, Perkins act	281,300
DOL-ETA, workforce investment act.....	6,448,400
DOL, federal funds	62,671,800
DOL, ODEP	225,000
HHS-SSA, supplemental security income	4,491,800
HHS, temporary assistance for needy families	3,320,200
Special revenue funds:	
Private - gifts, bequests, and donations	816,000
Local revenue	4,132,400
Local vocational rehabilitation match	3,054,000

	For Fiscal Year Ending Sept. 30, 2006
Contingent fund, penalty and interest account	1,736,300
Rehabilitation services fees.....	1,269,400
Second injury fund.....	51,500
Student fees	308,000
Training materials fees.....	256,400
State general fund/general purpose	\$ 7,781,100
Sec. 116. CAREER EDUCATION PROGRAMS	
Full-time equated classified positions.....55.0	
Career and technical education—25.0 FTE positions	\$ 3,396,700
Postsecondary education—14.0 FTE positions	2,554,100
Adult education—16.0 FTE positions	2,377,300
GROSS APPROPRIATION.....	\$ 8,328,100
Appropriated from:	
Federal revenues:	
Federal revenues	6,358,400
Special revenue funds:	
Private occupational school license fees	409,700
Defaulted loan collection fees.....	100,000
State general fund/general purpose	\$ 1,460,000
Sec. 117. DEPARTMENT GRANTS	
Adult basic education.....	\$ 20,000,000
Carl D. Perkins grants.....	47,500,000
Focus: HOPE	5,860,200
Gear-up program grants	3,000,000
Job training programs subgrantees	119,602,700
Michigan community service commission subgrantees	5,900,000
Personal assistance services	459,500
Precollege programs in engineering and the sciences.....	680,100
Vocational rehabilitation client services/facilities	54,989,500
Vocational rehabilitation independent living	3,079,700
Welfare-to-work programs	113,798,600
Fire protection grants	7,210,500
Low-income energy efficiency assistance	60,000,000
Liquor law enforcement grants.....	6,000,000
Remonumentation grants.....	14,000,000
GROSS APPROPRIATION.....	\$ 462,080,800
Appropriated from:	
Federal revenues:	
CNS	5,500,000
DAG, employment and training	13,000,000
DED-OESE, gear-up	3,000,000
DED-OSERS, centers for independent living.....	450,200
DED-OSERS, client assistance for individuals with disabilities	440,000
DED-OSERS, rehabilitation services, vocational rehabilitation of state grants	35,797,900
DED-OSERS, rehabilitation services facilities.....	2,272,500
DED-OSERS, supported employment	1,541,300
DED-OSERS, state grants for technical related assistance.....	2,240,800
DED-OVAE, adult education.....	20,000,000
DED-OVAE, basic grants to states.....	47,500,000
DOL-ETA, workforce investment act.....	119,602,700
HHS, temporary assistance for needy families	82,299,000
HHS-SSA, supplemental security income	2,480,600
Federal section 903(d), SSA funds.....	6,300,000
Special revenue funds:	
Private - gifts, bequests, and donations	800,000
Local vocational rehabilitation match	6,630,500

	For Fiscal Year Ending Sept. 30, 2006
Local vocational rehabilitation facilities match.....	1,278,300
Contingent fund, penalty and interest account	1,000,000
Low-income energy efficiency fund.....	60,000,000
Fire protection fund	3,500,000
Liquor purchase revolving fund	3,710,500
Liquor license revenue	6,000,000
Remonumentation fees	14,000,000
State general fund/general purpose	\$ 22,736,500
Sec. 118. BOARDS, AUTHORITIES AND COMMISSIONS	
Full-time equated classified positions.....	135.0
MES board of review program—18.0 FTE positions	\$ 2,047,200
Rights-of-way oversight authority—5.0 FTE positions	515,900
Land bank fast track authority—3.0 FTE positions	661,700
Michigan community service commission—6.0 FTE positions	3,196,200
Commission on Spanish speaking affairs—2.0 FTE positions.....	232,300
Commission on disability concerns—7.0 FTE positions	1,010,900
Commission for the blind—94.0 FTE positions	18,717,800
Utility consumer representation	550,000
Youth low vision program.....	241,800
GROSS APPROPRIATION.....	\$ 27,173,800
Appropriated from:	
Federal revenues:	
Federal revenues	14,296,800
CNS	1,631,400
DOL-ETA, unemployment insurance	2,047,200
Special revenue funds:	
Private - gifts, bequests, and donations	580,300
Private revenues.....	124,300
Local revenues	508,900
Land bank fast track funds.....	661,700
METRO authority fund	515,900
State restricted revenues	548,100
Utility consumer representation fund	550,000
State general fund/general purpose	\$ 5,709,200
Sec. 119. MICHIGAN STRATEGIC FUND	
Full-time equated classified positions.....	190.0
Administration—31.0 FTE positions.....	\$ 2,346,700
Job creation services—159.0 FTE positions.....	17,234,100
Michigan promotion program.....	5,717,500
Economic development job training grants	9,798,000
Community development block grants	45,000,000
GROSS APPROPRIATION.....	\$ 80,096,300
Appropriated from:	
Interdepartmental grant revenues:	
IDG-MDEQ, air quality fees.....	78,600
Federal revenues:	
DOL-ETA, employment service	724,000
HUD-CPD, community development block grant.....	47,297,800
Special revenue funds:	
Private - special project advances	700,000
Industry support fees.....	5,000
State general fund/general purpose	\$ 31,290,900

PART 2

PROVISIONS CONCERNING APPROPRIATIONS

GENERAL SECTIONS

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2005-2006 is \$400,236,500.00 and state spending from state resources to be paid

to local units of government for fiscal year 2005-2006 is \$56,012,400.00. The itemized statement below identifies appropriations from which spending to units of local government will occur:

DEPARTMENT OF LABOR AND ECONOMIC GROWTH

Fire protection grants	\$ 7,210,500
Liquor law enforcement	6,000,000
Local manufactured housing inspections.....	201,700
Remonumentation grants.....	14,000,000
Fire fighters training council.....	1,602,600
Economic development job training grants	9,798,000
Welfare to work	17,199,600
Total department of labor and economic growth	\$ 56,012,400

Sec. 202. The appropriations authorized under this act are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

Sec. 203. As used in this appropriation act:

- (a) "CEO" means chief executive officer of the Michigan economic development corporation.
- (b) "CNS" means the corporation for national services.
- (c) "DAG" means the United States department of agriculture.
- (d) "DED" means the United States department of education.
- (e) "DED-OESE" means the DED office of elementary and secondary education.
- (f) "DED-OPSE" means the DED office of postsecondary education.
- (g) "DED-OSERS" means the DED office of special education rehabilitation services.
- (h) "DED-OVAE" means the DED office of vocational and adult education.
- (i) "Department" means the department of labor and economic growth, including the Michigan strategic fund.
- (j) "Director" means the director of the department of labor and economic growth.
- (k) "DOE" means the United States department of energy.
- (l) "DOE-OEERE" means the DOE office of energy efficiency and renewable energy.
- (m) "DOL" means the United States department of labor.
- (n) "DOL-ETA" means the DOL employment and training administration.
- (o) "DOL-ODEP" means the DOL office of disability employment policy.
- (p) "DOT" means the United States department of transportation.
- (q) "DOT-RSPA" means the DOT research and special programs administration.
- (r) "EEOC" means equal employment opportunity commission.
- (s) "Fiscal agencies" means Michigan house fiscal agency and Michigan senate fiscal agency.
- (t) "FTE" means full-time equated.
- (u) "Fund" means the Michigan strategic fund.
- (v) "GED" means general education degree.
- (w) "HHS" means the United States department of health and human services.
- (x) "HHS-SSA" means HHS social security administration.
- (y) "HUD" means the United States department of housing and urban development.
- (z) "HUD-CPD" means HUD community planning and development.
- (aa) "IDG" means interdepartmental grant.
- (bb) "MDCH" means the Michigan department of community health.
- (cc) "MDEQ" means the Michigan department of environmental quality.
- (dd) "MEDC" means the Michigan economic development corporation, which is the public body corporate created under section 28 of article VII of the state constitution of 1963 and the urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512, by contractual interlocal agreement effective April 5, 1999, between local participating economic development corporations formed under the economic development corporations act, 1974 PA 338, MCL 125.1601 to 125.1636, and the Michigan strategic fund.
- (ee) "MES" means Michigan employment security.
- (ff) "Subcommittees" means all members of the subcommittees of the house and senate appropriations committees with jurisdiction over the budget for the department.

Sec. 204. The department of civil service shall bill departments and agencies at the end of the first fiscal quarter for the 1% charge authorized by section 5 of article XI of the state constitution of 1963. Payments shall be made for the total amount of the billing by the end of the second fiscal quarter.

Sec. 205. (1) A hiring freeze is imposed on the state classified civil service. State departments and agencies are prohibited from hiring any new full-time state classified civil service employees and prohibited from filling any vacant state classified civil service positions. This hiring freeze does not apply to internal transfers of classified employees from 1 position to another within a department or state classified civil service positions funded fully by federal funds.

(2) The state budget director may grant exceptions to this hiring freeze when the state budget director believes that the hiring freeze will result in rendering a state department or agency unable to deliver basic services, cause a loss of revenue to the state, result in the inability of the state to receive federal funds, or would necessitate additional expenditures that exceed any savings from maintaining a vacancy. The state budget director shall report quarterly to the chairpersons of the senate and house of representatives standing committees on appropriations the number of exceptions to the hiring freeze approved during the previous month and the reasons to justify the exception.

Sec. 207. At least 60 days before beginning any effort to privatize, the department shall submit a complete project plan to the subcommittees and the fiscal agencies. The plan shall include the criteria under which the privatization initiative will be evaluated. The evaluation shall be completed and submitted to the fiscal agencies and to the subcommittees within 30 months.

Sec. 208. Unless otherwise specified, the department shall use the Internet to fulfill the reporting requirements of this act. This requirement may include transmission of reports via electronic mail to the recipients identified for each reporting requirement or it may include placement of reports on the Internet or Intranet site.

Sec. 209. Funds appropriated in part 1 shall not be used for the purchase of foreign goods or services, or both, if competitively priced and of comparable quality American goods or services, or both, are available. Preference should be given to goods or services, or both, manufactured or provided by Michigan businesses if they are competitively priced and of comparable quality.

Sec. 210. The director shall take all reasonable steps to ensure businesses in deprived and depressed communities compete for and perform contracts to provide services or supplies, or both. The director shall strongly encourage firms with which the department contracts to subcontract with certified businesses in depressed and deprived communities for services, supplies, or both.

Sec. 211. The department shall establish and maintain affirmative action programs based on the guidelines developed by the state equal opportunity workforce planning council which was created by Executive Order No. 1996-13 in order to receive general fund/general purpose dollars.

Sec. 212. The department shall receive and retain copies of all reports funded from appropriations in part 1. The department shall follow federal and state guidelines for short-term and long-term retention of these reports and records.

Sec. 213. From the funds appropriated in part 1 for information technology, the departments and agencies shall pay user fees to the department of information technology for technology-related services and projects. Such user fees shall be subject to provisions of an interagency agreement between the department and the department of information technology.

Sec. 214. Amounts appropriated in part 1 for information technology may be designated as work projects and carried forward to support technology projects under the direction of the department of information technology. Funds designated in this manner are not available for expenditure until approved as work projects under section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a.

Sec. 216. It is the intent of the legislature that all revenue sources for funds appropriated in part 1 shall not be aggregated into general categories and shall be specifically identified and detailed as much as possible.

Sec. 217. (1) Due to the current budgetary problems in this state, out-of-state travel for the fiscal year ending September 30, 2006 shall be limited to situations in which 1 or more of the following conditions apply:

- (a) The travel is required by legal mandate or court order or for law enforcement purposes.
- (b) The travel is necessary to protect the health or safety of Michigan citizens or visitors or to assist other states in similar circumstances.
- (c) The travel is necessary to produce budgetary savings or to increase state revenues, including protecting existing federal funds or securing additional federal funds.
- (d) The travel is necessary to comply with federal requirements.
- (e) The travel is necessary to secure specialized training for staff that is not available within this state.
- (f) The travel is financed entirely by federal or nonstate funds.

(2) If out-of-state travel is necessary but does not meet 1 or more of the conditions in subsection (1), the state budget director may grant an exception to allow the travel. Any exceptions granted by the state budget director shall be reported on a monthly basis to the house and senate appropriations committees.

(3) Not later than January 1 of each year, each department shall prepare a travel report listing all travel by classified and unclassified employees outside this state in the immediately preceding fiscal year that was funded in whole or in part with funds appropriated in the department's budget. The report shall be submitted to the chairs and members of the house and senate appropriations committees, the fiscal agencies, and the state budget director. The report shall include the following information:

- (a) The name of each person receiving reimbursement for travel outside this state or whose travel costs were paid by this state.
- (b) The destination of each travel occurrence.
- (c) The dates of each travel occurrence.
- (d) A brief statement of the reason for each travel occurrence.

(e) The transportation and related costs of each travel occurrence, including the proportion funded with state general fund/general purpose revenues, the proportion funded with state restricted revenues, the proportion funded with federal revenues, and the proportion funded with other revenues.

(f) A total of all out-of-state travel funded for the immediately preceding fiscal year.

Sec. 219. The department shall not take disciplinary action against an employee for communicating with a member of the legislature or his or her staff.

REGULATORY

Sec. 301. The appropriation in part 1 for fire protection grants from the liquor purchase revolving fund and the fire protection fund shall be appropriated to cities, villages, and townships with state-owned facilities for fire services, instead of taxes, in accordance with 1977 PA 289, MCL 141.951 to 141.956.

Sec. 302. The funds collected by the office of financial and insurance services in connection with a conservatorship pursuant to section 32 of the mortgage brokers, lenders, and servicers licensing act, 1987 PA 173, MCL 445.1682, shall be appropriated for all expenses necessary to provide for the required services. Funds are available for expenditure when they are received by the department of treasury and shall not lapse to the general fund at the end of the fiscal year.

Sec. 303. The funds collected by the department from corporations being liquidated pursuant to the insurance code of 1956, 1956 PA 218, MCL 500.100 to 500.8302, shall be appropriated for all expenses necessary to provide for the required services. Funds are available for expenditure when they are received by the department of treasury and shall not lapse to the general fund at the end of the fiscal year.

Sec. 304. The department may make available to interested entities otherwise unavailable customized listings of nonconfidential information in its possession, such as names and addresses of licensees, and charge for this information as follows: base fee for 1 to 1,000 records at the cost to the department; 1,001 to 10,000 records at 2.5 cents per record; and 10,001 or more records at .5 cents per record. The revenue received from this service may be used to offset expenses of programs as appropriated in part 1. The balance of this revenue collected and unexpended at the end of the fiscal year shall revert to the appropriate restricted revenue account or fund or, in absence of such an account or fund, to the general fund. The department shall submit an annual report on or before December 1 of each year to the state budget office and the subcommittees that states the amount of revenue received from the sale of information.

Sec. 306. The Michigan state housing development authority shall annually present a report to the state budget office and the subcommittees on the status of the authority's housing production goals under all financing programs established or administered by the authority. The report shall give special attention to efforts to raise affordable multifamily housing production goals.

Sec. 308. The funds collected by the department for licenses, permits, and other elevator regulation fees set forth in R 408.8151 of the Michigan administrative code and as determined under section 8 of 1976 PA 333, MCL 338.2158, and section 16 of 1967 PA 227, MCL 408.816, that are unexpended at the end of the fiscal year shall carry forward to the subsequent fiscal year. The department shall submit a report on an annual basis to the state budget office and the subcommittees on the amount of funds available under this section.

Sec. 309. If the revenue collected by the department for occupational safety and health from fees and collections exceeds the amount appropriated in part 1, the revenue may be carried forward into the subsequent fiscal year. The revenue carried forward under this section shall be used as the first source of funds in the subsequent fiscal year.

Sec. 310. Money appropriated under this act for fire safety programs shall not be expended unless, in accordance with section 2c of the fire prevention code, 1941 PA 207, MCL 29.2c, inspection and plan review fees will be charged according to the following schedule:

<u>Operation and maintenance inspection fee</u>		
<u>Facility type</u>	<u>Facility size</u>	<u>Fee</u>
Hospitals	Any	\$8.00 per bed
<u>Plan review and construction inspection fees for hospitals and schools</u>		
<u>Project cost range</u>		<u>Fee</u>
\$101,000.00 or less		minimum fee of \$155.00
\$101,001.00 to \$1,500,000.00		\$1.60 per \$1,000.00
\$1,500,001.00 to \$10,000,000.00		\$1.30 per \$1,000.00
\$10,000,001.00 or more		\$1.10 per \$1,000.00
		or a maximum fee of \$60,000.00.

Sec. 313. If the revenue collected by the department from licensing and regulation fees collected by the office of commercial services exceeds the amount appropriated in part 1, the revenue may be carried forward into the subsequent fiscal year. The revenue carried forward under this section shall be used as the first source of funds in the subsequent fiscal year.

Sec. 314. Funds earned or authorized by the United States department of labor in excess of the gross appropriation in part 1 for the unemployment insurance agency and the employment service agency from the United States department of labor are appropriated and may be expended for staffing and related expenses incurred in the operation

of its programs. These funds may be spent after the department notifies the state budget office and the subcommittees of the purpose and amount of each grant award.

Sec. 315. The department shall sell documents at a price not to exceed the cost of production and distribution. Money received from the sale of these documents shall revert to the department. The funds are available for expenditure when they are received by the department of treasury and may only be used for costs directly related to the continued updating and distribution of the documents pursuant to this section. This section applies only for the following documents:

(a) Corporation and securities division documents, reports, and papers required or permitted by law pursuant to section 1060(5) of the business corporation act, 1972 PA 284, MCL 450.2060.

(b) The subdivision control manual, the state boundary commission operations manual, and other local government assistance manuals.

(c) The Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303.

(d) The mobile home commission act, 1987 PA 96, MCL 125.2301 to 125.2349; the business corporation act, 1972 PA 284, MCL 450.1101 to 450.2098; the nonprofit corporation act, 1982 PA 162, MCL 450.2101 to 450.3192; and the uniform securities act, 1964 PA 265, MCL 451.501 to 451.818.

(e) Labor law books.

(f) Worker's compensation health care services rules.

(g) Construction code manuals.

(h) Copies of transcripts from administrative law hearings.

Sec. 317. The department, MIOSHA, shall provide an annual report by February 1 of each year to the state budget office, the fiscal agencies, and the subcommittees on the number of individuals killed and the number of individuals injured on the job within industries regulated by the bureau during the most recent year for which data are available.

Sec. 322. From the funds appropriated in part 1 for utility consumer representation, the department shall produce and facilitate the airing of public service announcements that inform utility customers of the availability and purpose of these funds. The utility consumer participation board shall report to the subcommittees, fiscal agencies, and state budget office by September 30 on its efforts in this area, including the amount of expenditures made for this purpose.

Sec. 326. The appropriation in part 1 for the Michigan commission for the blind includes funds for case services. These funds may be used for tuition payments for blind clients for the school year beginning September 2004.

Sec. 332. It is the intent of the legislature that the department make every effort to hold administrative law hearings on actions initiated by the department against regulated businesses or against individuals in regulated occupations in locations that are within 150 miles of the regulated business or of the office of the individual in a regulated occupation. In addition, it is the intent of the legislature that the department make every effort to hold administrative law hearings on actions initiated by an individual outside the department in locations within 150 miles of the home of the individual bringing the action if that individual wishes to testify at the hearing.

Sec. 335. The public service commission shall report by June 1 of each year to the subcommittees, the state budget office, and the fiscal agencies on the distribution of funds appropriated in part 1 for the low-income/energy efficiency assistance program.

Sec. 336. The department shall provide the subcommittees, fiscal agencies, and state budget director with a report on or before December 1 outlining actual expenditures for the last completed fiscal year for each division within the office of financial and insurance services.

Sec. 337. The department shall not expend funds from the appropriations in part 1 for the office of financial and insurance services for the purpose of implementing prohibitions on the use of credit scoring in establishing insurance premiums by insurance companies until the legislature has, by statute, authorized such a prohibition.

Sec. 340. The office of financial and insurance services shall provide copies of the quarterly and annual financial filings of health maintenance organizations to the fiscal agencies on a timely basis.

Sec. 349. The department and the Michigan state housing development authority shall work collaboratively with other state departments and agencies to maximize the use of available Michigan state housing development authority fund equity to provide senior assisted living that offers a continuum of care from independent apartments to assisted living to nursing care and Alzheimer programs.

Sec. 350. (1) The department shall allocate funds to promote awareness of the right of a policyholder, subscriber, member, enrollee, or other individual participating in a health benefit plan, after the covered person has exhausted the health carrier's internal grievance process provided for by law, to request an external review for an adverse determination.

(2) As used in this section, "covered person" means that term as defined in section 3 of the patient's right to independent review act, 2000 PA 251, MCL 550.1903.

Sec. 351. (1) The department shall issue a report to the subcommittees by the end of each calendar year, but not later than December 31 of each year, showing the date each real estate continuing education course was submitted for approval and the date of final disposition, approval, or denial.

(2) The department shall post on its website the approved real estate continuing education courses, as well as the dates, times, instructors, locations, course title, and credit hours of the courses.

(3) The department shall have available to the public online the precicensure and continuing education course approvals.

(4) It is the intent of the legislature that sponsors of continuing education be able to report an applicant's or licensee's completion of courses to the department via electronic methods.

Sec. 352. From the funds appropriated in part 1 for unclassified salaries, the department shall provide funding for 5 worker's compensation appellate commissioners and 26 worker's compensation board of magistrates. Expenditures shall be made so that the 2 bodies shall decide worker's compensation cases in a timely manner.

Sec. 355. Of the funds appropriated in part 1, no funds shall be used to support the development of, or activities that promote the development of, guidelines, rules, standards, protocols, or other similar mandates that are more stringent than federal voluntary ergonomics guidelines. This section does not prohibit any person from adopting, or working with the state to develop, voluntary ergonomics standards.

Sec. 356. It is the intent of the legislature that the Michigan commission for the blind work collaboratively with service organizations to identify qualified match dollars to maximize use of available federal funds.

Sec. 358. The real estate education fund created in section 37 of the state license fee act, 1979 PA 152, MCL 338.2237, and administered by the department shall allow precicensure and postlicensure education to be delivered through on-line courses by a community college, university, or private school, after licensure and approval by the department. Expenditures from this fund may also be made to support department grants for educational providers to establish on-line courses that would be made available to students throughout the year.

Sec. 360. The department shall create a tracking system for real estate license continuing education credits that would allow the licensee to ascertain the number of approved course credits that the licensee has completed.

Sec. 361. In addition to the amounts appropriated in part 1 for the administration of the land bank fast track authority, the authority may expend revenues received under the land bank fast track act, 2003 PA 258, MCL 124.751 to 124.774, for the purposes authorized by the act including, but not limited to, the acquisition, lease, management, demolition, maintenance, or rehabilitation of real or personal property, payment of debt service for notes or bonds issued by the authority, and other expenses to clear or quiet title property held by the authority.

Sec. 362. Of the funds appropriated in part 1 for the department, \$200,000.00 may be used for administration and enforcement of boxing regulation in Michigan.

Sec. 364. The department shall provide a report to the chairs of the appropriation subcommittees on labor and economic growth by January 1 on the total administrative costs allocated for the broadband development authority. These costs should include all staffing and other related costs associated with contracts. The report shall also include any payments to date for reimbursement to the Michigan state housing development authority. If no payments have been made, then the report shall include a detailed plan outlining the reimbursement schedule.

Sec. 365. From the funds appropriated in part 1 for occupational safety, not less than \$40,000.00 shall be allocated to nonprofit organizations representing the aggregate industry in Michigan in a grant for an industrial-related comprehensive training and technical assistance program. Such funds shall be subject to the conditions established by the Michigan occupational safety and health administration.

Sec. 366. It is the intent of the legislature to fund the workers' compensation administration with general fund money.

Sec. 367. The department shall develop a searchable website where consumers can research the performance of licensed residential builders, including the number of valid complaints filed against the builder that required disciplinary action taken by the department. The website shall allow searches by licensee name, company name, and license number.

Sec. 368. Funds collected by the department under sections 55, 57, 58, and 59 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.255, 24.257, 24.258, and 24.259, and section 203 of the legislative council act, 1986 PA 268, MCL 4.1203, are appropriated for all expenses necessary to provide for the cost of publication and distribution. The funds appropriated under this section are allotted for expenditure when they are received by the department of treasury and shall not lapse to the general fund at the end of the fiscal year.

Sec. 369. It is the intent of the legislature to fund the fire marshal and fire fighters training council programs contained in section 109, code enforcement and fire safety line item with state general fund/general purpose money.

Sec. 370. Of the funds appropriated in the code enforcement and fire safety line item, no less than \$1,602,600.00 shall be allocated to support the fire fighters training council for fiscal year 2005-2006.

Sec. 371. Of the \$800,000.00 included in the interdepartmental grant from the department of state police, homeland security funds, 40% shall be allocated to the fire fighters training council.

WORKFORCE AND CAREER DEVELOPMENT

Sec. 401. The Michigan career and technical institute may receive equipment and in-kind contributions for the direct support of staff services through the Pine Lake fund, the Delton-Kellogg school district or other local or intermediate school district, or any combination of local or intermediate school districts in addition to those authorized in part 1.

Sec. 402. The Michigan rehabilitation service shall make every effort to ensure that all sources of matching funds in this state are used to obtain federal vocational rehabilitation funds. All sources include, but are not limited to, privately raised funds to support public nonprofit rehabilitation centers as permitted by the rehabilitation act of 1973, Public Law 93-112, 29 USC 701 to 718, 720 to 751, 760 to 765, 771 to 776, 780 to 785, 791 to 794e, 795 to 795n, and 796 to 796l.

Sec. 403. The local match requirements for vocational rehabilitation facilities establishment grants shall not exceed 21.3% for the fiscal year ending September 30.

Sec. 404. (1) Of the funds appropriated in part 1 for vocational rehabilitation independent living, all general fund/general purpose revenue not used to match federal funds shall be used for the support of centers for independent living which are in compliance with federal standards for such centers, for the development of new centers in areas presently unserved or underserved, for technical assistance to centers, and for projects to build capacity of centers to deliver independent living services. Applications for such funds shall be reviewed in accordance with criteria and procedures established by the statewide independent living council, the Michigan rehabilitation services unit within the department, and the Michigan commission for the blind. Funds must be used in a manner consistent with the priorities established in the state plan for independent living. The department is directed to work with the Michigan association of centers for independent living and the local workforce development boards to identify other competitive sources of funding.

(2) As a condition of receipt of funds appropriated in part 1, the statewide independent living council and the Michigan association of centers for independent living shall jointly produce a report providing the following information:

(a) Results in terms of enhanced statewide access to independent living services to individuals who do not have access to such services through other existing public agencies, including measures by which these results can be monitored over time. These measures shall include:

(i) Total number of persons assisted by the centers and a comparison to the number assisted in the previous year.

(ii) Number of persons moved out of nursing homes into independent living situations and a comparison to the number assisted in the previous year.

(iii) Number of persons for whom accommodations were provided to enable independent living or access to employment and a comparison to the number assisted in the previous year.

(iv) The total number of disabled individuals served by personal care attendants and the number of personal care attendants provided through the use of any funds appropriated in part 1 administered by a center for independent living and a comparison to the number served in the previous year.

(b) Information from each center for independent living receiving funding through appropriations in part 1 detailing their total budget for their most recently completed fiscal year as well as the amount within that budget funded through the vocational rehabilitation independent living grant program referenced in part 1, the total amount funded through other state agencies, the amount funded through federal sources, and the amount funded through local and private sources.

(c) Savings to state taxpayers in other specific areas that can be shown to be the direct result of activities funded from the vocational rehabilitation independent living grant program during the most recently completed state fiscal year.

(3) The report required in subsection (2) shall be submitted to the subcommittees, the fiscal agencies, and the state budget director on or before January 30.

Sec. 405. (1) The appropriation in part 1 to the department for the work first program shall be expended for grants which provide employment and training services to department of human services applicants and recipients and may be expended for grants that provide employment and training services to former family independence program recipients, as well as to recipients of noncash public assistance, specifically child day care, Medicaid, or food stamp benefits. The work first program, however, shall not be construed to be an entitlement to services.

(2) An applicant shall be limited to a Michigan works! agency, a school district, intermediate school district, community college, public or private nonprofit college or university, nonprofit organization that provides school-to-work transition programs or that provides employment and training services or vocational rehabilitation programs or state licensed accredited vocational or technical education programs, proprietary school licensed by the state board of education, local workforce development board, or a consortium consisting of any combination of school districts, intermediate school districts, community colleges, nonprofit organizations described in this subsection, licensed proprietary schools, or public or private nonprofit colleges or universities described in this subsection.

(3) When the work first job search requirements have been completed, if the participant has not found employment, the work first site shall identify the barriers which may have prevented the participant from obtaining employment and assist the client in removing those barriers. The work first site shall also identify appropriate education and job training programs which would be available to the participant. The department shall encourage the Michigan works! agencies to consider transportation challenges for work first participants placed in employment. When an individual is re-referred to work first because of an inability to retain employment, the Michigan works! agencies shall confer with the Michigan rehabilitation services, the department of human services, or other professionals if considered appropriate by

the Michigan works! agency to screen for and identify issues that are preventing the participant from succeeding in the labor market. Each Michigan works! agency shall determine locally the number of times an individual may be re-referred back to the program before consulting with other service agencies. If no prohibitive barriers to work are found, the individual shall comply with the work first program, or be subject to appropriate penalties.

(4) Work first program participants shall include applicants and recipients of the department of human services program established under section 57a of the social welfare act, 1939 PA 280, MCL 400.57a, and such individuals referred to a job club program by a county department of human services board or a county friend of the court as long as the participation in the job club is part of an application submitted under this section.

(5) Participants in the work first program shall not be enrolled and counted in membership in a school district or intermediate school district.

(6) The department will work with the department of human services to coordinate support services to work first participants relating to special/emergency needs.

(7) Work first program participants must receive or be provided an explanation of the program including their benefits and responsibilities before the job interview phase of the program. This explanation shall include clear guidelines with regard to an individual's eligibility for postemployment training support and for applying hours in training toward work requirements.

(8) The department shall make every effort to place a minimum of 50% of clients who participate in the work first program in positions that provide wages of \$8.00 per hour or more.

(9) The department shall submit to the fiscal agencies and the state budget director by March 15 a report on the work first program, including the number of participants served under this section, the number of persons who located employment through work first, the average wage of participants who found employment, the number of persons who retained jobs for 90 days, the number of participants placed in employment training and education programs, the number of clients referred to work first who failed to report, a compilation of barriers to employment by incidence and type experienced by participants, and the number of participants referred back to the department of human services.

(10) The department shall provide to the state budget director and the fiscal agencies by May 15 and November 15 of each year a report on the work first grants. The report due by May 15 shall provide the information described in this subsection for each grant or contract awarded during the preceding 2 quarters of the state fiscal year. The report due by November 15 shall provide this information for each grant or contract awarded during the preceding full fiscal year. The report shall contain both of the following:

(a) The amount and recipient of each grant or contract.

(b) The number of participants in each service delivery area and the number of clients placed in employment in each service delivery area.

(11) The department shall make available to work first participants guidelines on eligibility for postemployment training and how training/education hours are applied toward work participation requirements. These guidelines will be presented during joint orientation conducted by the department of human services and the department contracted staff in accordance with department policy issuances and department of human services program bulletins. These guidelines presented by the department and the department of human services shall balance the ability of participants to obtain training and subsequent long-term high-wage employment with the need to connect participants with the workplace. Any and all training/education, with the exception of high school completion and GED preparation, must be occupationally relevant and in demand in the labor market as determined by the workforce development board. Participants must make satisfactory progress to continue in a training/education component.

(12) The work participation requirement is up to 40 hours per week. However, work first participants may meet the work participation requirement by combining a minimum of 10 hours per week of work with training/education. Training/education may last up to 12 months and the calculated hours may include actual classroom seat time up to 10 hours per week plus up to 1 hour of study time for each hour of classroom seat time. Work first participants may enroll in additional hours of classroom seat time beyond 10 hours. However, these hours and the related study time will not count toward the work participation requirement. The training may be no longer than a 1-year program or the final year of a 2- or 4-year undergraduate program designed to lead to immediate labor force attachment.

(13) Work first participants may meet the work participation requirement through enrollment in a short-term vocational program requiring 30 hours of classroom seat time per week for a period not to exceed 6 months, or by enrollment in full-time internships, practicums, or clinicals required by an academic or training institution for licensure, professional certification, or degree completion, without an additional work requirement. In cases where a short-term vocational program lasts less than 6 months, the participant shall be eligible to enroll in 1 additional short-term vocational program for a combined period not to exceed a total of 6 months.

(14) Work first participants who lack a high school diploma or GED and who enroll in high school completion or classes to obtain a GED may count up to 10 hours of classroom seat time, combined with a minimum number of hours of work per week, to meet their work participation requirement. There shall be no time limit on high school completion. GED preparation shall be limited to 6 months.

(15) The department shall convene a work group to review and recommend available options for providing increased flexibility regarding the education requirements as outlined in this act.

Sec. 406. (1) Using all relevant state data sources, the department shall conduct a 3-year longitudinal study of all former work first participants, whose department of human services program cases closed due to earnings during fiscal year 1999 and in succeeding fiscal years. The data will include the following:

- (a) The number and percentage employed.
- (b) The average hourly wage of those employed.
- (c) The current hourly wage of those employed.
- (d) The range of wages earned by those employed.
- (e) The number of individuals that earned each wage amount.
- (f) The number and percentage receiving health care benefits from their employer.
- (g) The number and percentage receiving tuition reimbursement from their employer.
- (h) The number and percentage receiving training benefits from their employer.
- (i) The type of jobs obtained by former participants in general categories.
- (j) The length of time former participants have retained their jobs, or if participants have had more than 1 job, the length of time employed at each job.
- (k) The number and percentage continuing to receive any type of public assistance.
- (l) If the former recipient has children, whether the children are enrolled in and attending school.
- (m) The extent to which the former participant feels that they and their family are better off now than when they were on cash assistance with regard to household income, housing, food and nutritional needs, child health care, and access to health insurance coverage.

(2) The department shall notify the subcommittees, fiscal agencies, and state budget director electronically by March 15 of the location of the Internet site where the report containing the identified data is located.

(3) The department shall cooperate with the department of human services in formulating and acquiring the identified data.

(4) The department may retain a third party to conduct the studies to obtain the data identified under this section.

Sec. 407. State and federal funds allocated to local workforce development boards for disbursement shall not be expended unless the local workforce development boards maintain a partnership with governmental agencies, public school districts, and public colleges located within the local service delivery area. Each board shall appoint an education advisory group made up of high-level administrators within local educational institutions, workforce development board members, other employers, labor, academic educators, and parents of public school pupils.

Sec. 409. (1) Of the funds appropriated in part 1 for precollege programs in engineering and the sciences, \$340,050.00 shall be provided in the form of a grant to the Detroit precollege engineering program, incorporated and \$340,050.00 shall be provided in the form of a grant to the Grand Rapids area precollege engineering program.

(2) The department shall submit a report to the subcommittees and the fiscal agencies by February 1 regarding dropout rates, grade point averages, enrollment in science, engineering, and math-based curricula, and employment in science, engineering, and math-based fields for students within the programs. The report shall continue to evaluate the effectiveness of the precollege programs in engineering and sciences funded through part 1 appropriations and shall make recommendations on whether state support to expand such programs to other areas of the state is warranted in future fiscal years.

Sec. 410. (1) The department shall have at least 1 disabled veterans outreach program specialist or local veterans employment representative present, at each Michigan works! service center on a full- or part-time basis during hours of operation.

(2) The department shall ensure that each Michigan works! service center shall have the necessary equipment to allow the disabled veterans outreach specialist or local veterans employment representative to perform his or her duties in the same manner they were performed prior to February 1, 1999.

(3) The department shall require each Michigan works! service center to have an employee available to ask each individual who enters the office for service whether that individual is a veteran and to refer each veteran to the disabled veterans outreach program specialist or local veterans employment representative on duty at the time.

(4) The department shall require that each Michigan works! service center shall have posted in a conspicuous place within the office a notice advising veterans that a disabled veterans outreach program specialist or a local veterans employment representative is available to assist him or her.

(5) The department shall require each Michigan works! service center to provide free mediated services to employers wishing to hire a veteran.

(6) The department shall continue to make the appropriate placement of veterans and disabled veterans a priority.

Sec. 414. The department may carry into the succeeding fiscal year unexpended federal pass-through funds to local institutions and governments that do not require additional state matching funds. Federal pass-through funds to local institutions and governments that are received in amounts in addition to those included in part 1 and that do not require additional state matching funds are appropriated for the purposes intended.

Sec. 415. Of the amounts appropriated in part 1 for postsecondary education, private occupational school license fees shall fund related administrative costs of the proprietary schools oversight unit within the department.

Sec. 417. The department is appropriated an amount not to exceed \$100,000.00 from collection of defaulted loans under the future faculty program in the Martin Luther King, Jr. - Cesar Chavez - Rosa Parks programs to offset costs of administering the loan collections.

Sec. 418. From the funds appropriated in part 1 for postsecondary education, the department shall compile data from each university that receives funding for the future faculty program within the King-Chavez-Parks initiative on employment outcomes for program participants. The report shall be distributed to the house and senate appropriations committees, the fiscal agencies, and the state budget office by February 1 of each year. The report shall include data from each participating university covering the most recently completed fiscal year. The data shall include all of the following:

- (a) The number of participants receiving support under the program.
- (b) The number of participants obtaining full-time employment.
- (c) The number of participants obtaining full-time employment in college faculty positions.
- (d) The number of participants obtaining full-time employment in college faculty positions within the university through which they received future faculty program support for graduate studies.

Sec. 421. The King-Chavez-Parks initiative shall be marketed by the department to Michigan parents and high school and college students, to promote the benefits and the availability of the college day, select student support services, college/university partnership, visiting professors, Morris Hood, Jr. educator development, and future faculty programs. The department shall provide electronic notification of the location of the report on the Internet to the subcommittees on December 30, 2004, identifying all efforts taken to market these programs, including, but not limited to, the amount of funding allocated for this purpose, the fund source and any expenditures or encumbrances relating to this marketing effort. It is the intent of the legislature that the department administer the King-Chavez-Parks initiative in the same manner as when it was previously contained in the department of education and consistent with all boilerplate language pertaining to the above listed programs as included in the appropriations act for higher education institutions.

Sec. 425. The department shall work cooperatively with the department of civil service to identify state employees who will lose their jobs as a result of an agency or program being reorganized, modified, or eliminated and shall develop training programs and provide training to these individuals that will provide them an opportunity and skills necessary to secure new employment within state government or the private sector. It shall be a priority of the department to provide training and employment opportunities to these individuals through their employment service locations.

Sec. 426. From the funds appropriated in part 1 to job training programs subgrantees, the department shall allocate sufficient funds to the Michigan works! service centers to allow these centers to remain fully operational.

Sec. 427. The youth low-vision program is considered the payer of last resort. Other available public or private insurance coverage, including Medicaid or MICHild, and special education funds, shall be exhausted prior to using any funds appropriated in part 1 to purchase low-vision devices or equipment for an individual.

Sec. 429. (1) As a condition for receipt of the funds appropriated in part 1, Focus: HOPE shall submit a report on the use of the grant's funds appropriated in part 1 to the chairs of the subcommittees, the fiscal agencies, and the state budget office that includes, but is not limited to, the following:

- (a) Detailed expenditures for administration including salaries and wages of employees.
 - (b) Amount allocated for education and training programs including number of students served by each program.
 - (c) Amount allocated for job search assistance and career planning including the number of students served by each program.
 - (d) Detailed expenditures for any contracts entered into with the use of these funds.
 - (e) Detailed expenditures for any program enhancements including number of new hires and capital expenditures.
- (2) The report shall be submitted on or before January 31.

MICHIGAN STRATEGIC FUND

Sec. 501. (1) The appropriation in part 1 to the fund for economic development job training shall be expended in 2 categories: the business response program for employee training grants that maintain or attract permanent jobs for Michigan residents and the manufacturing competitiveness program for grants to fund collaborative efforts that increase the competitiveness of multiple companies within a grant. The business response program is allocated up to \$6,532,000.00, and the manufacturing competitiveness program is allocated up to \$3,266,000.00 not to exceed the part 1 appropriation for this program in its entirety. The fund has the authority to reallocate these amounts during the fiscal year dependent on business demand and economic conditions.

(2) Not more than \$800,000.00 of the total grant may be expended for administrative costs. Not more than 10% of the total grant award may be expended by a recipient for administration costs.

(3) No funds appropriated in part 1 to the fund for economic development job training grants may be expended for the training of permanent striker replacement workers, unless a strike exceeds 3 years and good faith negotiations are ongoing.

(4) Of the total funds appropriated in part 1 for economic development job training grants, at least 75% of the funds shall be awarded to community colleges or a consortium of community colleges and other eligible applicants pursuant to subsection (5).

(5) An applicant may be a school district, intermediate school district, community college, public or private nonprofit college or university, nonprofit organization whose primary purpose is to provide education programs or employment and training services or vocational rehabilitation programs or school-to-work transition programs, local workforce development board, the headquarters of a federal and state sponsored manufacturing technology center, or a consortium consisting of any combination of school districts, intermediate school districts, community colleges, nonprofit organizations described in this subsection, or public or private nonprofit colleges or universities described in this subsection.

(6) On or before October 1, the fund shall publish proposed application criteria, instructions, and forms for use by eligible applicants. The fund shall provide at least a 2-week period for public comment prior to finalization of the application criteria, instructions, and forms.

(7) The award process will include a simple notice of intent to be reviewed to see if the application merits further consideration. If so, a full application may be submitted. Applications for all grants shall be submitted to the fund, and each application shall contain at least all of the following:

(a) The name, address, and total number of employees of each business organization whose employees are receiving job training.

(b) A description of the specific job skills that will be taught.

(c) A clear statement of the project's scope of activities and number of participants to be involved.

(d) A commitment to maintain participant records in a form and manner required by the fund.

(e) A budget which relates to the proposed activities and various program components.

(8) Priority in the fund's awarding of grants shall be based on the following criteria:

(a) Demonstrated need for the type of training offered.

(b) Creation and/or retention of high wage and high skilled level jobs.

(c) Other criteria determined by the fund to be important.

(d) In addition, for the manufacturing competitiveness program, the following criteria will receive priority: strong level of collaboration and cooperation and demonstration of new techniques, systems, and processes of value to the affected companies.

(9) Participants in economic development job training programs shall be 16 years or older and not enrolled and counted in membership in a school district, intermediate school district, or community college.

(10) A recipient of a grant under this section shall not charge tuition or fees to participants in the program funded by the grant. However, a nonprofit organization may charge tuition or fees if the tuition plan or fees are recognized by the state and the nonprofit organization receives additional funding from other governmental or private funding sources for its programs.

(11) For training delivered to incumbent workers under the business response program, the business receiving the benefit of the training shall provide a minimum of 20% of the program costs in matching funds as necessitated by the program. For training delivered under the manufacturing competitiveness program, the business receiving the benefit of the training shall provide a minimum of 30% of the program costs in matching funds as necessitated by the program.

(12) Grant funds shall be expended on a cost reimbursement basis.

(13) A recipient of a grant under this section shall allow the fund or the agency's designee to audit all records related to the grant for all entities that receive money, either directly or indirectly through a contract, from the grant funds. A grant recipient or contractor shall reimburse the state for all disallowances found in the audit.

(14) The fund shall provide to the state budget director and the fiscal agencies by May 1 and November 1 of each year a report on the economic development job training grants. The report due by May 1 shall provide the information described in this subsection for each grant or contract awarded during the preceding 2 quarters of the state fiscal year. The report due by November 1 shall provide this information for each grant or contract awarded during the preceding full fiscal year. The report shall contain all of the following:

(a) The amount and recipient of each grant or contract.

(b) The number of participants under each grant or contract and the number of new hires who are in training under the grant.

(c) The names, addresses, and total number of employees of all business organizations for whom training is or will be provided.

(d) The matching funds, if any, to be provided by a business organization.

(15) Of the funds appropriated in part 1 for economic development job training grants, the fund shall not use these funds to finance the startup or in any way subsidize any private distributor of liquor products in Michigan.

(16) As a condition of receiving funds under part 1 of this act, the fund shall not expend any of the economic development job training grant funds to train any employee who is an officer of a corporation in a corporation employing more than 250 employees.

Sec. 502. The Michigan growth capital fund shall be used to develop the technology business sector in Michigan. The Michigan growth capital fund will be used to encourage private and public investment in the technology business sector, and all of the following apply:

(a) An applicant must match state funds on a 1:1 basis.

(b) Eligible uses of the Michigan growth capital fund include investments in organizations and programs that promote the development of new industry sectors in Michigan; inducements to attract additional venture capital funds to finance technology development; support organizations, initiatives, or events that promote entrepreneurship; provide match for university federal research grants; and support technology transfer and commercialization programs with universities and the private sector.

(c) The Michigan economic development corporation shall administer the Michigan growth capital fund.

(d) All funds received from repayment of loans, unused grants, revenues received from sales or cash flow participation agreements, guarantees, or any combination thereof or interest thereon, originally distributed as part of the Michigan growth capital fund, shall be received, held, and applied by the fund for the purposes described in this section.

(e) The Michigan economic development corporation shall provide an annual report on the status of the Michigan growth capital fund to the subcommittees, the fiscal agencies, and the state budget office by January 31.

Sec. 503. Travel Michigan may establish and collect a fee to cover the cost of materials and processing of photographic prints, slides, videotapes, and travel product database information that are requested by the media and other segments of the public and private sectors. The fees collected shall be appropriated for all expenses necessary to purchase and distribute these photographic prints, slides, videotapes, and travel product database information. The funds are available for expenditure when they are received by the department of treasury.

Sec. 504. Travel Michigan may receive and expend private revenue related to the use of the "Michigan Great Lakes. Great Times." copyrighted slogan and image. This revenue may come from the direct licensing of the name and image or from the royalty payments from various merchandise sales. Revenue collected is appropriated for the marketing of the state as a travel destination. The funds are available for expenditure when they are received by the department of treasury.

Sec. 506. The fund shall submit on or before May 1 and November 1 to the subcommittees, state budget office, and the fiscal agencies a listing of all grants which have been awarded by the fund or by the Michigan economic development corporation from the funds appropriated in part 1. The list shall include all of the following:

(a) The name of the recipient.

(b) The amount awarded to the recipient.

(c) The purpose of the grant.

Sec. 507. (1) The fund shall provide reports to the relevant subcommittees, the state budget director, and the fiscal agencies concerning the activities of the Michigan economic development corporation grants and investment programs financed from the fund using investment or Indian gaming revenues. The report shall provide a list of individual grants and loans made from the fund. The report shall include, but not be limited to, the following programs funded in part 1:

(a) Travel Michigan.

(b) Michigan business development.

(c) Global business development.

(d) Small, minority, and disabled business services.

(e) Community development block grants.

(f) Strategic fund administration.

(g) Renaissance zones.

(h) Emerging business sectors and roundtables.

(i) Business and clean air ombudsman.

(j) Economic development job training grants.

(k) Community assistance team.

(l) Technology tri-corridor.

(m) Any other programs of the fund.

(2) The reports in subsection (1) shall be submitted by January 1. The report for each program in subsection (1)(a) through (m) shall include details on the actual spending and number of FTEs for that program for the previous fiscal year.

Sec. 508. As a condition of receiving funds under part 1, any interlocal agreement entered into by the fund shall include language which states that if a local unit of government has a contract or memorandum of understanding with a private economic development agency, the Michigan economic development corporation will work cooperatively with that private organization in that local area.

Sec. 509. (1) Of the funds appropriated to the fund or through grants to the Michigan economic development corporation, no funds shall be expended for the purchase of options on land or the purchase of land unless at least 1 of the following conditions applies:

(a) The land is located in an economically distressed area.

(b) The land is obtained through a purchase or exercise of an option at the invitation of the local unit of government and local economic development agency.

(2) Consideration may be given to purchases where the proposed use of the land is consistent with a regional land use plan, will result in the redevelopment of an economically distressed area, can be supported by existing infrastructure, and will not cause shifts in population away from the area's population centers.

(3) As used in this section, "economically distressed area" means an area in a city, village, or township that has been designated as blighted; a city, village, or township that shows negative population change from 1970 and a poverty rate and unemployment rate greater than the statewide average; or an area certified as a neighborhood enterprise zone.

Sec. 511. The money appropriated in part 1 to the fund is subject to the condition that none is spent for premiums or advertising material involving personal effects or apparel including, but not limited to, T-shirts, hats, coffee mugs, or other promotional items, except travel Michigan.

Sec. 512. (1) From the general fund/general purpose appropriations in part 1 to the fund and granted or transferred to the Michigan economic development corporation, any unexpended or unencumbered balance shall be disposed of in accordance with the requirements in the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594, unless carryforward authorization has been otherwise provided for.

(2) Any encumbered funds shall be used for the same purposes for which funding was originally appropriated in this act.

Sec. 513. (1) As a condition of receiving funds under part 1, the fund shall ensure that the MEDC and the fund comply with all of the following:

(a) The freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(b) The open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(c) Annual audits of all financial records by the auditor general or his or her designee.

(d) All reports required by law to be submitted to the legislature.

(2) If the MEDC is unable for any reason to perform duties under this act, the fund may exercise those duties.

Sec. 514. As a condition for receiving the appropriations in part 1, any staff of the Michigan economic development corporation involved in private fund-raising activities shall not be party to any decisions regarding the awarding of grants or tax abatements from the fund, the Michigan economic development corporation, or the Michigan economic growth authority.

Sec. 515. (1) All funds received from repayment of loans, unused grants, revenues received from sales or cash flow participation agreements, guarantees, or any combination thereof or interest thereon, originally distributed as part of the core communities fund, shall be received, held, and applied by the fund for the purposes described in this act.

(2) The fund shall provide an annual report on the status of this fund. The report shall be provided to the subcommittees, the fiscal agencies, and the state budget office by January 31.

Sec. 518. (1) The funding appropriated in part 1 of 2000 PA 291 for the Michigan core communities fund may be used to create an urban revitalization infrastructure program in the fund for economic development awards to create new jobs or contribute to redevelopment and encourage private investment in core communities.

(2) Awards may be provided to qualified local governmental units as defined in the obsolete property rehabilitation act, 2000 PA 146, MCL 125.2781 to 125.2797, or certified technology parks, as defined in the local development financing act, 1986 PA 281, MCL 125.2151 to 125.2174.

(3) Awards can be used for land and property acquisition and assembly, demolition, site development, utility modifications and improvements, street and road improvements, telecommunication infrastructure, site location and relocation, infrastructure improvements, and any other costs related to the successful development and implementation of core community or certified technology park projects, at the discretion of the Michigan economic development corporation.

(4) Funding may be provided in the form of loans, grants, sales or cash flow participation agreements, guarantees, or any combination of these. A cash match of at least 10%, or local repayment guarantee with a dedicated funding source, is required. Priority shall be given to projects which are integrated with existing economic development programs, and to projects in proportion to the amount that local matching rates exceed 10%.

(5) The Michigan economic development corporation shall have all administrative responsibility for the Michigan core communities fund and shall establish application and application scoring criteria and approve awards. The Michigan economic development corporation may utilize up to 1/2 of 1% of the fund for administrative purposes.

(6) Funds will be awarded through an open competitive process based on criteria including the following: project impact, project marketability, lack of adequate infrastructure or land assembly financing sources, local administrative capacity, and the level of local matching funds. Awardees shall agree to expedite the local development process, such as fast-track permitting procedures, streamlined regulatory requirements, standardized construction and building codes, and the use of competitive construction permitting fees.

(7) No single applicant shall be awarded more than \$10,000,000.00 per project.

(8) Fifteen days prior to the award of the funds, notification shall be provided to the speaker of the house of representatives, the senate majority leader, the members of the house and senate appropriations committees, the fiscal agencies, and the state budget director.

(9) Funds shall not be awarded for any of the following purposes:

- (a) Land sited for use as, or support for, a gaming facility.
- (b) Land or other facilities owned or operated by a gaming facility.
- (c) Publicly owned land or facilities which may directly or indirectly support a gaming facility.

Sec. 519. It is the intent of the legislature that the members of the executive committee of the corporation board of the MEDC be subject to the advice and consent of the senate.

Sec. 526. It is the intent of the legislature that if a bill providing for securitization of the tobacco settlement proceeds is enacted, the budget bills will be adjusted accordingly.

Sec. 527. The Michigan economic development corporation shall conduct a study of the best practices of the economic development programs in the other 49 states and provide a report of its findings to the subcommittees, the fiscal agencies, and the state budget office by January 31, 2006.

Sec. 528. The Michigan economic development corporation shall work with the office of the auditor general to implement procedures to annually audit the number of jobs claimed to be created by firms receiving Michigan economic growth authority grants, and all other claims of job creation for which MEDC has provided tax credits or other economic incentives.

Sec. 529. The Michigan economic development corporation shall report on the number of individuals it employs with an annual salary of \$80,000.00 or more to the subcommittees, the fiscal agencies, and the state budget office by October 31, 2006. The report shall include the name, the job title, and a description of the duties and responsibilities of all such employees.

Sec. 530. The Michigan economic development corporation shall report to the appropriations subcommittees, fiscal agencies, and the state budget office by November 30, 2005 on its plans to implement reductions in the job creation services and administration lines and the impact of these reductions on its operations and staffing level.

Third: That the Senate and House agree to the title of the bill to read as follows:

A bill to make appropriations for the department of labor and economic growth, the Michigan strategic fund, and certain other state purposes for the fiscal year ending September 30, 2006; to provide for the expenditure of those appropriations; to provide for the imposition of certain fees; to provide for the disposition of fees and other income received by the state agencies; to provide for reports to certain persons; and to prescribe powers and duties of certain state departments and certain state and local agencies and officers.

Valde Garcia
Bill Hardiman
Michael Prusi
Conferees for the Senate

Jack Brandenburg
Fran Amos
Chris Kolb
Conferees for the House

The Speaker announced that under Joint Rule 9 the conference report would lie over one day.

Messages from the Senate

House Bill No. 4803, entitled

A bill to amend 1976 PA 451, entitled "An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, intermediate school districts, and other public school entities; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, intermediate school districts, and other public school entities; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts," by amending section 1284b (MCL 380.1284b), as amended by 2001 PA 167.

The Senate has concurred in the House amendment to the Senate amendments.

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

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 Wednesday, September 21:

House Bill Nos. 5190 5191 5192 5193 5194
Senate Bill Nos. 759 760 761 762 763 764

Introduction of Bills

Reps. Vander Veen, Garfield, Gosselin, Elsenheimer, Jones, Hildenbrand, Pearce, Caswell, Marleau, Stahl, Ball, Drolet and Taub introduced

House Bill No. 5195, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 477 (MCL 168.477), as amended by 1999 PA 219.

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

Reps. Hune and Gaffney introduced

House Bill No. 5196, entitled

A bill to amend 1931 PA 259, entitled "An act to protect the people of the state from imposition and fraud in the building construction industry and to provide penalties for the violation of this act," by amending the title and section 1 (MCL 570.151).

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

Reps. Kahn, Acciavatti and David Law introduced

House Bill No. 5197, entitled

A bill to amend 1846 RS 171, entitled "Of county jails and the regulation thereof," by amending sections 4 and 4a (MCL 801.4 and 801.4a), as amended by 1984 PA 119.

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

Reps. Schuitmaker, Lipsey, Condino, Bieda, Gaffney, Accavitti, Hune, Elsenheimer, Taub, Gosselin, Ball and David Law introduced

House Bill No. 5198, entitled

A bill to amend 1846 RS 84, entitled "Of divorce," by amending section 18 (MCL 552.18), as amended by 1991 PA 86.

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

Rep. LaJoy introduced

House Bill No. 5199, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," by amending section 29 (MCL 250.1029).

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

Rep. LaJoy introduced

House Bill No. 5200, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 219, 233, 235a, and 811d (MCL 257.219, 257.233, 257.235a, and 257.811d), sections 219 and 233 as amended by 1999 PA 267, section 235a as amended by 1987 PA 238, and section 811d as added by 2000 PA 77.

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

Reps. Tobocman, Kathleen Law, Hopgood, Bieda, Clemente, Kolb, Lipsey, Murphy, Cheeks and Lemmons, III introduced

House Bill No. 5201, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 35d.

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

Reps. Tobocman, Kathleen Law, Hopgood, Bieda, Clemente, Kolb, Lipsey, Murphy, Cheeks and Lemmons, III introduced

House Bill No. 5202, entitled

A bill to amend 2002 PA 27, entitled "An act to establish procedures for municipalities to designate individual lots or structures as blighting; to purchase or condemn blighting property; to transfer blighting property for development; and to repeal acts and parts of acts," by amending sections 2 and 4 (MCL 125.2802 and 125.2804), section 2 as amended by 2003 PA 129.

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

Reps. Tobocman, Kathleen Law, Hopgood, Bieda, Clemente, Kolb, Murphy, Cheeks and Lemmons, III introduced

House Bill No. 5203, entitled

A bill to amend 1921 PA 207, entitled "City and village zoning act," by amending section 3a (MCL 125.583a).

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

Reps. Huizenga, Virgil Smith, Stahl, Sheen, Ball, Bieda, Miller, Zelenko, Meisner, Gleason, Stewart, Stakoe, Schuitmaker, Proos, Gosselin, Amos, Vander Veen, Taub, Brandenburg, Rocca, Tobocman, Condino, Marleau and Kolb introduced

House Bill No. 5204, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 4cc.

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

Reps. Kahn, Huizenga, Virgil Smith, Stahl, Sheen, Ball, Bieda, Miller, Zelenko, Meisner, Gleason, Stewart, Stakoe, Schuitmaker, Gosselin, Amos, Vander Veen, Taub, Brandenburg, Rocca, Tobocman, Condino, Marleau and Kolb introduced

House Bill No. 5205, entitled

A bill to amend 1937 PA 94, entitled "Use tax act," (MCL 205.91 to 205.111) by adding section 4z.

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

Reps. Sheen, Huizenga, Virgil Smith, Stahl, Ball, Bieda, Miller, Zelenko, Meisner, Gleason, Stewart, Stakoe, Schuitmaker, Proos, Gosselin, Amos, Vander Veen, Brandenburg, Taub, Rocca, Tobocman, Condino, Marleau and Kolb introduced

House Bill No. 5206, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 35d.

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

Reps. Virgil Smith, Huizenga, Gaffney, Lipsey, Sheen, Ball, Bieda, Miller, Zelenko, Meisner, Gleason, Stewart, Stakoe, Schuitmaker, Proos, Gosselin, Amos, Vander Veen, Taub, Brandenburg, Rocca, Tobocman, Condino, Marleau and Kolb introduced

House Bill No. 5207, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 35e.

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

Rep. Huizenga introduced

House Bill No. 5208, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," (MCL 208.1 to 208.145) by adding section 35e.

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

Reps. Ball, Huizenga, Virgil Smith, Stahl, Sheen, Bieda, Miller, Zelenko, Meisner, Gleason, Stewart, Stakoe, Schuitmaker, Proos, Gosselin, Amos, Vander Veen, Taub, Brandenburg, Rocca, Tobocman, Condino, Marleau and Kolb introduced

House Bill No. 5209, entitled

A bill to amend 2001 PA 63, entitled "History, arts, and libraries act," by amending section 21 (MCL 399.721), as amended by 2002 PA 508.

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

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

Senate Bill No. 470, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 321, 5756, 8371, and 8420 (MCL 600.321, 600.5756, 600.8371, and 600.8420), sections 321 and 8420 as amended by 2003 PA 138 and sections 5756 and 8371 as amended by 2003 PA 178.

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

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

Rep. Hummel moved to amend the bill as follows:

1. Amend page 5, line 10, after "**ALL**" by striking out "**\$17.00**" and inserting "**\$23.00**".
2. Amend page 6, line 24, after "**ALL**" by striking out "**\$17.00**" and inserting "**\$11.00**".
3. Amend page 9, line 14, after "**ALL**" by striking out "**\$17.00**" and inserting "**\$11.00**".
4. Amend page 10, line 21, after "**ALL**" by striking out "**\$17.00**" and inserting "**\$23.00**".

The motion prevailed and the amendments were adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

Senate Bill No. 548, entitled

A bill to amend 1972 PA 222, entitled "An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes," by amending section 7 (MCL 28.297), as added by 1997 PA 99.

Was read a second time, and the question being on the adoption of the proposed amendment previously recommended by the Committee on Appropriations (for amendment, see House Journal No. 78, p. 1516),

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

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

The motion prevailed.

Senate Bill No. 549, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 208b and 232 (MCL 257.208b and 257.232), section 208b as amended by 2000 PA 159 and section 232 as amended by 2000 PA 192.

Was read a second time, and the question being on the adoption of the proposed amendments previously recommended by the Committee on Appropriations (for amendments, see House Journal No. 78, p. 1516),

The amendments were adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

Senate Bill No. 550, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 80130, 80315, 81114, and 82156 (MCL 324.80130, 324.80315, 324.81114, and 324.82156), as amended by 1997 PA 102.

Was read a second time, and the question being on the adoption of the proposed amendments previously recommended by the Committee on Appropriations (for amendments, see House Journal No. 78, p. 1516),

The amendments were adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

Rep. Ward moved that Reps. DeRoche and Sheen be excused temporarily from today's session.

The motion prevailed.

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

The Speaker laid before the House
Senate Concurrent Resolution No. 26.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease between the State of Michigan and the State Building Authority relative to the Department of Corrections Kinross Correctional Facility New Power Plant.

(For text of concurrent resolution, see House Journal No. 73, p. 1319.)

(The concurrent resolution was reported by the Committee on Appropriations on September 20, consideration of which, under the rules, was postponed until today.)

The question being on the adoption of the concurrent resolution,

The Clerk made the following statement:

“Mr. Speaker and members of the House, the lease and exhibits attached to the resolution are available for review by the membership in the Clerk’s office.”

The question being on the adoption of the concurrent resolution,

The concurrent resolution was adopted, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 432

Yeas—106

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

Nays—0

Third Reading of Bills

House Bill No. 5026, entitled

A bill to regulate warranties on motor vehicle protection products; to provide for the powers and duties of certain state officers and entities; and to prescribe civil sanctions.

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

Roll Call No. 433

Yeas—106

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

Nays—0

In The Chair: Kooiman

The House agreed to the title of the bill.

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

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

House Bill No. 4335, entitled

A bill to amend 1965 PA 203, entitled "Commission on law enforcement standards act," by amending section 9 (MCL 28.609), as amended by 2004 PA 379.

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

Roll Call No. 434**Yeas—106**

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

Nays—0

In The Chair: Kooiman

The House agreed to the title of the bill.

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

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

Second Reading of Bills**House Bill No. 5110, entitled**

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," by amending section 1 (MCL 722.111), as amended by 2002 PA 696.

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

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

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

The motion prevailed.

Rep. Ward 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. 5110, entitled

A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," by amending section 1 (MCL 722.111), as amended by 2002 PA 696.

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

Roll Call No. 435

Yeas—106

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

Nays—0

In The Chair: Kooiman

The House agreed to the title of the bill.

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

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

By unanimous consent the House returned to the order of

Reports of Select Committees

The Speaker laid before the House the conference report relative to

Senate Bill No. 275, entitled

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2006; to provide for the expenditure of these appropriations; to place certain restrictions on the expenditure of these appropriations; to

prescribe the powers and duties of certain officials and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

(The conference report was received from the Senate on September 15, consideration of which, under the rules, was postponed until September 20.)

(For conference report, see House Journal No. 77, p. 1409.)

The question being on the adoption of the conference report,

The conference report was adopted, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 436**Yeas—106**

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

Nays—0

In The Chair: Kooiman

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

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

The Speaker laid before the House the conference report relative to

Senate Bill No. 277, entitled

A bill to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 2006; to provide for the expenditure of the appropriations; to provide for certain powers and duties of the department of military and veterans affairs, other state agencies, and local units of government related to the appropriations; and to provide for the preparation of certain reports related to the appropriations.

(The conference report was received from the Senate on September 15, consideration of which, under the rules, was postponed until September 20.)

(For conference report, see House Journal No. 77, p. 1414.)

The question being on the adoption of the conference report,

The conference report was adopted, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 437**Yeas—106**

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

Nays—0

In The Chair: Kooiman

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

The Speaker laid before the House the conference report relative to
Senate Bill No. 264, entitled

A bill to make appropriations for the department of agriculture for the fiscal year ending September 30, 2006; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to require reports, audits, and plans; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by certain state agencies.

(The conference report was received from the Senate on September 20, consideration of which, under the rules, was postponed until today.)

(For conference report, see House Journal No. 78, p. 1427.)

The question being on the adoption of the conference report,

The conference report was adopted, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 438**Yeas—105**

Accavitti	Espinoza	Leland	Proos
Acciavatti	Farhat	Lemmons, III	Robertson
Adamini	Farrah	Lemmons, Jr.	Rocca

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

Nays—1

Tobocman

In The Chair: Kooiman

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

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

Rep. Tobocman, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

I voted no on the Senate Bill 264 (CR-1), the Department of Agriculture budget because the appropriations for migrant labor housing was reduced from \$255,000 to a scant \$100. The appropriation was already insufficient to provide adequate and much needed housing assistance to migrant laborers who often are forced to live in woefully substandard housing. This budget provides funding for better facilities for race horses and even funding for the care of retired race horses, yet we neglect to provide for the needs of a minority population of hard working agricultural workers upon whose labor our vital agricultural industry depends. This cut fails on both humanitarian and economic grounds.”

The Speaker laid before the House the conference report relative to

Senate Bill No. 271, entitled

A bill to make appropriations for the department of human services and certain state purposes related to public welfare services for the fiscal year ending September 30, 2006; to provide for the expenditure of the appropriations; to create funds; to provide for the imposition of fees; to provide for reports; to provide for the disposition of fees and

other income received by the state agency; and to provide for the powers and duties of certain individuals, local governments, and state departments, agencies, and officers.

(The conference report was received from the Senate on September 20, consideration of which, under the rules, was postponed until today.)

(For conference report, see House Journal No. 78, p. 1436.)

The question being on the adoption of the conference report,

The conference report was adopted, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 439

Yeas—105

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

Nays—1

Gosselin

In The Chair: Kooiman

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

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

The Speaker laid before the House the conference report relative to

Senate Bill No. 272, entitled

A bill to make, supplement, and adjust appropriations for the departments of attorney general, civil rights, civil service, information technology, management and budget, state, and treasury, the executive office, and the legislative branch for the fiscal year ending September 30, 2006; to provide for the expenditure of these appropriations; to provide for the funding of certain work projects; to provide for the imposition of certain fees; to establish or continue certain funds, programs, and categories; to transfer certain funds; to prescribe certain requirements for bidding on state contracts; to provide for disposition of year-end balances; to prescribe the powers and duties of certain principal

executive departments and state agencies, officials, and employees; and to provide for the disposition of fees and other income received by the various principal executive departments and state agencies.

(The conference report was received from the Senate on September 20, consideration of which, under the rules, was postponed until today.)

(For conference report, see House Journal No. 78, p. 1462.)

The question being on the adoption of the conference report,

The conference report was adopted, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 440**Yeas—94**

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

Nays—12

Bieda	Gaffney	Hune	Moolenaar
Caswell	Gosselin	Jones	Spade
Drolet	Hoogendyk	LaJoy	Steil

In The Chair: Kooiman

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

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

Rep. Gosselin, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

I voted against the 2005-2006 General Government Budget, SB 272, because it exceeded inflationary factors, increasing 6.2% from last year’s budget. This increase is over and above the rate of inflation, which further taxes workers and families during already tough economic times.

Additionally, I'd like to take this opportunity to clarify two past budgetary votes. On September 20, 2005, I voted no on HB 4831 and yes on HB 4887. However, my intent was to do the reverse.

I intended to vote yes on HB 4831, which provided funds to the school aid budget. This budget is a separate entity that is calculated without consideration for inflationary factors, and I wholeheartedly support it.

I intended to vote no on HB 4831, the house Omnibus budget bill, because it exceeded the overall rate of inflation. Fiscal conservatism is key to effectively managing the public's money, and the careful use of public funds ensures the trust that Michigan citizens have placed in this legislative body.

Thank you for this opportunity to provide clarification on the record."

The Speaker laid before the House the conference report relative to
Senate Bill No. 281, entitled

A bill to make appropriations for the state transportation department and certain transportation purposes for the fiscal year ending September 30, 2006; to provide for the imposition of fees; to provide for reports; to create certain funds and programs; to prescribe requirements for certain railroad and bus facilities; to prescribe certain powers and duties of certain state departments and officials and local units of government; and to provide for the expenditure of the appropriations.

(The conference report was received from the Senate on September 20, consideration of which, under the rules, was postponed until today.)

(For conference report, see House Journal No. 78, p. 1497.)

The question being on the adoption of the conference report,

The conference report was adopted, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 441

Yeas—56

Acciavatti	Gosselin	Meyer	Rocca
Amos	Green	Moolenaar	Schuitmaker
Ball	Hansen	Moore	Shaffer
Baxter	Hildenbrand	Mortimer	Sheen
Booher	Hoogendyk	Newell	Stahl
Brandenburg	Huizenga	Nitz	Stakoe
Caswell	Hummel	Nofs	Steil
Caul	Hune	Palmer	Stewart
DeRoche	Jones	Palsrok	Taub
Drolet	Kahn	Pastor	Van Regenmorter
Elsenheimer	Kooiman	Pavlov	Vander Veen
Emmons	LaJoy	Pearce	Walker
Farhat	Law, David	Proos	Ward
Gaffney	Marleau	Robertson	Wenke

Nays—52

Accavitti	Cushingberry	Law, Kathleen	Polidori
Adamini	Dillon	Leland	Sak
Anderson	Donigan	Lemmons, III	Sheltrown
Angerer	Espinoza	Lemmons, Jr.	Smith, Alma
Bennett	Farrah	Lipsey	Smith, Virgil
Bieda	Gillard	Mayes	Spade
Brown	Gleason	McConico	Tobocman
Byrnes	Gonzales	McDowell	Vagnozzi
Byrum	Hood	Meisner	Waters
Casperson	Hopgood	Miller	Whitmer
Clack	Hunter	Murphy	Williams
Clemente	Kehrl	Phillips	Wojno
Condino	Kolb	Plakas	Zelenko

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

Reps. Gonzales and Brown, having reserved the right to explain their nay vote, made the following statement:

“Mr. Speaker and members of the House:

I voted no on Senate Bill 281 today because the budget is seriously flawed. It puts at risk public transit programs, local transportation enhancement projects and, of greatest concern, has the potential to result in the loss of 100 existing AMTRAK jobs and may result in AMTRAK sending a maintenance facility to Iowa that could result in a gain of 660 new good-paying jobs here in Michigan.”

Rep. Cushingberry, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

I voted no on the adoption of this transportation conference report because it promotes sprawl, punishes poor people who need access to mass transportation, and uses a wrong-headed strategy of reducing funds for Amtrak to encourage them to build a repair facility in Michigan. We do not need the Conferees to tell our largest City how to spend our share of gasoline taxes. Further the language would cause the States taxpayers to continue the subsidy to the wealthiest communities and promote continued urban sprawl. The cuts to the Department also place a damper on the coordination of mass transportation efforts and causes unnecessary reports as it relates to the WBE and MBE contractors. Overall, this act should be substantially vetoed by the Governor and the authors should be ashamed of this counter-productive action in a State that prides itself on being a leader worldwide in transportation.”

Rep. Tobocman, having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

I voted no on Senate Bill 281 today because the budget is seriously flawed. It puts at risk public transit programs. By cutting staff at MDOT to handle local transportation enhancement projects, this budget seriously jeopardizes local economic development efforts in Detroit and across the state. Further, the bill has the potential to result in the loss of 100 existing AMTRAK jobs and may result in AMTRAK sending a maintenance facility to Iowa that could result in a gain of 660 new, good-paying jobs here in Michigan.

Finally, the bill is offensive to the notion of local control. Restrictions on local operating assistance grants, specifically the restriction on Detroit’s ability to receive these local funds for a legitimate purpose of improving the Detroit People Mover, as well as dictating bus lengths to local units are abhorrent. Each locality should be allowed to make its own decisions on how to spend local operating assistance grants on various transportation projects. The effort to classify Detroiters as short bus riders suggests racist and other insensitive motives.”

Rep. McDowell having reserved the right to explain his nay vote, made the following statement:

“Mr. Speaker and members of the House:

I voted no on Senate Bill 281 today because the budget is seriously flawed. It puts at risk public transit programs, local transportation enhancement projects and, of greatest concern, has the potential to result in the loss of 100 existing AMTRAK jobs and may result in AMTRAK sending a maintenance facility to Iowa that could result in a gain of 660 new good-paying jobs here in Michigan.”

Second Reading of Bills

House Bill No. 5176, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 11526e.

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

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

Rep. Kathleen Law moved to amend the bill as follows:

1. Amend page 2, following line 9, by inserting:

“(4) IF CONGRESS DOES NOT ENACT LEGISLATION BY NOVEMBER 1, 2005 UNDER CLAUSE 3 OF SECTION 8 OF ARTICLE I OF THE CONSTITUTION OF THE UNITED STATES AUTHORIZING PROHIBITIONS SUCH AS THOSE IN SUBSECTIONS (1) AND (2), THEN BEGINNING 90 DAYS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION, A RECYCLING AND WASTE DIVERSION SURCHARGE OF \$7.50 IS ASSESSED ON EACH TON OF SOLID WASTE THAT IS DISPOSED OF IN A LANDFILL OR MUNICIPAL SOLID WASTE INCINERATOR IN THIS STATE. THE OWNER OR OPERATOR OF A LANDFILL OR MUNICIPAL SOLID WASTE INCINERATOR SHALL PAY THE RECYCLING AND WASTE DIVERSION SURCHARGES ASSESSED UNDER THIS SUBSECTION TO THE DEPARTMENT WITHIN 30 DAYS AFTER THE END OF EACH QUARTER OF THE STATE FISCAL YEAR. THE DEPARTMENT SHALL FORWARD ALL RECYCLING AND WASTE DIVERSION SURCHARGES IT RECEIVES TO THE STATE TREASURER FOR DEPOSIT INTO THE RECYCLING AND WASTE DIVERSION FUND, WHICH IS HEREBY CREATED IN THE STATE TREASURY. MONEY APPROPRIATED FROM THE RECYCLING AND WASTE DIVERSION FUND SHALL BE DISTRIBUTED TO CITIES, VILLAGES, TOWNSHIPS, AND COUNTIES FOR RECYCLING PROGRAMS AND OTHER PURPOSES AND TO THE DEPARTMENT FOR ENFORCEMENT AND ADMINISTRATION OF THIS PART, AS AUTHORIZED BY LAW.”.

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

Rep. Ward demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 442

Yeas—46

Adamini	Espinoza	Lemmons, Jr.	Sak
Anderson	Gillard	Lipsey	Sheltrown
Angerer	Gleason	Mayes	Smith, Alma
Bennett	Gonzales	McConico	Smith, Virgil
Brown	Hood	McDowell	Spade
Byrnes	Hopgood	Meisner	Tobocman
Byrum	Hunter	Miller	Vagnozzi
Clack	Kehrl	Murphy	Waters
Condino	Kolb	Phillips	Whitmer
Cushingberry	Law, Kathleen	Plakas	Williams
Dillon	Leland	Polidori	Zelenko
Donigan	Lemmons, III		

Nays—57

Acciavatti	Gosselin	Meyer	Rocca
Amos	Green	Moolenaar	Schuitmaker
Ball	Hansen	Moore	Shaffer
Baxter	Hildenbrand	Mortimer	Sheen
Booher	Hoogendyk	Newell	Stahl
Brandenburg	Huizenga	Nitz	Stakoe
Casperson	Hummel	Nofs	Steil
Caswell	Hune	Palmer	Stewart
Caul	Jones	Palsrok	Taub
DeRoche	Kahn	Pastor	Van Regenmorter
Drolet	Kooiman	Pavlov	Vander Veen
Elsenheimer	LaJoy	Pearce	Walker
Emmons	Law, David	Proos	Ward

Farhat
Gaffney

Marleau

Robertson

Wenke

In The Chair: Kooiman

Rep. Kehrl moved to amend the bill as follows:

1. Amend page 2, following line 9, by inserting:

“Enacting section 1. This amendatory act does not take effect unless House Bill No. 4760 of the 93rd Legislature is enacted into law.”.

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

Rep. Kehrl demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 443**Yeas—50**Accavitti
Adamini
Anderson
Angerer
Bennett
Bieda
Brown
Byrnes
Byrum
Clack
Clemente
Condino
CushingberryDonigan
Espinoza
Farrah
Gillard
Gleason
Gonzales
Hood
Hopgood
Hunter
Kehrl
Kolb
Law, Kathleen
LelandLemmons, III
Lemmons, Jr.
Lipse
Mayes
McConico
McDowell
Meisner
Miller
Murphy
Phillips
Plakas
PolidoriSak
Sheltrown
Smith, Alma
Smith, Virgil
Spade
Tobocman
Vagnozzi
Waters
Whitmer
Williams
Wojno
Zelenko**Nays—57**Acciavatti
Amos
Ball
Baxter
Booher
Brandenburg
Casperson
Caswell
Caul
DeRoche
Drolet
Elsenheimer
Emmons
Farhat
GaffneyGosselin
Green
Hansen
Hildenbrand
Hoogendyk
Huizenga
Hummel
Hune
Jones
Kahn
Kooiman
LaJoy
Law, David
MarleauMeyer
Moolenaar
Moore
Mortimer
Newell
Nitz
Nofs
Palmer
Palsrok
Pastor
Pavlov
Pearce
Proos
RobertsonRocca
Schuitmaker
Shaffer
Sheen
Stahl
Stakoe
Steil
Stewart
Taub
Van Regenmorter
Vander Veen
Walker
Ward
Wenke

In The Chair: Kooiman

Rep. Acciavatti, having reserved the right to explain his nay vote, made the following statement:
 “Mr. Speaker and members of the House:

Amendment #3 would create a tie-bar to HB 4760 with HB 5176. In general, I agree with the concept of HB 4760. While I support the moratorium issue and want to limit landfill expansions, passing this amendment would ultimately kill the bill if HB 4760 is not taken up or passed. In my view, this is just an effort for the bill not to pass. Without the amendment, it is more feasible for the bill to pass. We need to deal with the problem of Canadian Waste entering Michigan NOW. This bill is the answer we have been waiting for. Let’s not slow down the process with this amendment.

Rep. Acciavatti moved that the bill be placed on the order of Third Reading of Bills.
 The motion prevailed.

Rep. Ward 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. 5176, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” (MCL 324.101 to 324.90106) by adding section 11526e.

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

Roll Call No. 444

Yeas—105

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

Nays—3

Drolet	Lipsev	McConico
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In The Chair: Kooiman

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

Rep. Lipsey, 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 voted NO on House Bill 5176 because it will not help Michigan stop the tide of Canadian trash coming over our borders. The bill is simply a smokescreen that creates the impression of doing of something on this issue while accomplishing NOTHING. Today’s action merely takes the pressure off of the majority.

HB 5176 relies on Congress to give states the authority to prohibit foreign municipal waste. There is in fact legislation currently on the floor of the U.S. House of Representatives related to this issue, H.R. 2491. First, it is unlikely that the federal legislation will actually ever be enacted since it vindicates the position of Senator Stabenow. In addition, H.R. 2491 in no way allows states to prohibit foreign waste. The legislation would allow states to establish new regulations to LIMIT foreign waste shipments. Thus, the contingent prohibition on foreign trash which is included in HB 5176 will never come to pass. If Michigan were ever to try to enforce the terms of HB 5176 based upon H.R. 2491, it would be immediately and, in all probability successfully challenged in court.

We cannot continue to do nothing of substance while the people demand action. I will joyfully vote for meaningful public policy but I cannot continue to vote for appearance over substance.”

Second Reading of Bills

House Bill No. 5177, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 11549 (MCL 324.11549).

The bill was read a second time.

Rep. Miller moved to amend the bill as follows:

1. Amend page 2, line 2, by striking out all of enacting section 1 and inserting:

“Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 93rd Legislature are enacted into law:

(a) House Bill No. 4761.

(b) House Bill No. 5176.”.

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

Rep. Miller demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 445

Yeas—50

Accavitti	Donigan	Lemmons, III	Sak
Adamini	Espinoza	Lemmons, Jr.	Sheltrown
Anderson	Farrah	Lipsey	Smith, Alma
Angerer	Gillard	Mayes	Smith, Virgil
Bennett	Gleason	McConico	Spade
Bieda	Gonzales	McDowell	Tobocman
Brown	Hood	Meisner	Vagnozzi
Byrnes	Hopgood	Miller	Waters
Byrum	Hunter	Murphy	Whitmer
Clack	Kehrl	Phillips	Williams

Clemente
Condino
Cushingberry

Kolb
Law, Kathleen
Leland

Plakas
Polidori

Wojno
Zelenko

Nays—57

Acciavatti
Amos
Ball
Baxter
Booher
Brandenburg
Casperson
Caswell
Caul
DeRoche
Drolet
Elsenheimer
Emmons
Farhat
Gaffney

Gosselin
Green
Hansen
Hildenbrand
Hoogendyk
Huizenga
Hummel
Hune
Jones
Kahn
Kooiman
LaJoy
Law, David
Marleau

Meyer
Moolenaar
Moore
Mortimer
Newell
Nitz
Nofs
Palmer
Palsrok
Pastor
Pavlov
Pearce
Proos
Robertson

Rocca
Schuitmaker
Shaffer
Sheen
Stahl
Stakoe
Steil
Stewart
Taub
Van Regenmorter
Vander Veen
Walker
Ward
Wenke

In The Chair: Kooiman

Rep. Waters moved that Rep. Cushingberry be excused temporarily from today's session.
The motion prevailed.

Rep. McDowell moved to amend the bill as follows:

1. Amend page 2, line 2, by striking out all of enacting section 1 and inserting:

“Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 93rd Legislature are enacted into law:

(a) House Bill No. 4762.

(b) House Bill No. 5176.”.

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

Rep. McDowell demanded the yeas and nays.

The demand was supported.

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

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

Roll Call No. 446

Yeas—50

Accavitti
Adamini
Anderson
Angerer
Bennett
Bieda
Brown

Donigan
Espinoza
Farrah
Gillard
Gleason
Gonzales
Hood

Lemmons, III
Lemmons, Jr.
Lipsey
Mayes
McConico
McDowell
Meisner

Sak
Sheltroun
Smith, Alma
Smith, Virgil
Spade
Tobocman
Vagnozzi

Byrnes	Hopgood	Miller	Waters
Byrum	Hunter	Murphy	Whitmer
Clack	Kehrl	Phillips	Williams
Clemente	Kolb	Plakas	Wojno
Condino	Law, Kathleen	Polidori	Zelenko
Dillon	Leland		

Nays—57

Acciavatti	Gosselin	Meyer	Rocca
Amos	Green	Moolenaar	Schuitmaker
Ball	Hansen	Moore	Shaffer
Baxter	Hildenbrand	Mortimer	Sheen
Booher	Hoogendyk	Newell	Stahl
Brandenburg	Huizenga	Nitz	Stakoe
Casperson	Hummel	Nofs	Steil
Caswell	Hune	Palmer	Stewart
Caul	Jones	Palsrok	Taub
DeRoche	Kahn	Pastor	Van Regenmorter
Drolet	Kooiman	Pavlov	Vander Veen
Elsenheimer	LaJoy	Pearce	Walker
Emmons	Law, David	Proos	Ward
Farhat	Marleau	Robertson	Wenke
Gaffney			

In The Chair: Kooiman

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

The motion prevailed.

Rep. Ward 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. 5177, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 11549 (MCL 324.11549).

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

Roll Call No. 447**Yeas—105**

Accavitti	Farhat	Lemmons, III	Rocca
Acciavatti	Farrah	Lemmons, Jr.	Sak
Adamini	Gaffney	Marleau	Schuitmaker
Amos	Gillard	Mayer	Shaffer
Anderson	Gleason	McConico	Sheen
Angerer	Gonzales	McDowell	Sheltrown
Ball	Gosselin	Meisner	Smith, Alma
Baxter	Green	Meyer	Smith, Virgil
Bennett	Hansen	Miller	Spade
Bieda	Hildenbrand	Moolenaar	Stahl

Booher	Hood	Moore	Stakoe
Brandenburg	Hoogendyk	Mortimer	Steil
Brown	Hopgood	Murphy	Stewart
Byrnes	Huizenga	Newell	Taub
Byrum	Hummel	Nitz	Tobocman
Casperson	Hune	Nofs	Vagnozzi
Caswell	Hunter	Palmer	Van Regenmorter
Caul	Jones	Palsrok	Vander Veen
Clack	Kahn	Pastor	Walker
Clemente	Kehrl	Pavlov	Ward
Condino	Kolb	Pearce	Waters
DeRoche	Kooiman	Phillips	Wenke
Dillon	LaJoy	Plakas	Whitmer
Donigan	Law, David	Polidori	Williams
Elsenheimer	Law, Kathleen	Proos	Wojno
Emmons	Leland	Robertson	Zelenko
Espinoza			

Nays—2

Drolet Lipsey

In The Chair: Kooiman

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

Second Reading of Bills

House Bill No. 5178, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 13c of chapter XVII (MCL 777.13c), as amended by 2004 PA 382.

The bill was read a second time.

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

The motion prevailed.

Rep. Ward 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. 5178, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 13c of chapter XVII (MCL 777.13c), as amended by 2004 PA 382.

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

Roll Call No. 448

Yeas—105

Accavitti	Farhat	Lemmons, III	Rocca
Acciavatti	Farrah	Lemmons, Jr.	Sak
Adamini	Gaffney	Marleau	Schuitmaker
Amos	Gillard	Mayer	Shaffer
Anderson	Gleason	McConico	Sheen

Angerer	Gonzales	McDowell	Sheltrown
Ball	Gosselin	Meisner	Smith, Alma
Baxter	Green	Meyer	Smith, Virgil
Bennett	Hansen	Miller	Spade
Bieda	Hildenbrand	Moolenaar	Stahl
Booher	Hood	Moore	Stakoe
Brandenburg	Hoogendyk	Mortimer	Steil
Brown	Hopgood	Murphy	Stewart
Byrnes	Huizenga	Newell	Taub
Byrum	Hummel	Nitz	Tobocman
Casperson	Hune	Nofs	Vagnozzi
Caswell	Hunter	Palmer	Van Regenmorter
Caul	Jones	Palsrok	Vander Veen
Clack	Kahn	Pastor	Walker
Clemente	Kehrl	Pavlov	Ward
Condino	Kolb	Pearce	Waters
DeRoche	Kooiman	Phillips	Wenke
Dillon	LaJoy	Plakas	Whitmer
Donigan	Law, David	Polidori	Williams
Elsenheimer	Law, Kathleen	Proos	Wojno
Emmons	Leland	Robertson	Zelenko
Espinoza			

Nays—2

Drolet

Lipsey

In The Chair: Kooiman

The House agreed to the title of the bill.

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

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

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Ward moved that a respectful message be sent to the Senate requesting the return of **Senate Bill No. 274**.

The motion prevailed.

Rep. Palsrok moved that the Committee on Natural Resources, Great Lakes, Land Use, and Environment be discharged from further consideration of **House Bill No. 5094**.

(For first notice see House Journal No. 78, p. 1692.)

The question being on the motion made by Rep. Palsrok,

Rep. Ward moved that consideration of the motion be postponed for the day.

The motion prevailed.

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

The motion prevailed.

Reps. Vander Veen, Accavitti, Amos, Stahl, Gosselin, Kahn, Shaffer, Stakoe, Huizenga, Bieda, Brandenburg, Condino, Farrah, Gaffney, Gleason, Gonzales, Green, Hildenbrand, Kooiman, Lemmons, III, Lemmons, Jr., Meisner, Meyer, Mortimer, Murphy, Phillips, Proos, Sak, Alma Smith, Taub, Tobocman, Waters and Zelenko offered the following resolution:

House Resolution No. 130.

A resolution designating September 28th, 2005, as Antibiotic Awareness Day in the state of Michigan.

Whereas, Antibiotics have saved lives for more than 50 years; and

Whereas, Antibiotics are an important weapon against infectious bacterial diseases that harm people of all ages and walks of life; and

Whereas, Antibiotic overuse has hastened the development of antibiotic resistance that is destroying antibiotic effectiveness and these resistant bacteria represent a significant threat to the health of individuals whom they infect; and

Whereas, Infections with resistant bacteria increase the cost and complexity of treating infections which previously were easily treated; and

Whereas, In 2005, another *Staphylococcus aureus* bacterium that is resistant to Vancomycin – often considered the best and, at times, the last defense against such infections – occurred in Michigan; and

Whereas, The Institute of Medicine, a part of the National Academy of Sciences, has estimated that the annual cost of treating antibiotic-resistant infections in the United States may be as high as \$30 billion; and

Whereas, The Federal Centers for Disease Control and Prevention (CDC), the American Academy of Pediatrics and the *Annals of Internal Medicine* have published recommendations for health care professionals regarding best practices for the judicious use of antibiotics. The Michigan Department of Community Health and the Michigan Antibiotic Resistance Reduction (MARR) Coalition are engaged in an effort to track antibiotic resistance and encourage appropriate antibiotic use; now; therefore be it

Resolved by House of Representatives, That the members of this legislative body designate September 28th, 2005, as Antibiotic Awareness Day in the state of Michigan, and be it further

Resolved, That we urge health care professionals in Michigan to follow the recommendations of the Centers for Disease Control and Prevention regarding the best use of antibiotics in their practice and formularies. We urge the people of Michigan to talk with their health care practitioners about wise antibiotic use. We encourage the Michigan Department of Community Health and the MARR Coalition to increase their efforts to educate Michigan Citizens and health care providers about the appropriate use of antibiotics; and be it further

Resolved, That copies of this resolution be transmitted to the Michigan Department of Community Health and the Michigan Antibiotic Resistance Reduction Coalition.

Pending the reference of the resolution to a committee,

Rep. Ward moved that Rule 77 be suspended and the resolution be considered at this time.

The motion prevailed, 3/5 of the members present voting therefor.

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Alma Smith, Hopgood, Byrnes, Donigan, Sak, Accavitti, Bieda, Condino, Farrah, Gleason, Gonzales, Gosselin, Green, Kehrl, Kolb, Kooiman, Leland, Lemmons, III, Lemmons, Jr., Meisner, Murphy, Phillips, Plakas, Polidori, Proos, Spade, Tobocman, Vagnozzi, Waters and Zelenko offered the following concurrent resolution:

House Concurrent Resolution No. 20.

A concurrent resolution to recognize the Vietnamese Freedom and Heritage Flag as the flag of the Vietnamese-American community.

Whereas, The people of the former Republic of Vietnam were valiant in their resistance to the aggression of communist North Vietnam, and thousands of Vietnamese men and women made the ultimate sacrifice in defense of freedom; and

Whereas, Many officers and enlisted personnel of the former Republic of Vietnam, as well as teachers, intellectuals, and artists, were imprisoned as enemies of the state; and

Whereas, The current government of Vietnam continues to harass, interrogate, and arrest individuals advocating democracy; and

Whereas, The flag of the free Vietnamese people consists of three horizontal stripes of red upon a field of gold, and this flag is an eternal symbol of the hope and love of freedom for all people of Vietnamese descent, just as the American flag symbolizes these virtues for citizens across the United States; and

Whereas, Dating back to 1948, the red and gold striped flag has a history in Vietnam and is a broader symbol of resilience, freedom, and democracy for the Vietnamese-American community; and

Whereas, This flag remains as a poignant reminder of the threat of communism and the imperative of remaining vigilant in opposition to tyranny of all forms and actively supporting human rights; and

Whereas, The end of the Vietnam conflict produced an exodus of over 2 million Vietnamese seeking political asylum in the free world who bravely risked their lives to live under the prosperity of democracy; and

Whereas, Many of these refugees settled in Michigan, and thousands of Vietnamese Americans and residents of Vietnamese descent live in Michigan; and

Whereas, Numerous municipalities across the country and several states have taken the formal step of extending recognition of the red and gold striped Vietnamese Freedom and Heritage Flag as the symbol of the Vietnamese-American community; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we hereby recognize the Vietnamese Freedom and Heritage Flag, with three red stripes set on a gold background, as the flag of the Vietnamese-American community; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the Governor and the Vietnamese-American Public Affairs Committee.

The concurrent resolution was referred to the Committee on Government Operations.

Reports of Standing Committees

The Committee on Employment Relations, Training, and Safety, by Rep. Gosselin, Chair, reported

Senate Bill No. 553, entitled

A bill to amend 1936 (Ex Sess) PA 1, entitled "Michigan employment security act," by amending section 11 (MCL 421.11), as amended by 1995 PA 25.

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. Gosselin, Marleau, Drolet, LaJoy and Bieda

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Gosselin, Chair, of the Committee on Employment Relations, Training, and Safety, was received and read:

Meeting held on: Tuesday, September 20, 2005

Present: Reps. Gosselin, Marleau, Drolet, LaJoy and Bieda

Absent: Reps. Farrah and Hood

Excused: Reps. Farrah and Hood

The Committee on Agriculture, by Rep. Nitz, Chair, reported

Senate Bill No. 538, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 14501 and 14513 (MCL 324.14501 and 324.14513), section 14501 as amended by 2004 PA 333 and section 14513 as amended by 2004 PA 334.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Nitz, Ball, Newell, Casperson, Stahl, Proos and Hune

Nays: Reps. Kathleen Law and Sheltroun

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, September 20, 2005

Present: Reps. Nitz, Ball, Newell, Casperson, Stahl, Proos, Hune, Mayes, Kathleen Law and Sheltroun

Absent: Rep. Spade

Excused: Rep. Spade

The Committee on Judiciary, by Rep. Van Regenmorter, Chair, reported

House Bill No. 4796, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 1 and 4 of chapter VI (MCL 766.1 and 766.4), section 4 as amended by 1994 PA 167.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, David Law, Rocca and Condino

Nays: Reps. Bieda and Virgil Smith

The Committee on Judiciary, by Rep. Van Regenmorter, Chair, reported

House Bill No. 4797, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 1a of chapter IV (MCL 764.1a), as amended by 1994 PA 70.

With the recommendation that the substitute (H-2) be adopted and that the bill then pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, David Law, Rocca and Condino

Nays: Reps. Lipsey, Adamini and Bieda

The Committee on Judiciary, by Rep. Van Regenmorter, Chair, reported

House Bill No. 4799, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 40 and 42 of chapter VII (MCL 767.40 and 767.42), section 40 as amended by 1986 PA 46.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, David Law, Rocca and Condino

Nays: Reps. Lipsey, Adamini, Bieda and Virgil Smith

The Committee on Judiciary, by Rep. Van Regenmorter, Chair, reported

House Bill No. 4800, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8311 (MCL 600.8311).

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, David Law, Rocca and Condino
Nays: Reps. Lipsey, Adamini, Bieda and Virgil Smith

The Committee on Judiciary, by Rep. Van Regenmorter, Chair, reported
Senate Bill No. 423, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16p of chapter XVII (MCL 777.16p), as amended by 2000 PA 279.

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. Van Regenmorter, Schuitmaker, Newell, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino and Adamini
Nays: Rep. Virgil Smith

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Van Regenmorter, Chair, of the Committee on Judiciary, was received and read:

Meeting held on: Wednesday, September 21, 2005

Present: Reps. Van Regenmorter, Schuitmaker, Newell, Nofs, Stakoe, Elsenheimer, Jones, David Law, Rocca, Lipsey, Condino, Adamini, Bieda and Virgil Smith

Absent: Rep. McConico

Excused: Rep. McConico

The Committee on Tax Policy, by Rep. Sheen, Chair, reported

House Bill No. 4737, entitled

A bill to amend 1990 PA 100, entitled "City utility users tax act," by amending section 2 (MCL 141.1152), as amended by 1998 PA 548.

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. Sheen, Meyer, Newell, Palmer, Hoogendyk, Jones, Marleau, Condino, Bieda, Farrah, Zelenko, Miller, Meisner and Bennett
Nays: Rep. Gosselin

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, September 21, 2005

Present: Reps. Sheen, Meyer, Gosselin, Newell, Drolet, Palmer, Hoogendyk, Stakoe, Jones, Marleau, Condino, Bieda, Farrah, Zelenko, Miller, Meisner and Bennett

Rep. Gosselin moved that the House adjourn.
The motion prevailed, the time being 5:30 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, September 22, at 10:30 a.m.

GARY L. RANDALL
Clerk of the House of Representatives