

No. 79
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
95th Legislature
REGULAR SESSION OF 2009

House Chamber, Lansing, Friday, September 25, 2009.

10:00 a.m.

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

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

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

e/d/s = entered during session

Rep. Jim Slezak, from the 50th District, offered the following invocation:

“Let us give thanks to the Lord, that He may give us the strength, courage and determination to make the tough decisions to help the people of the great state of Michigan. If we can be so humble to ask for Your guidance in our time of need, we shall be eternally grateful. In Jesus’ name we pray, Amen. “

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

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

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

The Speaker Pro Tempore resumed the Chair.

Reports of Select Committees

Senate Bill No. 243, entitled

A bill to make appropriations for the department of energy, labor, and economic growth and certain other state purposes for the fiscal year ending September 30, 2010; 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.

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. 243, entitled

A bill to make appropriations for the department of energy, labor, and economic growth and certain other state purposes for the fiscal year ending September 30, 2010; 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 Senate and House agree to the Substitute of the House as passed by the House, amended to read as follows:

A bill to make appropriations for the department of energy, labor, and economic growth and certain other state purposes for the fiscal year ending September 30, 2010; 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 energy, labor, and economic growth, subject to the conditions set forth in this act, for the fiscal year ending September 30, 2010, from the funds identified in this part. The following is a summary of the appropriations in this part:

DEPARTMENT OF ENERGY, LABOR, AND ECONOMIC GROWTH

APPROPRIATION SUMMARY

Full-time equated unclassified positions.....	58.5	
Full-time equated classified positions	4,680.5	
GROSS APPROPRIATION		\$ 1,424,391,200
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers		29,465,100
ADJUSTED GROSS APPROPRIATION		\$ 1,394,926,100
Federal revenues:		
Total federal revenues.....		918,286,200
Special revenue funds:		
Total local revenues.....		15,921,000
Total private revenues.....		5,314,300
Total other state restricted revenues		400,261,500
State general fund/general purpose		\$ 55,143,100

Sec. 102. DEPARTMENTAL ADMINISTRATION

Full-time equated unclassified positions.....	58.5	
Full-time equated classified positions	153.0	
Unclassified salaries		\$ 4,590,200
Executive director programs—49.0 FTE positions.....		5,852,700
Regulatory efficiency improvements/backlog reduction initiative.....		475,600
Property management		11,694,600
Rent		15,199,300
Worker’s compensation.....		844,600
Special project advances.....		940,000
Administrative services—104.0 FTE positions		10,923,300
GROSS APPROPRIATION		\$ 50,520,300

Appropriated from:

Interdepartmental grant revenues:		
IDG from department of community health.....		300,000
Federal revenues:		
DED-OSERS, rehabilitation services, vocational rehabilitation of state grants.....		4,688,900
DOL-ETA, unemployment insurance		11,220,300
DOL-ETA, workforce investment act.....		830,500
DOL, federal funds.....		1,999,100
DOL, multiple grants for safety and health		753,900
Federal revenues.....		511,600
HHS, temporary assistance for needy families		333,400
HHS, titles XVIII and XIX		43,000
Special revenue funds:		
Private - special project advances		940,000
Local revenues		131,300
Bank fees		387,200
Boiler fee revenue		249,800
Construction code fund		1,088,100
Consumer finance fees		116,200
Contingent fund, penalty and interest account.....		842,500
Corporation fees		4,499,800
Credit union fees		267,900
Deferred presentment service transaction fees		2,900
Elevator fees		264,000
Fees and collections/asbestos		100,200
Fire service fees		748,700

	For Fiscal Year Ending Sept. 30, 2010
Insurance continuing education fees	28,000
Insurance licensing and regulation fees.....	1,521,700
Insurance bureau fund	828,200
Licensing and regulation fees.....	794,200
Liquor license revenue	100,000
Liquor purchase revolving fund	4,492,200
MBLSLA fund.....	116,400
Mobile home code fund.....	257,700
Michigan state housing development authority fees and charges	3,999,200
Motor carrier fees.....	206,400
Public utility assessments.....	2,170,300
Private occupational school license fees	14,000
Retired engineers technical assistance program fund.....	343,000
Safety education and training fund	601,100
Second injury fund	261,800
Securities fees.....	2,392,600
Self-insurers security fund.....	92,100
Silicosis and dust disease fund.....	114,800
Tax tribunal fund	177,600
State general fund/general purpose	\$ 1,689,700
Sec. 103. OFFICE OF FINANCIAL AND INSURANCE REGULATION	
Full-time equated classified positions	349.0
Administration—35.0 FTE positions.....	\$ 7,007,800
Regulatory compliance and consumer assistance—99.0 FTE positions.....	15,743,400
Financial evaluation—215.0 FTE positions	30,952,200
GROSS APPROPRIATION	\$ 53,703,400
Appropriated from:	
Federal revenues:	
Federal regulatory project revenue	50,400
Special revenue funds:	
Bank fees	7,997,700
Captive insurance regulatory and supervision fund	236,900
Consumer finance fees	4,264,500
Credit union fees	5,886,000
Deferred presentment service transaction fees	2,161,700
Insurance bureau fund	19,526,500
Insurance continuing education fees	974,200
Insurance licensing and regulation fees.....	4,519,200
MBLSLA fund.....	4,793,400
Multiple employer welfare arrangement	73,700
Securities fees.....	3,219,200
State general fund/general purpose	\$ 0
Sec. 104. PUBLIC SERVICE COMMISSION AND ENERGY SYSTEMS	
Full-time equated classified positions	209.0
Public service commission—186.0 FTE positions	\$ 25,291,900
Bureau of energy systems—18.0 FTE positions	6,972,200
Metro authority—5.0 FTE positions	325,000
GROSS APPROPRIATION	\$ 32,589,100
Appropriated from:	
Federal revenues:	
DOE-OEERE, multiple grants.....	4,688,100
DOT-RSPA, gas pipeline safety.....	430,000
Special revenue funds:	
Private - oil overcharge	30,000
Children's protection registry fund.....	272,600
Motor carrier fees.....	1,689,100

	For Fiscal Year Ending Sept. 30, 2010
Public utility assessments.....	23,474,300
Retired engineers technical assistance program fund.....	1,605,000
Video franchise assessments.....	400,000
State general fund/general purpose	\$ 0
Sec. 105. LIQUOR CONTROL COMMISSION	
Full-time equated classified positions	152.0
Management support services—28.0 FTE positions	\$ 3,570,800
Liquor licensing and enforcement—124.0 FTE positions.....	12,609,200
GROSS APPROPRIATION	\$ 16,180,000
Appropriated from:	
Special revenue funds:	
Direct shipper enhancement revolving fund.....	120,000
Liquor license revenue	6,526,500
Liquor purchase revolving fund	9,533,500
State general fund/general purpose	\$ 0
Sec. 106. MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY	
Full-time equated classified positions	289.0
Payments on behalf of tenants.....	\$ 156,000,000
Housing and rental assistance program—266.0 FTE positions.....	37,997,700
Michigan housing and community development fund.....	59,000
State historic preservation programs—22.0 FTE positions.....	2,079,000
Lighthouse preservation program—1.0 FTE positions.....	251,000
GROSS APPROPRIATION	\$ 196,386,700
Appropriated from:	
Federal revenues:	
DOI-NPS, historic preservation grants-in-aid	950,000
HUD, lower income housing assistance program	156,000,000
Special revenue funds:	
Michigan lighthouse preservation fund.....	251,000
Michigan state housing development authority fees and charges	39,126,700
State general fund/general purpose	\$ 59,000
Sec. 107. OCCUPATIONAL REGULATION	
Full-time equated classified positions	435.0
Boiler inspection program—25.0 FTE positions.....	\$ 2,803,800
Bureau of fire services—57.0 FTE positions	6,052,700
Code enforcement—120.0 FTE positions	13,373,900
Commercial services—170.0 FTE positions	19,662,600
Elevator inspection program—30.0 FTE positions	2,984,500
Local manufactured housing communities inspections	250,000
Manufactured housing and land resources program—22.0 FTE positions	3,248,900
Property development group—11.0 FTE positions	1,599,500
GROSS APPROPRIATION	\$ 49,975,900
Appropriated from:	
Interdepartmental grant revenues:	
IDG from department of community health, inspection contract.....	100,000
IDG from department of state police, homeland security	709,800
Federal revenues:	
DOT	60,000
FEMA.....	28,000
HHS, titles XVIII and XIX	700,000
Special revenue funds:	
Accountancy enforcement fund.....	403,600
Boiler fee revenue	3,216,100
Builder enforcement fund.....	400,000
Construction code fund	13,247,600
Corporation fees	5,957,700

	For Fiscal Year Ending Sept. 30, 2010
Elevator fees	3,368,500
Fire alarm fees.....	101,700
Fire service fees	1,753,200
Homeowner construction lien recovery fund.....	1,846,500
Land sales fees	40,000
Licensing and regulation fees.....	10,569,500
Mobile home code fund.....	2,828,900
Property development fees	288,300
Real estate appraiser continuing education fund.....	47,000
Real estate education fund	272,100
Real estate enforcement fund	350,000
Survey and remonumentation fund.....	723,100
Security business fund.....	314,600
Unarmed combat fund	49,700
State general fund/general purpose	\$ 2,600,000
Sec. 108. MICHIGAN OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION	
Full-time equated classified positions	229.0
Occupational safety and health—229.0 FTE positions	\$ 26,805,500
GROSS APPROPRIATION	\$ 26,805,500
Appropriated from:	
Federal revenues:	
DOL, multiple grants for safety and health	12,487,100
Special revenue funds:	
Corporation fees	3,539,500
Fees and collections/asbestos	865,900
Safety education and training fund	8,035,000
Securities fees.....	1,878,000
State general fund/general purpose	\$ 0
Sec. 109. BUREAU OF WORKER'S AND UNEMPLOYMENT COMPENSATION	
Full-time equated classified positions	1,551.0
Administration—96.6 FTE positions.....	\$ 9,349,600
Board of magistrates and appellate commission—19.4 FTE positions.....	2,870,100
Wage and hour division—35.0 FTE positions.....	3,167,000
Insurance funds administration—28.0 FTE positions	4,692,600
Supplemental benefit fund.....	820,000
Unemployment programs—1,302.7 FTE positions	129,322,100
Advocacy assistance program.....	1,500,000
Special audit and collections program—34.0 FTE positions	2,912,700
Training program for agency staff—2.1 FTE positions	1,813,500
Expanded fraud control program—33.2 FTE positions	3,314,400
GROSS APPROPRIATION	\$ 159,762,000
Appropriated from:	
Federal revenues:	
DOL-ETA, employment and training administration	711,700
DOL-ETA, unemployment insurance	119,098,800
Federal Reed act funds.....	4,494,500
Special revenue funds:	
Corporation fees	3,247,100
Contingent fund, regular penalty and interest account.....	14,557,700
Second injury fund	2,526,200
Securities fees.....	2,438,600
Self-insurers security fund.....	1,194,500
Silicosis and dust disease fund.....	971,900
Worker's compensation administrative revolving fund	2,697,000
State general fund/general purpose	\$ 7,824,000

For Fiscal Year
Ending Sept. 30,
2010

Sec. 110. STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

Full-time equated classified positions	178.0	
Administrative hearings and rules—178.0 FTE positions		\$ 24,680,900
GROSS APPROPRIATION		\$ 24,680,900

Appropriated from:

Interdepartmental grant revenues:

IDG from department of community health.....	1,753,600
IDG from department of corrections	3,897,600
IDG from department of education	1,119,300
IDG from department of environmental quality.....	537,200
IDG from department of human services.....	5,559,300
IDG from department of management and budget.....	43,300

Federal revenues:

DOL-ETA, unemployment insurance	6,910,500
DOL, multiple grants for safety and health	208,500

Special revenue funds:

Construction code fund	301,300
Corporation fees	385,800
Insurance bureau fund	357,200
Licensing and regulation fees.....	832,000
Liquor purchase revolving fund	123,200
Mobile home code fund.....	147,500
Public utility assessments.....	1,309,600
Safety education and training fund	201,300
Securities fees.....	914,400
Tax tribunal fund	79,300
State general fund/general purpose	\$ 0

Sec. 111. INFORMATION TECHNOLOGY

Information technology services and projects	\$ 44,907,200
GROSS APPROPRIATION	\$ 44,907,200

Appropriated from:

Federal revenues:

DOL-ETA, unemployment insurance	21,538,900
DOL, multiple grants for safety and health	273,700
Federal revenues.....	6,173,500
HHS, temporary assistance for needy families	176,300

Special revenue funds:

Bank fees	304,500
Boiler fee revenue	340,500
Construction code fund	957,300
Consumer finance fees	144,100
Corporation fees	2,721,400
Credit union fees	211,100
Deferred presentment service transaction fees.....	5,700
Elevator fees	271,300
Fees and collections/asbestos	11,000
Fire service fees	623,500
Insurance continuing education fees	56,700
Insurance bureau fund	893,500
Land bank fast track fund	157,500
Licensing and regulation fees.....	1,050,100
Liquor purchase revolving fund	2,490,500
MBLSLA fund.....	144,200
Mobile home code fund.....	82,600
Michigan state housing development authority fees and charges	3,125,200
Motor carrier fees.....	120,800

	For Fiscal Year Ending Sept. 30, 2010
Public utility assessments.....	937,000
Retired engineers technical assistance program fund.....	23,200
Safety education and training fund	544,300
Second injury fund	158,600
Securities fees.....	1,133,500
Self-insurers security fund.....	71,500
Silicosis and dust disease fund.....	61,500
State general fund/general purpose	\$ 103,700
Sec. 112. WORKFORCE DEVELOPMENT	
Full-time equated classified positions	929.5
Employment services—246.0 FTE positions	\$ 48,918,200
Jobs, education and training program—57.0 FTE positions	15,445,000
Labor market information—52.0 FTE positions	6,449,500
Michigan rehabilitation services—513.5 FTE positions	70,817,100
Workforce programs administration—61.0 FTE positions.....	12,858,300
GROSS APPROPRIATION	\$ 154,488,100
Appropriated from:	
Interdepartmental grant revenues:	
IDG from department of human services	15,445,000
Federal revenues:	
DAG, employment and training.....	178,700
DED-OPSE, multiple grants.....	1,222,900
DED-OSERS, centers for independent living	58,200
DED-OSERS, rehabilitation long-term training.....	316,900
DED-OSERS, rehabilitation services, vocational rehabilitation of state grants.....	54,315,700
DED-OSERS, state grants for technical-related assistance.....	59,200
DOL-ETA, workforce investment act.....	7,655,700
DOL, federal funds.....	48,882,200
HHS-SSA, supplemental security income	3,770,800
HHS, temporary assistance for needy families	3,371,600
Special revenue funds:	
Private - gifts, bequests, and donations	816,000
Local revenue	4,305,900
Local vocational rehabilitation match	2,684,500
Contingent fund, penalty and interest account.....	1,853,100
Rehabilitation services fees	1,350,300
Second injury fund	51,500
State general fund/general purpose	\$ 8,149,900
Sec. 113. CAREER EDUCATION PROGRAMS	
Full-time equated classified positions	30.0
Postsecondary education—14.0 FTE positions	\$ 2,964,400
Adult education—16.0 FTE positions.....	2,534,400
GROSS APPROPRIATION	\$ 5,498,800
Appropriated from:	
Federal revenues:	
Federal revenues.....	3,867,500
Special revenue funds:	
Private occupational school license fees	648,500
Defaulted loan collection fees	100,000
State general fund/general purpose	\$ 882,800
Sec. 114. DEPARTMENT GRANTS	
Adult basic education	\$ 20,000,000
Agriculture economic development.....	300,000
Carl D. Perkins grants	19,000,000
Gear-up program grants.....	3,000,000
Workforce training programs subgrantees.....	244,528,600

	For Fiscal Year Ending Sept. 30, 2010
Personal assistance services	459,500
Vocational rehabilitation client services/facilities	55,919,000
Vocational rehabilitation independent living	3,329,700
Welfare-to-work programs	107,333,600
Fire protection grants	10,910,500
Low-income energy efficiency assistance	90,000,000
Liquor law enforcement grants	6,600,000
Remonumentation grants	5,300,000
Michigan nursing corps	300,000
Private grant programs	3,000,000
Subregional libraries state aid	451,800
GROSS APPROPRIATION	\$ 570,432,700
Appropriated from:	
Federal revenues:	
DAG, employment and training	7,000,000
DED-OESE, gear-up	3,000,000
DED-OSERS, centers for independent living	450,200
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	19,000,000
DOL-ETA, workforce investment act	225,602,700
DOL, federal funds	24,425,900
HHS, temporary assistance for needy families	72,299,000
HHS-SSA, supplemental security income	3,480,600
Special revenue funds:	
Private - gifts, bequests, and donations	400,000
Private revenues	3,000,000
Local vocational rehabilitation match	7,000,000
Local vocational rehabilitation facilities match	1,278,300
Contingent fund, penalty and interest account	1,000,000
Low-income energy efficiency fund	90,000,000
Fire protection fund	8,500,000
Liquor purchase revolving fund	2,410,500
Liquor license revenue	6,600,000
Survey and remonumentation fund	5,300,000
State general fund/general purpose	\$ 27,833,000
Sec. 115. BOARDS, AUTHORITIES AND COMMISSIONS	
Full-time equated classified positions	176.0
MES board of review program—18.0 FTE positions	\$ 2,445,400
Land bank fast-track authority—6.0 FTE positions	1,834,400
Commission on Spanish-speaking affairs—2.0 FTE positions	259,500
Commission on disability concerns—7.0 FTE positions	1,157,000
Commission for the blind—107.0 FTE positions	25,287,000
Utility consumer representation	950,000
Youth low-vision program	241,800
Tax tribunal operations—15.0 FTE positions	2,790,000
Employment and labor relations—21.0 FTE positions	3,495,500
GROSS APPROPRIATION	\$ 38,460,600
Appropriated from:	
Federal revenues:	
Federal revenues	19,659,800
DOL-ETA, unemployment insurance	2,445,400
EEOC, federal funds	10,000

	For Fiscal Year Ending Sept. 30, 2010
Special revenue funds:	
Private revenues	128,300
Local revenues	521,000
Land bank fast-track fund	1,834,400
Securities fees	3,485,500
State restricted revenues	635,200
Tax tribunal fund	2,790,000
Utility consumer representation fund	950,000
State general fund/general purpose	\$ 6,001,000

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 2009-2010 is \$455,404,600.00 and state spending from state resources to be paid to local units of government for fiscal year 2009-2010 is \$43,575,600.00. The itemized statement below identifies appropriations from which spending to local units of government will occur:

DEPARTMENT OF ENERGY, LABOR, AND ECONOMIC GROWTH

Fire protection grants	\$ 10,910,500
Liquor law enforcement	6,600,000
Local manufactured housing inspections.....	250,000
Remuneration grants	5,300,000
Fire fighters training council	1,628,700
Welfare to work	18,434,600
Subregional state aid	451,800
Total department of energy, labor, and economic growth	\$ 43,575,600

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 act:

- (a) "DAG" means the United States department of agriculture.
- (b) "DED" means the United States department of education.
- (c) "DED-OESE" means the DED office of elementary and secondary education.
- (d) "DED-OPSE" means the DED office of postsecondary education.
- (e) "DED-OSERS" means the DED office of special education rehabilitation services.
- (f) "DED-OVAE" means the DED office of vocational and adult education.
- (g) "Department" means the department of energy, labor, and economic growth.
- (h) "Director" means the director of the department of energy, labor, and economic growth.
- (i) "DOE" means the United States department of energy.
- (j) "DOE-OEERE" means the DOE office of energy efficiency and renewable energy.
- (k) "DOI-NPS" means the United States department of interior, national park service.
- (l) "DOL" means the United States department of labor.
- (m) "DOL-ETA" means the DOL employment and training administration.
- (n) "DOL-ODEP" means the DOL office of disability employment policy.
- (o) "DOT" means the United States department of transportation.
- (p) "DOT-RSPA" means the DOT research and special programs administration.
- (q) "EEOC" means equal employment opportunity commission.
- (r) "FEMA" means federal emergency management agency.
- (s) "Fiscal agencies" means Michigan house fiscal agency and Michigan senate fiscal agency.
- (t) "FTE" means full-time equated.
- (u) "HHS" means the United States department of health and human services.
- (v) "HHS-SSA" means HHS social security administration.
- (w) "HUD" means the United States department of housing and urban development.
- (x) "IDG" means interdepartmental grant.
- (y) "MARVIN" means Michigan's automated response voice interactive network.
- (z) "MBLSLA" means mortgage brokers, lenders, and servicers licensing act.
- (aa) "MES" means Michigan employment security.
- (bb) "METRO" means metropolitan extension telecommunications rights-of-way oversight.

(cc) "MIOSHA" means Michigan occupational safety and health administration.

(dd) "MSHDA" means Michigan state housing development authority.

(ee) "SOAHR" means the state office of administrative hearings and rules.

(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 civil service commission 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.

(2) The state budget director may grant exceptions to this hiring freeze when the state budget director believes that the hiring freeze will render a state department or agency unable to deliver basic services, cause loss of revenue to the state, result in the inability of the state to receive federal funds, or 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 quarter and the reasons to justify the exception.

Sec. 208. 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 an 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 shall be given to goods or services, or both, manufactured or provided by Michigan businesses, if they are competitively priced and of comparable quality. In addition, preference shall be given to goods or services, or both, that are manufactured or provided by Michigan businesses owned and operated by veterans, if they are competitively priced and of comparable quality.

Sec. 210. The director shall take all reasonable steps to ensure that 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 and diversity council which was created by Executive Order No. 2008-22 in order to receive general fund/general purpose dollars in compliance with section 26 of article I of the state constitution of 1963.

Sec. 213. From the funds appropriated in part 1 for information technology, 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 departments and agencies and the department of information technology.

Sec. 215. (1) The department shall report no later than April 1, 2010 on each specific policy change made to implement a public act affecting the department that took effect during the prior calendar year to the house and senate appropriations subcommittees on the budget for the department, the joint committee on administrative rules, and the senate and house fiscal agencies.

(2) Funds appropriated in part 1 shall not be used by the department to adopt a rule that will apply to a small business and that will have a disproportionate economic impact on small businesses because of the size of those businesses if the department fails to reduce the disproportionate economic impact of the rule on small businesses as provided under section 40 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.240.

(3) As used in this section:

(a) "Rule" means that term as defined under section 7 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.207.

(b) "Small business" means that term as defined under section 7a of the administrative procedures act of 1969, 1969 PA 306, MCL 24.207a.

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, 2010 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 senate and house of representatives standing committees on appropriations.

(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 senate and house of representatives standing committees on appropriations, the senate and house 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.

Sec. 221. Funds appropriated in part 1 shall not be used by a principal executive department, state agency, or authority to hire a person to provide legal services that are the responsibility of the attorney general. This prohibition does not apply to legal services for bonding activities and for those activities that the attorney general authorizes.

Sec. 222. The department shall review the determinations of the legislative commission on governmental efficiency for applicability to the operations of the department and the estimated costs and benefits of implementing the recommendations.

Sec. 223. (1) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$31,000,000.00 for federal contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(2) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$26,000,000.00 for state restricted contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(3) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$8,200,000.00 for local contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(4) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$600,000.00 for private contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

Sec. 224. The department shall not approve the travel of more than 1 departmental employee to a specific professional development conference or training seminar that is located outside of this state unless a professional development conference or training seminar is funded by a federal or private funding source and requires more than 1 person from a department to attend, or the conference or training seminar includes multiple issues in which 1 employee from the department does not have expertise.

Sec. 225. Within 10 days after the receipt of a grant appropriated in the private grant funded projects line item in part 1, the department shall notify the house and senate chairpersons of the subcommittees, the fiscal agencies, and the state budget director of the receipt of the grant, including the funding source, purpose, and amount of the grant.

Sec. 226. Not later than October 15, 2010, the department shall prepare and transmit a report that provides for estimates of the total general fund/general purpose appropriation lapses at the close of the fiscal year. This report shall summarize the projected year-end general fund/general purpose appropriation lapses by major departmental program or program areas. The report shall be transmitted to the office of the state budget, the chairpersons of the senate and house appropriations committees, and the fiscal agencies.

Sec. 227. 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. 230. From the funds appropriated in part 1, the department shall use an amount not to exceed \$10,000.00 to develop, post, and maintain, on a publicly accessible Internet site, all expenditures made by the department within a fiscal year. The posting shall include the purpose for which each expenditure is made. The department is not required to hire additional employees in order to comply with this section.

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. 301a. Cities, villages, and townships receiving fire protection grant funds in accordance with 1977 PA 289, MCL 141.951 to 141.956, shall submit a report to the department detailing the expenditures made by the local unit from fire protection grant funds, the fire-related activities of the local unit’s police and fire departments on state property, and the costs of such activities. The local unit shall provide a report no later than January 1, 2010, covering the state fiscal years ending September 30, 2008 and September 30, 2009, and a report no later than January 1, 2011 covering the state fiscal year ending September 30, 2010.

Sec. 302. Money appropriated under this act for the bureau of fire services 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>Facility type</u>	<u>Operation and maintenance inspection fee</u>	
Hospitals	<u>Facility size</u>	<u>Fee</u>
	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. 302a. The bureau of fire services shall work with the fire safety board and interested stakeholders to recommend to the governor and the legislature a schedule of fees to be charged by the bureau for acts and services performed by the bureau, including, but not limited to, inspections, review of plans and specifications, issuance of certificates of acceptability, testing and evaluation of new products, methods, and processes of construction or alteration, inspection of construction and alteration, inspection of construction undertaken pursuant to a permit, the issuance of certificates of use and occupancy, and the hearing of appeals. The fee schedule proposed by the bureau shall bear a direct relationship to the cost of the service or act, including overhead expenses. The bureau shall submit a report to the state budget office, the fiscal agencies, and the subcommittees detailing the recommended fee schedule no later than January 15, 2010. The report shall also recommend the necessary statutory and administrative rule changes necessary to implement the recommended fee schedule.

Sec. 303. The funds collected by the department for licenses, permits, and other elevator regulation fees set forth in 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 director and the subcommittees on the amount of funds available under this section.

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 director and the subcommittees that states the amount of revenue received from the sale of information.

Sec. 320. If the revenue collected by the department from licensing and regulation fees collected by the office of commercial services exceeds the amount expended from appropriations 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. 321. The department may resume printing the real estate law and rules book (red book). The red book shall include, but is not limited to, real estate laws and regulations and related statutes. The red book will be provided at no charge to actively licensed real estate brokers, associate brokers, and salespersons. Any other party seeking a copy of the red book may purchase the book from the bureau of commercial services at the bureau's cost to produce the book or may print the bureau's Internet version of the red book at no cost.

Sec. 322. 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 prelicensure and postlicensure education to be delivered through online 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 online courses that would be made available to students throughout the year.

Sec. 323. Of the funds appropriated in part 1 for the department, up to \$200,000.00 may be used for administration and enforcement of unarmed combat regulation in Michigan.

Sec. 330. 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 director and the subcommittees of the purpose and amount of each grant award.

Sec. 332. No later than October 1, 2009, the department shall complete the request for proposal process for the modernization of the unemployment insurance computer system and be in the process of awarding and approving the contract for computer system modernization.

Sec. 333. The department shall report quarterly to the members of the house and senate committees on appropriations, the fiscal agencies, and the state budget director on the percentage of unemployment claimants that meet the certification requirements for receiving benefits by using the internet MARVIN system. The department shall implement improvements to the internet MARVIN system that promote greater ease of access and security with a goal of reaching 50% of users certifying by using the internet MARVIN system by July 1, 2010.

Sec. 340. MIOSHA shall provide an annual report by February 1 of each year to the state budget director, 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. 341. (1) Of the funds appropriated in part 1, no funds shall be used to support the development of, staffing of, or activities promoting 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.

(2) On March 1, 2010 and September 1, 2010, the department shall provide a report to the fiscal agencies and subcommittees of any staffing time or activities regarding the development of a voluntary or mandatory, or both, ergonomic standard, whether contained in rules, guidelines, policy directives, or bulletins.

(3) The directions in this section are given in accordance with OAG, 2009, No. 7,225 (February 27, 2009).

Sec. 342. From the funds appropriated in part 1 for Michigan occupational safety and health consultation education and training (CET) grants, not less than \$40,000.00 shall be allocated to nonprofit organizations representing the aggregate industry in Michigan.

Sec. 350. In addition to the funds appropriated in part 1, 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. 351. It is the intent of the legislature that the SOAHR work with the center for civil justice to implement and maintain a system of public access to Medicaid, cash, emergency, and food assistance decisions and orders via the Internet.

Sec. 352. The department shall report by October 31, 2010, regarding the teacher tenure cases considered by the SOAHR. The department shall report the number of cases that have been filed and are waiting final disposition as of September 30, 2009 and September 30, 2010.

Sec. 360. The video franchise assessment fund is created within the state treasury and shall receive revenue as provided in the uniform video services local franchise act, 2006 PA 480, MCL 484.3301 to 484.3314. All interest and earnings of the fund may be retained by the fund per the direction of the state treasurer. Money in the fund at the close of the fiscal year may carry forward to the new fiscal year and be used as the first source of funds in the subsequent fiscal year.

Sec. 361. (1) The public service commission shall implement a process for the low-income energy efficiency fund grants that shall require an application deadline of May 1 and the award announcements on October 1 of each year.

(2) The public service commission shall report by November 1, 2009 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. 364. The appropriation in part 1 for agriculture economic development is for an interdepartmental grant to the Michigan department of agriculture to foster and promote growth in the food and agriculture sector. By September 30, 2010, the department and the department of agriculture shall report to the subcommittees, the fiscal agencies, and the state budget director on the use of these funds and how the funds facilitated further growth in the food and agriculture sector.

Sec. 366. It is the intent of the legislature that the metropolitan extension telecommunications rights-of-way oversight authority established in section 3 of the metropolitan extension telecommunications rights-of-way oversight act, 2002 PA 48, MCL 484.3103, be transferred to, and organized within, the public service commission.

Sec. 368. No later than March 1, 2010, the department shall submit a report to the state budget office, the fiscal agencies, and the subcommittees, providing expenditure and revenue data and statistical data on licensing and regulatory activities of the bureau of commercial services and the bureau of construction codes during the fiscal years ending September 30, 2008 and September 30, 2009. To the extent possible, the data required shall be reported for each individual occupation, trade, or industry regulated.

Sec. 370. Local units of government receiving liquor law enforcement grant funds in accordance with section 543 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1543, shall submit a report to the liquor control commission detailing the expenditures made by the local unit in enforcing the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303, and rules promulgated under that act. Local units shall also provide a report to the liquor control commission listing, for the local unit's most recently completed fiscal year, each liquor-related fee imposed by the local unit and the amount of revenue generated by each fee. Both reports required by this section shall be due to the liquor control commission not later than February 15, 2010.

Sec. 372. The Michigan tax tribunal shall work with interested stakeholders to recommend to the governor and the legislature a schedule of fees to be charged by the tribunal to sufficiently meet the expenses of the tribunal. The fee schedule recommended by the tribunal shall include, but not be limited to, filing fees for all cases heard before the entire tribunal and the small claims division. The tribunal shall submit a report to the state budget office, the fiscal agencies, and the subcommittees detailing the recommended fee schedule no later than January 15, 2010. The report shall also recommend the necessary statutory and administrative rule changes necessary to implement the recommended fee schedule. It is the intent of the legislature that the tribunal continue the processing of the rule, as that term is defined in section 5 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.205, relative to the fee schedule established in proposed administrative rules 2006-069 LG, in order to expeditiously implement a revised fee schedule in the fiscal year ending September 30, 2010. It is further the intent of the legislature that the recommended fee schedule be included as part of the executive budget recommendation for the fiscal year ending September 30, 2011.

OFFICE OF FINANCIAL AND INSURANCE REGULATION

Sec. 401. In addition to the funds appropriated in part 1, the funds collected by the office of financial and insurance regulation 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. 402. In addition to the funds appropriated in part 1, 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. 403. (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. 405. 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 regulation.

Sec. 406. The department shall not expend funds from the appropriations in part 1 for the office of financial and insurance regulation 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. This direction is given in accordance with OAG, 2009, No. 7,225 (February 27, 2009).

Sec. 407. The office of financial and insurance regulation shall make available on its Internet website in a timely manner copies of the quarterly and annual financial filings of health maintenance organizations.

HOUSING AND COMMUNITY DEVELOPMENT

Sec. 501. (1) From the funds appropriated in part 1 to the Michigan housing and community development fund, \$59,000.00 is hereby appropriated from the fund to the Michigan state housing development authority (MSHDA) for projects as described in sections 58c and 58d of the state housing development authority act of 1966, 1966 PA 346, MCL 125.1458c and 125.1458d.

(2) It is the intent of the legislature that not less than \$2,104,400.00 of available federal revenue from the American recovery and reinvestment act of 2009 and/or the national affordable housing trust fund shall be allocated for eligible purposes of the Michigan housing and community development fund and distributed according to sections 58c and 58d of the state housing development act of 1966, 1966 PA 346, MCL 125.1458c and 125.1458d.

(3) MSHDA shall report by May 1 to the subcommittees, fiscal agencies, and the state budget director on the status of the projects described in subsections (1) and (2), including the statewide allocation plan, number of applicants, amounts requested, description of projects, amounts awarded, number of housing units that have been or are projected to be created, and income levels of the households that have been or are projected to be served.

Sec. 502. MSHDA 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. 503. The department and MSHDA shall report to the subcommittees, the state budget director, and the fiscal agencies by December 1 on the status of the loans entered into by the Michigan broadband development authority.

Sec. 504. MSHDA shall provide a report to the subcommittees, the fiscal agencies, and the state budget director by December 1 on the cities of promise blight elimination program. The report shall include:

- (a) The amount awarded to each designated city.
- (b) A description of the projects in each designated city.
- (c) The amount of private or local funds that were used as match for these projects.

Sec. 510. 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. 511. In addition to the funds appropriated in part 1, the funds collected by state historic preservation programs for document reproduction and services and application fees are appropriated for all expenses necessary to provide the required services. These funds are available for expenditure when they are received and may be carried forward into the succeeding fiscal year.

MICHIGAN REHABILITATION SERVICES AND MICHIGAN COMMISSION FOR THE BLIND

Sec. 601. 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. 602. 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.

Sec. 603. The local match requirements for vocational rehabilitation facilities establishment grants shall not exceed 21.3% for the fiscal year ending September 30.

Sec. 604. 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 that are in compliance with federal standards for such centers, for technical assistance to centers, by existing sites to assist in serving underserved areas, 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 disability network and the local workforce development boards to identify other competitive sources of funding.

Sec. 610. (1) 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.

(2) Revenue collected by the Michigan commission for the blind and from private and local sources that is unexpended at the end of the fiscal year may carry forward to the subsequent fiscal year.

Sec. 611. The Michigan commission for the blind shall work collaboratively with service organizations and government entities to identify qualified match dollars to maximize use of available federal funds.

Sec. 612. 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. 613. In order to receive subregional state aid as appropriated in part 1, a regional or subregional library's fiscal agency shall agree to maintain local funding support at the same level in the current fiscal year as in the fiscal agency's preceding fiscal year. If a reduction in expenditures equally affects all agencies in a local unit of government that is the regional or subregional library's fiscal agency, that reduction shall not be interpreted as a reduction in local support and shall not disqualify a regional or subregional library from receiving state aid under part 1. If a reduction in income affects a library cooperative or district library that is a regional or subregional library's fiscal agency or a reduction in expenditures for the regional or subregional library's fiscal agency, a reduction in expenditures for the regional or subregional library shall not be interpreted as a reduction in local support and shall not disqualify a regional or subregional library from receiving state aid under part 1.

Sec. 614. The funds appropriated in part 1 for a regional or subregional library shall not be released until a budget for that regional or subregional library has been approved by the department for expenditures for library services directly serving the blind and persons with disabilities.

CAREER EDUCATION

Sec. 701. From the appropriations in part 1, 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. 704. (1) The department shall collaborate with the state board of education, the department of human services, and the department of community health, to extend the duration of the Michigan after-school partnership, and oversee its efforts to implement the policy recommendations and strategic next steps identified in the Michigan after-school initiative's report of December 15, 2003.

(2) From the funds appropriated in part 1, \$25,000.00 may be used to support the Michigan after-school partnership. Funds shall be used to leverage other private and public funding to engage the public and private sectors in building and sustaining high-quality out-of-school-time programs and resources. The cochairs, representing the department, the state board of education, the department of human services, and the department of community health shall name a fiduciary agent and may authorize the fiduciary to expend funds and hire people to accomplish the work of the Michigan after-school partnership.

(3) Participation in the Michigan after-school partnership shall be expanded beyond the membership of the initial Michigan after-school initiative to increase the representation of parents, youth, foundations, employers, and others with experience in education, child care, after-school and youth development services, and crime and violence prevention, and to include representation from the department. Each year, on or before December 31, the Michigan after-school partnership shall report its progress in reaching the recommendations set forth in the Michigan after-school initiative's report to the legislature and governor.

WORKFORCE DEVELOPMENT

Sec. 801. The department shall administer the jobs, education, and training program in accordance with the requirements of the social security act, title IV, section 407(d), the state social welfare act, 1939 PA 280, MCL 400.1 to 400.119b, and all other applicable laws and regulations.

Sec. 802. (1) Using all relevant state data sources, the department shall conduct a 3-year longitudinal study of all former work first and jobs, education, and training 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 he or she and his or her family are better off now than when he or she was 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. 803. (1) The department shall use all relevant data sources available to compile data on participants in the jobs, education, and training program. The report shall include the following:

(a) How many participants were enrolled in training.

(b) How many participants completed training.

(c) How many participants completed training and were employed as a result of that training.

(d) How many cases were closed.

(e) How many cases were referred to Michigan rehabilitation services.

(f) How many case referrals were opened for service by Michigan rehabilitation services.

(2) Data collection shall be for the period October 1, 2009 through September 30, 2010.

(3) The report shall be submitted by March 1 to the subcommittees and the fiscal agencies.

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

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

Sec. 804. Of the funds appropriated in part 1 for welfare to work programs, the department may utilize a portion of the temporary assistance for needy family funds for a statewide noncustodial parent program.

Sec. 810. 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, parents of public school pupils, and, at the board's discretion, representatives of organizations that provide school-based curriculum and youth programs focusing on entrepreneurship, work-readiness skills, and financial literacy.

Sec. 811. (1) The department shall make available, in person or by telephone, 1 disabled veterans outreach program specialist or local veterans employment representative to Michigan works! service centers, as resources permit, 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.

(3) The department shall require each Michigan works! service center to have an employee available to ask each individual who requires intensive services beyond core services, as defined by section 134 of the workforce investment act of 1998, 29 USC 2864, whether that individual is a veteran. The employee shall refer any veteran needing or requesting veterans services to the disabled veterans outreach program specialist or local veterans employment representative assigned to the center.

(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. 812. (1) In addition to the funds appropriated in part 1, any unencumbered and unrestricted federal workforce investment act or trade adjustment assistance funds available from prior fiscal years are appropriated for the purposes originally intended.

(2) The department shall report by January 15 to the subcommittees, the fiscal agencies, and the state budget office on the amount by fiscal year of federal workforce investment act funds appropriated under this section.

Sec. 813. Of the funds appropriated in part 1 for workforce training program subgrantees, \$200,000.00 shall be allocated for not more than 1 grant for the expansion of an existing innovative, employer lead, private/public workforce

development program. Grants may be used for program operating expenses such as staffing, rent, equipment, and other expenses. To be eligible for this grant funding, a program must meet the following criteria:

- (a) Focus on retaining low-wage workers receiving public assistance.
- (b) Meet or exceed 80% retention rate.
- (c) Include more than 1 employer.
- (d) Employer-sited department of human services caseworker.
- (e) Receive Federal TANF to pay for 50% of on-site caseworker.
- (f) Employer must contribute 50% of on-site department of human services worker costs.
- (g) Provide life skill and skills training toward advancing workers to mid-skill jobs.
- (h) Has regional impact across more than 3 counties.
- (i) Include strategic partnerships with counties, community colleges, and other nonprofits.

Sec. 814. It is the intent of the legislature that the department work with career alliance and other interested Michigan works! agencies to implement the career prep program developed pursuant to section 437 of 2007 PA 118.

Sec. 815. Local Michigan works! agencies may utilize a portion of the funds received under part 1 for services provided by local libraries that serve as access points, service centers, or local partners serving high-demand service areas or underserved areas.

Sec. 816. From the funds appropriated in part 1 in the line item for workforce training programs subgrantees, not less than \$5,860,200.00 of federal funds shall be allocated to Focus: HOPE.

Sec. 817. It is the intent of the legislature that a portion of the workforce investment act, statewide activities funds be allocated to support coordinated efforts between local Michigan works! agencies and police and sheriff departments to create programs that offer gang diversion activities and support services to at-risk youth in Wyoming, Benton Harbor, Saginaw, and Detroit.

Sec. 818. From the funds appropriated in part 1 for workforce training program subgrantees, \$150,000.00 may be allocated for not more than 1 grant for a job training and job preparation program that meets the following criteria:

- (a) Involves prospective employers as community partners.
- (b) Retrains displaced workers for health care industry jobs including pharmacy technician and medical coding in programs that require participants to complete at least 90 hours of field experience.
- (c) Provides training at either no cost to participants or at a cost to participants of not more than 25% of the per student cost of offering the training program.
- (d) Demonstrates a placement rate of 80% or more.

Sec. 820. By December 1, 2009, the department shall submit a report to the state budget director, the senate and house appropriations committees, and the fiscal agencies on the status of nursing education in Michigan. The report shall include, but is not limited to, the number of nursing degree programs offered at Michigan public and private nursing education institutions, the type of nursing degrees and certificates offered (practical nurse, associate, bachelor's, master's, doctoral), the number of Michigan board of nursing approved nursing seats for nursing students, the number and type of faculty needed to maintain and expand nursing education, and any barriers there may be to the employment of more nurses in the state of Michigan.

Sec. 821. (1) From the appropriation in part 1 for the Michigan nursing corps, grants shall be awarded to Michigan institutions of higher education consisting of public 4-year institutions, public 2-year institutions, independent colleges and universities, and tribally controlled community colleges with existing, accredited nursing baccalaureate or postgraduate education programs. The purpose of the grants is to prepare registered nurses and increase the number of nursing faculty. The department may also award grants on a cash or in-kind matching basis to licensed hospitals that agree to provide nurse educators and related clinical training to additional student nurses in partnership with institutions of higher education described in this subsection. Awards shall be made in a manner and form as determined by the department, in collaboration with the department of community health.

(2) One or more grants may be awarded to educational institutions for preparation of additional nurse faculty in programs that meet 1 or more of the following:

- (a) Preparation of master's-degreed nursing faculty in a nationally accredited, accelerated program. Grants for this program may include program tuition, a stipend for student living expenses, and other education-related costs.
- (b) Preparation of doctoral-degreed nursing faculty in an accelerated program within an existing, accredited doctor of philosophy in nursing program or doctorate of nursing practice program. Participants must be currently enrolled doctoral students who will be able to complete their doctoral degree program within 2 years. Grants for this program may include program tuition, a stipend for student living expenses, and other education-related costs.
- (c) Preparation of clinical instructors for nursing education programs. A common statewide curriculum will be developed by a consortium of the grantee institutions. The program shall include classroom instruction plus a practicum with students and patients. This program shall require collaborative agreements between nursing education programs and hospitals. It is expected that each graduate will provide clinical instruction for at least 1 cohort of nursing students per year.

(3) A program receiving a grant under subsection (2) shall provide that eligible participating students under subsection (2) are registered nurses willing to participate full-time in accredited programs and become employed in Michigan as nursing faculty or clinical instructors for a minimum number of years, as determined by the department of community health, upon completion of the program. The department of community health shall establish procedures for recovery of funds from students who do not remain employed in Michigan for the prescribed time period.

(4) One or more grants may be awarded for preparation of registered nurses in accredited, accelerated bachelor's in nursing programs. These programs shall be targeted toward Michigan workers who have been displaced from employment and who possess a bachelor's degree in a science-related area. Grants for this program may include program tuition, a stipend for student living expenses, and other education-related costs.

(5) Program management, data management, and evaluation for these projects shall be the responsibility of the department of community health, in collaboration with the department.

(6) The department and the department of community health shall work to increase the amount of federal funds for nurse education available to the state, eligible grantees described in subsection (1), and nursing students.

(7) The funds appropriated in part 1 for the Michigan nursing corps are designated as work project appropriations and shall not lapse at the end of the fiscal year. Any unencumbered and unexpended funds shall continue to be available for the expenditure of grants until the project has been completed. The total cost of the work project is estimated at \$300,000.00 and the tentative completion date is September 30, 2011.

Sec. 830. (1) Of the funds appropriated in part 1 for the workforce training programs subgrantees, the department shall provide a report by December 15, 2010 to the house and senate chairs of the subcommittees, the state budget director, and the fiscal agencies on the status of the no-worker-left-behind program. The report shall include the following:

(a) The amount of funding allocated to each Michigan works! agency and the total funding allocated to the no-worker-left-behind program statewide by fund source.

(b) The number of participants enrolled in the program by each Michigan works! agency.

(c) The average duration of training for program participants by each Michigan works! agency.

(d) The number of participants enrolled in remedial education programs and the number of participants enrolled in literacy programs.

(e) The number of participants enrolled in programs at 2-year institutions.

(f) The number of participants enrolled in 4-year institutions.

(g) The number of participants enrolled in proprietary schools or other technical training programs.

(h) The number of participants that have completed education or training programs.

(i) The number of participants who secured employment in Michigan within 1 year of completing a no-worker-left-behind training program.

(j) The number of participants who completed a no-worker-left-behind training program and secured employment in a field related to their training.

(k) The average wage earned by participants who completed a no-worker-left-behind training program and secured employment within 1 year.

(2) Data collection for the report shall be for the period October 1, 2009 through September 30, 2010.

Sec. 831. (1) The general fund/general purpose revenue appropriated in part 1 for workforce training programs subgrantees shall be used for the no-worker-left-behind program, to be allocated for the following purposes as determined by the department:

(a) To provide adult basic education, remedial education, or other training for individuals not ready for postsecondary education, in order to prepare these individuals for postsecondary training and new careers.

(b) To increase the capacity of community colleges and other public associate's degree-granting institutions in this state to provide education and training to individuals receiving assistance under the program. Funding shall be provided to these educational institutions based on a competitive bidding process. The department shall establish criteria for awarding grants pursuant to a competitive bidding process.

(c) To provide individuals with direct training in in-demand occupations, as determined by local workforce investment boards. These funds shall be distributed to local Michigan works! agencies based on demonstrated need. In distributing these funds, the department shall ensure funds are used for individuals who are ready for training in in-demand occupations and for whom training slots are available. The Michigan works! agencies may prioritize the training programs provided under this subdivision that are accessible by persons displaced from manufacturing and related automobile industry jobs. Any Michigan works! agency receiving these funds shall reserve a portion, or otherwise assure that it has sufficient resources, to pay for the full course of approved training for each individual served.

(2) No later than March 1, the department shall submit a report to the senate and house of representatives standing committees on appropriations, the fiscal agencies, and the state budget office on the distribution of the \$4,500,000.00 general fund/general purpose appropriation. The report shall include:

(a) The total amount distributed under subsection (1)(a) and (c) by Michigan works! agency.

(b) The total amount distributed under subsection (1)(b) by community colleges.

(c) The balance remaining in the work project account.

(3) The \$4,500,000.00 general fund/general purpose revenue appropriated in part 1 for the no-worker-left-behind program is designated as work project appropriations and shall not lapse at the end of the fiscal year. Any unencumbered and unexpended funds shall continue to be available for expenditure until September 30, 2011.

Sec. 832. The department shall ensure that school districts and career preparation programs operated by school districts are eligible education providers under the no-worker-left-behind program and programs funded by the federal workforce investment act.

Second: 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 energy, labor, and economic growth and certain other state purposes for the fiscal year ending September 30, 2010; 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.

Mark Jansen
Thomas M. George
Conferees for the Senate

Richard Hammel
Jon Switalski
Bill Rogers
Conferees for the House

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

Rep. Angerer moved pursuant to Joint Rule 9, that the Journal printing requirement be suspended, printed copies of the conference report having been made available to each Member.

The motion prevailed.

The question being on the adoption of the conference report,

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

Roll Call No. 454

Yeas—94

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

Nays—14

Barnett
Byrnes
Geiss
Haase

Jackson
Liss
Meadows
Nathan

Neumann
Scott, B.
Sheltrown

Smith
Warren
Young

In The Chair: Byrnes

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

“Mr. Speaker and members of the House:

I voted against senate bill 243 for two reasons: First of all, senate bill 243 is unconstitutional because according to section 24 Article 4 a law cannot embrace more than one subject and SB 243 clearly does that. The fact that a provision to prohibit OFIR from stopping insurance companies from using credit scoring to determine the rates of their premiums has no business in the DLEG budget and is a violation of our oath of office.

Finally, SB 243 with this credit scoring provision is a sinister and violent assault on the citizens of the 4th district (Detroit) which I represent. In an area where on average Detroiters pay \$5000 a year in auto insurance your rates should be determined on your driving record not your credit score. The only way in which Detroit will travel on the road of renaissance is to break free from the bondage of excessive auto insurance rates and strive forward towards economic splendor and social glory.”

Senate Bill No. 249, entitled

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2010; 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 state and local departments, officials, and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

The Senate has adopted the report of the Committee of Conference.

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. 249, entitled

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2010; 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 state and local departments, officials, and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

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 judicial branch for the fiscal year ending September 30, 2010; 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 state and local departments, officials, and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. Subject to the conditions set forth in this act, the amounts listed in this part are appropriated for the judicial branch for the fiscal year ending September 30, 2010, from the funds indicated in this part. The following is a summary of the appropriations in this part:

JUDICIARY

APPROPRIATION SUMMARY:

Full-time equated exempted positions	491.0	
GROSS APPROPRIATION		\$ 258,762,300

	For Fiscal Year Ending Sept. 30, 2010
Interdepartmental grant revenues:	
Total interdepartmental grants and intradepartmental transfers	3,553,500
ADJUSTED GROSS APPROPRIATION	\$ 255,208,800
Federal revenues:	
Total federal revenues.....	5,126,500
Special revenue funds:	
Total local revenues.....	6,149,300
Total private revenues.....	842,500
Total other state restricted revenues.....	89,957,700
State general fund/general purpose	\$ 153,132,800
Sec. 102. SUPREME COURT	
Full-time equated exempted positions	243.0
Supreme court administration—97.0 FTE positions	\$ 10,548,400
Judicial institute—13.0 FTE positions	2,554,500
State court administrative office—60.0 FTE positions	11,009,200
Judicial information systems—22.0 FTE positions.....	3,092,100
Direct trial court automation support—36.0 FTE positions.....	6,149,300
Foster care review board—12.0 FTE positions	1,235,000
Community dispute resolution—3.0 FTE positions	2,300,400
Other federal grants.....	275,000
Drug treatment courts.....	5,132,900
Juvenile training pilot project.....	100
GROSS APPROPRIATION	\$ 42,296,900
Appropriated from:	
Interdepartmental grant revenues:	
IDG from department of community health.....	1,800,000
IDG from department of corrections.....	1,030,000
IDG from state police - Michigan justice training fund.....	300,000
Federal revenues:	
DOJ, victims assistance programs.....	50,000
DOJ, drug court training and evaluation	300,000
DOT, national highway traffic safety administration	1,300,000
HHS, access and visitation grant.....	387,000
HHS, children’s justice grant	206,300
HHS, court improvement project.....	1,160,000
HHS, title IV-D child support program.....	907,700
HHS, title IV-E foster care program	540,400
Other federal grant revenues	275,100
Special revenue funds:	
Local - user fees.....	6,149,300
Private.....	169,000
Private - interest on lawyers trust accounts.....	232,700
Private - state justice institute	370,800
Community dispute resolution fund	2,300,400
Law exam fees.....	536,200
Drug court fund.....	1,920,500
Miscellaneous revenue.....	227,900
Justice system fund.....	700,000
State court fund	339,000
State general fund/general purpose	\$ 21,094,600
Sec. 103. COURT OF APPEALS	
Full-time equated exempted positions	190.0
Court of appeals operations—190.0 FTE positions	\$ 18,414,300
GROSS APPROPRIATION	\$ 18,414,300

For Fiscal Year
Ending Sept. 30,
2010

Appropriated from:	
Special revenue funds:	
Court filing/motion fees	1,958,500
Miscellaneous revenue.....	77,800
State general fund/general purpose	\$ 16,378,000
Sec. 104. BRANCHWIDE APPROPRIATIONS	
Full-time equated exempted positions	4.0
Branchwide appropriations—4.0 FTE positions.....	\$ 8,039,400
GROSS APPROPRIATION	\$ 8,039,400
Appropriated from:	
State general fund/general purpose	\$ 8,039,400
Sec. 105. JUSTICES' AND JUDGES' COMPENSATION	
Full-time judges positions	617.0
Supreme court justices' salaries—7.0 justices	\$ 1,152,300
Court of appeals judges' salaries—28.0 judges	4,240,300
District court judges' state base salaries—258.0 judges	23,877,200
District court judicial salary standardization.....	11,796,800
Probate court judges' state base salaries—103.0 judges.....	9,627,900
Probate court judicial salary standardization.....	4,669,700
Circuit court judges' state base salaries—221.0 judges	20,817,200
Circuit court judicial salary standardization.....	10,105,000
Judges' retirement system defined contributions	3,781,000
OASI, social security.....	5,468,400
GROSS APPROPRIATION	\$ 95,535,800
Appropriated from:	
Special revenue funds:	
Court fee fund	7,090,200
State general fund/general purpose	\$ 88,445,600
Sec. 106. JUDICIAL AGENCIES	
Full-time equated exempted positions	7.0
Judicial tenure commission—7.0 FTE positions.....	\$ 969,700
GROSS APPROPRIATION	\$ 969,700
Appropriated from:	
State general fund/general purpose	\$ 969,700
Sec. 107. INDIGENT DEFENSE - CRIMINAL	
Full-time equated exempted positions	47.0
Appellate public defender program—39.0 FTE positions.....	\$ 4,900,500
Appellate assigned counsel administration—8.0 FTE positions	908,800
GROSS APPROPRIATION	\$ 5,809,300
Appropriated from:	
Interdepartmental grant revenues:	
IDG from state police - Michigan justice training fund.....	423,500
Special revenue funds:	
Private - interest on lawyers trust accounts.....	70,000
Miscellaneous revenue.....	113,100
State general fund/general purpose	\$ 5,202,700
Sec. 108. INDIGENT CIVIL LEGAL ASSISTANCE	
Indigent civil legal assistance.....	\$ 7,937,000
GROSS APPROPRIATION	\$ 7,937,000
Appropriated from:	
Special revenue funds:	
State court fund	7,937,000
State general fund/general purpose	\$ 0
Sec. 109. TRIAL COURT OPERATIONS	
Court equity fund reimbursements	\$ 64,794,900
Judicial technology improvement fund	4,815,000
GROSS APPROPRIATION	\$ 69,609,900

For Fiscal Year
Ending Sept. 30,
2010

Appropriated from:	
Special revenue funds:	
Court equity fund	50,440,000
Judicial technology improvement fund	4,815,000
State general fund/general purpose	\$ 14,354,900
Sec. 110. GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT	
Drug case-flow program	\$ 250,000
Drunk driving case-flow program	3,300,000
Juror compensation fund transfer to general fund.....	0
Juror compensation reimbursement	6,600,000
GROSS APPROPRIATION	\$ 10,150,000
Appropriated from:	
Special revenue funds:	
Drug fund	250,000
Drunk driving fund.....	3,300,000
Juror compensation fund	7,952,100
State general fund/general purpose	\$ (1,352,100)

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 2009-2010 is \$243,090,500.00 and state spending from state resources to be paid to local units of government for fiscal year 2009-2010 is \$122,213,500.00. The itemized statement below identifies appropriations from which spending to local units of government will occur:

JUDICIARY

SUPREME COURT

State court administrative office.....	\$ 511,900
Drug treatment courts.....	4,832,900

TRIAL COURT OPERATIONS

Court equity fund reimbursements	\$ 64,794,800
Judicial technology improvement fund	4,815,000

JUSTICES' AND JUDGES' COMPENSATION

District court judicial salary standardization.....	\$ 11,796,800
Probate court judges' state base salaries	9,627,900
Probate court judicial salary standardization.....	4,669,700
Circuit court judicial salary standardization.....	10,105,000
Grant to OASI contribution fund, employers share, social security	909,500

GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT

Drunk driving case-flow program	\$ 3,300,000
Drug case-flow program.....	250,000
Juror compensation reimbursement	6,600,000
TOTAL.....	\$ 122,213,500

Sec. 202. (1) The appropriations authorized under this act are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

(2) Funds appropriated in part 1 to an entity within the judicial branch shall not be expended or transferred to another account without written approval of the authorized agent of the judicial entity. If the authorized agent of the judicial entity notifies the state budget director of its approval of an expenditure or transfer, the state budget director shall immediately make the expenditure or transfer. The authorized judicial entity agent shall be designated by the chief justice of the supreme court.

Sec. 203. As used in this act:

- (a) "DOJ" means the United States department of justice.
- (b) "DOT" means the United States department of transportation.
- (c) "FTE" means full-time equated.
- (d) "HHS" means the United States department of health and human services.
- (e) "IDG" means interdepartmental grant.
- (f) "OASI" means old age survivor's insurance.

Sec. 204. The judicial branch shall not take disciplinary action against an employee for communicating with a member of the legislature or his or her staff.

Sec. 208. The reporting requirements of this act shall be completed with the approval of, and at the direction of, the supreme court. The judicial branch shall use the Internet to fulfill the reporting requirements of this act. This may include transmission of reports via electronic mail to the recipients identified for each reporting requirement, or it may include placement of reports on an Internet or Intranet site.

Sec. 212. As a condition of expending appropriations made under part 1, the judicial branch shall receive and retain copies of all reports funded from appropriations in part 1 and shall follow federal and state guidelines for short-term and long-term retention of such reports and records.

Sec. 214. 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 shall be given to goods or services, or both, manufactured or provided by Michigan businesses, if they are competitively priced and of comparable quality. In addition, preference shall be given to goods or services, or both, that are manufactured or provided by Michigan businesses owned and operated by veterans, if they are competitively priced and of comparable quality.

Sec. 215. (1) Due to the current budgetary problems in this state, out-of-state travel for the fiscal year ending September 30, 2009 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 chief justice or his or her designee may grant an exception to allow the travel. Any exceptions granted by the chief justice or his or her designee shall be reported on a monthly basis to the senate and house of representatives standing committees on appropriations.

(3) Not later than January 1 of each year, the state court administrative office shall prepare a travel report listing all travel by judicial branch employees outside this state in the immediately preceding fiscal year that was funded in whole or in part with funds appropriated in the budget for the judicial branch. The report shall be submitted to the senate and house of representatives standing committees on appropriations, the senate and house 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. 216. (1) The judicial branch shall report no later than April 1, 2010 on each specific policy change made to implement a public act affecting the judicial branch that took effect during the prior calendar year to the house and senate appropriations subcommittees on the judicial branch budget, the joint committee on administrative rules, and the senate and house fiscal agencies.

(2) Funds appropriated in part 1 shall not be used by the judicial branch to adopt a rule that will apply to a small business and that will have a disproportionate economic impact on small businesses because of the size of those businesses if the judicial branch fails to reduce the disproportionate economic impact of the rule on small businesses as provided under section 40 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.240.

(3) As used in this section:

(a) "Rule" means that term as defined under section 7 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.207.

(b) "Small business" means that term as defined under section 7a of the administrative procedures act of 1969, 1969 PA 306, MCL 24.207a.

Sec. 218. The judicial branch shall not approve the travel of more than 1 judicial employee to a specific professional development conference or training seminar that is located outside of this state unless a professional development

conference or training seminar is funded by a federal or private funding source and requires more than 1 person from the judicial branch to attend, or the conference or training seminar includes multiple issues in which 1 employee from the judicial branch does not have expertise.

Sec. 219. Not later than September 30, 2010, the judiciary shall prepare and transmit a report that provides for estimates of the total general fund/general purpose appropriation lapses at the close of the fiscal year. This report shall summarize the projected year-end general fund/general purpose appropriation lapses by major program or program areas. The report shall be transmitted to the office of the state budget, the chairpersons of the senate and house appropriations committees, and the senate and house fiscal agencies.

Sec. 220. It is the intent of the legislature that the supreme court retain its satellite offices.

Sec. 221. From the funds appropriated in part 1, the judicial branch shall use an amount not to exceed \$10,000.00 to develop, post, and maintain, on a publicly accessible Internet site, all expenditures made by the judicial branch within a fiscal year. The posting must include the purpose for which each expenditure is made. The judicial branch shall not be required to hire additional employees to comply with this section.

JUDICIAL BRANCH

Sec. 301. (1) The direct trial court automation support program of the state court administrative office shall recover direct and overhead costs from trial courts by charging for services rendered. The fee shall cover the actual costs incurred to the direct trial court automation support program in providing the service, including development of future versions of case management systems. A report of amounts collected in excess of funds identified as user service charges in part 1 shall be submitted to the state budget director and to the house and senate appropriations subcommittees on judiciary 30 days before expenditure by the direct trial court automation support program.

(2) From funds appropriated in part 1, the direct trial court automation support program of the state court administrative office shall provide to the state budget director, the senate and house appropriations committees, and the senate and house fiscal agencies before January 1 of each year a detailed list of user service charges collected during the immediately preceding state fiscal year.

Sec. 302. Funds appropriated within the judicial branch shall not be expended by any component within the judicial branch without the approval of the supreme court.

Sec. 303. Of the amount appropriated in part 1 for the judicial branch, \$325,000.00 is allocated for circuit court reimbursement under section 3 of 1978 PA 16, MCL 800.453, and \$186,900.00 is allocated for court of claims reimbursement under section 6413 of the revised judicature act of 1961, 1961 PA 236, MCL 600.6413.

Sec. 304. As a condition of expending appropriations made under part 1, the judicial branch shall cooperate with the auditor general regarding audits of the judicial branch conducted under section 53 of article IV of the state constitution of 1963.

Sec. 305. As a condition of expending appropriations made under part 1, and to avoid the overexpenditure of funds appropriated under this act, the supreme court shall report quarterly to members of the senate and house appropriations subcommittees on the judiciary, the senate and house fiscal agencies, and the state budget director on the status of accounts set forth in part 1. The report required by this section shall include quarterly, year-to-date, and projected expenditures by funding source for each line item, and beginning balances and quarterly, year-to-date, and projected revenues for each source of revenue other than general fund/general purpose revenues.

Sec. 306. The supreme court and the state court administrative office shall continue to maintain, as a priority, the assisting of local trial courts in improving the collection of judgments.

Sec. 308. If sufficient funds are not available from the court fee fund to pay judges' compensation, the difference between the appropriated amount from that fund for judges' compensation and the actual amount available after the amount appropriated for trial court reimbursement is made shall be appropriated from the state general fund for judges' compensation.

Sec. 309. By April 1, 2010, the state court administrative office shall provide an update on the status of the pilot mental health courts to the state budget director, the senate and house appropriations subcommittees on the judiciary, and the senate and house fiscal agencies.

Sec. 310. From the funds appropriated in part 1 for drug treatment court programs, with the approval of and at the discretion of the supreme court, the state court administrative office shall evaluate and collect data on the performance of drug treatment court programs. The state court administrative office shall provide an annual review of the performance of drug courts as prescribed in section 1078(6) of the revised judicature act of 1961, 1961 PA 236, MCL 600.1078. All of the following apply to that annual review:

(a) It shall include measures of the impact of drug court programs in changing offender criminal involvement (recidivism) and substance abuse and in reducing prison admissions.

(b) It shall be completed no later than April 1 of each year and shall also be provided to the senate and house appropriations subcommittees on the judiciary, the senate and house fiscal agencies, and the state budget director.

(c) The evaluation of a program funded with federal Byrne funds shall be consistent with the requirements contained in the federal Byrne grant for that program.

Sec. 311. (1) The funds appropriated in part 1 for drug treatment courts shall be administered by the state court administrative office to operate drug treatment court programs. A drug treatment court shall be responsible for handling cases involving substance abusing nonviolent offenders through comprehensive supervision, testing, treatment services, and immediate sanctions and incentives. A drug treatment court shall use all available county and state personnel involved in the disposition of cases including, but not limited to, parole and probation agents, prosecuting attorneys, defense attorneys, and community corrections providers. The funds may be used in connection with other federal, state, and local funding sources.

(2) From the funds appropriated in part 1, the chief justice shall allocate sufficient funds for the judicial institute to provide in-state training for those identified in subsection (1), including training for new drug treatment court judges.

(3) For drug treatment court grants, consideration for priority may be given to those courts where higher instances of substance abuse cases are filed.

(4) The judiciary shall receive \$1,800,000.00 in Byrne formula grant funding as an interdepartmental grant from the department of community health to be used for expansion of drug treatment courts, to assist in avoiding prison bed space growth for nonviolent offenders in collaboration with the department of corrections.

Sec. 312. From the funds appropriated in part 1, the state court administrator shall produce a statistical report regarding the implementation of the parental rights restoration act, 1990 PA 211, MCL 722.901 to 722.908, as it pertains to minors seeking a court-issued waiver of parental consent. The state court administrative office shall report the total number of petitions filed and the total number of petitions granted in accordance with section 208.

Sec. 314. The legislature requests that the state court administrative office conduct a survey of trial courts in order to determine best practices for standardized risk assessment and submit a report to the state budget director, the senate and house appropriations subcommittees on the judiciary, and the senate and house fiscal agencies by April 1. The state court administrative office is encouraged to explore existing tools and established benchmarks that could be utilized in addressing the criminogenic needs of the local community.

Sec. 317. Funds appropriated in part 1 shall not be used for the permanent assignment of state-owned vehicles to justices or judges or any other judicial branch employee. This section does not preclude the use of state-owned motor pool vehicles for state business in accordance with approved guidelines.

Sec. 318. (1) The judiciary shall receive \$980,000.00 as an interdepartmental grant from the department of corrections. The funds shall be utilized by the state court administrative office to administer a pilot program to target high-risk offenders through assessment, treatment, and accountability, with the goal of reducing future criminal behavior. All funds shall be spent on fulfilling the requirements of this section and treatment, monitoring, and testing of offenders in the pilot program administered by the state court administrative office.

(2) The pilot program shall adhere to the following criteria:

(a) A minimum of 3 pilot sites shall be selected by the state court administrative office, at least 1 to be located in a major metropolitan area.

(b) The pilot programs shall incorporate the principles and practices of problem-solving courts developed by the national association of drug court professionals, and they shall operate pursuant to a written memorandum of understanding developed by the stakeholders in the jurisdiction.

(c) Each pilot court team shall include, at a minimum, a district and circuit judge, prosecutor, defense lawyer, treatment provider, circuit court probation officer, district court probation officer, community corrections representative, community mental health representative, court administration, and community representative.

(d) Before being enrolled in the pilot program, each participant shall be administered a comprehensive and valid risk and needs assessment. The assessment shall measure criminogenic and psychosocial factors to determine which participants are at significant risk of/for committing further crimes and are in need of services.

(e) The pilot projects shall employ evidence-based practices to develop a treatment plan in response to the assessment results.

(f) Each pilot project shall employ a case manager whose duties shall include referral and linkage to community resources, monitoring treatment plan requirements, data reporting, and other responsibilities as assigned.

(3) The Michigan judicial institute shall provide appropriate training for all personnel involved in the pilot program.

(4) The state court administrative office shall conduct a process and outcome evaluation and a cost-benefit analysis of the pilot programs and shall submit that analysis to the senate and house appropriations subcommittees on the judiciary, the senate and house fiscal agencies, and the state budget director by September 30, 2010.

Sec. 319. (1) The funds appropriated in part 1 for the juvenile training pilot project shall be used for the purpose of training criminal defense attorneys who accept court-appointed cases concerning juvenile delinquency, abuse, neglect, and protective services. The judiciary shall contract with the state appellate defender office's criminal defense resource center, which provides training to court-assigned criminal defense attorneys at trial and appellate levels.

(2) Training shall include, but not be limited to, identification of potential trainees, collection of information about the services they provide to court-assigned clients, collection of resources for web access, hosting of direct training events, creation of new resources including practice manuals, and creation of a training network.

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

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2010; 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 state and local departments, officials, and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

Alan L. Cropsey
Roger Kahn
Liz Brater
Conferees for the Senate

Rashida Tlaib
Terry Brown
Tonya Schuitmaker
Conferees for the House

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

Rep. Angerer moved pursuant to Joint Rule 9, that the Journal printing requirement be suspended, printed copies of the conference report having been made available to each Member.

The motion prevailed.

The question being on the adoption of the conference report,

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

Roll Call No. 455

Yeas—107

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

Nays—1

Young

In The Chair: Byrnes

Senate Bill No. 250, entitled

A bill to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 2010; 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 Senate has adopted the report of the Committee of Conference.

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. 250, entitled

A bill to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 2010; 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.

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 military and veterans affairs for the fiscal year ending September 30, 2010; 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 PEOPLE OF THE STATE OF MICHIGAN ENACT:

PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. Subject to the conditions set forth in this act, the amounts listed in this part are appropriated for the department of military and veterans affairs for the fiscal year ending September 30, 2010, from the funds indicated in this part. The following is a summary of the appropriations in this part:

DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

APPROPRIATION SUMMARY:

Full-time equated unclassified positions.....	7.0	
Full-time equated classified positions	985.0	
GROSS APPROPRIATION		\$ 146,149,800
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers		1,686,500
ADJUSTED GROSS APPROPRIATION		\$ 144,463,300
Federal revenues:		
Total federal revenues.....		77,347,300
Special revenue funds:		
Total local revenues.....		1,295,100
Total private revenues.....		1,471,200
Total other state restricted revenues		27,924,200
State general fund/general purpose		\$ 36,425,500

Sec. 102. HEADQUARTERS AND ARMORIES

Full-time equated unclassified positions.....	7.0	
Full-time equated classified positions	125.0	
Headquarters and armories—85.0 FTE positions.....		\$ 10,959,700
Unclassified military personnel		665,000
Military appeals tribunal		900
Michigan emergency volunteers		5,000
State active duty		100,100
Challenge program—40.0 FTE positions		4,737,000
Homeland security.....		1,000,000
Military family relief fund		600,000
GROSS APPROPRIATION		\$ 18,067,700

	For Fiscal Year Ending Sept. 30, 2010
Appropriated from:	
IDG, challenge grant	262,100
IDG, community health	100,000
IDG, state police.....	900,000
IDG, human services	424,400
Federal revenues:	
DOD-DOA-NGB	5,747,200
Special revenue funds:	
Local-school aid fund.....	1,295,100
Rental fees	346,400
Mackinac Bridge authority	70,000
Private donations	826,800
Military family relief fund	600,000
Private-parent pay revenue	104,400
State general fund/general purpose	\$ 7,391,300
Sec. 103. MILITARY TRAINING SITES AND SUPPORT FACILITIES	
Full-time equated classified positions	181.0
Military training sites and support facilities—181.0 FTE positions	\$ 24,482,600
Military training sites and support facilities test projects	100,000
GROSS APPROPRIATION	\$ 24,582,600
Appropriated from:	
Federal revenues:	
DOD-DOA-NGB	23,139,400
Special revenue funds:	
Test project fees.....	100,000
State general fund/general purpose	\$ 1,343,200
Sec. 104. DEPARTMENTWIDE APPROPRIATIONS	
Departmentwide accounts.....	\$ 1,946,500
Special maintenance - state	651,200
Special maintenance - federal	5,300,000
Military retirement	3,407,800
Counter narcotic operations.....	50,000
Starbase grant	2,322,000
GROSS APPROPRIATION	\$ 13,677,500
Appropriated from:	
Federal revenues:	
DOD-DOA-NGB	9,288,100
Federal counternarcotic revenues	50,000
State general fund/general purpose	\$ 4,339,400
Sec. 105. VETERANS ADVICE, ADVOCACY AND ASSISTANCE	
American legion	\$ 339,800
Disabled American veterans	280,800
Marine corps league	129,000
American veterans of World War II and Korea.....	178,100
Veterans of foreign wars.....	339,800
Michigan paralyzed veterans of America.....	63,500
Purple heart	60,500
Polish legion of American veterans.....	15,800
Jewish veterans of America.....	15,800
State of Michigan council - Vietnam veterans of America.....	61,100
Catholic war veterans	15,800
Veterans advice, advocacy and assistance grants for 4-1-10 to 9-30-10.....	1,529,600
GROSS APPROPRIATION	\$ 3,029,600
Appropriated from:	
State general fund/general purpose	\$ 3,029,600

For Fiscal Year
Ending Sept. 30,
2010

Sec. 106. GRAND RAPIDS VETERANS' HOME

Full-time equated classified positions	513.0	
Grand Rapids veterans' home—513.0 FTE positions		\$ 48,767,300
Board of managers		665,000
GROSS APPROPRIATION		\$ <u>49,432,300</u>

Appropriated from:

Federal revenues:

DVA-VHA		15,862,600
HHS, Medicaid		157,300
HHS, Medicare		2,452,700

Special revenue funds:

Private - veterans' home post and posthumous funds		415,000
Income and assessments		15,304,700
Military family relief fund		250,000
Lease revenue		12,200
State general fund/general purpose		\$ 14,977,800

Sec. 107. D.J. JACOBETTI VETERANS' HOME

Full-time equated classified positions	158.0	
D.J. Jacobetti veterans' home—158.0 FTE positions		\$ 15,656,100
Board of managers		275,000
GROSS APPROPRIATION		\$ <u>15,931,100</u>

Appropriated from:

Federal revenues:

DVA-VHA		4,604,400
HHS, Medicare		562,400
HHS, Medicaid		10,300

Special revenue funds:

Private - veterans' home post and posthumous funds		125,000
Military family relief fund		150,000
Income and assessments		5,741,100
State general fund/general purpose		\$ 4,737,900

Sec. 108. VETERANS' AFFAIRS DIRECTORATE

Full-time equated classified positions	8.0	
Veterans' affairs directorate administration—2.0 FTE positions		\$ 276,700
Veterans' trust fund administration—6.0 FTE positions		1,251,500
Veterans' trust fund grants		3,746,500
GROSS APPROPRIATION		\$ <u>5,274,700</u>

Appropriated from:

Special revenue funds:

Michigan veterans' trust fund.....		4,998,000
State general fund/general purpose		\$ 276,700

Sec. 109. INFORMATION TECHNOLOGY

Information technology services and projects		\$ 1,154,300
GROSS APPROPRIATION		\$ <u>1,154,300</u>

Appropriated from:

Federal revenues:

DOD-DOA-NGB		123,900
DVA-VHA		339,000
HHS, Medicare		10,000

Special revenue funds:

Income and assessments		351,800
State general fund/general purpose		\$ 329,600

Sec. 110. CAPITAL OUTLAY

Special maintenance, remodeling and additions.....		\$ 15,000,000
GROSS APPROPRIATION		\$ <u>15,000,000</u>

	For Fiscal Year Ending Sept. 30, 2010
Appropriated from:	
Federal revenues:	
DOD-DOA-NGB	15,000,000
Special revenue funds:	
State general fund/general purpose	\$ 0

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 2009-2010 is \$64,349,700.00 and state spending from state resources to be paid to local units of government for fiscal year 2009-2010 is \$120,000.00. The itemized statement below identifies appropriations from which spending to local units of government will occur:

DEPARTMENT OF MILITARY AND VETERANS AFFAIRS
MILITARY TRAINING SITES AND SUPPORT FACILITIES

Payments in lieu of taxes	\$ 70,000
MICHIGAN VETERANS' TRUST FUND	
County counselor education and training expenses.....	\$ 50,000
TOTAL	\$ 120,000

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 act:

- (a) "Department" means the department of military and veterans affairs.
- (b) "Director" means the director of the department of military and veterans affairs.
- (c) "DOD" means the United States department of defense.
- (d) "DOD-DOA-NGB" means the DOD department of the army, national guard bureau.
- (e) "DVA" means the United States department of veterans' affairs.
- (f) "DVA-VHA" means the DVA veterans' health administration.
- (g) "FTE" means full-time equated.
- (h) "HHS" means the United States department of health and human services.
- (i) "IDG" means interdepartmental grant.
- (j) "Large veterans service organization" means a VSO that can certify that its membership exceeds 30,000 individuals.
- (k) "Medium veterans service organization" means a VSO that can certify that its membership is between 2,500 and 30,000 individuals.
- (l) "Small veterans service organization" means a VSO that can certify that its membership is between 1,000 and 2,499 individuals.
- (m) "VSO" means veterans service organization.

Sec. 204. The department of civil service shall bill the 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.

(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, causes loss of revenue to the state, would 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 quarter and the reasons to justify the exception.

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 an 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. In addition, preference should be given to goods or services, or both, that are manufactured or provided by Michigan businesses owned and operated by veterans, if they are competitively priced and of comparable quality.

Sec. 210. The director of each department receiving appropriations in part 1 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. Each 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 departments and agencies receiving appropriations in part 1 shall receive and retain copies of all reports funded from appropriations in part 1. The department shall follow all federal guidelines and state laws regarding short-term and long-term retention of records.

Sec. 213. The department shall consult with the house and senate appropriations subcommittees on military and veterans affairs regarding the projected closing or consolidation of any national guard armories.

Sec. 214. It is the intent of the legislature that, should the necessary legislation be enacted and funding become available, funds be appropriated for state military cemeteries in Crawford and Dickinson counties.

Sec. 221. From the funds appropriated in part 1 for information technology, departments and agencies shall pay user fees to the department of information technology for technology-related services and projects. These user fees shall be subject to provisions of an interagency agreement between the departments and agencies and the department of information technology.

Sec. 223. 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. 225. (1) Due to the current budgetary problems in this state, out-of-state travel for the fiscal year ending September 30, 2010 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 senate and house of representatives standing committees on appropriations.

(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 senate and house of representatives standing committees on appropriations, the senate and house 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. 226. The department shall not take disciplinary action against an employee for communicating with a member of the legislature or his or her staff.

Sec. 227. Sixty days prior to the public announcement of the intention to sell any department property, the department shall submit notification of that intent to the appropriate senate and house appropriations subcommittees and the senate and house fiscal agencies.

Sec. 228. Funds appropriated in part 1 shall not be used by a principal executive department, state agency, or authority to hire a person to provide legal services that are the responsibility of the attorney general. This prohibition does not apply to legal services for bonding activities and for those activities that the attorney general authorizes.

Sec. 232. (1) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$10,000,000.00 for federal contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(2) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$2,000,000.00 for state restricted contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(3) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$100,000.00 for local contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(4) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$100,000.00 for private contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

Sec. 233. Not later than September 30, 2010, the department shall prepare and transmit a report that provides for estimates of the total general fund/general purpose appropriation lapses at the close of the fiscal year. This report shall summarize the projected year-end general fund/general purpose appropriation lapses by major departmental program or program areas. The report shall be transmitted to the office of the state budget, the chairpersons of the senate and house appropriations committees, and the senate and house fiscal agencies.

Sec. 234. Any fiscal year 2009-2010 unused general fund/general purpose funds identified by the department of military and veterans affairs as lapsed funds shall be transferred to the appropriation for special maintenance-state in part 1 and shall be used for the repair and maintenance of state-owned armories.

Sec. 235. The department of military and veterans affairs shall seek partnerships with United States armed forces reserve units for the colocation of activities, including sharing in the acquisition and costs for facilities.

HEADQUARTERS AND ARMORIES

Sec. 301. The department may charge reasonable rental and equipment usage fees for renting an armory or using the distance learning network. The fee shall include the cost of overtime compensation, insurance coverage, and any maintenance required.

Sec. 302. (1) The funds appropriated in this act for private donations to the challenge program shall be considered state restricted revenue, and unexpended funds remaining at the close of the fiscal year shall not lapse to the general fund but shall be carried forward to the subsequent fiscal year.

(2) The department may charge a parent or guardian of a participant in the challenge program a fee for participating in the program if the participant is a member of a family with an income that exceeds 200% of the federal poverty guidelines as published by the United States department of health and human services. The amount charged the parent or guardian shall not exceed the per-student state share cost of administering the program. The parent or guardian shall be notified of any charge to be assessed under this subsection prior to enrollment of the child in the program.

(3) The department shall take steps to recruit candidates to the challenge program from economically disadvantaged areas, including those with low-income and high-unemployment backgrounds.

Sec. 304. The department will partner with the department of human services to identify youth who may be eligible for the challenge program from those youth served by department of human services programs. These eligible youth shall be given priority for enrollment in the program.

VETERANS ADVICE, ADVOCACY, AND ASSISTANCE

Sec. 501. (1) The department shall develop and operate a program which will provide benefits counseling and representation to veterans of this state for the purpose of assisting veterans to obtain United States department of veterans affairs health, financial, and memorial benefits for which they are eligible. The department shall work to maximize the coordination between veterans service organizations and any other organization which assists veterans.

(2) The department shall create a 5-member veterans' advisory board to assist in matters pertaining to veterans advice, advocacy, and assistance, including recommendations concerning disbursement of any grant money. The department shall request that the state commanders group name candidates serving as president/commander from 2 large veterans service organizations, 2 medium veterans service organizations, and 1 small veterans service organization to serve on the advisory board. The veterans advisory board shall meet no less than twice a year, without reimbursement by the department.

(3) The duties of the veterans advisory board shall include, but are not limited to, the following:

- (a) Serving as a liaison between grant recipients, the department, and the legislature.
- (b) Assisting in recognizing any deficiencies in the grant process and performance.
- (c) Providing a forum regarding veterans issues.
- (d) Suggesting changes in department programs that would help keep pace with changing veterans needs.
- (e) Providing a direct contact with the veterans administration regarding updates on procedures.
- (f) Creating an awareness to make sure that grant recipients are performing the services intended.
- (g) Representing a voice for veterans service organizations.
- (h) Providing for a sounding board for grant recipients.
- (i) Assisting the department in establishing criteria for grant awards.

(j) Assisting the department in developing plans, reviewing service delivery, and identifying goals to better assist veterans in applying for and receiving benefits from the federal, state, and local governments.

(k) Providing testimony, if requested, to legislative committees.

(4) The funds appropriated in part 1 for veterans advice, advocacy, and assistance shall be distributed to the following organizations in the amounts listed for the period of October 1, 2009 through March 31, 2010: American legion, \$339,800.00; disabled American veterans, \$280,800.00; marine corps league, \$129,000.00; American veterans of World War II and Korea, \$178,100.00; veterans of foreign wars, \$339,800.00; Michigan paralyzed veterans of America, \$63,500.00; purple heart, \$60,500.00; Polish legion of American veterans, \$15,800.00; Jewish veterans of America, \$15,800.00; state of Michigan council-Vietnam veterans of America, \$61,100.00; and Catholic war veterans, \$15,800.00.

(5) Of the appropriations in part 1 for veterans advice, advocacy, and assistance grants for the period of April 1, 2010 to September 30, 2010, \$1,529,600.00 shall be distributed by the department in the form of 5 grants: 2 large, 2 small, and 1 specialized grant for the 6-month period beginning April 1, 2010. The specialized grant shall be awarded to a group specializing in advocacy for paralyzed veterans. The department, while utilizing advice provided by the veterans advisory board establishing grant criteria, is solely responsible for determination of the amounts and recipients of these grants.

(6) Money used for grants to veterans service organizations shall be used only for salaries, wages, related personnel costs, in-state training, and equipment for accredited veteran service advocacy officers and necessary support and managerial staff. Training shall be provided for service advocacy officers and shall be conducted by accredited advocacy officers.

(7) To receive a grant from the money appropriated in part 1, a veterans service organization or a veterans service organization which is part of a combination of organizations receiving a grant shall meet the following eligibility requirements:

(a) Be congressionally chartered by the United States congress.

(b) Be an active participating member of the Michigan veterans organizations' rehabilitation and veterans service committee and abide by its rules, guidelines, and programs.

(c) Demonstrate the receipt of monetary or service support from its own organization.

(d) Comply with the department's and the legislature's requirements of accounting audits, service work activity, accounting of recoveries, listing of volunteer hours, budget requests, and other requirements specified in subsection (3). Each veterans service organization receiving a grant from the money appropriated in part 1 shall provide a copy of the most recent audit report to the department not later than May 1, 2010.

(e) For a veterans service organization founded after September 30, 1989, be in operation and providing service to Michigan veterans for not less than 2 years before receiving an initial state grant. During this 2-year period of time, the organization shall file a listing of service work activity and an accounting of recoveries with the department, the senate and house fiscal agencies, the senate and house of representatives appropriations subcommittees on military affairs, and the state budget office on forms as prescribed by the department.

(8) A veterans service organization receiving a grant from the money appropriated in part 1 shall file with the department an accounting of its expenditures, audited and certified by a certified public accountant, within 120 days after the organization's fiscal year end. Each veterans service organization shall provide 5 copies of a listing of all service activity, an accounting of recoveries, and a listing of volunteer hours for the fiscal year ending September 30, 2009 to the department by January 31, 2010. Each organization shall include a listing of expenditures by spending category, including a listing of individual salaries of each officer and administrative staff. The listing of volunteer hours shall include the hours, services, and donations provided to residents of the Grand Rapids veterans' home and the D.J. Jacobetti veterans' home. Each veterans service organization shall provide a copy of the most recent and completed internal revenue service form 990 to the department at the end of the fiscal year ending September 30, 2009. A veterans service organization receiving a grant from the money appropriated in part 1 shall use the forms recommended by the Michigan veterans organizations rehabilitation and veterans service committee for filing reports required by this act. The department shall provide a report not later than June 1, 2010 to the senate and house fiscal agencies, the senate and house appropriations subcommittees on state police and military and veterans affairs, and the state budget office detailing the most recent expenditure information provided by the veterans service organizations. The department shall also provide within that report specific notification whether any veterans service organization receiving a grant from the money appropriated in part 1 failed to comply with the reporting requirements of this section.

(9) The veterans service directors committee and the department shall take steps to improve the coordination of veterans benefits counseling in the state to maximize the effective and efficient use of taxpayer dollars in this goal and to ensure that every veteran is served.

(10) To accomplish the goal of subsection (9), the veterans service directors committee and the department shall take steps to increase their responsibility in the administration, management, oversight, and outreach of the delivery of services to veterans. The veterans service directors committee and the department shall involve county veterans counselors and representatives from the Michigan veterans trust fund to work in concert to identify, implement, and evaluate steps to do all of the following:

(a) Increase the veterans service directors committee and the department's role in working directly with the United States department of veterans' affairs to enhance the delivery of services to Michigan veterans.

(b) Increase the number of initial claims filed with the United States department of veterans' affairs on behalf of veterans for service-connected disability or pension benefits. The veterans service directors committee and the department may work toward either an absolute increase of approved claims or an increase in the percentage of Michigan veterans with approved claims.

(c) Develop methods to increase rates of recovery paid by the United States department of veterans' affairs to Michigan veterans either by an increase in compensation paid per approved claim or an increase in compensation paid on a per capita basis.

(d) Expand training opportunities for veterans service organization service officers.

(e) Increase either the number or percentage of Michigan veterans enrolled in the veterans affairs health care system.

(f) Publicize the availability, benefit, and value of burial in the Fort Custer and Great Lakes national cemeteries.

(g) Review each grant recipient's performance under the program and require that performance be a major consideration in the future funding of each grant recipient.

(h) Identify areas of redundancy which may exist among services provided by veterans service organizations grantees, Michigan veterans trust fund county committees, and county veterans counselors and provide a proposal on how any redundancies may be minimized and identify specific cost savings which could result.

(11) Each veterans service organization receiving a grant from the money appropriated in part 1 shall file a report with the department not later than May 1, 2010 detailing the following information:

(a) Training completed by each veterans service officer employed by or working on behalf of the veterans service organization.

(b) A report of the cases that each veterans service organization is serving or processing, including if those cases have been completed or are still pending, whether those cases have been initiated and completed by the veterans service organization, and which cases have been referred to and by county veterans counselors, congressional or senate offices, or any other organizations that serve veterans.

(12) The veterans advisory board, the Michigan association of county veterans counselors, and the department shall create a report of the efforts to complete the goals outlined in this section and shall provide suggestions on how a more effective and efficient veterans benefit counseling program may best be designed for implementation for fiscal year 2010-2011. This report shall be delivered to the house and senate appropriations subcommittees no later than March 1, 2010.

(13) The department shall record any additional administrative costs for collecting and compiling the information from subsections (8) and (11) and also provide this information with the reports required under subsection (8).

(14) The veterans affairs directorate shall design and operate an advocacy program to coordinate with other organizations which assist veterans, including county counselors and other groups, to ensure referrals between groups occur when warranted and to provide the veterans of the state with the most cost-effective and comprehensive counseling services possible. The department shall also take steps to become certified with the United States department of veterans affairs to assist in this task.

(15) The veterans affairs directorate shall deliver progress reports regarding the activities of the advocacy program to the senate and house appropriations subcommittees on state police and military and veterans affairs, with the first report due not later than April 1, 2010 and the second report due not later than October 1, 2010.

(16) The department shall issue performance standards to each veterans service organization grant recipient. It is the intent of the legislature that compliance with these performance standards shall be the basis for funding for future years. Failure to meet any or all of the performance standards may result in that organization losing funding in future years, and the department shall forward to the senate and house of representatives appropriations subcommittees on state police and military and veterans affairs corrective action and penalty recommendations.

VETERANS' HOMES

Sec. 601. Appropriations in this act for the Grand Rapids veterans' home and the D.J. Jacobetti veterans' home shall not be used for any purpose other than for veterans and veterans' families.

Sec. 602. The Grand Rapids veterans' home and the D.J. Jacobetti veterans' home, together with the department and the department of management and budget, shall produce and deliver to the senate and house of representatives appropriations subcommittees on state police and military affairs an annual written report. The report shall include an accounting of member populations and bed space available; a description and accounting of services and activities provided to members; financial information; current state nursing home licensure status; the steps required for Medicaid certification, including a listing of any personnel, equipment, supplies, or budgetary increases required; and whether or not steps are being taken toward Medicaid certification. The annual report shall be submitted to the senate and house of representatives appropriations subcommittees on military affairs no later than February 1, 2010.

Sec. 603. The money appropriated in this act for the boards of managers may be expended for facility improvements, the purchase and repair of equipment and furnishings, member services, and other purposes that benefit the Grand Rapids veterans' home and the D.J. Jacobetti veterans' home.

Sec. 605. The department shall, prior to altering the spending plan by the board of managers of post and posthumous funds, report to the appropriate senate and house appropriations subcommittees 30 days prior to that action and shall indicate the rationale for that decision.

Sec. 606. The department shall conduct a feasibility study to determine at least 3 means by which to increase operational efficiencies at the Grand Rapids veterans' home. The department shall submit this study to the senate and house of representatives appropriations committees no later than April 1, 2010.

VETERANS' AFFAIRS DIRECTORATE

Sec. 703. By April 1, 2010, the department shall submit to the senate and house of representatives appropriations subcommittees on military affairs and the state budget office a detailed annual report of the Michigan veterans' trust fund for fiscal year 2008-2009. The report shall include information on grants provided from the emergency grant program, including details concerning the methodology of allocations, the selection of emergency grant program authorized agents, and a detailed breakdown of trust fund expenditures for that year. The report shall also provide an update on the department's efforts to reduce program administrative costs and restore the Michigan veterans' trust fund corpus to its original amount of \$50,000,000.00.

Sec. 704. The Michigan veterans affairs directorate administration and the Michigan veterans' trust fund administration shall take steps to assist the county veterans counselors of the state to obtain training necessary for the execution of their duties.

Sec. 705. It is the intent of the legislature that the department create incentives for all counties in the state to fund at least 1 full-time county veteran's counselor for the purpose of assisting veterans with obtaining federal veterans benefits that they may be eligible to receive. The incentives could include, but not be limited to, matching funds or sharing IT resources from the department for counties to use in maximizing benefits received by Michigan veterans.

CAPITAL OUTLAY

Sec. 801. The appropriations in part 1 for the department of military and veterans affairs design and construction projects are contingent upon the availability of federal and state restricted funds for financing.

Sec. 802. (1) The director shall allocate lump-sum appropriations made in this bill consistent with statutory provisions and the purposes for which funds were appropriated. Lump-sum allocations shall address priority program or facility needs and may include, but are not limited to, design, construction, remodeling and addition, special maintenance, major special maintenance, energy conservation, and demolition.

(2) The state budget director may authorize that funds appropriated for lump-sum appropriations shall be available for no more than 3 fiscal years following the fiscal year in which the original appropriation was made. Any remaining balance from allocations made in this section shall lapse to the fund from which it was appropriated pursuant to the lapsing of funds as provided in the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

Sec. 803. The appropriations in part 1 for capital outlay shall be carried forward at the end of the fiscal year consistent with section 248 of the management and budget act, 1984 PA 431, MCL 18.1248.

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 military and veterans affairs for the fiscal year ending September 30, 2010; 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.

Valde Garcia
Alan L. Cropsey
Jim Barcia
Conferees for the Senate

Richard LeBlanc
John Espinoza
Bob Genetski
Conferees for the House

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

Rep. Angerer moved pursuant to Joint Rule 9, that the Journal printing requirement be suspended, printed copies of the conference report having been made available to each Member.

The motion prevailed.

The question being on the adoption of the conference report,

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

Roll Call No. 456

Yeas—107

Agema	Durhal	Kurtz	Proos
Amash	Ebli	Lahti	Roberts
Angerer	Elsenheimer	LeBlanc	Rocca

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

Nays—1

Young

In The Chair: Byrnes

Senate Bill No. 237, entitled

A bill to make appropriations for the department of agriculture for the fiscal year ending September 30, 2010; 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 Senate has adopted the report of the Committee of Conference.

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. 237, entitled

A bill to make appropriations for the department of agriculture for the fiscal year ending September 30, 2010; 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.

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 agriculture for the fiscal year ending September 30, 2010; 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 PEOPLE OF THE STATE OF MICHIGAN ENACT:

PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. Subject to the conditions set forth in this act, the amounts listed in this part are appropriated for the department of agriculture for the fiscal year ending September 30, 2010, from the funds indicated in this part. The following is a summary of the appropriations in this part:

DEPARTMENT OF AGRICULTURE

APPROPRIATION SUMMARY

Full-time equated unclassified positions.....	2.0	
Full-time equated classified positions	591.5	
GROSS APPROPRIATION		\$ 84,630,400
Interdepartmental grant revenues:		
IDG from MDCH, food bank		120,100
IDG from MDELEG (LCC), liquor quality testing fees		191,900
IDG from MDELEG.....		300,000
IDG from MDEQ, biosolids		93,800
IDG from MDEQ, MAEAP.....		351,600
IDG from MDHS, food bank		150,000
IDG from MDNR, cervid fees.....		75,000
Total interdepartmental grants and intradepartmental transfers		1,282,400
ADJUSTED GROSS APPROPRIATION		\$ 83,348,000
Federal revenues:		
DAG, multiple grants		11,907,200
EPA, multiple grants.....		1,586,300
HHS-FDA		1,637,600
United States department of labor.....		400,000
Total federal revenues.....		15,531,100
Special revenue funds:		
Total local revenues		0
Private - slow-the-spread foundation		152,600
Private - commodity group revenue		90,600
Total private revenues		243,200
Agricultural preservation fund.....		3,400,000
Agriculture equine industry development fund		7,678,800
Agriculture pollution prevention fund		100
Animal welfare fund.....		138,000
Commodity inspection fees		1,117,700
Consumer and industry food safety education fund.....		264,800
Dairy and food safety fund		2,874,300
Freshwater protection fund.....		5,230,600
Gasoline inspection and testing fund		2,735,800
Horticulture fund		82,000
Industry support funds.....		724,700
Licensing and inspection fees		4,142,300
Migrant housing inspection fees.....		110,000
Migratory labor housing fund.....		25,000
Nonretail liquor fees.....		682,800
Refined petroleum fund.....		3,454,900
State services fee fund.....		3,200,700
Testing fees.....		434,500
Weights and measures regulation fees.....		688,300
Total other state restricted revenues		36,985,300
State general fund/general purpose		\$ 30,588,400

Sec. 102. EXECUTIVE

Full-time equated unclassified positions.....	2.0	
Full-time equated classified positions	41.5	
Commissions and boards		\$ 23,800
Unclassified positions—2.0 FTE positions		213,300

	For Fiscal Year Ending Sept. 30, 2010
Executive direction—10.0 FTE positions.....	973,800
Management services—24.0 FTE positions.....	1,840,900
Statistical reporting service—1.0 FTE positions.....	145,000
Emergency management—6.5 FTE positions.....	747,100
GROSS APPROPRIATION.....	\$ 3,943,900
Appropriated from:	
Federal revenues:	
HHS-FDA.....	500,000
Special revenue funds:	
Private - commodity group revenue.....	79,700
Gasoline inspection and testing fund.....	66,300
Industry support funds.....	36,500
Nonretail liquor fees.....	8,800
Refined petroleum fund.....	54,700
State general fund/general purpose.....	\$ 3,197,900
Sec. 103. DEPARTMENTWIDE	
Rent and building occupancy charges.....	\$ 421,100
GROSS APPROPRIATION.....	\$ 421,100
Appropriated from:	
Federal revenues:	
DAG, multiple grants.....	79,400
EPA, multiple grants.....	60,900
HHS-FDA.....	13,100
Special revenue funds:	
Agricultural preservation fund.....	23,900
Freshwater protection fund.....	9,500
Licensing and inspection fees.....	59,100
Nonretail liquor fees.....	7,800
Refined petroleum fund.....	114,000
State services fee fund.....	53,400
State general fund/general purpose.....	\$ 0
Sec. 104. FOOD AND DAIRY	
Full-time equated classified positions.....	115.0
Food safety and quality assurance—115.0 FTE positions.....	\$ 12,539,700
GROSS APPROPRIATION.....	\$ 12,539,700
Appropriated from:	
Federal revenues:	
DAG, multiple grants.....	58,300
HHS-FDA.....	412,200
Special revenue funds:	
Consumer and industry food safety education fund.....	264,800
Dairy and food safety fund.....	2,874,300
State general fund/general purpose.....	\$ 8,930,100
Sec. 105. ANIMAL INDUSTRY	
Full-time equated classified positions.....	70.0
Animal health and welfare—21.5 FTE positions.....	\$ 2,290,800
Bovine tuberculosis program—48.5 FTE positions.....	7,338,300
GROSS APPROPRIATION.....	\$ 9,629,100
Appropriated from:	
IDG from MDNR, cervid fees.....	75,000
Federal revenues:	
DAG, multiple grants.....	1,178,200
HHS-FDA.....	73,000
Special revenue funds:	
Animal welfare fund.....	138,000

	For Fiscal Year Ending Sept. 30, 2010
Licensing and inspection fees	108,000
State general fund/general purpose	\$ 8,056,900
Sec. 106. PESTICIDE AND PLANT PEST MANAGEMENT	
Full-time equated classified positions	134.5
Pesticide and plant pest management—110.0 FTE positions.....	\$ 11,929,300
Emerald ash borer control program—24.5 FTE positions	3,034,200
GROSS APPROPRIATION	\$ 14,963,500
Appropriated from:	
Interdepartmental grant revenues:	
Federal revenues:	
DAG, multiple grants	4,568,300
EPA, multiple grants.....	919,200
HHS-FDA	96,300
Special revenue funds:	
Private - slow-the-spread foundation.....	152,600
Commodity inspection fees	1,117,700
Horticulture fund.....	82,000
Industry support funds.....	351,600
Licensing and inspection fees	3,660,500
State general fund/general purpose	\$ 4,015,300
Sec. 107. ENVIRONMENTAL STEWARDSHIP	
Full-time equated classified positions	51.0
Environmental stewardship—27.0 FTE positions	\$ 2,582,500
Groundwater and freshwater protection program—15.0 FTE positions.....	5,255,100
Farmland and open space preservation—9.0 FTE positions	1,006,900
Agriculture pollution prevention program.....	1,000,100
Local conservation districts.....	236,900
Migrant labor housing	425,100
GROSS APPROPRIATION	\$ 10,506,600
Appropriated from:	
Interdepartmental grant revenues:	
IDG from MDEQ, biosolids.....	93,800
IDG from MDEQ, MAEAP.....	351,600
Federal revenues:	
DAG, multiple grants	1,000,000
EPA, multiple grants.....	255,000
United States department of labor.....	400,000
Special revenue funds:	
Agricultural preservation fund.....	875,900
Agriculture pollution prevention fund.....	100
Freshwater protection fund.....	5,221,000
Migrant housing inspection fees.....	110,000
Migratory labor housing fund.....	25,000
State general fund/general purpose	\$ 2,174,200
Sec. 108. LABORATORY PROGRAM	
Full-time equated classified positions	131.0
Laboratory services—63.0 FTE positions	\$ 5,893,100
USDA monitoring—17.0 FTE positions	2,171,700
Consumer protection program—51.0 FTE positions.....	5,237,400
GROSS APPROPRIATION	\$ 13,302,200
Appropriated from:	
Interdepartmental grant revenues:	
IDG from MDELEG (LCC), liquor quality testing fees	189,100
Federal revenues:	
DAG, multiple programs	2,193,700

	For Fiscal Year Ending Sept. 30, 2010
EPA, multiple programs	351,200
HHS-FDA	543,000
Special revenue funds:	
Agriculture equine industry development fund	519,700
Gasoline inspection and testing fund	2,562,500
Licensing and inspection fees	76,300
Refined petroleum fund.....	3,286,200
Testing fees.....	434,500
Weights and measures regulation fees.....	688,300
State general fund/general purpose	\$ 2,457,700
Sec. 109. AGRICULTURE DEVELOPMENT	
Full-time equated classified positions	9.0
Agriculture development—6.0 FTE positions	\$ 2,477,000
Grape and wine program—3.0 FTE positions.....	722,200
Michigan agricultural surplus system.....	540,100
GROSS APPROPRIATION	\$ 3,739,300
Appropriated from:	
Interdepartmental grant revenues:	
IDG from DHS, food bank.....	150,000
IDG from MDCH, food bank.....	120,100
IDG from MDELEG.....	300,000
Federal revenues:	
DAG, multiple grants	1,579,300
Special revenue funds:	
Private — commodity group revenue.....	10,900
Industry support funds.....	316,000
Nonretail liquor fees.....	665,700
State services fee fund.....	270,000
State general fund/general purpose	\$ 327,300
Sec. 110. FAIRS AND EXPOSITIONS	
Full-time equated classified positions	9.5
Fairs, racing and producer security—9.5 FTE positions	\$ 1,168,900
Premiums - county and state fairs.....	347,800
Building and track improvement - county and state fairs	129,000
Purses and supplements - fairs/licensed tracks	1,434,300
Licensed tracks - light horse racing	79,900
Standardbred breeders' awards.....	586,400
Standardbred purses and supplements - licensed tracks.....	1,083,000
Standardbred sire stakes	490,100
Standardbred training and stabling.....	21,800
Thoroughbred owners' awards	75,100
Thoroughbred program.....	1,452,500
Thoroughbred sire stakes.....	502,300
Distribution of outstanding winning tickets	423,600
GROSS APPROPRIATION	\$ 7,794,700
Appropriated from:	
Special revenue funds:	
Agriculture equine industry development fund	6,832,300
Industry support funds.....	20,600
Licensing and inspection fees	163,500
State services fee fund.....	477,300
State general fund/general purpose	\$ 301,000
Sec. 111. OFFICE OF RACING COMMISSIONER	
Full-time equated classified positions	30.0
Office of racing commissioner—30.0 FTE positions.....	\$ 2,500,000
GROSS APPROPRIATION	\$ 2,500,000

For Fiscal Year
Ending Sept. 30,
2010

Appropriated from:	
Special revenue funds:	
Agriculture equine industry development fund	100,000
State services fee fund.....	2,400,000
State general fund/general purpose	\$ 0
Sec. 112. INFORMATION AND TECHNOLOGY	
Information technology services and projects	\$ 1,540,300
GROSS APPROPRIATION	\$ 1,540,300

Appropriated from:	
Interdepartmental grant revenues:	
IDG from MDLEG (LCC), liquor quality testing fees	2,800
Special revenue funds:	
Agricultural preservation fund.....	200
Agriculture equine industry development fund	226,800
Gasoline inspection testing fund	107,000
Freshwater protection fund.....	100
Licensing and inspection fees	74,900
Nonretail liquor fees.....	500
State general fund/general purpose	\$ 1,128,000
Sec. 113. CAPITAL OUTLAY	
Farmland and open space development acquisition	\$ 3,750,000
GROSS APPROPRIATION	\$ 3,750,000

Appropriated from:	
Federal revenues:	
DAG, multiple grants	1,250,000
Special revenue funds:	
Agriculture preservation fund.....	2,500,000
State general fund/general purpose	\$ 0

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 2009-2010 is \$67,573,700.00 and state spending from state resources to be paid to local units of government for fiscal year 2009-2010 is \$1,500,000.00. The itemized statement below identifies appropriations from which spending to local units of government will occur:

DEPARTMENT OF AGRICULTURE

Groundwater and freshwater protection program.....	\$ 1,500,000
TOTAL	\$ 1,500,000

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 act:

- (a) "DAG" means the United States department of agriculture.
- (b) "Department" means the department of agriculture.
- (c) "Director" means the director of the department.
- (d) "EPA" means the United States environmental protection agency.
- (e) "FTE" means full-time equated.
- (f) "HHS-FDA" means the United States department of health and human services - food and drug administration.
- (g) "IDG" means interdepartmental grant.
- (h) "MAEAP" means the Michigan agriculture environmental assurance program.
- (i) "MDCH" means the Michigan department of community health.
- (j) "MDELEG" means the Michigan department of energy, labor, and economic growth.
- (k) "MDELEG (LCC)" means the Michigan department of energy, labor, and economic growth - liquor control commission.
- (l) "MDEQ" means the Michigan department of environmental quality.
- (m) "MDHS" means the Michigan department of human services.
- (n) "USDA" means the United States department of agriculture.

Sec. 204. The civil service commission shall bill departments and agencies at the end of the first fiscal quarter for the charges 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.

(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, causes loss of revenue to the state, would 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 standing committees on appropriations the number of exceptions to the hiring freeze approved during the previous quarter and the reasons to justify the exception.

Sec. 208. Unless otherwise specified, the department shall use the Internet to fulfill the reporting requirements of this act. This requirement shall include transmission of reports via electronic mail to the recipients identified for each reporting requirement and shall include placement of reports on an 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. In addition, preference should be given to goods or services, or both, that are manufactured or provided by Michigan businesses owned and operated by veterans, 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. 212. (1) Of the funds appropriated in part 1, the department may provide for indemnity as provided for pursuant to the animal industry act, 1988 PA 466, MCL 287.701 to 287.745, not to exceed \$100,000.00 per order from any line item for the fiscal year ending September 30, 2010. Before the department provides for an indemnification under this section, the department shall report the reason for the indemnification, the amount of the indemnification, and to whom the indemnification is to be paid. The report shall be given to each member of the senate and house appropriations subcommittees on agriculture and to the senate and house fiscal agencies and the state budget director.

(2) The department of agriculture shall make an indemnification payment for the fair market value of livestock killed by a wolf, coyote, or cougar, if the kill is verified by the department of natural resources. The fair market value of the livestock shall be determined pursuant to the indemnification procedures prescribed in the animal industry act, 1988 PA 466, MCL 287.701 to 287.745. In addition to the funds appropriated in part 1, the department of agriculture is authorized to expend the funds received from the department of natural resources to reimburse the department of agriculture for all indemnification payments made pursuant to this subsection.

Sec. 214. Of the funds appropriated in part 1 that are other than line-item grants, the department shall not provide grants to local government agencies, institutions of higher education, or nonprofit organizations unless the department provides notice of the grant to the senate and house appropriations subcommittees on agriculture at least 10 days before the grant is issued. The grants shall be used to support research or other related activities for the purpose of enhancing the agricultural industries in this state.

Sec. 215. From the funds appropriated in part 1, the department shall use an amount not to exceed \$10,000.00 to develop, post, and maintain, on a publicly accessible Internet site, all expenditures made by the agency within a fiscal year. The posting must include the purpose for which each expenditure is made. The department shall not be required to hire additional employees to comply with this section.

Sec. 219. From the funds appropriated in part 1 for information technology, the department shall pay user fees to the department of information technology for technology-related services and projects. The user fees shall be subject to provisions of an interagency agreement between the department and the department of information technology.

Sec. 220. 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. 223. (1) Due to the current budgetary problems in this state, out-of-state travel 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) 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 senate and house appropriations committees, the senate and house 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. 224. The department shall not take disciplinary action against an employee for truthfully to the best of his or her knowledge communicating with a member of the legislature or his or her staff.

Sec. 228. (1) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$5,000,000.00 for federal contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(2) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$6,000,000.00 for state restricted contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(3) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$100,000.00 for local contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(4) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$100,000.00 for private contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

Sec. 229. (1) The department shall report no later than April 1, 2010 on each specific policy change made to implement a public act affecting the department that took effect during the prior calendar year to the senate and house appropriations subcommittees on the budget for the department, the joint committee on administrative rules, and the senate and house fiscal agencies.

(2) Funds appropriated in part 1 shall not be used by the department to adopt a rule that will apply to a small business and that will have a disproportionate economic impact on small businesses because of the size of those businesses if the department fails to reduce the disproportionate economic impact of the rule on small businesses as provided under section 40 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.240.

(3) As used in this section:

(a) "Rule" means that term as defined under section 7 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.207.

(b) "Small business" means that term as defined under section 7a of the administrative procedures act of 1969, 1969 PA 306, MCL 24.207a.

Sec. 230. Funds appropriated in part 1 shall not be used by a principal executive department, state agency, or authority to hire a person to provide legal services that are the responsibility of the attorney general. This prohibition does not apply to legal services for bonding activities and for those activities that the attorney general authorizes.

Sec. 231. From the funds appropriated in part 1 for salaries and benefits, the department shall provide funding in the pesticide and plant pest management, food and dairy, animal industry, environmental stewardship and laboratory divisions for not less than 315 employees who provide direct service to the public or substantially support the work of those who provide direct service. Expenditures shall be made so that these divisions continue to provide service to protect the public health, safety, and welfare and environment.

Sec. 232. From the funds appropriated in part 1, the director shall implement continuous improvement efficiency mechanisms in the programs administered by the department. The continuous improvement efficiency mechanisms shall identify changes made in programs to increase efficiency and reduce expenditures in the programs. On March 31, 2010 and September 30, 2010, the director shall submit a report to the state budget director, the senate and house appropriations

subcommittees, and the senate and house fiscal agencies on the progress made toward increased efficiencies in departmental programs. At a minimum, each report shall include information on the program review process, the type of improvement mechanisms implemented, and actual and projected expenditure savings as a result of the increased program efficiencies.

Sec. 234. The department shall not approve the travel of more than 1 departmental employee to a specific professional development conference or training seminar that is located outside of this state unless the professional development conference or training seminar is funded by a federal or private funding source and requires more than 1 person from a department to attend, or the conference or training seminar includes multiple issues in which 1 employee from the department does not have expertise.

Sec. 235. Available funds from the appropriation in part 1 may be provided to the C.S. Mott group for sustainable food systems at Michigan State University to plan for and coordinate a matched savings tool for Michigan's emerging farmers and to leverage federal funds for the purpose of developing and enhancing local markets for Michigan agricultural products.

Sec. 236. All appropriations in part 1 from the agriculture equine industry development fund shall be spent for equine-related purposes.

Sec. 237. Not later than September 30, 2010, the department shall prepare and transmit a report that provides for estimates of the total general fund/general purpose appropriation lapses at the close of the fiscal year. This report shall summarize the projected year-end general fund/general purpose appropriation lapses by major departmental program or program areas. The report shall be transmitted to the office of the state budget, the chairpersons of the senate and house appropriations committees, and the senate and house fiscal agencies.

Sec. 238. On a bimonthly basis, the department shall report on the number of FTEs in pay status by civil service classification to the house and senate appropriations subcommittees on agriculture and the house and senate fiscal agencies.

EXECUTIVE

Sec. 302. (1) The department may receive and expend revenue and use that revenue to cover necessary expenses related to publications, audit and licensing functions, livestock sales, certification of nursery stock, bean inspection services, and laboratory analyses as specified in the following:

- (a) Management services publications.
- (b) Management services audit and licensing functions.
- (c) Pesticide and plant pest management propagation and certification of virus free foundation stock.
- (d) Pesticide and plant pest management bean inspection and grading services.
- (e) Laboratory support testing for testing horses in draft horse pulling contests at county fairs when local jurisdictions request state assistance.
- (f) Laboratory support analyses to determine foreign substances in horses engaged in racing or pulling contests at tracks.
- (g) Laboratory support analyses of food, livestock, and agricultural products for disease, foreign products for disease, toxic materials, foreign substances, and quality standards.
- (h) Laboratory support test samples for other agencies and organizations.
- (i) Fruit and vegetable inspection at shipping and termination points and processing plants.

(2) The department shall notify the senate and house appropriations subcommittees on agriculture and the senate and house fiscal agencies 30 days prior to proposing changes in fees authorized under this section or under section 5 of 1915 PA 91, MCL 285.35.

(3) Annually, before February 1, the department shall provide a report to the senate and house appropriations subcommittees on agriculture and the senate and house fiscal agencies detailing all the fees charged by the department under the authorization provided in this section, including, but not limited to, rates, number of individuals paying each fee, and the revenue generated by each fee in the previous fiscal year.

Sec. 304. (1) To ensure motor fuel quality and quantity, the department shall maintain the motor fuel quality program and shall not reduce program level of effort below that of the 2006-2007 fiscal year. Notwithstanding the provisions of section 205, the department shall maintain field and laboratory staff for the motor fuel quality program.

(2) On or before January 1 and every 6 months thereafter, the department shall report to the senate and house appropriations subcommittees on agriculture and the senate and house fiscal agencies the results of both complaint-based and random-based inspections, including the number of inspections performed, samples collected, and compliance rates.

Sec. 306. From the funds appropriated in section 102, private funds for agricultural statistics shall be used to match state funds at not less than 50% of study costs.

FOOD AND DAIRY

Sec. 401. The department shall monitor restaurant inspection and licensing functions carried out by local health departments to ensure uniform application and enforcement of minimum program requirements.

Sec. 402. Not later than April 1, 2010, the department shall provide a report to the senate and house appropriations subcommittees on agriculture and the senate and house fiscal agencies describing significant food-borne outbreaks and emergencies including any enforcement actions taken related to food safety during the 2008-2009 fiscal year.

Sec. 404. From the funds appropriated in section 104 for food safety and quality assurance, not less than \$150,000.00 from the consumer and industry food safety education fund shall be expended for purposes required under section 4117 of the food law of 2000, 2000 PA 92, MCL 289.4117, including the statewide training and education to consumers on food safety and the training and education on food safety to food service establishment employees and department employees and agents who enforce section 4117 of the food law of 2000, 2000 PA 92, MCL 289.4117.

Sec. 406. Notwithstanding the provisions of section 205, the department is authorized to fill open positions in the food and dairy inspection program.

Sec. 407. Of the funds appropriated in part 1 for food safety and quality assurance, no less than \$3,098,000.00 shall be expended for dairy inspections.

ANIMAL INDUSTRY

Sec. 450. From the funds appropriated in section 105 for the bovine tuberculosis program, the department shall reimburse the department of natural resources for those costs associated with monitoring and testing wildlife for bovine tuberculosis that are necessary to support the department goals and are jointly agreed to by the department and the department of natural resources to be in excess of efforts necessary to effectively plan and execute the eradication of bovine tuberculosis from Michigan's wild free-ranging deer herd.

Sec. 451. From the funds appropriated in section 105 for bovine tuberculosis, the department shall pay for all whole herd testing costs and individual animal testing costs in the modified accredited zone to maintain split-state status requirements. These costs include indemnity and compensation for injury causing death or downer to animals.

Sec. 452. The department shall apply for all federal and private funds for which it is eligible that can be used to support the bovine tuberculosis program.

Sec. 454. The department shall use its resources to collaborate with the United States department of agriculture to obtain TB-free status for the area of the Lower Peninsula that is zoned as modified accredited advanced. The department shall also aggressively work toward eradicating bovine TB in the modified accredited zone.

Sec. 455. The department shall prepare a plan to provide for cattle without official identification that may arrive at a saleyard. If an animal arrives untagged at a saleyard without official identification, the saleyard may charge a fee for the tag and for application. The tag may be purchased by and identified to the saleyard. The saleyard shall maintain records for all animals tagged on its premises. The department plan shall be in compliance with the "Michigan Bovine TB Eradication Program - Application for TB-Free/Modified Accredited Status", April 2007.

Sec. 456. Of the funds appropriated in part 1, no funds shall be used to enforce the mandatory electronic animal identification program for any domestic animals other than cattle until specific procedures and guidelines for electronic animal identification are outlined in statute.

Sec. 457. On or before October 15, 2009, and on a quarterly basis thereafter, the department shall report to the senate and house agriculture committees, the senate and house appropriations subcommittees on agriculture, and the senate and house fiscal agencies on the department's progress toward meeting the USDA requirements as outlined in the March 2007 bovine TB program review. The report shall include, but is not limited to, information and data on: wildlife risk mitigation plan implementation in the modified accredited zone; implementation of a movement certificate process; progress toward annual surveillance test requirements set out in the June 2007 MOU; compliance efforts and rates for animals crossing the Mackinac Bridge; efforts to work with slaughter facilities in Michigan, as well as those that slaughter a significant number of animals from Michigan; educational programs and information for Michigan's livestock community; any other item the legislature should be aware of that will promote or hinder efforts to achieve bovine TB-free status for Michigan.

Sec. 458. From the funds appropriated in section 105 for animal industry, the department shall provide inspection and testing of aquaculture facilities and aquaculture researchers as provided under the Michigan aquaculture development act, 1996 PA 199, MCL 286.877. It is the intent of the legislature that the department shall work with aquaculture facilities and aquaculture researchers to identify, contain, and eradicate viral hemorrhagic septicemia in this state.

Sec. 459. Notwithstanding the provisions of section 205, the department is authorized to fill open positions in the bovine tuberculosis program.

Sec. 460. Of the appropriation in section 105 for animal health and welfare, budgetary reductions for the fiscal year ending September 30, 2010 shall not be taken from the aquaculture program, but shall be taken from other programs funded in the animal health and welfare appropriation line.

PESTICIDE AND PLANT PEST MANAGEMENT

Sec. 551. It is the intent of the legislature that the department work with the fruit and vegetable industry to ensure the development of a sustainable system of third-party inspections of fruits and vegetables.

ENVIRONMENTAL STEWARDSHIP

Sec. 603. The department shall apply for all federal funds for which it is eligible that can be used to support the migrant labor housing program.

Sec. 604. The department shall work with the conservation districts on the most effective and efficient use of the funding provided in section 107. Funds should be used to help draw down federal funding and support land conservation projects.

Sec. 606. The department shall actively search for all possible funding sources to be used to match federal funds in the USDA environmental quality incentives program.

Sec. 607. It is the intent of the legislature that the department continue its activities in support of intercounty drainage districts as provided in chapter 5 of the drain code of 1956, 1956 PA 40, MCL 280.101 to 280.106.

Sec. 608. Of the appropriation in section 107 for environmental stewardship, budgetary reductions for the fiscal year ending September 30, 2010 shall not be taken from the right-to-farm program, but shall be taken from other programs funded in the environmental stewardship appropriation line.

Sec. 609. It is the intent of the legislature that the department work with industry to develop a fee for migrant worker housing inspections. The proposed fee shall not exceed \$5.00 per worker and should be designed to become effective no later than April 1, 2010.

Sec. 610. From the appropriation in section 107 for environmental stewardship, the appropriation of \$130,000.00 from the general fund for water withdrawal assessment shall be contingent upon the department inputting the data received in compliance with water use reporting requirements as provided for under MCL 324.32708(3).

AGRICULTURE DEVELOPMENT

Sec. 702. In any given year when insufficient amounts of Michigan surplus products are offered to the food bank council and accepted for distribution, unused funds may be applied by the food bank council for the direct purchase of foods from Michigan growers, manufacturers, or wholesalers.

Sec. 705. The appropriation in section 109 for the export market development program shall be used to coordinate state participation in the federal market access program and to leverage federal and private funds for the purpose of developing new and enhancing existing export markets for Michigan agricultural products.

Sec. 706. Not later than April 1, 2010, the department shall provide a report to the senate and house appropriations subcommittees on agriculture and the senate and house fiscal agencies describing the department's agriculture development and export market development activities. The report shall identify grants awarded during the prior fiscal year, including a description of federal or private funds made available as a result of department activities.

Sec. 707. In awarding grants from the agricultural development fund created under the Julian-Stille value-added act, 2000 PA 322, MCL 285.301 to 285.304, the department shall give due consideration to the diversity of Michigan agriculture and its economic importance.

Sec. 709. (1) Not later than April 1, 2010, the department shall provide a report to the senate and house appropriations subcommittees on agriculture and the senate and house fiscal agencies describing the activities of the grape and wine industry council established under section 303 of the Michigan liquor control act of 1998, 1998 PA 58, MCL 436.1303.

(2) The report shall include all of the following:

(a) Council activities and accomplishments for the previous fiscal year.

(b) Council expenditures for the previous fiscal year by category of administration, industry support, research and education grants, and promotion and consumer education.

(c) Grants awarded during the prior fiscal year and the results of research grant projects completed during the prior fiscal year.

Sec. 710. The department may match external funding for domestic and international marketing programs for the purpose of developing new and enhancing existing export markets for Michigan agricultural products.

Sec. 711. In accordance with chapter 8B of the Michigan strategic fund act, 1984 PA 270, MCL 125.2089 to 125.2089d, it is the intent of the legislature that the Michigan strategic fund, its employees, contract employees, and individuals working on its behalf collaborate with the Michigan department of agriculture to promote business development of Michigan agricultural products to achieve outcomes that include, but are not limited to, increases in export sales, increases in the number of retailers carrying Michigan commodities both within and outside of this state, and increased sales of Michigan products at chain grocers.

Sec. 712. The funds appropriated in part 1 from MDELEG for agriculture development and export market development program shall be used to foster and promote growth in the food and agriculture sector. By September 30, 2010, the department shall report to the senate and house appropriations subcommittees on agriculture and economic development, the senate and house fiscal agencies, and the state budget director on the use of these funds and how the funds facilitated growth in the food and agriculture sector.

Sec. 713. Of the funds appropriated in part 1 for agricultural development, \$100,000.00 shall be expended for the purpose of agricultural export market development.

FAIRS AND EXPOSITIONS

Sec. 801. Within 60 days of the close of each fiscal quarter, the department shall report to the state budget director, the senate and house subcommittees on agriculture, and the senate and house fiscal agencies on the agriculture equine industry development fund established in section 20 of the horse racing law of 1995, 1995 PA 279, MCL 431.320. The report shall do all of the following:

(a) Identify actual revenue through the preceding fiscal quarter and projected revenue and fund balance through the end of the fiscal year.

(b) Identify simulcast racing revenue generated by each licensed track, revenue from license fees, revenue generated from the casino wagering tax, and revenue from other sources.

(c) Identify the spending targets or budgeted amounts from the fund by line item for the fiscal year and compare the spending targets to the appropriated amounts for each line item.

Sec. 802. From the amount appropriated in section 110 for purses and supplements – fairs/licensed tracks, \$220,000.00 is to be used for state purse supplements at state licensed pari-mutuel tracks for races comprised only of Michigan-bred horses segregated into a 4-year-old colt trot division, a 4-year-old filly trot division, a 4-year-old colt pace division, and a 4-year-old filly pace division.

Sec. 803. Included in the appropriation made in section 110 for the thoroughbred program is \$23,500.00 for the Michigan united thoroughbred breeders and owners association to conduct a thoroughbred yearling show. The Michigan united thoroughbred breeders and owners association shall submit to the department an itemized list of expenses showing that the expenses of the yearling show were paid.

Sec. 804. From the funds appropriated in section 110 for thoroughbred owners' awards, awards shall be distributed pursuant to section 20 of the horse racing law of 1995, 1995 PA 279, MCL 431.320.

Sec. 805. All appropriations from the agriculture equine industry development fund shall be reduced proportionately if revenues to the agriculture equine industry development fund decline during the fiscal year ending September 30, 2010 to a level lower than the amount appropriated in part 1.

Sec. 806. A county fair, district fair, 4-H fair, or state fair receiving funds in section 110 to be used for prizes or awards, in whole or in part, as a condition precedent to the receiving of the funds for those purposes, shall publish the rules relative to the prizes, awards, and deadlines for entries eligible for the funds in their official premium books or lists relative to the prizes or awards. An aggrieved exhibitor may make a written complaint to the fair within 10 days after the fair ends. If the fair has not satisfactorily settled the grievance within 45 days after it is submitted to the fair, the aggrieved person may file the complaint with the department and the department shall investigate the complaint and make a finding of fact regarding the complaint and take appropriate action regarding the complaint.

Sec. 807. Of the amount appropriated in section 110 for purses and supplements - fairs/licensed tracks, a sufficient amount is appropriated to provide for overnight purse supplements pursuant to the horse racing law of 1995, 1995 PA 279, MCL 431.301 to 431.336.

Sec. 808. Of the amount appropriated in section 110 for premiums - county and state fairs, \$91,400.00 shall be expended to reimburse up to 75% premiums paid to large livestock and equine exhibitors in shows or exhibitions held by statewide associations as defined by the department. Livestock expositions shall be limited to participation in this program and prohibited from participation in any state-funded premium programs. The Michigan horse show association fall youth show shall be included.

Sec. 809. From the appropriations for premiums - county and state fairs in section 110, \$40,000.00 shall be awarded through a competitive grant program to local, regional, or state fairs or youth education programs to promote youth involvement and adult exhibitions in the animal agriculture industry.

Sec. 811. The funds appropriated in section 110 for distribution of outstanding winning tickets are not available for expenditure until they are deposited in the Michigan agriculture equine industry development fund pursuant to section 2 of 1951 PA 90, MCL 431.252. These funds shall be expended in accordance with section 2 of 1951 PA 90, MCL 431.252. The department shall provide notice to the senate and house appropriations subcommittees on agriculture at least 10 days before the funds are expended. This notice shall include the amount that each program receives from the outstanding winning ticket revenue deposited in the Michigan agriculture equine industry development fund.

Sec. 812. The fairs, exhibitions and racing division shall make payments from the agriculture equine industry development fund in a timely manner to persons or organizations that are approved for such payments.

OFFICE OF RACING COMMISSIONER

Sec. 901. The racing commissioner may pay rewards of not more than \$5,800.00 to a person who provides information that results in the arrest and conviction on a felony or misdemeanor charge for a crime that involves the horse racing industry. A reward paid pursuant to this section shall be paid out of the office of racing commissioner line item.

Sec. 902. In the event there is no live thoroughbred race meet in 2009 or 2010, all purse money and program money appropriated for the thoroughbred industry in fiscal year 2008-2009 and fiscal year 2009-2010 shall be held in escrow for a period not to exceed 18 months, or until a thoroughbred race meet license is applied for and granted by the office of racing commissioner. In the event there is no thoroughbred meet in 2009 or 2010, the purse pool distribution order to be issued by the office of racing commissioner in 2010 that delineates distribution between the thoroughbred meet that has been held at Great Lakes Downs and the joint thoroughbred/quarterhorse meet held in Mt. Pleasant shall be the same distribution formula as issued in 2009, with the thoroughbred portion being held in escrow.

Sec. 903. The office of racing commissioner shall provide each certified horsemen's organization a minimum of 30 days' notice before submitting a request for rule-making with the state office of administrative hearings and rules. The notice shall include all information as is required by the request for rule-making with the state office of administrative hearings and rules.

Sec. 904. It is the intent of the legislature that the office of racing commissioner no longer be designated as a type I agency and be administered as part of the department for budgetary savings.

CAPITAL OUTLAY

Sec. 1001. Of the amounts appropriated in part 1 for farmland and open space development acquisition, the funds shall be used for the purchase of development rights and the awarding of grants by the agriculture preservation fund board under the natural resources and environmental protection act, 1994 PA 451, MCL 324.101 to 324.90106.

Sec. 1002. (1) The director shall allocate lump-sum appropriations made in this act consistent with statutory provisions and the purposes for which funds were appropriated. Lump-sum allocations shall address priority program or facility needs and may include, but are not limited to, design, construction, remodeling and addition, special maintenance, major special maintenance, energy conservation, and demolition.

(2) The state budget director may authorize that funds appropriated for lump-sum appropriations shall be available for no more than 3 fiscal years following the fiscal year in which the original appropriation was made. Any remaining balance from allocations made in this section shall lapse to the fund from which it was appropriated pursuant to the lapsing of funds as provided in the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

Sec. 1003. The appropriations in part 1 for capital outlay shall be carried forward at the end of the fiscal year consistent with the provisions of section 248 of the management and budget act, 1984 PA 431, MCL 18.1248.

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 agriculture for the fiscal year ending September 30, 2010; 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.

Cameron Brown
Ron Jelinek
Martha G. Scott
Conferees for the Senate

John Espinoza
Gary McDowell
Matt Lori
Conferees for the House

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

Rep. Angerer moved pursuant to Joint Rule 9, that the Journal printing requirement be suspended, printed copies of the conference report having been made available to each Member.

The motion prevailed.

The question being on the adoption of the conference report,

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

Roll Call No. 457

Yeas—66

Angerer	Durhal	Kurtz	Pearce
Ball	Ebli	Lahti	Proos
Barnett	Espinoza	LeBlanc	Rocca
Bauer	Gonzales	Leland	Schmidt, R.
Bledsoe	Green	Lemmons	Schuitmaker
Brown, T.	Gregory	Lindberg	Scott, B.
Byrnes	Griffin	Lipton	Simpson
Byrum	Haase	Liss	Slezak
Clemente	Hammel	Lori	Smith
Constan	Hansen	Mayes	Spade
Coulouris	Haug	McDowell	Stanley
Cushingberry	Huckleberry	Meadows	Switalski
Daley	Jackson	Melton	Tlaib
Dean	Johnson	Miller	Valentine
Denby	Jones, Robert	Nathan	Warren
Dillon	Kandrevas	Opsommer	Womack
Donigan	Kennedy		

Nays—42

Agema	Geiss	McMillin	Schmidt, W.
Amash	Genetski	Meekhof	Scott, P.
Bolger	Haines	Meltzer	Scripps
Booher	Haveman	Moore	Segal
Brown, L.	Hildenbrand	Moss	Sheltrown
Calley	Horn	Neumann	Slavens
Caul	Jones, Rick	Pavlov	Stamas
Corriveau	Knollenberg	Polidori	Tyler
Crawford	Kowall	Roberts	Walsh
DeShazor	Lund	Rogers	Young
Elsenheimer	Marleau		

In The Chair: Byrnes

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

“Mr. Speaker and members of the House:

This budget contains a fee increase that we did not vote on and it reduces the budget for the second biggest industry in the state. It’s one of the few industries that is keeping Michigan afloat.”

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Angerer moved that the Committee on Appropriations be discharged from further consideration of **House Bill No. 5072**.

(For first notice see House Journal No. 78, p. 1671.)

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

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

The bill was placed on the order of Second Reading of Bills.

Second Reading of Bills

House Bill No. 5072, entitled

A bill to amend 1987 PA 231, entitled “An act to create a transportation economic development fund in the state treasury; to prescribe the uses of and distributions from this fund; to create the office of economic development and to prescribe its powers and duties; to prescribe the powers and duties of the state transportation department, state transportation commission, and certain other bodies; and to permit the issuance of certain bonds,” by amending section 11 (MCL 247.911), as amended by 2008 PA 364.

The bill was read a second time.

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

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 5072, entitled

A bill to amend 1987 PA 231, entitled "An act to create a transportation economic development fund in the state treasury; to prescribe the uses of and distributions from this fund; to create the office of economic development and to prescribe its powers and duties; to prescribe the powers and duties of the state transportation department, state transportation commission, and certain other bodies; and to permit the issuance of certain bonds," by amending section 11 (MCL 247.911), as amended by 2008 PA 364.

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

Roll Call No. 458

Yeas—58

Angerer	Ebli	Lahti	Polidori
Barnett	Espinoza	LeBlanc	Schmidt, R.
Bauer	Geiss	Leland	Sheltrown
Bledsoe	Gonzales	Lemmons	Simpson
Brown, T.	Gregory	Lindberg	Slavens
Byrnes	Griffin	Lipton	Slezak
Byrum	Hammel	Liss	Smith
Clemente	Haugh	Mayes	Spade
Constan	Huckleberry	McDowell	Stanley
Corriveau	Jackson	Meadows	Switalski
Coulouris	Johnson	Melton	Tlaib
Dean	Jones, Rick	Miller	Valentine
Dillon	Jones, Robert	Nathan	Warren
Donigan	Kandrevas	Neumann	Womack
Durhal	Kennedy		

Nays—49

Agema	Genetski	Lund	Rocca
Amash	Green	Marleau	Rogers
Ball	Haase	McMillin	Schmidt, W.
Bolger	Haines	Meekhof	Schuitmaker
Booher	Hansen	Meltzer	Scott, B.
Brown, L.	Haveman	Moore	Scott, P.
Calley	Hildenbrand	Moss	Scripps
Caul	Horn	Opsommer	Segal
Crawford	Knollenberg	Pavlov	Stamas
Daley	Kowall	Pearce	Tyler
Denby	Kurtz	Proos	Walsh
DeShazor	Lori	Roberts	Young
Elsenheimer			

In The Chair: Byrnes

The House agreed to the title of the bill.

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

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

Rep. Meekhof, 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 can not vote for this bill, it will dilute road funding at a time when Michigan already faces a transportation funding crisis.”

Rep. Agema, 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:

Once again, this bill takes money from roads and gives it to the GF which will necessitates a tax increase on gas down the road.”

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

“As Minority Vice-Chair of the Transportation Committee I must protest the passage of HB 5072. This bill continues the historic trend of taking money designated for roads and moving it to the General Fund where it gets used for a variety of non-transportation related purposes. It is difficult to justify generating new revenue for roads until we stop taking away money that should be going to roads and spending it elsewhere. Otherwise, road related taxes and fees are subsidizing other programs, and it is disingenuous to ask taxpayers for more road money when we know it will not stay there. As an example, in Michigan the 6% sales tax on gasoline, automobiles, and automobile related accessories has recently generated \$1.9 billion dollars in revenue. In other states a portion of this money goes to roads, but in Michigan none of it is earmarked for that purpose. Several members have introduced bills to stop the raid on the TEDF or to allow those funds to be used for other road funding purposes so that they could stay in transportation. At the very least these bills should be tie-barred to HB 5072 so that it is the last time these funds are raided in this manner. The *Priority Now!* road funding package should also be passed so that roads can get a portion of the \$1.9 billion dollars that should at least partially belong to them. Taxpayers rightfully expect that all the taxes they pay at the pump or their equivalent should go to transportation, especially roads.”

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Angerer moved that the Committee on Appropriations be discharged from further consideration of **House Bill No. 5073**.

(For first notice see House Journal No. 78, p. 1672.)

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

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

The bill was placed on the order of Second Reading of Bills.

Second Reading of Bills

House Bill No. 5073, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 819 (MCL 257.819), as amended by 2008 PA 346.

The bill was read a second time.

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

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 5073, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 819 (MCL 257.819), as amended by 2008 PA 346.

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

Roll Call No. 459**Yeas—57**

Angerer	Ebli	Lahti	Polidori
Barnett	Espinoza	LeBlanc	Schmidt, R.
Bauer	Geiss	Leland	Sheltrown
Bledsoe	Gonzales	Lemmons	Simpson
Brown, T.	Gregory	Lindberg	Slavens
Byrnes	Hammel	Lipton	Slezak
Byrum	Haugh	Liss	Smith
Clemente	Huckleberry	Mayes	Spade
Constan	Jackson	McDowell	Stanley
Corriveau	Johnson	Meadows	Switalski
Coulouris	Jones, Rick	Melton	Tlaib
Dean	Jones, Robert	Miller	Valentine
Dillon	Kandrevas	Nathan	Warren
Donigan	Kennedy	Neumann	Womack
Durhal			

Nays—50

Agema	Genetski	Lund	Rocca
Amash	Green	Marleau	Rogers
Ball	Griffin	McMillin	Schmidt, W.
Bolger	Haase	Meekhof	Schuitmaker
Booher	Haines	Meltzer	Scott, B.
Brown, L.	Hansen	Moore	Scott, P.
Calley	Haveman	Moss	Scripps
Caul	Hildenbrand	Opsommer	Segal
Crawford	Horn	Pavlov	Stamas
Daley	Knollenberg	Pearce	Tyler
Denby	Kowall	Proos	Walsh
DeShazor	Kurtz	Roberts	Young
Elsenheimer	Lori		

In The Chair: Byrnes

The House agreed to the title of the bill.

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

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

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Angerer moved that the Committee on Appropriations be discharged from further consideration of **House Bill No. 5220**.

(For first notice see House Journal No. 78, p. 1671.)

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

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

The bill was placed on the order of Second Reading of Bills.

Second Reading of Bills**House Bill No. 5220, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 5522 (MCL 324.5522), as amended by 2007 PA 75.

The bill was read a second time.

Rep. Warren moved to substitute (H-2) the bill.

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 5220, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 5522 (MCL 324.5522), as amended by 2007 PA 75.

The bill was read a third time.

The question being on the passage of the bill,

Rep. Angerer moved that consideration of the bill be postponed temporarily.

The motion prevailed.

By unanimous consent the House returned to the order of

Reports of Standing Committees

The Committee on Appropriations, by Rep. Cushingberry, Chair, reported

Senate Bill No. 494, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 208b, 217a, 232, 801, 802, 803b, 803r, 804, 806, 809, 810b, 811d, 811e, and 811h (MCL 257.208b, 257.217a, 257.232, 257.801, 257.802, 257.803b, 257.803r, 257.804, 257.806, 257.809, 257.810b, 257.811d, 257.811e, and 257.811h), sections 208b and 232 as amended by 2005 PA 173, sections 217a and 804 as amended and section 803r as added by 2003 PA 152, section 801 as amended by 2008 PA 7, section 802 as amended by 2004 PA 163, section 803b as amended by 2004 PA 426, section 806 as amended by 2008 PA 281, section 809 as amended by 2008 PA 280, section 810b as amended by 2006 PA 549, and sections 811d, 811e, and 811h as amended by 2006 PA 562; and to repeal acts and parts of acts.

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. Cushingberry, Hammel, Bauer, Terry Brown, Dean, Durhal, Espinoza, Gonzales, Gregory, Jackson, Lahti, LeBlanc, McDowell, Miller, Smith, Spade, Switalski, Tlaib, Moss, Agema, Booher, Caul, Genetski, Green, Haines, Hildenbrand, Lori, Proos, Rogers and Schuitmaker

Nays: None

The Committee on Appropriations, by Rep. Cushingberry, Chair, reported

Senate Bill No. 495, 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 2005 PA 174.

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. Cushingberry, Hammel, Bauer, Terry Brown, Dean, Durhal, Espinoza, Gonzales, Gregory, Jackson, Lahti, LeBlanc, McDowell, Miller, Smith, Spade, Switalski, Tlaib, Moss, Agema, Booher, Caul, Genetski, Green, Haines, Hildenbrand, Lori, Proos, Rogers and Schuitmaker

Nays: None

The Committee on Appropriations, by Rep. Cushingberry, Chair, reported
Senate Bill No. 540, 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 amended by 2005 PA 172.

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. Cushingberry, Hammel, Bauer, Terry Brown, Dean, Durhal, Espinoza, Gonzales, Gregory, Jackson, Lahti, LeBlanc, McDowell, Miller, Smith, Spade, Switalski, Tlaib, Moss, Agema, Booher, Caul, Genetski, Green, Haines, Hildenbrand, Lori, Proos, Rogers and Schuitmaker

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Friday, September 25, 2009

Present: Reps. Cushingberry, Hammel, Bauer, Terry Brown, Dean, Durhal, Espinoza, Gonzales, Gregory, Jackson, Lahti, LeBlanc, McDowell, Miller, Smith, Spade, Switalski, Tlaib, Moss, Agema, Booher, Caul, Genetski, Green, Haines, Hildenbrand, Lori, Proos, Rogers and Schuitmaker

Absent: Rep. Bennett

Second Reading of Bills

Senate Bill No. 494, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 208b, 217a, 232, 801, 802, 803b, 803r, 804, 806, 809, 810b, 811d, 811e, and 811h (MCL 257.208b, 257.217a, 257.232, 257.801, 257.802, 257.803b, 257.803r, 257.804, 257.806, 257.809, 257.810b, 257.811d, 257.811e, and 257.811h), sections 208b and 232 as amended by 2005 PA 173, sections 217a and 804 as amended and section 803r as added by 2003 PA 152, section 801 as amended by 2008 PA 7, section 802 as amended by 2004 PA 163, section 803b as amended by 2004 PA 426, section 806 as amended by 2008 PA 281, section 809 as amended by 2008 PA 280, section 810b as amended by 2006 PA 549, and sections 811d, 811e, and 811h as amended by 2006 PA 562; and to repeal acts and parts of acts.

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

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 494, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 208b, 217a, 232, 801, 802, 803b, 803r, 804, 806, 809, 810b, 811d, 811e, and 811h (MCL 257.208b, 257.217a, 257.232, 257.801, 257.802, 257.803b, 257.803r, 257.804, 257.806, 257.809, 257.810b, 257.811d, 257.811e, and 257.811h), sections 208b and 232 as amended by 2005 PA 173, sections 217a and 804 as amended and section 803r as added by 2003 PA 152, section 801 as amended by 2008 PA 7, section 802 as amended by 2004 PA 163, section 803b as amended by 2004 PA 426, section 806 as amended by 2008 PA 281, section 809 as amended by 2008 PA 280, section 810b as amended by 2006 PA 549, and sections 811d, 811e, and 811h as amended by 2006 PA 562; and to repeal acts and parts of acts.

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

Roll Call No. 460**Yeas—107**

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

Nays—1

Amash

In The Chair: Byrnes

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

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

A bill to amend 1949 PA 300, entitled “An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date;” by amending sections 208b, 217a, 232, 801, 802, 803b, 803r, 804, 806, 809, 810b, 811e, and 811h (MCL 257.208b, 257.217a, 257.232, 257.801, 257.802, 257.803b, 257.803r, 257.804, 257.806, 257.809, 257.810b, 257.811e, and 257.811h), sections 208b and 232 as amended by 2005 PA 173, sections 217a and 804 as amended and section 803r as added by 2003 PA 152, section 801 as amended by 2008 PA 7, section 802 as amended by 2004 PA 163, section 803b as amended by 2004 PA 426, section 806 as amended by 2008 PA 281, section 809 as amended by 2008 PA 280, section 810b as amended by 2006 PA 549, and sections 811e and 811h as amended by 2006 PA 562; and to repeal acts and parts of acts.

The motion prevailed.

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

Second Reading of Bills

Senate Bill No. 495, 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 2005 PA 174.

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 495, 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 2005 PA 174.

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

Roll Call No. 461

Yeas—108

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

Nays—0

In The Chair: Byrnes

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

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

The House agreed to the full title.

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

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

Second Reading of Bills

Senate Bill No. 540, 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 amended by 2005 PA 172.

Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Appropriations,

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 540, 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 amended by 2005 PA 172.

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

Roll Call No. 462

Yeas—108

Agema	Durhal	Kurtz	Proos
Amash	Ebli	Lahti	Roberts
Angerer	Elsenheimer	LeBlanc	Rocca
Ball	Espinoza	Leland	Rogers
Barnett	Geiss	Lemmons	Schmidt, R.
Bauer	Genetski	Lindberg	Schmidt, W.
Bledsoe	Gonzales	Lipton	Schuitmaker
Bolger	Green	Liss	Scott, B.
Booher	Gregory	Lori	Scott, P.
Brown, L.	Griffin	Lund	Scripps
Brown, T.	Haase	Marleau	Segal
Byrnes	Haines	Mayer	Sheltrown
Byrum	Hammel	McDowell	Simpson

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

Nays—0

In The Chair: Byrnes

The House agreed to the title of the bill.

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

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

By unanimous consent the House returned to the order of

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 Friday, September 25:

House Bill Nos.	5464	5465	5466	5467										
Senate Bill Nos.	864	865	866	867	868	869	870	871	872	873	874	875	876	

The Clerk announced that the following Senate bills had been received on Friday, September 25:

Senate Bill Nos.	252	418	831
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Reports of Standing Committees

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

House Bill No. 5463, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 1301, 30105, 30301, 30303, 30306, 30306b, 30311, 30312, 30317, 32512a, and 32513 (MCL 324.1301, 324.30105, 324.30301, 324.30303, 324.30306, 324.30306b, 324.30311, 324.30312, 324.30317, 324.32512a, and 324.32513), section 1301 as amended by 2008 PA 18, section 30105 as amended by 2006 PA 531, sections 30301, 30306, and 30312 as amended and section 32512a as added by 2003 PA 14, sections 30303 and 30311 as added by 1995 PA 59, section 30306b as added by 2006 PA 435, section 30317 as amended by 1998 PA 228, and section 32513 as amended by 2008 PA 276, and by adding sections 30303b, 30303d, 30305b, 30311b, 30311d, 30312b, 30312d, 30325, 30327, and 30329; and to repeal acts and parts of acts.

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. Warren, Bledsoe, Ebli, Kennedy, Leland, Meadows, Roberts and Scripps

Nays: Reps. Meekhof, Daley, Haveman, Rick Jones and Pavlov

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

Senate Bill No. 785, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 1301, 8807, 30105, 30301, 30303, 30306, 30306b, 30311, 30312, 30317, 32512a, and 32513 (MCL 324.1301, 324.8807, 324.30105, 324.30301, 324.30303, 324.30306, 324.30306b, 324.30311, 324.30312, 324.30317, 324.32512a, and 324.32513), section 1301 as amended by 2008 PA 18, section 8807 as added by 1998 PA 287, section 30105 as amended by 2006 PA 531, sections 30301, 30306, and 30312 as amended and section 32512a as added by 2003 PA 14, sections 30303 and 30311 as added by 1995 PA 59, section 30306b as added by 2006 PA 435, section 30317 as amended by 1998 PA 228, and section 32513 as amended by 2008 PA 276, and by adding sections 30303b, 30303d, 30304b, 30305b, 30311b, 30311d, 30312b, 30312d, 30325, 30327, and 30329; and to repeal acts and parts of acts.

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. Warren, Bledsoe, Ebli, Kennedy, Leland, Meadows, Roberts and Scripps

Nays: Reps. Meekhof, Daley, Haveman, Rick Jones and Pavlov

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Friday, September 25, 2009

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

Absent: Rep. Nerat

Excused: Rep. Nerat

Notices

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Tax Policy from further consideration of **House Bill No. 5376**.

Rep. Horn

Announcements by the Clerk

September 24, 2009

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

Financial audit, including the provisions of the Single Audit Act, of the Department of Human Services (DHS) for the period October 1, 2006 through September 30, 2008.

Richard J. Brown
Clerk of the House

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Calley, Lund, Kurtz, Walsh, Moore, Hansen, Paul Scott, Bolger, McMillin, Mayes, Wayne Schmidt, Spade, Haines, Opsommer, Proos, Horn, Pavlov, Daley, DeShazor, Terry Brown, Espinoza, Haveman, Stamas, Amash, Marleau, Denby, Moss, Knollenberg, Rick Jones, Meltzer, Genetski, Hildenbrand, Green, Meekhof, Schuitmaker, Sheltroun, McDowell, Roy Schmidt, Agema, Crawford, Caul, Elsenheimer, Kowall, Tyler, Slezak, Pearce, Booher, LeBlanc, Lori, Neumann and Rogers offered the following resolution:

House Resolution No. 162.

A resolution to memorialize Congress and the President of the United States to explicitly exclude coverage for abortion from any government health care plan that is created.

Whereas, The ongoing national discussion over health care reform is more than a public debate centering on governmental policies and procedures. The central nature of health care to all of our lives makes this issue more challenging and significant than other legislative initiatives in Washington; and

Whereas, While there are vigorous examinations of the wide range of proposals that have been made, including studies of such key ideas as a public option and how to pay for universal health care, it is essential that the aim of health care—protecting life—not be lost in the debate. Any health care plan that would ignore this by providing or requiring coverage for abortions would run counter to the respect for life that is a core value of our people; and

Whereas, A frequent element of arguments presented to advocate for health care reform is the moral imperative of being compassionate and being concerned with the health and well-being of others. Providing for coverage to pay for abortions would be the antithesis of this notion and contrary to the deeply held beliefs of tens of millions of Americans; and

Whereas, For 3 decades the nation's government-funded program of health care for the indigent—Medicaid—has explicitly excluded elective abortion funding by means of the Hyde Amendment. Any reform plan adopted in Washington must include a parallel abortion exclusion to avoid future bureaucratic interpretations or a fungible accounting process that would result in de facto abortion funding; now, therefore, be it

Resolved by the House of Representatives, That we memorialize Congress and the President of the United States to explicitly exclude coverage for abortion from any government health care plan that is created; and be it further

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

The resolution was referred to the Committee on Judiciary.

Messages from the Senate

Senate Bill No. 252, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11, 11j, 17b, 39a, and 147 (MCL 388.1611, 388.1611j, 388.1617b, 388.1639a, and 388.1747), sections 11 and 11j as amended by 2009 PA 73, section 17b as amended by 2007 PA 137, and sections 39a and 147 as amended by 2008 PA 268; and to repeal acts and parts of acts.

The Senate has passed the bill.

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

Senate Bill No. 418, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending section 88q (MCL 125.2088q), as added by 2008 PA 175.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on New Economy and Quality of Life.

Senate Bill No. 831, entitled

A bill to make interim general appropriations for various state departments and agencies, capital outlay, the legislative branch, the judicial branch, and certain other purposes for the period of October 1, 2009 to October 31, 2009; to provide for the expenditure of the appropriations; to provide for the disposition of fees and other income received by various state departments and agencies; to provide for the appointment of special committees; and to declare the effect of this act.

The Senate has passed the bill.

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

Introduction of Bills

Reps. Haveman, Stanley, Crawford, Hansen, Lund, Bolger, Walsh and Meekhof introduced

House Bill No. 5468, entitled

A bill to amend 2000 PA 305, entitled "Uniform electronic transactions act," by amending section 7 (MCL 450.837).

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

Rep. Clemente introduced

House Bill No. 5469, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 434 (MCL 208.1434), as amended by 2009 PA 26.

The bill was read a first time by its title and referred to the Committee on New Economy and Quality of Life.

Reps. Mayes, Huckleberry, Ball, Sheltroun, Booher, Horn, Haveman, Calley, Crawford, Roberts, Neumann, Agema, Rick Jones, Kowall, Genetski, Amash, Walsh, Daley, Pavlov, Kurtz, Schuitmaker, LeBlanc, Hansen, Bolger, Polidori, McDowell, Simpson, Spade, Terry Brown, Meekhof, Caul and Angerer introduced

House Bill No. 5470, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending section 5b (MCL 28.425b), as amended by 2008 PA 406.

The bill was read a first time by its title and referred to the Committee on Tourism, Outdoor Recreation and Natural Resources.

Reps. Haase, Huckleberry, Ball, Sheltroun, Booher, Horn, Calley, Haveman, Crawford, Roberts, Neumann, Agema, Rick Jones, Amash, Genetski, Kowall, Lund, Walsh, Pavlov, Daley, Kurtz, Schuitmaker, LeBlanc, Hansen, Polidori, McDowell, Simpson, Spade, Terry Brown, Meekhof, Caul, Angerer and Bolger introduced

House Bill No. 5471, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending sections 5k and 5o (MCL 28.425k and 28.425o), section 5k as added by 2000 PA 381 and section 5o as amended by 2008 PA 407.

The bill was read a first time by its title and referred to the Committee on Tourism, Outdoor Recreation and Natural Resources.

Reps. Segal, Huckleberry, Sheltroun, Ball, Horn, Haveman, Calley, Crawford, Roberts, Neumann, Agema, Rick Jones, Kowall, Amash, Lund, Genetski, Walsh, Daley, Pavlov, Kurtz, Schuitmaker, LeBlanc, Hansen, Polidori, McDowell, Simpson, Spade, Terry Brown, Meekhof, Caul, Angerer, Haase and Bolger introduced

House Bill No. 5472, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending section 2 (MCL 28.422), as amended by 2008 PA 406.

The bill was read a first time by its title and referred to the Committee on Tourism, Outdoor Recreation and Natural Resources.

Reps. Bolger, Wayne Schmidt, Ball, Sheltroun, Huckleberry, Booher, Horn, Calley, Haveman, Crawford, Roberts, Neumann, Agema, Rick Jones, Amash, Kowall, Genetski, Lund, Walsh, Daley, Pavlov, Kurtz, Schuitmaker, LeBlanc, Hansen, Polidori, McDowell, Simpson, Spade, Meekhof, Caul, Angerer and Haase introduced

House Bill No. 5473, entitled

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms and gas ejecting devices; to prohibit the buying, selling, or carrying of certain firearms and gas ejecting

devices without a license or other authorization; to provide for the forfeiture of firearms under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,” by amending section 12 (MCL 28.432), as amended by 2008 PA 195.

The bill was read a first time by its title and referred to the Committee on Tourism, Outdoor Recreation and Natural Resources.

Reps. Wayne Schmidt, Bolger, Ball, Sheltroun, Huckleberry, Horn, Calley, Haveman, Crawford, Roberts, Neumann, Agema, Lund, Walsh, Pavlov, Daley, Kurtz, Amash, LeBlanc, Hansen, Polidori, Simpson, McDowell, Spade, Terry Brown and Meekhof introduced

House Bill No. 5474, entitled

A bill to amend 1990 PA 319, entitled “An act to prohibit local units of government from imposing certain restrictions on the ownership, registration, purchase, sale, transfer, transportation, or possession of pistols or other firearms, ammunition for pistols or other firearms, or components of pistols or other firearms,” by amending sections 1, 2, and 3 (MCL 123.1101, 123.1102, and 123.1103).

The bill was read a first time by its title and referred to the Committee on Tourism, Outdoor Recreation and Natural Resources.

Reps. Simpson, Mayes, Cushingberry, Spade, Sheltroun, Geiss, Womack, Huckleberry and Slavens introduced

House Bill No. 5475, entitled

A bill to amend 1984 PA 323, entitled “The health care false claim act,” by amending section 2 (MCL 752.1002) and by adding section 8b.

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

Reps. Simpson, Mayes, Cushingberry, Spade, Sheltroun, Geiss, Womack, Huckleberry and Slavens introduced

House Bill No. 5476, entitled

A bill to amend 1977 PA 72, entitled “The medicaid false claim act,” by amending section 2 (MCL 400.602), as amended by 2008 PA 421, and by adding section 10d.

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

Reps. Cushingberry, Johnson and Nathan introduced

House Bill No. 5477, entitled

A bill to amend 1941 PA 122, entitled “An act to establish the revenue collection duties of the department of treasury; to prescribe its powers and duties as the revenue collection agency of this state; to prescribe certain powers and duties of the state treasurer; to establish the collection duties of certain other state departments for money or accounts owed to this state; to regulate the importation, stamping, and disposition of certain tobacco products; to provide for the transfer of powers and duties now vested in certain other state boards, commissions, departments, and offices; to prescribe certain duties of and require certain reports from the department of treasury; to provide procedures for the payment, administration, audit, assessment, levy of interests or penalties on, and appeals of taxes and tax liability; to prescribe its powers and duties if an agreement to act as agent for a city to administer, collect, and enforce the city income tax act on behalf of a city is entered into with any city; to provide an appropriation; to abolish the state board of tax administration; to prescribe penalties and provide remedies; and to declare the effect of this act,” by amending section 28 (MCL 205.28), as amended by 2003 PA 114.

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

Reps. Cushingberry, Johnson and Nathan introduced

House Bill No. 5478, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 1304, 1312, 1321, and 1344 (MCL 600.1304, 600.1312, 600.1321, and 600.1344), sections 1304 and 1321 as amended by 2004 PA 12, section 1312 as amended by 2005 PA 6, and section 1344 as amended by 2002 PA 739, and by adding sections 1301c, 1310a, and 1310b.

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

Reps. Johnson and Nathan introduced

House Bill No. 5479, entitled

A bill to amend 2007 PA 36, entitled “Michigan business tax act,” by amending section 435 (MCL 208.1435), as amended by 2008 PA 448.

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

House Bill No. 5126, entitled

A bill to amend 1974 PA 258, entitled “Mental health code,” by amending section 226 (MCL 330.1226), as amended by 2004 PA 497.

The bill was read a second time.

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills

House Bill No. 5126, entitled

A bill to amend 1974 PA 258, entitled “Mental health code,” by amending section 226 (MCL 330.1226), as amended by 2004 PA 497.

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

Roll Call No. 463

Yeas—108

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

Nays—0

In The Chair: Byrnes

The House agreed to the title of the bill.

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

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

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Angerer moved that the Committee on Regulatory Reform be discharged from further consideration of **House Bill No. 5120**.

(For first notice see House Journal No. 78, p. 1672.)

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

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

The bill was placed on the order of Second Reading of Bills.

Second Reading of Bills**House Bill No. 5120, entitled**

A bill to amend 1985 PA 106, entitled "State convention facility development act," by amending sections 6 and 10 (MCL 207.626 and 207.630), section 10 as amended by 2008 PA 553.

The bill was read a second time.

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

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

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

The motion prevailed.

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

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

By unanimous consent the House returned to the order of

Third Reading of Bills**House Bill No. 5120, entitled**

A bill to amend 1985 PA 106, entitled "State convention facility development act," by amending sections 6 and 10 (MCL 207.626 and 207.630), section 10 as amended by 2008 PA 553.

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

Roll Call No. 464**Yeas—62**

Amash	Donigan	Kennedy	Scripps
Angerer	Durhal	LeBlanc	Segal
Barnett	Ebli	Leland	Sheltrown
Bauer	Espinoza	Lemmons	Simpson
Bledsoe	Geiss	Lipton	Slavens
Brown, L.	Gonzales	Liss	Slezak
Brown, T.	Gregory	Mayes	Smith
Byrnes	Griffin	Meadows	Spade
Byrum	Haase	Melton	Stanley
Clemente	Hammel	Nathan	Switalski
Constan	Haugh	Neumann	Tlaib
Corriveau	Huckleberry	Polidori	Valentine

Coulouris	Jackson	Roberts	Warren
Cushingberry	Johnson	Schmidt, R.	Womack
Dean	Jones, Robert	Scott, B.	Young
Dillon	Kandrevas		

Nays—46

Agema	Green	Lori	Pavlov
Ball	Haines	Lund	Pearce
Bolger	Hansen	Marleau	Proos
Booher	Haveman	McDowell	Rocca
Calley	Hildenbrand	McMillin	Rogers
Caul	Horn	Meekhof	Schmidt, W.
Crawford	Jones, Rick	Meltzer	Schuitmaker
Daley	Knollenberg	Miller	Scott, P.
Denby	Kowall	Moore	Stamas
DeShazor	Kurtz	Moss	Tyler
Elsenheimer	Lahti	Opsommer	Walsh
Genetski	Lindberg		

In The Chair: Byrnes

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

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

A bill to amend 1985 PA 106, entitled "State convention facility development act," by amending section 10 (MCL 207.630), as amended by 2009 PA 61.

The motion prevailed.

The House agreed to the title as amended.

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

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

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Angerer moved that when the House adjourns today it stand adjourned until Sunday, September 27, at 2:00 p.m.

The motion prevailed.

Rep. Haines moved that the House adjourn.

The motion prevailed, the time being 9:35 p.m.

The Speaker Pro Tempore declared the House adjourned until Sunday, September 27, at 2:00 p.m.

RICHARD J. BROWN
Clerk of the House of Representatives