

No. 76
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
95th Legislature
REGULAR SESSION OF 2009

House Chamber, Lansing, Tuesday, September 22, 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—excused	LeBlanc—present	Roberts—present
Angerer—present	Elsenheimer—present	Leland—excused	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.—excused
Bolger—present	Gregory—present	Lund—present	Scott, P.—present
Booher—present	Griffin—excused	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—excused	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—excused
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—e/d/s
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. Kate Segal, from the 62nd District, offered the following invocation:

“As we gather today, we ask for the grace and wisdom to work together to act for the public good and make decisions that will benefit all the citizens of our great state, as they look to us for leadership in creating a stronger Michigan.

We ask for the courage to think not of our own futures, but rather to make the tough choices as we think of the futures of our children, our grandchildren, our parents, our grandparents, our neighbors, and all those who will come after us.

We pray for those who are struggling to make ends meet, and the thousands who live under a cloud of uncertainty and fear due to our economic challenges.

We pray for the wisdom we need to lead Michigan through these dark and turbulent times as we build a brighter future for our communities.

We give thanks for the privilege and honor of serving the people of Michigan.

In Your name, we offer this prayer.

Amen.”

Rep. Wayne Schmidt moved that Rep. McMillin be excused from today’s session.

The motion prevailed.

Rep. Angerer moved that Reps. Bennett, Ebli, Griffin, Leland, Nerat, Bettie Scott and Spade be excused from today’s session.

The motion prevailed.

Messages from the Senate

The Speaker laid before the House

House Bill No. 4744, entitled

A bill to amend 1913 PA 380, entitled “An act to regulate gifts of real and personal property to cities, villages, townships, and counties, and the use of those gifts and other funds; and to validate all gifts made before the enactment of this act,” by amending section 2 (MCL 123.872), as amended by 2003 PA 122.

(The bill was received from the Senate on September 17, with amendments and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 75, p. 1566.)

The question being on concurring in the amendments made to the bill by the Senate,

The amendments were concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 450

Yeas—98

Agema	Donigan	Kurtz	Proos
Angerer	Durhal	Lahti	Roberts
Ball	Elsenheimer	LeBlanc	Rocca
Barnett	Espinoza	Lemmons	Rogers
Bauer	Geiss	Lindberg	Schmidt, R.
Bledsoe	Gonzales	Lipton	Schmidt, W.
Bolger	Green	Liss	Schuitmaker
Booher	Gregory	Lori	Scott, P.
Brown, L.	Haase	Lund	Scripps
Brown, T.	Haines	Marleau	Segal
Byrnes	Hammel	Mayer	Sheltrown
Byrum	Hansen	McDowell	Simpson
Calley	Haugh	Meadows	Slavens
Caul	Haveman	Meekhof	Slezak

Clemente	Hildenbrand	Melton	Smith
Constan	Horn	Meltzer	Stamas
Corriveau	Huckleberry	Miller	Stanley
Coulouris	Jackson	Moore	Switalski
Crawford	Johnson	Nathan	Tyler
Cushingberry	Jones, Rick	Neumann	Valentine
Daley	Jones, Robert	Opsommer	Walsh
Dean	Kandrevas	Pavlov	Warren
Denby	Kennedy	Pearce	Womack
DeShazor	Knollenberg	Polidori	Young
Dillon	Kowall		

Nays—3

Amash	Genetski	Moss
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In The Chair: Byrnes

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

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

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 Wednesday, September 23, at 10:00 a.m.

The motion prevailed.

Reports of Standing Committees

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

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.

With the recommendation that the bill be referred to the Committee on Appropriations.

Favorable Roll Call

To Report Out:

Yeas: Reps. Corriveau, Segal, Byrum, Donigan, Liss, Roy Schmidt, Slavens, Womack, Ball, Calley, Crawford, Green, Moore and Paul Scott

Nays: None

The recommendation was concurred in and the bill was referred to the Committee on Appropriations.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Corriveau, Chair, of the Committee on Health Policy, was received and read: Meeting held on: Tuesday, September 22, 2009

Present: Reps. Corriveau, Segal, Byrum, Donigan, Liss, Roy Schmidt, Slavens, Womack, Ball, Calley, Crawford, Green, Moore and Paul Scott

Absent: Reps. Coulouris, Johnson, Neumann, Simpson, Valentine, Marleau and Denby

Excused: Reps. Coulouris, Johnson, Neumann, Simpson, Valentine, Marleau and Denby

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Byrnes, Chair, of the Committee on Public Employee Health Care Reform, was received and read:

Meeting held on: Thursday, September 17, 2009

Present: Reps. Byrnes, Melton, Haugh, Johnson, Scripps, Segal, Stanley, Pavlov, Bolger, Genetski, Lori and Rogers

Absent: Rep. Lahti

Excused: Rep. Lahti

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Leland, Chair, of the Committee on Urban Policy, was received and read: Meeting held on: Tuesday, September 22, 2009

Present: Reps. Leland, Nathan, Barnett, Meadows, Segal, Stanley, Womack, Paul Scott, Hansen, Meltzer and Pavlov

By unanimous consent the House returned to the order of

Reports of Select Committees

First Conference Report

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

House Bill No. 4435, entitled

A bill to make appropriations for community colleges and certain state purposes related to education for the fiscal year ending September 30, 2010; to provide for the expenditure of those appropriations; to establish or continue certain funds, programs, and categories; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

Recommends:

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

A bill to make appropriations for community colleges and certain state purposes related to education for the fiscal year ending September 30, 2010; to provide for the expenditure of those appropriations; to establish or continue certain funds, programs, and categories; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

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 community colleges and certain other state purposes relating to education 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:

COMMUNITY COLLEGES

APPROPRIATION SUMMARY

GROSS APPROPRIATION \$ 299,360,500

Interdepartmental grant revenues:

Total interdepartmental grants and intradepartmental transfers 0

ADJUSTED GROSS APPROPRIATION \$ 299,360,500

Federal revenues:

Total federal revenues..... 0

	For Fiscal Year Ending Sept. 30, 2010
Special revenue funds:	
Total local revenues	0
Total private revenues	0
Total other state restricted revenues	0
State general fund/general purpose	\$ 299,360,500
Sec. 102. OPERATIONS	
Alpena Community College	\$ 5,126,100
Bay de Noc Community College.....	5,178,400
Delta College.....	13,751,600
Glen Oaks Community College.....	2,304,800
Gogebic Community College	4,275,200
Grand Rapids Community College.....	17,219,800
Henry Ford Community College	20,898,900
Jackson Community College	11,542,300
Kalamazoo Valley Community College.....	11,888,600
Kellogg Community College	9,311,800
Kirtland Community College	2,842,800
Lake Michigan College	5,012,100
Lansing Community College.....	29,762,500
Macomb Community College.....	31,773,900
Mid Michigan Community College.....	4,289,200
Monroe County Community College	4,142,800
Montcalm Community College	2,981,600
C.S. Mott Community College.....	15,016,400
Muskegon Community College	8,518,600
North Central Michigan College	2,893,600
Northwestern Michigan College.....	8,682,000
Oakland Community College	20,133,700
St. Clair County Community College	6,729,800
Schoolcraft College	11,767,000
Southwestern Michigan College.....	6,276,900
Washtenaw Community College.....	12,149,000
Wayne County Community College	15,889,900
West Shore Community College	2,198,500
GROSS APPROPRIATION	\$ 292,557,800
Appropriated from:	
State general fund/general purpose	\$ 292,557,800
Sec. 103. GRANTS	
At-risk student success program.....	\$ 3,322,700
Renaissance zone tax reimbursement funding.....	3,480,000
GROSS APPROPRIATION	\$ 6,802,700
Appropriated from:	
State general fund/general purpose	\$ 6,802,700

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 \$299,360,500.00 and state spending from state resources to be paid to local units of government for fiscal year 2009-2010 is \$299,360,500.00. The itemized statement below identifies appropriations from which spending to local units of government will occur:

Operations.....	\$ 292,557,800
At-risk student success program.....	3,322,700
Renaissance zone tax reimbursement program.....	3,480,000
TOTAL.....	\$ 299,360,500

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. Unless otherwise specified, a community college receiving appropriations in part 1 and the department of energy, labor, and economic growth 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 principal executive officer of each community college 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 principal executive officer shall strongly encourage firms with which the community college contracts to subcontract with certified businesses in depressed and deprived communities for services or supplies, or both.

Sec. 211. (1) The money appropriated in this act is appropriated for community colleges with fiscal years ending June 30, 2010 and shall be paid out of the state treasury and distributed by the state treasurer to the respective community colleges in 11 monthly installments on the sixteenth of each month, or the next succeeding business day, beginning with October 16, 2009. Each community college shall accrue its July and August 2010 payments to its institutional fiscal year ending June 30, 2010. However, if a community college fails to submit all verified Michigan community colleges activities classification structure data for school year 2008-2009 to the department of energy, labor, and economic growth by November 1, 2009, the monthly installments shall be withheld from that community college until those data are submitted. The amount from the money appropriated in part 1 that is allocated to address the special needs of at-risk students shall be paid in full by the state treasurer by November 1, 2009. The amount distributed to a community college or department shall not exceed the net state allocation authorized by this act.

(2) Except as otherwise provided by law, each of the amounts appropriated shall be used solely for the respective purposes stated in this act. The money appropriated in this act may be used to match the cost of any available programs under the Carl D. Perkins vocational and applied technology education act of 1998, 20 USC 2301 to 2414, including local administration.

Sec. 216. (1) A community college shall pay the employer's contributions to the Michigan public school employees' retirement system created by the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1301 to 38.1408, as a condition of receiving money appropriated under this act.

(2) A community college shall not pay an employer's contribution to more than 1 retirement fund providing benefits for an employee.

Sec. 217. Money appropriated in part 1 shall not be used to pay for the construction or maintenance of a self-liquidating project. A community college shall comply with the current use and finance requirements of the joint capital outlay subcommittee (JCOS) for any construction, renovation, or other capital outlay projects pursuant to JCOS policy.

Sec. 224. (1) Recognizing the critical importance of education in strengthening Michigan's workforce, the legislature encourages the state's public community colleges to explore ways of increasing collaboration and cooperation with 4-year universities, particularly in the areas related to training, instruction, and program articulation.

(2) Recognizing the central role of community colleges in responding to local employment needs and challenges, community colleges shall develop and continue efforts to collaborate with local employers and students to identify local employment needs and strategies to meet them.

(3) Community colleges are encouraged to collaborate with each other on innovations to identify and meet local employment needs.

(4) Community colleges are encouraged to organize and participate in a legislative summit on a strategy for meeting the employment needs of the entire state. The community colleges shall report the results of the summit to the senate and house appropriations subcommittees on community colleges.

Sec. 234. Community colleges shall do the following:

(a) Undertake active measures to promote equal opportunities, eliminate discrimination, and foster a diverse student body and administration among all people including, but not limited to, women, minorities, seniors, veterans, and people with disabilities.

(b) Review, analyze, and eradicate activities that may tend to discriminate.

Sec. 241. (1) It is the intent of the legislature that community colleges expand their current nursing education programs and increase nursing education program enrollments. This expansion may include, but is not limited to, creating partnerships with hospitals and other health care providers, encouraging programs that assist in placing students at all levels of nursing, recruiting and hiring a larger number of individuals with masters degrees in nursing as instructors, expanding the focus and utilization of the nursing scholarship program, and redirecting existing institutional resources toward nursing education programs.

(2) Community college nursing programs are part of a comprehensive solution to Michigan’s nursing shortage. Community college students are eligible to apply for financial assistance through the Michigan nursing scholarship program established in the Michigan nursing scholarship act, 2002 PA 591, MCL 390.1181 to 390.1189. The Michigan nursing corps grants described in section 431 of 2007 PA 118 and administered by the department of energy, labor, and economic growth provide funding to address the shortage of qualified nursing faculty. Community colleges are encouraged to coordinate with the chief nurse executive in the department of community health and with 4-year universities to improve access to nursing programs and to assist students to successfully enter the nursing workforce.

Sec. 242. It is the intent of the legislature that the Michigan community college association, the legislature, and other interested parties continue the discussion regarding payments in lieu of taxes, especially for those community college districts that contain significant portions of nontaxable land.

Sec. 247. Funds appropriated in part 1 shall not be used to enter into a lease for, or to purchase, a vehicle assembled or manufactured outside of the United States if competitively priced and comparable quality vehicles made in the state of Michigan or elsewhere in the United States of America are available.

Sec. 248. It is the intent of the legislature to acknowledge the community colleges’ success at providing an affordable quality education during these tough economic times and to encourage each community college to continue to make every effort possible not to raise in-district tuition and fees charged to Michigan residents in the 2009-2010 academic year by more than the annual average percentage increase in the United States consumer price index in the immediately preceding academic year, plus 0.5%.

Sec. 249. It is the intent of the legislature to encourage community college districts to evaluate and pursue efficiency and cost-containment measures that maximize state funding. Community colleges shall identify practices that increase efficiencies, including, but not limited to, establishing joint ventures, consolidating services, utilizing program collaborations, maximizing educational benefits through optimal class sizes and frequency of course offerings, increasing web-based instruction, eliminating low-enrollment and high-cost instructional programs, using self-insurance, practicing energy conservation, and utilizing group purchasing. Efficiency efforts shall also include reviewing proposed capital outlay projects to increase coordination and utilization of new facilities, renovation projects, and technology improvements. The Michigan community college association shall prepare a written report detailing these efficiency practices and submit the report to the house and senate appropriation subcommittees on community colleges and the house and senate fiscal agencies no later than December 1, 2009.

STATE AID - OPERATIONS

Sec. 301. Unless otherwise stated, all data items used in determining state aid in this act are as defined in the 2001 Manual for Uniform Financial Reporting, Michigan Public Community Colleges, which shall be the basis for reporting data, and the Activities Classification Structure Manual for Michigan Community Colleges, as amended, which shall be used to document financial needs of the community colleges.

Sec. 302. A community college shall not include in the enrollment data reported for determining state aid under this act any student credit hours or student contact hours for a student incarcerated in a Michigan penal institution. Exclusion of these students is intended to avoid the payment of state aid under this act for the same individuals for whom reimbursement is provided by the state correctional system.

Sec. 304. It is the intent of the legislature that the recommendations and performance measures developed by the performance indicators task force formed pursuant to section 242 of 2005 PA 154 be reviewed and more fully implemented for distribution of state funding to community colleges in future years. Specifically, it is the intent of the legislature that the performance indicators task force review and implement 1 or more measurable data items for the local strategic value indicator and review and implement 1 or more measurable data items for an administrative cost formula component.

GRANTS

Sec. 401. (1) The community college at-risk student success program is continued. The funding shall be prorated among community colleges based on the number of student contact hours for developmental and preparatory instruction reported by each community college to the department of energy, labor, and economic growth pursuant to the Activities Classification Structure Manual for Michigan Community Colleges, as amended. Of the amount appropriated in part 1 for the at-risk student success program, \$1,120,000.00 is allocated for base grants of \$40,000.00 each, to address the special needs of at-risk students at community colleges.

(2) Of the amount appropriated in part 1 for the at-risk student success program, the balance of the appropriated money shall be distributed on a proration utilizing the sum of the most recent 3 years developmental/preparatory contact hours divided by the sum of the 3-year total contact hours at each college. Each community college’s percentage shall be divided by the sum of all the percentages systemwide to obtain each community college’s prorated grant amount.

(3) For the fiscal year ending September 30, 2010, the at-risk student success program money is allocated as follows:

Alpena Community College	\$	83,000
Bay de Noc Community College.....		69,100
Delta College.....		106,400
Glen Oaks Community College.....		111,300
Gogebic Community College		56,300

Grand Rapids Community College.....	133,300
Henry Ford Community College.....	163,300
Jackson Community College.....	132,800
Kalamazoo Valley Community College.....	92,000
Kellogg Community College.....	152,600
Kirtland Community College.....	128,400
Lake Michigan College.....	147,000
Lansing Community College.....	157,000
Macomb Community College.....	84,200
Mid Michigan Community College.....	133,600
Monroe County Community College.....	104,100
Montcalm Community College.....	75,600
C.S. Mott Community College.....	113,300
Muskegon Community College.....	81,100
North Central Michigan College.....	109,800
Northwestern Michigan College.....	122,500
Oakland Community College.....	146,900
St. Clair County Community College.....	123,100
Schoolcraft College.....	123,500
Southwestern Michigan College.....	152,300
Washtenaw Community College.....	127,300
Wayne County Community College.....	146,200
West Shore Community College.....	146,700

(4) As used in this act, “at-risk students” means students who meet 1 or more of the following criteria:

(a) Are initially placed in 1 or more developmental courses as a result of standardized testing or as a result of failure to make satisfactory academic progress.

(b) Are diagnosed as learning disabled.

(c) Require English as a second language (ESL) assistance.

(5) Grant funding under this section shall be utilized to address the special needs of at-risk students. Activities related to services provided to at-risk students include, but are not limited to, pretesting for academic ability, counseling contacts, and special programs. Equipment or information technology hardware or software purchased under this section must be associated with the operation of a program designed to address the needs of at-risk students.

(6) Grant funding under this section shall not be used for indirect costs including, but not limited to, rent, utilities, or, except as provided in this section, college administration.

(7) Each community college shall report to the department of energy, labor, and economic growth a summary of all accomplishments under, expenditures for, and compliance with the intent of this program, including the number of at-risk students served. The report is subject to audit as provided for in section 502(1). The report shall be submitted not later than 90 days after the end of the state’s fiscal year.

Sec. 404. The appropriation in part 1 for renaissance zone reimbursements shall be made to each eligible recipient no later than 60 days after the department of treasury certifies to the state budget director that it has received all necessary information to properly determine the amounts due each eligible recipient under section 12 of the Michigan renaissance zone act, 1996 PA 376, MCL 125.2692.

Sec. 405. A community college receiving funds under this act shall cooperate with the state to comply with the provisions of the American recovery and reinvestment act of 2009, Public Law 111-5, requiring the establishment of a statewide P-20 longitudinal data system.

REPORTS AND AUDITS

Sec. 501. The department of energy, labor, and economic growth shall publish the activities classification structure data book for Michigan community colleges on or before March 1, 2010.

Sec. 502. (1) The auditor general or a certified public accountant appointed by the auditor general may conduct performance audits of community colleges as the auditor general considers necessary.

(2) Not more than 60 days after an audit report is released by the office of the auditor general, the principal executive officer of the community college that was audited shall submit to the house and senate appropriations committees, the house and senate fiscal agencies, the department of energy, labor, and economic growth, the auditor general, and the state budget director a plan to comply with audit recommendations. The plan shall contain projected dates and resources required, if any, to achieve compliance with the audit recommendations, or a documented explanation of the college’s non-compliance with the audit recommendations concerning the matters on which the audited community college and office of the auditor general disagree.

Sec. 504. (1) A community college shall retain certified class summaries, class lists, registration documents, and student transcripts that are consistent with the taxonomy of courses. For each enrollment period during the fiscal year,

these certified documents shall identify clearly by course the number of in-district and out-of-district student credit and contact hours. The class summaries and class lists shall be consistent with each other and shall include the course prefix and numbers, course title, course credit and contact hours, credit and contact hours generated by each student, and activity classifications consistent with the taxonomy. An auditable process shall be used by the community college to determine the unduplicated head count for in-district students, out-of-district students, and prisoners for each enrollment period during the fiscal year.

(2) Contracts between the community college and agencies that reimburse the community college for the costs of instruction shall be retained for audit purposes.

Sec. 505. Each community college shall have an annual audit of all income and expenditures performed by an independent auditor and shall furnish the independent auditor's management letter and an annual audited accounting of all general and current funds income and expenditures including audits of college foundations to the members of the senate and house appropriations subcommittees on community colleges, the senate and house fiscal agencies, the auditor general, the department of energy, labor, and economic growth, and the state budget director before November 15, 2009. If a community college fails to furnish the audit materials, the monthly state aid installments shall be withheld from that college until the information is submitted. All reporting shall conform to the requirements set forth in the 2001 Manual for Uniform Financial Reporting, Michigan Public Community Colleges.

Sec. 506. (1) Each community college shall report the following to the department of energy, labor, and economic growth no later than November 1, 2009:

(a) The number of North American Indian students enrolled each term for the previous fiscal year, using guidelines and procedures developed by the department of energy, labor, and economic growth and the Michigan commission on Indian affairs.

(b) The number of North American Indian tuition waivers granted each term, and the monetary value of the waivers for the previous fiscal year.

(2) Colleges shall use the criteria cited in 1976 PA 174, MCL 390.1251 to 390.1253, to determine eligibility for tuition waivers, and shall grant those waivers to individuals who meet the criteria and request tuition waivers.

(3) The department of energy, labor, and economic growth shall compile the information received under subsection (1) and shall submit this compilation to the house and senate appropriations subcommittees on community colleges, the senate and house fiscal agencies, and the state budget director by January 7, 2010.

Sec. 507. Upon request, a community college shall inform interested Michigan high schools of the aggregate academic status of its students for the prior academic year, in a manner prescribed by the Michigan community college association and in cooperation with the Michigan association of secondary school principals.

Sec. 508. (1) Each community college shall report to the house and senate fiscal agencies, the state budget director, and the department of energy, labor, and economic growth by August 31, 2009, the tuition and mandatory fees paid by a full-time in-district student and a full-time out-of-district student as established by the college governing board for the 2009-2010 academic year. This report should also include the annual cost of attendance based on a full-time course load of 30 credits. Each community college shall also report any revisions to the reported 2009-2010 academic year tuition and mandatory fees adopted by the college governing board to the house and senate fiscal agencies, the state budget director, and the department of energy, labor, and economic growth within 15 days of being adopted.

(2) The department of energy, labor, and economic growth shall prepare and provide to community colleges a standard format for reporting tuition and fees pursuant to subsection (1).

Sec. 509. (1) Each community college shall report to the department of energy, labor, and economic growth the numbers and type of associate degrees and other certificates awarded during the previous fiscal year. The report shall be made not later than November 15, 2009.

(2) The department of energy, labor, and economic growth shall compile the information received under subsection (1) and shall submit this compilation to the house and senate appropriations subcommittees on community colleges, the senate and house fiscal agencies, and the state budget director by January 7, 2010.

Sec. 510. A community college receiving funding under this act and also subject to the student right-to-know and campus security act, Public Law 101-542, 104 Stat. 2381, shall make a copy of all material prepared in accordance with the public information reporting requirements under the crime awareness and campus security act of 1990, title II of the student right-to-know and campus security act, Public Law 101-542, 104 Stat. 2384, available in hard copy and electronic format accessible through the Internet for school districts, parents, and students.

Sec. 511. (1) At least 30 days before submission of a new state plan to the United States department of education for approval under the Perkins act, the department of energy, labor, and economic growth shall provide copies of the proposed plan to the members of the senate and house appropriations subcommittees on community colleges for their review and comment. Copies of the proposed plan shall be provided to the senate and house fiscal agencies and the state budget director at the same time that they are provided to the senate and house subcommittees.

(2) The Perkins grant application process and content shall be streamlined to the extent possible.

(3) As used in this section, "Perkins act" means the Carl D. Perkins vocational and applied technology education act of 1998, 20 USC 2301 to 2414.

Sec. 513. The department of treasury shall annually collect and compile data on the tax revenue losses to community colleges resulting from tax increment financing authorities (TIFA) and tax abatements. The department of treasury shall produce a report detailing the data. The report shall be completed and presented to the house and senate appropriations subcommittees on community colleges, the department of energy, labor, and economic growth, and the department of management and budget not later than March 1, 2010. The report shall include, but is not limited to, the following:

- (a) Estimated revenue losses for each community college for the calendar year 2009.
- (b) Confirmed revenue losses for each community college for the calendar years 2007 and 2008.
- (c) Other requirements requested by the house and senate appropriations subcommittees on community colleges.

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

A bill to make appropriations for community colleges and certain state purposes related to education for the fiscal year ending September 30, 2010; to provide for the expenditure of those appropriations; to establish or continue certain funds, programs, and categories; and to prescribe the powers and duties of certain state departments, institutions, agencies, employees, and officers.

Fred Miller
Joan Bauer
Darwin Booher
Conferees for the House

Bill Hardiman
Valde Garcia
Irma Clark-Coleman
Conferees for the Senate

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

Messages from the Senate

Senate Bill No. 253, entitled

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2010; to provide for the expenditure of those appropriations; to provide for certain reports and the consideration of those reports; to provide for the disposition of other income received by the various state agencies; to provide for certain emergency powers; and to provide for the powers and duties of certain committees, certain state agencies, and certain employees.

The Senate has nonconcurrent in the House substitute (H-7) and appointed Senators Garcia, Cropsey and Barcia as conferees.

The message was referred to the Clerk for record.

Rep. Tlaib entered the House Chambers.

Notices

The Speaker appointed as conferees, on the part of the House of Representatives for **Senate Bill No. 253**, Reps. LeBlanc, Espinoza and Genetski.

Announcements by the Clerk

September 18, 2009

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

Performance audit of General Controls Over the Data Collection and Distribution System and the Human Resources Management Network, Office of the State Budget, Civil Service Commission, and Michigan Department of Information Technology, September 2009.

Richard J. Brown
Clerk of the House

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. Warren, Smith, Roberts, Scripps, Switalski, Lisa Brown, Liss, Haase, Barnett, Mayes, Tlaib, Byrnes, Constan, Dean, Geiss, Gonzales, Gregory, Haugh, Robert Jones, Lemmons, Lipton, Miller, Neumann, Polidori, Slavens, Valentine, Durhal, LeBlanc, Rogers, Sheltroun, Stanley, Cushingberry, Marleau and Pearce offered the following resolution:

House Resolution No. 160.

A resolution proclaiming the week of September 21, 2009, as Pollution Prevention Week in the state of Michigan.

Whereas, The state of Michigan’s natural resources are enjoyed each day by residents and tourists who partake in outdoor activities such as hiking, bicycling, and water sports; and

Whereas, Michigan’s environment is at risk of being harmed or destroyed due to the lack of protection against harmful pollutants, which threaten nature’s delicate balance; and

Whereas, The benefits of pollution prevention are achieved through reducing, reusing, and recycling, which can improve environmental conditions, protect the health and safety of workers, strengthen our communities, and provide an assurance for our future; and

Whereas, By focusing on pollution prevention, the state of Michigan can meet the challenges of maintaining a healthy environment through increasing industrial efficiency, the development of a bioeconomy and the creation of green businesses with pollution-free technology; and

Whereas, Pollution Prevention Week is an opportunity for the residents of this state to join forces and work toward ensuring a prosperous and sustainable future that is free of pollutants; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body proclaim the week of September 21, 2009, Pollution Prevention Week in the state of Michigan. We encourage all residents of this state to join in this observance and incorporate pollution prevention into their everyday activities.

The question being on the adoption of the resolution,

The resolution was adopted.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills had been printed and placed upon the files of the members on Friday, September 18:

House Bill Nos.	5377	5378	5379	5380	5381	5382	5383	5384	5385	5386	5387	5388	5389	5390
	5391	5392	5393	5394	5395	5396	5397	5398	5399	5400	5401	5402	5403	5404
	5405	5406	5407	5408	5409	5410	5411	5412	5413	5414	5415	5416	5417	5418
	5419	5420	5421	5422										
Senate Bill Nos.	829	830	832	833	834	835	836	837	838	839	840	841	842	843
	844	845												

The Clerk announced that the following bills had been printed and placed upon the files of the members on Tuesday, September 22:

Senate Bill Nos.	846	847	848	849	850	851	852	853
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The Clerk announced that the following Senate bills had been received on Tuesday, September 22:

Senate Bill Nos.	715	722	726
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Messages from the Senate

Senate Bill No. 715, entitled

A bill to amend 1956 PA 40, entitled “The drain code of 1956,” by amending section 154 (MCL 280.154).

The Senate has passed the bill.

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

Senate Bill No. 722, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding section 21529; 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 Health Policy.

Senate Bill No. 726, entitled

A bill to amend 2008 PA 33, entitled "Michigan planning enabling act," by amending section 15 (MCL 125.3815). The Senate has passed the bill.

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

Senate Concurrent Resolution No. 4.

A concurrent resolution to affirm Michigan's sovereignty under the Tenth Amendment to the Constitution of the United States over all powers not enumerated and granted to the federal government.

Whereas, The Tenth Amendment provides that powers not granted to the federal government nor prohibited to the states are reserved to the states and to the people. The Tenth Amendment limits the scope of federal power and prescribes that the federal government was created by the states specifically to be an agent of the states. Currently, the states are treated as agents of the federal government; and

Whereas, Many federal mandates are directly in violation of the Tenth Amendment. The United States Supreme Court has ruled that the United States Congress may not commandeer the legislative and regulatory processes of the states. By this resolution Michigan claims sovereignty under the Tenth Amendment over all powers not granted to the federal government under the United States Constitution; and

Whereas, All government agencies and their agents and employees operating within the geographic boundaries of the state of Michigan, or whose actions have an effect on the inhabitants, lands, or water of Michigan, shall operate within the confines of the original intent of the Constitution of the United States or be subject to penalty of law as provided for now or in the future within the Constitution of the state of Michigan, the Michigan statutes, or the common law. This resolution serves as notice and demand to the federal government, as Michigan's agent, to cease and desist immediately all mandates that are beyond the scope of the federal government's constitutionally delegated powers; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we affirm Michigan's sovereignty under the Tenth Amendment to the Constitution of the United States over all powers not enumerated and granted to the federal government; and be it further

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

The Senate has adopted the concurrent resolution.

Reps. Agema, Amash, Calley, Daley, Genetski, Horn, Rick Jones, Knollenberg, Neumann, Opsommer, Durhal, LeBlanc, Rogers, Sheltroun, Cushingberry, Marleau, Pearce and Meekhof were named co-sponsors of the concurrent resolution.

The concurrent resolution was referred to the Committee on Judiciary.

Introduction of Bills

Rep. Cushingberry introduced

House Bill No. 5423, entitled

A bill to amend 2001 PA 63, entitled "History, arts, and libraries act," by amending the title and sections 1, 2, 5, 9, and 11 (MCL 399.701, 399.702, 399.705, 399.709, and 399.711), the title and section 2 as amended and section 9 as added by 2008 PA 559; and to repeal acts and parts of acts.

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

Rep. Cushingberry introduced

House Bill No. 5424, entitled

A bill to amend 1976 PA 442, entitled "Freedom of information act," by amending section 13 (MCL 15.243), as amended by 2006 PA 482.

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

Rep. Cushingberry introduced

House Bill No. 5425, entitled

A bill to amend 1984 PA 431, entitled "The management and budget act," by amending sections 284, 287, 288, 289, and 292 (MCL 18.1284, 18.1287, 18.1288, 18.1289, and 18.1292), as amended by 2001 PA 71.

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

Rep. Cushingberry introduced
House Bill No. 5426, entitled

A bill to amend 1992 PA 116, entitled "Records reproduction act," by amending section 1 (MCL 24.401), as amended by 2004 PA 574.

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

Rep. Cushingberry introduced
House Bill No. 5427, entitled

A bill to amend 1947 PA 359, entitled "The charter township act," by amending section 13a (MCL 42.13a), as added by 2006 PA 596.

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

Rep. Cushingberry introduced
House Bill No. 5428, entitled

A bill to amend 1975 PA 197, entitled "An act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials," by amending section 29 (MCL 125.1679), as amended by 2004 PA 66.

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

Rep. Cushingberry introduced
House Bill No. 5429, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending sections 29a and 88j (MCL 125.2029a and 125.2088j), section 29a as added by 2008 PA 75 and section 88j as added by 2005 PA 225.

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

Rep. Cushingberry introduced
House Bill No. 5430, entitled

A bill to amend 2005 PA 280, entitled "Corridor improvement authority act," by amending section 26 (MCL 125.2896).

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

Rep. Cushingberry introduced
House Bill No. 5431, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4cc (MCL 205.54cc), as amended by 2008 PA 78.

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

Rep. Cushingberry introduced
House Bill No. 5432, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending sections 266 and 435 (MCL 206.266 and 206.435), section 266 as amended by 2008 PA 447 and section 435 as amended by 2008 PA 560.

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

Rep. Cushingberry introduced
House Bill No. 5433, 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 Appropriations.

Rep. Cushingberry introduced

House Bill No. 5434, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 811k (MCL 257.811k), as amended by 2006 PA 298.

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

Rep. Cushingberry introduced

House Bill No. 5435, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 63523, 63524, 63545, 72113, 76102, 76103, 76104, 76105, 76107, 76108, 76109, 76110, 76111, 76112, 76113, 76114, and 76118 (MCL 324.63523, 324.63524, 324.63545, 324.72113, 324.76102, 324.76103, 324.76104, 324.76105, 324.76107, 324.76108, 324.76109, 324.76110, 324.76111, 324.76112, 324.76113, 324.76114, and 324.76118), sections 63523 and 63545 as amended by 2001 PA 78, sections 63524, 76105, and 76109 as amended by 2004 PA 325, section 72113 as added by 2002 PA 454, sections 76102, 76103, 76104, 76108, 76110, 76111, 76112, 76113, 76114, and 76118 as amended by 2001 PA 75, and section 76107 as amended by 2001 PA 155.

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

Rep. Cushingberry introduced

House Bill No. 5436, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 32n (MCL 388.1632n), as added by 2007 PA 137.

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

Rep. Cushingberry introduced

House Bill No. 5437, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 76503 (MCL 324.76503), as amended by 2001 PA 78.

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

Rep. Cushingberry introduced

House Bill No. 5438, entitled

A bill to amend 1989 PA 24, entitled "The district library establishment act," by amending section 2 (MCL 397.172), as amended by 2005 PA 60.

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

Rep. Cushingberry introduced

House Bill No. 5439, entitled

A bill to amend 1977 PA 89, entitled "State aid to public libraries act," by amending the title and sections 2 and 25 (MCL 397.552 and 397.575), as amended by 2001 PA 65.

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

Rep. Cushingberry introduced

House Bill No. 5440, entitled

A bill to amend 1913 PA 271, entitled "An act to create the Michigan historical commission; to provide for the appointment of members of the commission; to fix their terms of office, prescribe their powers and duties; to prescribe the powers and duties of certain state agencies and officers; to make an appropriation to carry out the provisions of this act; to provide for the distribution of certain revenue; to provide for the listing and destruction of useless documents, books and papers; and to repeal all acts and parts of acts inconsistent herewith," by amending section 10 (MCL 399.10), as amended by 2001 PA 66.

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

Rep. Cushingberry introduced
House Bill No. 5441, entitled

A bill to amend 1976 PA 69, entitled "An act to permit the department of history, arts, and libraries to acquire and operate state historic sites; to accept gifts for that purpose; and to permit investment in certain funds to carry out the purposes of this act," by amending sections 1, 2, and 3 (MCL 399.111, 399.112, and 399.113), as amended by 2001 PA 73.

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

Rep. Cushingberry introduced
House Bill No. 5442, entitled

A bill to amend 1984 PA 152, entitled "Michigan iron industry museum advisory board act," by amending sections 3 and 4 (MCL 399.73 and 399.74), as amended by 2001 PA 77.

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

Rep. Cushingberry introduced
House Bill No. 5443, entitled

A bill to amend 1998 PA 409, entitled "Michigan freedom trail commission act," by amending section 2 (MCL 399.82), as amended by 2001 PA 79.

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

Rep. Cushingberry introduced
House Bill No. 5444, entitled

A bill to amend 1955 PA 10, entitled "Michigan historical markers act," by amending sections 2 and 6 (MCL 399.152 and 399.156), section 2 as amended and section 6 as added by 2002 PA 488.

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

Rep. Cushingberry introduced
House Bill No. 5445, entitled

A bill to amend 1970 PA 169, entitled "Local historic districts act," by amending section 1a (MCL 399.201a), as amended by 2004 PA 67.

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

Rep. Cushingberry introduced
House Bill No. 5446, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2137 (MCL 600.2137), as amended by 2001 PA 76.

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

Rep. Johnson introduced
House Bill No. 5447, entitled

A bill to amend 1981 PA 95, entitled "The precious metal and gem dealer act," by amending sections 2, 3, and 4 (MCL 445.482, 445.483, and 445.484), sections 2 and 3 as amended by 2006 PA 295 and section 4 as amended by 1990 PA 34.

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

Rep. LeBlanc introduced
House Bill No. 5448, entitled

A bill to amend 2003 PA 152, entitled "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 217a, 217d, 307, 312e, 312h, 320e, 801, 801d, 802, 803b, 803m, 804, 806, 807, 810, 811, 811c, 811h, and 812 (MCL 257.217a, 257.217d, 257.307, 257.312e, 257.312h, 257.320e, 257.801, 257.801d, 257.802, 257.803b, 257.803m, 257.804, 257.806, 257.807, 257.810, 257.811, 257.811c, 257.811h, and 257.812), section 217a as amended by 1988 PA 419, section 217d as amended by 2000 PA 78, section 307 as amended by 2002 PA 534, section 312e as amended by 2002 PA 652, section 312h as amended by 1989 PA 299, section 320e as amended by 1998 PA 346, section 801 as amended by 2002 PA 417, section 801d as amended by 1984 PA 123, section 802 as amended by 1998 PA 396, section 803b as amended by 1996 PA 142, section 803m as amended and section 811c as added by 1994 PA 332, section 804 as amended and section 811h as added by 2000 PA 77, section 806 as amended by 2002 PA 497, section 807 as amended by 1998 PA 384, section 810 as amended by 1987 PA 238, section 811 as amended by 2000 PA 456, and section 812 as amended by 1989 PA 280, and by adding sections 803r and 810b; and to repeal acts and parts of acts," by repealing enacting section 2.

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

Reps. Rick Jones and Calley introduced

House Bill No. 5449, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," (MCL 38.1 to 38.69) by adding section 19k. The bill was read a first time by its title and referred to the Committee on Labor.

Reps. Knollenberg, Walsh, Bledsoe, Meltzer and Calley introduced

House Bill No. 5450, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending sections 52 and 69 (MCL 169.252 and 169.269), as amended by 2001 PA 250.

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

Reps. Knollenberg, Bledsoe and Walsh introduced

House Bill No. 5451, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending sections 24, 45, 52, and 69 (MCL 169.224, 169.245, 169.252, and 169.269), section 24 as amended by 1999 PA 237, section 45 as amended by 1996 PA 590, and sections 52 and 69 as amended by 2001 PA 250.

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

Rep. Haugh moved that the House adjourn.

The motion prevailed, the time being 1:35 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, September 23, at 10:00 a.m.

RICHARD J. BROWN
Clerk of the House of Representatives