

No. 79
STATE OF MICHIGAN
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OF THE
House of Representatives
95th Legislature
REGULAR SESSION OF 2010

House Chamber, Lansing, Wednesday, September 15, 2010.

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

e/d/s = entered during session

Rep. Hugh D. Crawford, from the 38th District, offered the following invocation:

“Our God, we acknowledge that You are the Lord of the nations; that kingdoms, kings and queens and political leaders rise and fall within the purpose and plan that You have for this universe. We thank You for the freedoms that we enjoy as part of this experiment in democracy that we call the United States. We thank You for the freedom of religion: that we can gather to sing of Your faithfulness, to give of our resources to open Your word, to listen to Your voice and we do it without harassment, intimidation, threat of imprisonment, or persecution.

Edward Dobson

Amen.”

Rep. Wayne Schmidt moved that Rep. Haveman be excused from today’s session. The motion prevailed.

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

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

Reports of Select Committees

First Conference Report

The Committee of Conference on the matters of difference between the two Houses concerning **House Bill No. 5875, entitled**

A bill to make appropriations for the department of agriculture for the fiscal year ending September 30, 2011; 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 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 the department of agriculture for the fiscal year ending September 30, 2011; 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, 2011, 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	456.5	
GROSS APPROPRIATION		\$ 76,448,300

	For Fiscal Year Ending Sept. 30, 2011
Interdepartmental grant revenues:	
IDG from MDELEG (LCC), liquor quality testing fees	191,900
IDG from MDNRE, biosolids	97,200
Total interdepartmental grants and intradepartmental transfers	289,100
ADJUSTED GROSS APPROPRIATION	\$ 76,159,200
Federal revenues:	
USDA, multiple grants	11,028,300
EPA, multiple grants.....	1,728,900
HHS-FDA	1,701,500
United States department of labor.....	463,900
Total federal revenues.....	14,922,600
Special revenue funds:	
Total local revenues.....	0
Private - slow-the-spread foundation.....	166,400
Private - commodity group revenue	93,700
Total private revenues.....	260,100
Agricultural preservation fund.....	3,002,700
Agriculture equine industry development fund	4,476,900
Agriculture pollution prevention fund.....	100
Animal welfare fund.....	142,400
Commodity inspection fees	1,002,000
Consumer and industry food safety education fund.....	278,000
Dairy and food safety fund	2,885,500
Freshwater protection fund.....	5,127,600
Gasoline inspection and testing fund	2,752,500
Grain dealer fee fund.....	163,500
Horticulture fund	89,300
Industry support funds.....	700,300
Licensing and inspection fees	4,117,600
Migrant housing inspection fees.....	112,300
Migratory labor housing fund.....	28,600
Nonretail liquor fees.....	718,800
Refined petroleum fund.....	3,870,900
State services fee fund.....	53,400
Testing fees.....	434,500
Weights and measures regulation fees.....	722,500
Total other state restricted revenues	30,679,400
State general fund/general purpose	\$ 30,297,100
Sec. 102. EXECUTIVE	
Full-time equated unclassified positions.....	2.0
Full-time equated classified positions	27.5
Commissions and boards.....	\$ 23,800
Unclassified positions—2.0 FTE positions	213,300
Executive direction—8.0 FTE positions.....	996,200
Management services—12.0 FTE positions	928,600
Statistical reporting service—1.0 FTE position	148,500
Emergency management—6.5 FTE positions.....	741,800
Accounting service center	878,300
GROSS APPROPRIATION	\$ 3,930,500
Appropriated from:	
Federal revenues:	
HHS-FDA	500,000
Special revenue funds:	
Private - commodity group revenue	82,600
Industry support funds.....	38,400
Nonretail liquor fees.....	8,800

	For Fiscal Year Ending Sept. 30, 2011
Refined petroleum fund.....	57,800
State general fund/general purpose	\$ 3,242,900
Sec. 103. DEPARTMENTWIDE	
Rent and building occupancy charges	\$ 1,042,200
GROSS APPROPRIATION	\$ 1,042,200
Appropriated from:	
Federal revenues:	
USDA, multiple grants	236,000
EPA, multiple grants.....	182,900
HHS-FDA	45,500
Special revenue funds:	
Agricultural preservation fund.....	23,900
Freshwater protection fund.....	35,200
Licensing and inspection fees	177,800
Nonretail liquor fees.....	30,300
Refined petroleum fund.....	257,200
State services fee fund.....	53,400
State general fund/general purpose	\$ 0
Sec. 104. FOOD AND DAIRY	
Full-time equated classified positions	107.0
Food safety and quality assurance—81.0 FTE positions	\$ 9,744,900
Milk safety and quality assurance—26.0 FTE positions.....	3,259,200
GROSS APPROPRIATION	\$ 13,004,100
Appropriated from:	
Federal revenues:	
USDA, multiple grants	226,100
HHS-FDA	432,600
Special revenue funds:	
Consumer and industry food safety education fund.....	278,000
Dairy and food safety fund	2,885,500
State general fund/general purpose	\$ 9,181,900
Sec. 105. ANIMAL INDUSTRY	
Full-time equated classified positions	68.0
Animal disease prevention and response—68.0 FTE positions	\$ 9,474,200
GROSS APPROPRIATION	\$ 9,474,200
Appropriated from:	
Federal revenues:	
USDA, multiple grants	1,215,800
HHS-FDA	75,400
Special revenue funds:	
Animal welfare fund.....	142,400
Licensing and inspection fees	111,400
State general fund/general purpose	\$ 7,929,200
Sec. 106. PESTICIDE AND PLANT PEST MANAGEMENT	
Full-time equated classified positions	108.0
Pesticide and plant pest management—94.0 FTE positions.....	\$ 11,347,000
Emerald ash borer control program—10.0 FTE positions	2,138,500
Producer security/grain dealers—4.0 FTE positions	552,600
GROSS APPROPRIATION	\$ 14,038,100
Appropriated from:	
Interdepartmental grant revenues:	
Federal revenues:	
USDA, multiple grants	3,214,400
EPA, multiple grants.....	838,600
HHS-FDA	105,000

	For Fiscal Year Ending Sept. 30, 2011
Special revenue funds:	
Private - slow-the-spread foundation.....	166,400
Commodity inspection fees.....	1,002,000
Grain dealers fee fund.....	163,500
Horticulture fund.....	89,300
Industry support funds.....	461,900
Licensing and inspection fees.....	3,670,100
State general fund/general purpose.....	\$ 4,326,900
Sec. 107. ENVIRONMENTAL STEWARDSHIP	
Full-time equated classified positions.....	39.0
Environmental stewardship.....	\$ 94,400
Michigan agriculture environmental assurance program—3.0 FTE positions.....	262,000
Groundwater and freshwater protection program—15.0 FTE positions.....	5,354,100
Farmland and open space preservation—9.0 FTE positions.....	928,600
Agriculture pollution prevention program.....	1,000,100
Local conservation districts.....	100
Migrant labor housing—6.0 FTE positions.....	1,142,800
Right-to-farm—3.0 FTE positions.....	504,300
Intercounty drain—3.0 FTE positions.....	416,100
GROSS APPROPRIATION.....	\$ 9,702,500
Appropriated from:	
Interdepartmental grant revenues:	
IDG from MDNRE, biosolids.....	97,200
Federal revenues:	
USDA, multiple grants.....	1,000,000
EPA, multiple grants.....	356,200
United States department of labor.....	463,900
Special revenue funds:	
Agricultural preservation fund.....	928,600
Agriculture pollution prevention fund.....	100
Freshwater protection fund.....	5,092,300
Migrant housing inspection fees.....	112,300
Migratory labor housing fund.....	28,600
State general fund/general purpose.....	\$ 1,623,300
Sec. 108. LABORATORY PROGRAM	
Full-time equated classified positions.....	97.0
Laboratory services—45.0 FTE positions.....	\$ 6,085,600
USDA monitoring—13.0 FTE positions.....	2,259,000
Consumer protection program—39.0 FTE positions.....	5,498,100
GROSS APPROPRIATION.....	\$ 13,842,700
Appropriated from:	
Interdepartmental grant revenues:	
IDG from MDELEG (LCC), liquor quality testing fees.....	189,100
Federal revenues:	
USDA, multiple grants.....	2,281,000
EPA, multiple grants.....	351,200
HHS-FDA.....	543,000
Special revenue funds:	
Agriculture equine industry development fund.....	541,700
Gasoline inspection and testing fund.....	2,639,400
Licensing and inspection fees.....	79,500
Refined petroleum fund.....	3,555,900
Testing fees.....	434,500
Weights and measures regulation fees.....	722,500
State general fund/general purpose.....	\$ 2,504,900

For Fiscal Year
Ending Sept. 30,
2011

Sec. 109. AGRICULTURE DEVELOPMENT

Full-time equated classified positions	7.0	
Agriculture development—4.0 FTE positions		\$ 2,056,700
Grape and wine program—3.0 FTE positions.....		736,800
GROSS APPROPRIATION		<u>\$ 2,793,500</u>

Appropriated from:

Interdepartmental grant revenues:

Federal revenues:

USDA, multiple grants		1,605,000
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Special revenue funds:

Private - commodity group revenue		11,100
Industry support funds.....		200,000
Nonretail liquor fees.....		679,200
State general fund/general purpose	\$	298,200

Sec. 110. FAIRS AND EXPOSITIONS

Full-time equated classified positions	3.0	
Fairs and racing—3.0 FTE positions.....		\$ 394,400
Purses and supplements - fairs/licensed tracks		764,300
Licensed tracks - light horse racing		42,600
Standardbred breeders' awards.....		312,500
Standardbred purses and supplements - licensed tracks.....		577,000
Standardbred sire stakes		261,200
Standardbred training and stabling.....		11,600
Thoroughbred owners' awards		39,900
Thoroughbred supplements - licensed tracks		387,000
Thoroughbred breeder's awards.....		387,000
Thoroughbred sire stakes.....		267,600
Distribution of outstanding winning tickets		375,000
GROSS APPROPRIATION	\$	<u>3,820,100</u>

Appropriated from:

Special revenue funds:

Agriculture equine industry development fund		3,820,100
State general fund/general purpose	\$	0

Sec. 111. INFORMATION AND TECHNOLOGY

Information technology services and projects.....	\$	1,500,400
GROSS APPROPRIATION	\$	<u>1,500,400</u>

Appropriated from:

Interdepartmental grant revenues:

IDG from MDLEG (LCC), liquor quality testing fees		2,800
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Special revenue funds:

Agricultural preservation fund.....		200
Agriculture equine industry development fund		115,100
Gasoline inspection testing fund		113,100
Freshwater protection fund.....		100
Licensing and inspection fees		78,800
Nonretail liquor fees.....		500
State general fund/general purpose	\$	1,189,800

Sec. 112. CAPITAL OUTLAY

Farmland and open space development acquisition	\$	3,300,000
GROSS APPROPRIATION	\$	<u>3,300,000</u>

Appropriated from:

Federal revenues:

USDA, multiple grants		1,250,000
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Special revenue funds:

Agriculture preservation fund.....		2,050,000
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 2010-2011 is \$60,976,500.00 and state spending from state resources to be paid to local units of government for fiscal year 2010-2011 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) "Department" means the department of agriculture.
- (b) "Director" means the director of the department.
- (c) "EPA" means the United States environmental protection agency.
- (d) "FTE" means full-time equated.
- (e) "HHS-FDA" means the United States department of health and human services - food and drug administration.
- (f) "IDG" means interdepartmental grant.
- (g) "MDELEG" means the Michigan department of energy, labor, and economic growth.
- (h) "MDNRE" means the Michigan department of natural resources and environment.
- (i) "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 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 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 287.746, not to exceed \$100,000.00 per order from any line item for the fiscal year ending September 30, 2011. 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 and environment. 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 and environment 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, departments and agencies shall pay user fees to the department of technology, management, and budget 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 technology, management, and budget.

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 technology, management, and budget. 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, 2011 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. 237. Not later than September 30, 2011, 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.

EXECUTIVE

Sec. 302. (1) Pursuant to the appropriations in part 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, 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 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. 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, 2011, 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 2009-2010 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.

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 and environment 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 and environment 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. 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, 2010, 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, 2011 shall not be taken from the aquaculture program, but shall be taken from other programs funded in the animal health and welfare appropriation line item.

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.

Sec. 552. The department shall evaluate methods for limiting the transport of invasive species in or on pallets. The evaluation shall include an assessment for the costs and benefits of using commercially available treatments for mitigating infestation and preventing reinfestation of pallets. The department shall report to the legislature on the findings of the evaluations and make recommendations for limiting the transport of invasive species in pallets.

Sec. 553. From the funds appropriated in part 1 for pesticide and plant pest management, not less than \$200,000.00 shall be used for the purpose to ensure that Michigan commodities receive departmental inspections required by other governments to ship commodities out of Michigan. The department shall devise a plan to provide these required government inspections in a timely manner.

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. 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.

AGRICULTURE DEVELOPMENT

Sec. 706. Not later than April 1, 2011, 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. 709. (1) Not later than April 1, 2011, 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. 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.

FAIRS AND EXPOSITIONS

Sec. 801. All appropriations from the agricultural equine industry development fund shall be spent on equine related purposes. No funds from the agriculture equine industry development fund shall be expended for nonequine related purposes without prior approval of the legislature.

Sec. 802. All appropriations from the agriculture equine industry development fund, except for the racing commission and laboratory analysis program appropriations, shall be reduced proportionately if revenues to the agriculture equine industry development fund decline during the fiscal year ending September 30, 2011 to a level lower than the amounts appropriated in section 108.

Sec. 803. In the event there is no live thoroughbred race meet in 2010 or 2011, all purse money and program money appropriated for the thoroughbred industry in fiscal year 2009-2010 and fiscal year 2010-2011 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 Michigan gaming control board. In the event there is no thoroughbred meet in 2010 or 2011, the purse pool distribution order to be issued by the Michigan gaming control board in 2011 that delineates distribution between the thoroughbred meet that has been held at pinnacle race course and the joint thoroughbred/quarterhorse meet held in Mt. Pleasant shall be the same distribution formula as issued in 2010, with the thoroughbred portion being held in escrow.

Sec. 804. The Michigan gaming control board shall use actual expenditure data in determining the actual regulatory costs of conducting racing dates and shall provide that data to the senate and house of representatives appropriations subcommittees on agriculture and general government and the senate and house fiscal agencies. The Michigan gaming control board shall not be reimbursed for more than the actual regulatory cost of conducting race dates. If a certified horsemen's organization funds more than the actual regulatory cost, the balance shall remain in the agriculture equine industry development fund to be used to fund subsequent race dates conducted by race meeting licensees with which the certified horsemen's organization has contracts. If a certified horsemen's organization funds less than the actual regulatory costs of the additional horse racing dates, the Michigan gaming control board shall reduce the number of future race dates conducted by race meeting licensees with which the certified horsemen's organization has contracts. Prior to the reduction in the number of authorized race dates due to budget deficits, the executive director of the Michigan gaming control board shall provide notice to the certified horsemen's organizations with an opportunity to respond with alternatives. In determining actual costs, the Michigan gaming control board shall take into account that each specific breed may require different regulatory mechanisms.

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.

Second: That the House and Senate 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, 2011; 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.

John Espinoza
Gary McDowell
Matt Lori
Conferees for the House

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

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

Rep. Dean 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. 377

Yeas—78

Angerer	Geiss	Lemmons	Schmidt, R.
Barnett	Gonzales	Lindberg	Scott, B.
Bauer	Green	Lipton	Scott, P.
Bledsoe	Gregory	Liss	Scripps
Brown, L.	Griffin	Lori	Segal
Brown, T.	Haase	Mayes	Sheltrown
Byrnes	Haines	McDowell	Slavens
Byrum	Hammel	Meadows	Slezak
Clemente	Hansen	Melton	Smith
Constan	Haugh	Miller	Spade
Corriveau	Hildenbrand	Moss	Stamas
Daley	Huckleberry	Nathan	Stanley
Dean	Jackson	Nerat	Switalski
Denby	Johnson	Neumann	Tlaib
DeShazor	Jones, Robert	Pearce	Valentine
Dillon	Kandrevas	Polidori	Walsh
Donigan	Kennedy	Roberts	Warren
Durhal	Lahti	Rocca	Womack
Ebli	LeBlanc	Rogers	Young
Espinoza	Leland		

Nays—26

Agema	Crawford	Kurtz	Opsommer
Amash	Elsenheimer	Lund	Pavlov
Ball	Genetski	Marleau	Proos
Bolger	Horn	McMillin	Schmidt, W.
Booher	Jones, Rick	Meekhof	Schuitmaker
Calley	Knollenberg	Meltzer	Tyler
Caul	Kowall		

In The Chair: Byrnes

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

“Mr. Speaker and members of the House:

I can not vote for a budget that is beyond what the general fund can afford. It also removes a priority of Soil Conservation districts”.

First Conference Report

The Committee of Conference on the matters of difference between the two Houses concerning **House Bill No. 5883, entitled**

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2011; 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 Senate recede from the Substitute of the Senate as passed by the Senate.

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

A bill to make appropriations for the judicial branch for the fiscal year ending September 30, 2011; 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, 2011, 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		\$	260,358,800
Interdepartmental grant revenues:			
Total interdepartmental grants and intradepartmental transfers			3,573,500
ADJUSTED GROSS APPROPRIATION		\$	256,785,300
Federal revenues:			
Total federal revenues.....			5,539,500
Special revenue funds:			
Total local revenues.....			6,252,200
Total private revenues.....			842,500
Total other state restricted revenues			92,078,000
State general fund/general purpose		\$	152,073,100

Sec. 102. SUPREME COURT

Full-time equated exempted positions	243.0		
Supreme court administration—97.0 FTE positions		\$	10,851,500
Judicial institute—13.0 FTE positions			2,594,600
State court administrative office—60.0 FTE positions			10,350,100
Judicial information systems—22.0 FTE positions.....			3,141,500
Direct trial court automation support—36.0 FTE positions.....			6,252,200
Foster care review board—12.0 FTE positions			1,265,400
Community dispute resolution—3.0 FTE positions			2,313,200
Other federal grants			275,100
Drug treatment courts.....			6,133,000
Community court pilot project			20,000
GROSS APPROPRIATION		\$	43,196,600

Appropriated from:

Interdepartmental grant revenues:			
IDG from department of state police			1,800,000
IDG from department of corrections.....			1,050,000
IDG from state police - Michigan justice training fund.....			300,000

	For Fiscal Year Ending Sept. 30, 2011
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.....	550,000
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.....	6,252,200
Private.....	169,000
Private - interest on lawyers trust accounts.....	232,700
Private - state justice institute.....	370,800
Community dispute resolution fund.....	2,313,200
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.....	\$ 21,695,600
Sec. 103. COURT OF APPEALS	
Full-time equated exempted positions.....	190.0
Court of appeals operations—190.0 FTE positions.....	\$ 18,851,600
GROSS APPROPRIATION.....	\$ 18,851,600
Appropriated from:	
Special revenue funds:	
Court filing/motion fees.....	1,458,500
Miscellaneous revenue.....	77,800
State general fund/general purpose.....	\$ 17,315,300
Sec. 104. BRANCHWIDE APPROPRIATIONS	
Full-time equated exempted positions.....	4.0
Branchwide appropriations—4.0 FTE positions.....	\$ 8,136,800
GROSS APPROPRIATION.....	\$ 8,136,800
Appropriated from:	
State general fund/general purpose.....	\$ 8,136,800
Sec. 105. JUSTICES’ AND JUDGES’ COMPENSATION	
Full-time judges positions.....	615.0
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—219.0 judges.....	20,675,900
Circuit court judicial salary standardization.....	10,036,400
Judges’ retirement system defined contributions.....	3,837,600
OASI, social security.....	5,375,900
GROSS APPROPRIATION.....	\$ 95,290,000
Appropriated from:	
Special revenue funds:	
Court fee fund.....	7,090,200
State general fund/general purpose.....	\$ 88,199,800
Sec. 106. JUDICIAL AGENCIES	
Full-time equated exempted positions.....	7.0
Judicial tenure commission—7.0 FTE positions.....	\$ 992,000
GROSS APPROPRIATION.....	\$ 992,000

	For Fiscal Year Ending Sept. 30, 2011
Appropriated from:	
State general fund/general purpose	\$ 992,000
Sec. 107. INDIGENT DEFENSE - CRIMINAL	
Full-time equated exempted positions 47.0	
Appellate public defender program—39.0 FTE positions.....	\$ 5,263,500
Appellate assigned counsel administration—8.0 FTE positions	931,600
GROSS APPROPRIATION	\$ 6,195,100
Appropriated from:	
Interdepartmental grant revenues:	
IDG from state police - Michigan justice training fund.....	423,500
Federal revenues:	
Other federal grant revenue.....	250,000
Special revenue funds:	
Private - interest on lawyers trust accounts.....	70,000
Miscellaneous revenue.....	113,100
State general fund/general purpose	\$ 5,338,500
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	\$ 64,794,700
Judicial technology improvement.....	4,815,000
GROSS APPROPRIATION	\$ 69,609,700
Appropriated from:	
Special revenue funds:	
Court equity fund	54,399,600
Judicial technology improvement fund	4,815,000
State general fund/general purpose	\$ 10,395,100
Sec. 110. GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT	
Drug case-flow program.....	\$ 250,000
Drunk driving case-flow program	3,300,000
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	6,600,000
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 2010-2011 is \$244,151,100.00 and state spending from state resources to be paid to local units of government for fiscal year 2010-2011 is \$120,832,300.00. 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.....	3,533,000

TRIAL COURT OPERATIONS

Court equity fund reimbursements	\$ 64,794,700
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.....	10,036,400
Grant to OASI contribution fund, employers share, social security	896,900

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.....	\$ 120,832,300

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, 2011 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. 219. Not later than September 30, 2011, 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. 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.

Sec. 223. From the balance in the juror compensation reimbursement fund as of the close of fiscal year 2009-2010, \$2,607,500.00 is appropriated and shall be transferred to the court equity fund.

JUDICIAL BRANCH

Sec. 301. (1) Pursuant to the appropriations in part 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. 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, 2011, 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 Michigan state police 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. 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. The funds appropriated in part 1 for the community court pilot project shall be used for the purposes of administering a pilot program of neighborhood-focused community courts. The state court administrative office shall work collaboratively with the designated courts when establishing the community courts.

Sec. 320. From the funds appropriated in part 1, \$1,000,000.00 in funding from the department of corrections shall be allocated to drug treatment courts to support mental health services.

Third: That the House and Senate 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, 2011; 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.

Rashida Tlaib
Terry Brown
Tonya Schuitmaker
Conferees for the House

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

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

Rep. Dean 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. 378

Yeas—77

Angerer	Ebli	LeBlanc	Rogers
Ball	Espinoza	Leland	Schmidt, R.
Barnett	Geiss	Lemmons	Schuitmaker
Bauer	Gonzales	Lindberg	Scott, B.
Bennett	Gregory	Lipton	Scott, P.
Bledsoe	Griffin	Liss	Scripps
Booher	Haase	Lori	Segal
Brown, L.	Haines	Marleau	Sheltrown
Brown, T.	Hammel	Mayes	Slavens
Byrnes	Haug	McDowell	Slezak
Byrum	Hildenbrand	Meadows	Smith
Caul	Huckleberry	Melton	Spade
Clemente	Jackson	Miller	Stanley
Constan	Johnson	Nathan	Switalski

Corriveau	Jones, Rick	Nerat	Tlaib
Dean	Jones, Robert	Neumann	Tyler
DeShazor	Kandrevas	Polidori	Valentine
Dillon	Kennedy	Proos	Walsh
Donigan	Lahti	Roberts	Womack
Durhal			

Nays—28

Agema	Elsenheimer	Kurtz	Pavlov
Amash	Genetski	Lund	Pearce
Bolger	Green	McMillin	Rocca
Calley	Hansen	Meekhof	Schmidt, W.
Crawford	Horn	Meltzer	Stamas
Daley	Knollenberg	Moss	Warren
Denby	Kowall	Opsommer	Young

In The Chair: Byrnes

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

“Mr. Speaker and members of the House:

I can not vote for a budget that is beyond what the general fund can support. This proposed budget will result in additional funds that will need to be spent after the Federal Funding no longer exists”.

Senate Bill No. 1151, entitled

A bill to make appropriations for community colleges and certain state purposes related to education for the fiscal year ending September 30, 2011; 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 Senate has adopted the report of the Committee of Conference and ordered that the bill be given immediate effect.

The Conference Report was read as follows:

First Conference Report

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

Senate Bill No. 1151, entitled

A bill to make appropriations for community colleges and certain state purposes related to education for the fiscal year ending September 30, 2011; 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 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 community colleges and certain state purposes related to education for the fiscal year ending September 30, 2011; 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, 2011, from the funds indicated in this part. The following is a summary of the appropriations in this part:

COMMUNITY COLLEGES

APPROPRIATION SUMMARY

GROSS APPROPRIATION	\$	295,880,500
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers		0
ADJUSTED GROSS APPROPRIATION	\$	295,880,500
Federal revenues:		
Total federal revenues.....		0
Special revenue funds:		
Total local revenues.....		0
Total private revenues.....		0
Total other state restricted revenues.....		0
State general fund/general purpose	\$	295,880,500

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
GROSS APPROPRIATION	\$	3,322,700
Appropriated from:		
State general fund/general purpose	\$	3,322,700

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 2010-2011 is \$295,880,500.00 and state spending from state resources to be paid to local units of government for fiscal year 2010-2011 is \$295,880,500.00. 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
TOTAL.....	\$	295,880,500

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, 2011 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, 2010. Each community college shall accrue its July and August 2011 payments to its institutional fiscal year ending June 30, 2011. However, if a community college fails to submit all verified Michigan community colleges activities classification structure data for school year 2009-2010 to the department of energy, labor, and economic growth by November 1, 2010, 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, 2010. 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.

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, and redirecting existing institutional resources toward nursing education programs.

(2) 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. 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.

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, 2011, the at-risk student success program money is allocated as follows:

Alpena Community College	\$	82,100
Bay de Noc Community College.....		77,900
Delta College.....		108,000
Glen Oaks Community College.....		106,600
Gogebic Community College		54,900
Grand Rapids Community College.....		135,500
Henry Ford Community College		169,600
Jackson Community College		146,800
Kalamazoo Valley Community College.....		90,600
Kellogg Community College		138,400
Kirtland Community College		124,300

Lake Michigan College	147,200
Lansing Community College.....	147,800
Macomb Community College.....	83,100
Mid Michigan Community College.....	126,100
Monroe County Community College	102,100
Montcalm Community College	73,200
C.S. Mott Community College	127,700
Muskegon Community College	87,600
North Central Michigan College	103,800
Northwestern Michigan College.....	127,200
Oakland Community College	147,900
St. Clair County Community College	104,500
Schoolcraft College	124,300
Southwestern Michigan College.....	156,000
Washtenaw Community College.....	117,500
Wayne County Community College.....	166,600
West Shore Community College	145,400

(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. 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. 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 noncompliance 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, 2010. 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, 2010:

(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.

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. 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, 2010, 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 2010-2011 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 2010-2011 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.

Sec. 509. 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, 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.

Third: That the Senate and House 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, 2011; 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.

Bill Hardiman
Ron Jelinek
Conferees for the Senate

Fred Miller
Joan Bauer
Darwin Booher
Conferees for the House

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

Rep. Dean 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. 379

Yeas—56

Angerer
Barnett
Bauer
Bennett

Dean
Dillon
Donigan
Durhal

Jones, Robert
Kandrevas
Kurtz
Lahti

Miller
Nerat
Neumann
Polidori

Bledsoe	Ebli	LeBlanc	Roberts
Booher	Espinoza	Leland	Schmidt, R.
Brown, L.	Geiss	Lemmons	Schuitmaker
Brown, T.	Gonzales	Lindberg	Sheltrown
Byrnes	Gregory	Lipton	Slezak
Byrum	Griffin	Liss	Smith
Caul	Haase	Mayes	Spade
Clemente	Hammel	McDowell	Switalski
Constan	Haugh	Meadows	Valentine
Corriveau	Jones, Rick	Melton	Warren

Nays—49

Agema	Hansen	McMillin	Scott, B.
Amash	Hildenbrand	Meekhof	Scott, P.
Ball	Horn	Meltzer	Scripps
Bolger	Huckleberry	Moss	Segal
Calley	Jackson	Nathan	Slavens
Crawford	Johnson	Opsommer	Stamas
Daley	Kennedy	Pavlov	Stanley
Denby	Knollenberg	Pearce	Tlaib
DeShazor	Kowall	Proos	Tyler
Elsenheimer	Lori	Rocca	Walsh
Genetski	Lund	Rogers	Womack
Green	Marleau	Schmidt, W.	Young
Haines			

In The Chair: Byrnes

Senate Bill No. 1154, entitled

A bill to make appropriations for the department of education and certain other purposes relating to education for the fiscal year ending September 30, 2011; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agency.

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

The Conference Report was read as follows:

First Conference Report

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

Senate Bill No. 1154, entitled

A bill to make appropriations for the department of education and certain other purposes relating to education for the fiscal year ending September 30, 2011; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agency.

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 education and certain other purposes relating to education for the fiscal year ending September 30, 2011; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agency.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:
PART 1
LINE-ITEM APPROPRIATIONS

Sec. 101. There is appropriated for the department of education and certain state purposes related to education as set forth in this act for the fiscal year ending September 30, 2011, from the following funds:

DEPARTMENT OF EDUCATION

APPROPRIATION SUMMARY

Full-time equated unclassified positions.....	6.0	
Full-time equated classified positions	556.5	
GROSS APPROPRIATION		\$ 126,959,900
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers		0
ADJUSTED GROSS APPROPRIATION		\$ 126,959,900
Federal revenues:		
IMLS, library services and technology act		5,561,800
Federal revenues.....		78,451,600
Federal indirect funds.....		3,758,700
Total federal revenues.....		87,772,100
Special revenue funds:		
Local cost sharing (schools for deaf/blind).....		6,879,800
Local school district service fees		319,600
Total local revenues.....		7,199,400
Gifts, bequests, and donations.....		650,600
Private foundations		2,473,900
Total private revenues.....		3,124,500
Total local and private revenues		10,323,900
Certification fees		5,858,100
Commodity distribution fees		71,700
Student insurance revenue		218,600
Teacher college review fees.....		54,000
Teacher testing fees		336,400
Tenant rent.....		261,000
Training and orientation workshop fees		150,000
Total other state restricted revenues		6,949,800
State general fund/general purpose		\$ 21,914,100

Sec. 102. STATE BOARD OF EDUCATION/OFFICE OF THE SUPERINTENDENT

Full-time equated unclassified positions.....	6.0	
Full-time equated classified positions	14.0	
State board of education, per diem payments		\$ 24,400
Unclassified positions—6.0 FTE positions		645,600
State board/superintendent operations—14.0 FTE positions.....		2,091,300
GROSS APPROPRIATION		\$ 2,761,300

Appropriated from:

Federal revenues:		
Federal revenues.....		111,400
Special revenue funds:		
Private foundations		27,400
Certification fees		612,000
State general fund/general purpose		\$ 2,010,500

Sec. 103. CENTRAL SUPPORT

Full-time equated classified positions	21.6	
Central support—21.6 FTE positions.....		\$ 2,984,400
Worker’s compensation.....		45,900
Building occupancy charges - property management services.....		2,723,400
Tenant rent.....		261,000
Training and orientation workshops		150,000
Terminal leave payments		554,700
GROSS APPROPRIATION		\$ 6,719,400

For Fiscal Year
Ending Sept. 30,
2011

Appropriated from:	
Federal revenues:	
Federal revenues	1,414,700
Federal indirect funds	2,147,200
Special revenue funds:	
Local cost sharing (schools for deaf/blind)	68,400
Certification fees	405,800
Teacher testing fees	13,500
Tenant rent	261,000
Training and orientation workshop fees	150,000
State general fund/general purpose	\$ 2,258,800
Sec. 104. INFORMATION TECHNOLOGY SERVICES	
Information technology operations	\$ 3,307,700
GROSS APPROPRIATION	\$ 3,307,700
Appropriated from:	
Federal revenues:	
Federal revenues	685,500
Federal indirect funds	1,228,600
Special revenue funds:	
Local cost sharing (schools for deaf/blind)	150,100
Certification fees	232,300
State general fund/general purpose	\$ 1,011,200
Sec. 105. SPECIAL EDUCATION SERVICES	
Full-time equated classified positions	47.0
Special education operations—47.0 FTE positions	\$ 11,704,700
GROSS APPROPRIATION	\$ 11,704,700
Appropriated from:	
Federal revenues:	
Federal revenues	11,267,800
Special revenue funds:	
Private foundations	107,700
Certification fees	38,600
State general fund/general purpose	\$ 290,600
Sec. 106. MICHIGAN SCHOOLS FOR THE DEAF AND BLIND	
Full-time equated classified positions	109.0
Michigan schools for the deaf and blind operations—108.0 FTE positions	\$ 13,442,000
Camp Tuhsmeheeta—1.0 FTE position	295,100
Private gifts - blind	90,000
Private gifts - deaf	250,000
GROSS APPROPRIATION	\$ 14,077,100
Appropriated from:	
Federal revenues:	
Federal revenues	6,238,500
Special revenue funds:	
Local cost sharing (schools for deaf/blind)	6,661,300
Local school district service fees	308,100
Gifts, bequests, and donations	650,600
Student insurance revenue	218,600
State general fund/general purpose	\$ 0
Sec. 107. PROFESSIONAL PREPARATION SERVICES	
Full-time equated classified positions	34.0
Professional preparation operations—34.0 FTE positions	\$ 7,084,500
Department of attorney general	50,000
GROSS APPROPRIATION	\$ 7,134,500
Appropriated from:	
Federal revenues:	
Federal revenues	2,852,800

	For Fiscal Year Ending Sept. 30, 2011
Special revenue funds:	
Certification fees	3,479,200
Teacher testing fees	322,900
Teacher college review fees.....	54,000
State general fund/general purpose	\$ 425,600
Sec. 108. EARLY CHILDHOOD EDUCATION AND FAMILY SERVICES	
Full-time equated classified positions	26.0
Early childhood education and family services operations—26.0 FTE positions.....	\$ 4,454,200
GROSS APPROPRIATION	\$ 4,454,200
Appropriated from:	
Federal revenues:	
Federal revenues.....	3,356,600
Special revenue funds:	
Private foundations	198,700
Certification fees	58,500
State general fund/general purpose	\$ 840,400
Sec. 109. SCHOOL FINANCE AND SCHOOL LAW SERVICES	
Full-time equated classified positions	16.5
School finance and school law operations—16.5 FTE positions.....	\$ 2,844,100
GROSS APPROPRIATION	\$ 2,844,100
Appropriated from:	
Federal revenues:	
Federal revenues.....	952,700
Federal indirect funds.....	382,900
Special revenue funds:	
Certification fees	493,400
State general fund/general purpose	\$ 1,015,100
Sec. 110. EDUCATIONAL ASSESSMENT AND ACCOUNTABILITY	
Full-time equated classified positions	64.1
Educational assessment operations—52.1 FTE positions	\$ 9,652,300
State education reforms—12.0 FTE positions.....	7,180,300
GROSS APPROPRIATION	\$ 16,832,600
Appropriated from:	
Federal revenues:	
Federal revenues.....	14,659,700
State general fund/general purpose	\$ 2,172,900
Sec. 111. GRANTS ADMINISTRATION AND SCHOOL SUPPORT SERVICES	
Full-time equated classified positions	71.6
Grants administration and school support services operations—65.6 FTE positions	\$ 10,749,300
College access challenge grant program—6.0 FTE positions.....	4,268,600
Federal and private grants	3,000,000
GROSS APPROPRIATION	\$ 18,017,900
Appropriated from:	
Federal revenues:	
Federal revenues.....	16,405,700
Special revenue funds:	
Local school district service fees	11,500
Private foundations	1,000,000
Commodity distribution fees	71,700
State general fund/general purpose	\$ 529,000
Sec. 112. FIELD SERVICES	
Full-time equated classified positions	41.0
Field services operations—41.0 FTE positions.....	\$ 9,258,500
GROSS APPROPRIATION	\$ 9,258,500
Appropriated from:	
Federal revenues:	
Federal revenues.....	8,497,300

	For Fiscal Year Ending Sept. 30, 2011
Special revenue funds:	
Private foundations	569,400
Certification fees	51,400
State general fund/general purpose	\$ 140,400
Sec. 113. EDUCATIONAL IMPROVEMENT AND INNOVATION SERVICES	
Full-time equated classified positions 52.7	
Educational improvement and innovation operations—52.7 FTE positions	\$ 10,637,400
GROSS APPROPRIATION	\$ 10,637,400
Appropriated from:	
Federal revenues:	
Federal revenues	8,648,500
Special revenue funds:	
Private foundations	570,700
Certification fees	486,900
State general fund/general purpose	\$ 931,300
Sec. 114. CAREER AND TECHNICAL EDUCATION	
Full-time equated classified positions 25.0	
Career and technical education operations—25.0 FTE positions.....	\$ 4,019,500
GROSS APPROPRIATION	\$ 4,019,500
Appropriated from:	
Federal revenues:	
Federal revenues	3,360,400
State general fund/general purpose	\$ 659,100
Sec. 115. LIBRARY OF MICHIGAN	
Full-time equated classified positions 34.0	
Library of Michigan operations—33.0 FTE positions	\$ 3,879,200
Library services and technology program—1.0 FTE position	5,561,800
State aid to libraries	5,750,000
GROSS APPROPRIATION	\$ 15,191,000
Appropriated from:	
Federal revenues:	
IMLS, library services and technology act	5,561,800
State general fund/general purpose	\$ 9,629,200

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 the fiscal year ending September 30, 2011 is \$28,863,900.00 and state spending from state resources to be paid to local units of government for the fiscal year ending September 30, 2011 is \$5,750,000.00. The itemized statement below identifies appropriations from which spending to local units of government will occur:

DEPARTMENT OF EDUCATION

State aid to libraries	\$ 5,750,000
Total department of education.....	\$ 5,750,000

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) “ARRA” means American recovery and reinvestment act of 2009, Public Law 111-5.
- (b) “Department” means the Michigan department of education.
- (c) “District” means a local school district as defined in section 6 of the revised school code, 1976 PA 451, MCL 380.6, or a public school academy as defined in section 5 of the revised school code, 1976 PA 451, MCL 380.5.
- (d) “FTE” means full-time equated.
- (e) “IMLS” means institute of museum and library services.

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. 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. 206. The department shall provide through the Internet the state board of education agenda and all supporting documents, and shall notify the state budget director and the senate and house fiscal agencies that the agenda and supporting documents are available on the Internet, at the time the agenda and supporting documents are provided to state board of education members.

Sec. 208. The department shall require all public school districts to maintain complete records within the personnel file of a teacher or school employee of any disciplinary actions taken by the local school board against the teacher or employee for sexual misconduct. The records shall not be destroyed or removed from the teacher's or employee's personnel file except as required by a court order.

Sec. 209. From the funds appropriated in part 1 for information technology, departments and agencies shall pay user fees to the department of technology, management, and budget 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 technology, management, and budget.

Sec. 211. Before publishing a list of schools or districts determined to have failed to make adequate yearly progress as required by the no child left behind act of 2001, Public Law 107-110, the department shall allow a school or district to appeal that determination. The department shall consider and act upon the appeal within 30 days after it is submitted and shall not publish the list until after all appeals have been considered and decided.

Sec. 212. Funds appropriated in part 1 shall not be used for the purchase of foreign goods or services, or both, if competitively priced and 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 should be given to goods or services, or both, manufactured or provided by Michigan businesses owned and operated by veterans if they are competitively priced and of comparable quality.

Sec. 213. (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 for the purpose of filling positions necessary to carry out state or federal activities related to race to the top legislation, or when the state budget director believes that the hiring freeze will result in rendering a state department or agency unable to deliver basic services, cause 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. 214. (1) Due to the current budgetary problems in this state, out-of-state travel for the fiscal year ending September 30, 2011 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 house and senate standing committees on appropriations, the house and senate 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. 215. 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. 216. The department shall not take disciplinary action against an employee who communicates truthfully and factually with a member of the legislature or his or her staff.

Sec. 217. The state superintendent of public instruction 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. 219. (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 \$700,000.00 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 \$250,000.00 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 \$3,000,000.00 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. 220. The department shall provide data requested by a member of the legislature, his or her staff, or the house and senate fiscal agencies in a timely manner.

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. (1) The department shall report no later than April 1, 2011 on each specific policy change made by the department to implement a public act affecting that department that took effect during the preceding calendar year. The department shall report 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. 225. It is the intent of the legislature that not later than 60 days after the state receives audited membership counts from intermediate school districts, the state superintendent of public instruction shall investigate and report to the legislature on the scope of and proposed solutions to pupil membership fraud and the incidence of students counted in membership in a district and not remaining in that district for the balance of the school year.

Sec. 226. Not later than October 15, 2011, 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.

STATE BOARD/OFFICE OF THE SUPERINTENDENT

Sec. 301. (1) The appropriations in part 1 may be used for per diem payments to the state board for meetings at which a quorum is present or for performing official business authorized by the state board. The per diem payments shall be at a rate as follows:

(a) State board of education - president - \$110.00 per day.

(b) State board of education - member other than president - \$100.00 per day.

(2) A state board of education member shall not be paid a per diem for more than 30 days per year.

(3) The state board executive shall report to the public, the senate and house fiscal agencies, and the state budget director the previous quarter's expenses by fund source for members of the state board of education.

Sec. 302. From the amount appropriated in part 1 to the state board of education, not more than \$35,000.00 shall be expended for in-state travel and out-of-state travel directly related to the duties of the state board of education.

MICHIGAN SCHOOLS FOR THE DEAF AND BLIND

Sec. 401. The employees at the Michigan schools for the deaf and blind who work on a school year basis shall be considered annual employees for purposes of service credits, retirement, and insurance benefits.

Sec. 402. For each student enrolled at the Michigan schools for the deaf and blind, the department shall assess the intermediate school district of residence 100% of the cost of operating the student's instructional program. The amount shall exclude room and board related costs and the cost of weekend transportation between the school and the student's home.

Sec. 404. (1) The department may assess rent or lease excess property located on the campus of the Michigan schools for the deaf and blind in Flint to private or publicly funded organizations.

(2) From the amount appropriated in part 1 for tenant rent, the department may receive and expend funds from lease agreements at the Michigan schools for the deaf and blind Flint campus that have been negotiated with the approval of the department of technology, management, and budget. These funds shall be used for the operation, maintenance, and renovation expenses associated with the leased space.

(3) From the unexpended balances of appropriations for the schools for the deaf and blind operations, up to \$250,000.00 of any unexpended and unencumbered funds remaining on September 30, 2011 may be carried forward as a work project and expended for special maintenance and repairs of facilities at the campus of the Michigan schools for the deaf and blind in Flint. The work shall be carried out by state employees, or by contract as necessary, at an estimated cost of \$250,000.00. The estimated completion date of the work is September 30, 2012.

(4) From the tenant rent appropriation for Fay hall, up to \$100,000.00 of any unexpended and unencumbered funds remaining on September 30, 2011 may be carried forward as a work project or as restricted revenue and expended for special maintenance and repairs of facilities at Fay hall. The work project may be performed by state employees, or by contract when necessary, at an estimated cost of \$100,000.00. The estimated completion date of the work project is September 30, 2012.

Sec. 405. The department may assist the department of community health, other departments, and local school districts to secure reimbursement for eligible services provided in Michigan schools from the federal Medicaid program. The department may submit reports of direct expenses related to this effort to the department of community health for reimbursement.

Sec. 406. (1) The Michigan schools for the deaf and blind may promote its residential program as a possible appropriate option for children who are deaf or hard of hearing or who are blind or visually impaired. The Michigan schools for the deaf and blind shall distribute information detailing its services to all intermediate school districts in the state.

(2) Upon knowledge of or recognition by an intermediate school district that a child in the district is deaf or hard of hearing or blind or visually impaired, the intermediate school district shall provide to the parents of the child the literature distributed by the Michigan schools for the deaf and blind to intermediate school districts under subsection (1).

(3) Parents will continue to have a choice regarding the educational placement of their deaf or hard-of-hearing children.

Sec. 407. Revenue received by the Michigan schools for the deaf and blind from gifts, bequests, and donations that is unexpended at the end of the state fiscal year may be carried over to the succeeding fiscal year and shall not revert to the general fund.

PROFESSIONAL PREPARATION SERVICES

Sec. 501. From the funds appropriated in part 1 for professional preparation services, the department shall maintain the professional personnel register and certificate revocation/felony conviction files.

Sec. 502. The department shall authorize teacher preparation institutions to provide an alternative program by which up to 1/2 of the required student internship or student teaching credits may be earned through substitute teaching. The department shall require that teacher preparation institutions collaborate with school districts to ensure that the quality of instruction provided to student teachers is comparable to that required in a traditional student teaching program.

Sec. 506. Revenue received from teacher testing fees that is unexpended at the end of the state fiscal year may be carried over to the succeeding fiscal year and shall not revert to the general fund.

OFFICE OF EDUCATIONAL IMPROVEMENT AND INNOVATION

Sec. 601. From the amount appropriated in part 1 for the office of educational improvement and innovation, there is allocated \$350,000.00 and 3.5 FTE positions to operate a charter school office to administer charter school legislation and associated regulations, and to coordinate the activities of the department relating to charter schools.

INFORMATION TECHNOLOGY

Sec. 701. The department shall work in collaboration with the center for educational performance and information to support the comprehensive educational information system and all data collection and reporting efforts of the department.

LIBRARY OF MICHIGAN

Sec. 801. In addition to the funds appropriated in part 1, the funds collected by the department for document reproduction and services; conferences, workshops, and training classes; and the use of specialized equipment, facilities, and software 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 next succeeding fiscal year.

Sec. 803. It is the intent of the legislature that the library of Michigan and the component programs currently within the library of Michigan shall be kept together in a state department.

Sec. 804. From the funds appropriated in part 1 and other funding available, the department and library of Michigan shall maintain custody of the non-Michigan genealogy and all Michigan-specific collections. These collections shall continue to be made available to the public.

GRANTS ADMINISTRATION AND SCHOOL SUPPORT SERVICES

Sec. 901. Within 10 days of the receipt of a grant appropriated in the federal and private grants line item in part 1, the department shall notify the house and senate chairpersons of the appropriations subcommittees responsible for the department budget, the house and senate fiscal agencies, and the state budget director of the receipt of the grant, including the funding source, purpose, and amount of the grant.

Sec. 902. The college access challenge grant program is a work project as provided in section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a, and as follows and as such appropriations for the program shall not lapse at the end of the fiscal year but shall continue to be available for expenditure until the project has been completed:

(a) The purpose of the project is to provide assistance and training to Michigan families, counselors, teachers, and community leaders in applying for and securing funds for college to low-income students.

(b) The project will be accomplished by state employees and/or by contracts with private vendors.

(c) The total estimated cost of the project is \$8,571,000.00.

(d) The tentative completion date is September 30, 2012.

Sec. 903. By not later than March 1, 2011, the department shall work with districts that operate as a school of excellence cyber school as defined in section 551 of the revised school code, 1976 PA 451, MCL 380.551, and districts that operate an alternative education program with a seat-time waiver under section 101 of the state school aide act of 1979, 1979 PA 94, MCL 388.1701, to provide a report to the house and senate chairpersons of the appropriations subcommittees responsible for the department budget, the house and senate fiscal agencies, and the state budget director on all of the following:

(a) Each district operating a program and the districts that enroll students in their program.

(b) The total number of students and membership pupils enrolled in each program.

(c) The district in which each pupil is enrolled if other than the district with the seat-time waiver or the cyber school.

(d) The district in which the pupil was enrolled prior to enrolling in the cyber school or the district with a seat-time waiver program.

(e) The number of participating students who had previously dropped out of school.

(f) The number of participating students who had previously been expelled from school.

(g) The cost per pupil paid to each online education provider.

(h) The cost per pupil charged to school districts that enroll their students in the program.

(i) The name of each online education provider contracted by a district with a seat-time waiver or a cyber school and the state in which the online education provider is located.

Sec. 904. From the amount appropriated in part 1 for grants administration and school support, there is appropriated \$1,862,700.00 to administer the funding received under section 101 of title 1 of Public Law 111-226.

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 education and certain other purposes relating to education for the fiscal year ending September 30, 2011; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agency.

Ron Jelinek
Cameron Brown
Michael Switalski
Conferees for the Senate

Terry Brown
George Cushingberry, Jr.
Conferees for the House

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

Rep. Dean 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. 380

Yeas—68

Angerer
Bauer

Geiss
Gonzales

Leland
Lemmons

Rogers
Schmidt, R.

Bennett	Gregory	Lindberg	Scott, B.
Bledsoe	Griffin	Lipton	Scripps
Brown, L.	Haase	Liss	Segal
Brown, T.	Haines	Lori	Sheltrown
Byrnes	Hammel	Mayes	Slavens
Byrum	Haugh	McDowell	Slezak
Clemente	Huckleberry	Meadows	Smith
Constan	Jackson	Melton	Spade
Corriveau	Johnson	Miller	Stanley
Dean	Jones, Rick	Nathan	Switalski
Dillon	Jones, Robert	Nerat	Tyler
Donigan	Kandrevas	Neumann	Valentine
Durhal	Kennedy	Pearce	Walsh
Ebli	Lahti	Polidori	Warren
Espinoza	LeBlanc	Roberts	Womack

Nays—37

Agema	Denby	Kowall	Pavlov
Amash	DeShazor	Kurtz	Proos
Ball	Elsenheimer	Lund	Rocca
Barnett	Genetski	Marleau	Schmidt, W.
Bolger	Green	McMillin	Schuitmaker
Booher	Hansen	Meekhof	Scott, P.
Calley	Hildenbrand	Meltzer	Stamas
Caul	Horn	Moss	Tlaib
Crawford	Knollenberg	Opsommer	Young
Daley			

In The Chair: Byrnes

Second Reading of Bills

House Bill No. 4098, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 732a (MCL 257.732a), as amended by 2008 PA 463.

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

The substitute (H-2) was not adopted, a majority of the members serving not voting therefor.

Rep. Bettie Scott moved to substitute (H-5) the bill.

The motion prevailed and the substitute (H-5) was adopted, a majority of the members serving voting therefor.

Rep. Amash moved to amend the bill as follows:

1. Amend page 5, line 6, by striking out all of subsection (7) and inserting:

"(7) NOTWITHSTANDING ANYTHING ELSE TO THE CONTRARY IN THIS SECTION, IF AN INDIVIDUAL OWES A DRIVER RESPONSIBILITY FEE FOR ANY OF THE FOLLOWING ON THE DATE THE AMENDATORY ACT THAT ADDED THIS SUBSECTION IS ENACTED INTO LAW, AND THE INDIVIDUAL PAYS 50% OR MORE OF THE TOTAL AMOUNT OWED BEFORE JANUARY 1, 2012, THE REMAINING BALANCE OF THE FEE IS WAIVED:

(A) POINTS UNDER SUBSECTION (1).

(B) A VIOLATION OF SECTION 301.

(C) A VIOLATION OF SECTION 328.

(D) A VIOLATION OF SECTION 904.

(E) A VIOLATION OF SECTION 3101, 3102(1), OR 3103 OF THE INSURANCE CODE OF 1956, 1956 PA 218, MCL 500.3101, 500.3102, AND 500.3103.”.

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

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

The motion prevailed.

Rep. Dean 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. 4098, entitled

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 732a (MCL 257.732a), as amended by 2008 PA 463.

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

Roll Call No. 381

Yeas—105

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

Nays—0

In The Chair: Byrnes

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

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

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 732a (MCL 257.732a), as amended by 2010 PA 155.

The motion prevailed.

The House agreed to the title as amended.

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

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

Reps. Amash, Ball, Barnett, Bennett, Bledsoe, Lisa Brown, Terry Brown, Calley, Clemente, Crawford, Daley, Dean, DeShazor, Dillon, Durhal, Geiss, Genetski, Gonzales, Gregory, Griffin, Haase, Hildenbrand, Horn, Huckleberry, Jackson, Johnson, Rick Jones, Robert Jones, Kennedy, Knollenberg, Kowall, LeBlanc, Leland, Lemmons, Liss, Lori, Mayes, Melton, Nathan, Opsommer, Pearce, Polidori, Proos, Roy Schmidt, Schuitmaker, Segal, Slavens, Slezak, Smith, Stanley, Switalski, Tlaib, Tyler, Valentine, Warren and Womack were named co-sponsors of the bill.

Second Reading of Bills

House Bill No. 4101, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 732a (MCL 257.732a), as amended by 2008 PA 463.

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

The substitute (H-1) was not adopted, a majority of the members serving not voting therefor.

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

The motion prevailed.

Rep. Dean 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. 4101, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 732a (MCL 257.732a), as amended by 2008 PA 463.

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

Roll Call No. 382

Yeas—105

Agema	Ebli	Lahti	Proos
Amash	Elsenheimer	LeBlanc	Roberts
Angerer	Espinoza	Leland	Rocca
Ball	Geiss	Lemmons	Rogers
Barnett	Genetski	Lindberg	Schmidt, R.
Bauer	Gonzales	Lipton	Schmidt, W.
Bennett	Green	Liss	Schuitmaker
Bledsoe	Gregory	Lori	Scott, B.
Bolger	Griffin	Lund	Scott, P.
Booher	Haase	Marleau	Scripps
Brown, L.	Haines	Mayes	Segal
Brown, T.	Hammel	McDowell	Sheltrown
Byrnes	Hansen	McMillin	Slavens
Byrum	Haug	Meadows	Slezak
Calley	Hildenbrand	Meekhof	Smith
Caul	Horn	Melton	Spade
Clemente	Huckleberry	Meltzer	Stamas
Constan	Jackson	Miller	Stanley

Corriveau	Johnson	Moss	Switalski
Crawford	Jones, Rick	Nathan	Tlaib
Daley	Jones, Robert	Nerat	Tyler
Dean	Kandrevas	Neumann	Valentine
Denby	Kennedy	Opsommer	Walsh
DeShazor	Knollenberg	Pavlov	Warren
Dillon	Kowall	Pearce	Womack
Donigan	Kurtz	Polidori	Young
Durhal			

Nays—0

In The Chair: Byrnes

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

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

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 732a (MCL 257.732a), as amended by 2010 PA 155.

The motion prevailed.

The House agreed to the title as amended.

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

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

Reps. Agema, Ball, Bennett, Lisa Brown, Terry Brown, Calley, Constan, Crawford, Daley, Dean, DeShazor, Dillon, Donigan, Durhal, Geiss, Gregory, Griffin, Haase, Hansen, Haugh, Hildenbrand, Horn, Huckleberry, Johnson, Rick Jones, Robert Jones, Kandrevas, Knollenberg, Kowall, Leland, Lemmons, Liss, Lori, Mayes, Meadows, Melton, Meltzer, Moss, Pearce, Polidori, Proos, Rocca, Roy Schmidt, Schuitmaker, Paul Scott, Scripps, Slavens, Slezak, Smith, Stanley, Tlaib, Tyler, Valentine, Warren, Womack and Young were named co-sponsors of the bill.

Second Reading of Bills

House Bill No. 4604, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 732a (MCL 257.732a), as amended by 2008 PA 463.

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

The substitute (H-2) was not adopted, a majority of the members serving not voting therefor.

Rep. Kowall moved to substitute (H-4) the bill.

The motion prevailed and the substitute (H-4) was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

Rep. Dean 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. 4604, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 732a (MCL 257.732a), as amended by 2008 PA 463.

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

Roll Call No. 383**Yeas—105**

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

Nays—0

In The Chair: Byrnes

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

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

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 732a (MCL 257.732a), as amended by 2010 PA 155.

The motion prevailed.

The House agreed to the title as amended.

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

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

Reps. Barnett, Bennett, Bledsoe, Lisa Brown, Terry Brown, Constan, Corriveau, Dean, Denby, Dillon, Durhal, Espinoza, Geiss, Genetski, Gonzales, Gregory, Griffin, Haase, Hansen, Huckleberry, Jackson, Johnson, Robert Jones, Kandrevas, Knollenberg, Kurtz, LeBlanc, Lemmons, Lipton, Mayes, Meadows, Melton, Meltzer, Nathan, Pearce, Proos, Bettie Scott, Scripps, Slavens, Stamas, Stanley, Tlaib, Valentine and Womack were named co-sponsors of the bill.

Second Reading of Bills**House Bill No. 5603, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 732a (MCL 257.732a), as amended by 2008 PA 463.

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

The substitute (H-2)* was not adopted, a majority of the members serving not voting therefor.

Rep. Johnson moved to substitute (H-6) the bill.

The motion prevailed and the substitute (H-6) 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. Dean 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. 5603, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 732a (MCL 257.732a), as amended by 2008 PA 463.

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

Roll Call No. 384

Yeas—105

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

Nays—0

In The Chair: Byrnes

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

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

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 732a (MCL 257.732a), as amended by 2010 PA 155.

The motion prevailed.

The House agreed to the title as amended.

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

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

Reps. Agema, Ball, Barnett, Bledsoe, Terry Brown, Calley, Constan, Crawford, Dean, DeShazor, Dillon, Donigan, Durhal, Espinoza, Geiss, Genetski, Gonzales, Gregory, Griffin, Haase, Hansen, Hildenbrand, Horn, Jackson, Rick Jones, Robert Jones, Kandrevas, Knollenberg, LeBlanc, Leland, Lemmons, Lipton, Liss, Lori, Marleau, Mayes, Meadows, Nathan, Opsommer, Pearce, Polidori, Proos, Roy Schmidt, Bettie Scott, Scripps, Segal, Slavens, Smith, Stamas, Tlaib, Tyler, Valentine, Womack and Young were named co-sponsors of the bill.

Second Reading of Bills

House Bill No. 6156, entitled

A bill to amend 2006 PA 88, entitled "Inmate reimbursement to municipalities act," by amending section 2 (MCL 801.312).

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

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

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

The motion prevailed.

Rep. Dean 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. 6156, entitled

A bill to amend 2006 PA 88, entitled "Inmate reimbursement to municipalities act," by amending section 2 (MCL 801.312).

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

Roll Call No. 385

Yeas—104

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.
Bennett	Gonzales	Lipton	Schuitmaker
Bledsoe	Green	Liss	Scott, B.
Bolger	Gregory	Lori	Scott, P.
Booher	Griffin	Lund	Scripps
Brown, L.	Haase	Marleau	Segal
Brown, T.	Haines	Mayes	Sheltrown
Byrnes	Hammel	McDowell	Slavens
Byrum	Hansen	McMillin	Slezak
Calley	Haugh	Meadows	Smith
Caul	Hildenbrand	Meekhof	Spade
Clemente	Horn	Melton	Stamas
Constan	Huckleberry	Miller	Stanley
Corriveau	Jackson	Moss	Switalski
Crawford	Johnson	Nathan	Tlaib
Daley	Jones, Rick	Nerat	Tyler
Dean	Jones, Robert	Neumann	Valentine

Denby
DeShazor
Dillon
Donigan

Kandrevas
Kennedy
Knollenberg
Kowall

Opsommer
Pavlov
Pearce
Polidori

Walsh
Warren
Womack
Young

Nays—1

Meltzer

In The Chair: Byrnes

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

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. 6421**.

Rep. Angerer

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. 6422**.

Rep. Angerer

By unanimous consent the House returned to the order of

Motions and Resolutions

Rep. Dean moved that when the House adjourns today it stand adjourned until Thursday, September 16, at 10:00 a.m.
The motion prevailed.

Reps. Bolger, Lisa Brown, Terry Brown, Caul, Constan, Daley, Denby, Hansen, Kowall, LeBlanc, Liss, Neumann, Polidori, Rogers, Wayne Schmidt, Slavens, Smith, Tyler and Valentine offered the following resolution:

House Resolution No. 327.

A resolution to declare December 4th, 2010, as Pallister-Killian Syndrome Awareness Day in the state of Michigan.

Whereas, Pallister-Killian Syndrome (PKS) is a rare genetic disorder resulting from the double duplication of the short arm of chromosome 12, causing children to suffer low muscle tone, seizures, global developmental delays, hearing and vision loss among other conditions; and

Whereas, Pallister-Killian Syndrome happens randomly at conception and for no known reason. It is thought that there are under 200 diagnosed cases of PKS in the world, however many doctors believe that the incidence of PKS is much higher, possibly as many as 2,000 cases exist in the United States alone. Improper testing methods and lack of awareness of this condition are the main causes of these undiagnosed cases; and

Whereas, It is the goal of this resolution to promote research, education, and raise awareness within the medical community to ensure early diagnoses of children with Pallister-Killian Syndrome; and

Whereas, Increased awareness of this condition will help families and caregivers of children with PKS acquire the resources and support they need to manage this disorder; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare December 4th, 2010, as Pallister-Killian Awareness Day in the state of Michigan.

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Segal, Bolger, Lisa Brown, Terry Brown, Caul, Constan, Denby, Gonzales, Hansen, Kowall, LeBlanc, Liss, Neumann, Polidori, Roberts, Rogers, Wayne Schmidt, Slavens, Smith, Tyler and Valentine offered the following resolution:

House Resolution No. 328.

A resolution to declare October 15, 2010, as Diabetic Peripheral Neuropathy Awareness and Action Day in the state of Michigan.

Whereas, In the United States, it is estimated that 23.6 million people or 7.8 percent of the total population are affected by diabetes; and

Whereas, The American Diabetes Association estimates that more than half of all people with diabetes sufferer from diabetic peripheral neuropathy; and

Whereas, Diabetic peripheral neuropathy is a serious condition that damages nerve fibers due to prolonged exposure to high amounts of glucose in the bloodstream; and

Whereas, Diabetic peripheral neuropathy often causes intense pain, frequently described as arching, tingling, and numbness of the feet, which often results in serious foot problems due to nerve damage; and

Whereas, Diabetic peripheral neuropathy, although it can be painful, diabetic nerve damage can also lessen the ability to feel pain, heat, and cold, which means that diabetic patients may not feel a foot injury or even a stone in their shoe or a nail in their foot; and

Whereas, The rate of amputations in people with diabetes is ten times higher than for people without diabetes. Studies show that more than 60 percent of non-traumatic lower extremity amputations are due to diabetic peripheral neuropathy; and

Whereas, Diabetic peripheral neuropathy can occur whether a person has type I diabetes, also known as juvenile diabetes, or type II diabetes, which is typically adult-onset; and

Whereas, This diabetic condition accounts for more diabetes-related hospitalizations than any other complication; and

Whereas, It is important that individuals with diabetes be aware of the dangers and warning signs of diabetic peripheral neuropathy, and make health lifestyle choices to prevent the onset of this life-changing condition; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare October 15, 2010, as Diabetic Peripheral Neuropathy Awareness and Action Day in the state of Michigan.

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 Wednesday, September 15:

House Bill Nos.	6428	6429	6430	6431	6432	6433	6434	6435
Senate Bill Nos.	1486	1487	1488	1489	1490	1491	1492	1493

Reports of Select Committees

House Bill No. 5885, entitled

A bill to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 2011; 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.

(For text of conference report, see House Journal No. 78, p. 1338.)

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

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

House Bill No. 5888, entitled

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2011; 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; to provide for the powers and duties of certain committees, certain state agencies, and certain employees; and to provide for the acquisition and disposition of certain real and personal property.

(For text of conference report, see House Journal No. 78, p. 1347.)

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

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

Reports of Standing Committees

The Committee on Regulatory Reform, by Rep. Johnson, Chair, reported

House Bill No. 6426, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending sections 205, 901, 903, 909, and 1027 (MCL 436.1205, 436.1901, 436.1903, 436.1909, and 436.2027), section 205 as amended by 2001 PA 274, section 901 as amended by 2008 PA 11, section 903 as amended by 2000 PA 431, and section 1027 as amended by 2008 PA 218, and by adding section 1029.

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Johnson, Haugh, Byrnes, Melton, Stanley, Switalski, Crawford, Rick Jones and Stamas

Nays: Rep. Rocca

The Committee on Regulatory Reform, by Rep. Johnson, Chair, reported

House Bill No. 6427, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 159g (MCL 750.159g), as amended by 2009 PA 82.

Without amendment and with the recommendation that the bill pass.

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Johnson, Haugh, Byrnes, Melton, Stanley, Switalski, Rocca, Crawford, Rick Jones and Stamas

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Johnson, Chair, of the Committee on Regulatory Reform, was received and read:

Meeting held on: Wednesday, September 15, 2010

Present: Reps. Johnson, Haugh, Byrnes, Melton, Stanley, Switalski, Rocca, Crawford, Rick Jones and Stamas

Absent: Rep. Bettie Scott

Excused: Rep. Bettie Scott

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Valentine, Chair, of the Committee on Families and Children's Services, was received and read:

Meeting held on: Wednesday, September 15, 2010

Present: Reps. Valentine, Womack, Liss, Neumann, Slavens, Kurtz, McMillin and Pavlov

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, September 15, 2010

Present: Reps. Ebli, Melton, Barnett, Robert Jones, Kandrevas, Lipton, Mayes, Meadows, Slezak, Warren, Calley, Kowall, Lund, Meekhof, Meltzer, Stamas and Walsh

Messages from the Senate

House Bill No. 5855, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3525 (MCL 500.3525), as added by 2000 PA 252.

The Senate has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

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

Notices

I hereby give notice that on the next legislative session day I will move to discharge the Committee on Regulatory Reform from further consideration of **House Bill No. 4996**.

Rep. Angerer

Introduction of Bills

Rep. Moss introduced

House Bill No. 6436, 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, 2010 to October 31, 2010; 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; and to declare the effect of this act.

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

Reps. Haveman, Geiss, Genetski, Agema and Amash introduced

House Bill No. 6437, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 34c (MCL 211.34c), as amended by 2006 PA 646.

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

Reps. Genetski, Haveman and Agema introduced

House Bill No. 6438, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 34c (MCL 211.34c), as amended by 2006 PA 646.

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

Reps. Genetski, Haveman and Agema introduced

House Bill No. 6439, entitled

A bill to amend 1973 PA 186, entitled "Tax tribunal act," (MCL 205.701 to 205.779) by adding section 62b.

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

Reps. Melton, Nathan, Valentine, Bettie Scott, Leland, Johnson and Jackson introduced

House Bill No. 6440, entitled

A bill to amend 1855 PA 105, entitled "An act to regulate the disposition of the surplus funds in the state treasury; to provide for the deposit of surplus funds in certain financial institutions; to lend surplus funds pursuant to loan agreements secured by certain commercial, agricultural, or industrial real and personal property; to authorize the loan of surplus funds to certain municipalities; to authorize the participation in certain loan programs; to authorize an appropriation; and to prescribe the duties of certain state agencies," (MCL 21.141 to 21.147) by adding section 2g.

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

Reps. Lahti, Robert Jones, Lindberg, Nerat, McDowell and Dean introduced

House Bill No. 6441, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 60101, 60102, 60103, 60104, 60105, 60106, 60107, 60108, 62501, and 63101 (MCL 324.60101, 324.60102, 324.60103, 324.60104, 324.60105, 324.60106, 324.60107, 324.60108, 324.62501, and 324.63101), sections 60101, 60102, 60103, 60104, 60105, 60106, 60107, and 60108 as added by 1995 PA 57, section 62501 as amended by 1998 PA 467, and section 63101 as amended by 2004 PA 449; and to repeal acts and parts of acts.

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

Reps. Lahti, McDowell, Constan, Lindberg, Nerat and Mayes introduced

House Bill No. 6442, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 803i (MCL 257.803i), as amended by 1998 PA 68.

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

Reps. Valentine, Bettie Scott, Hammel, Geiss, Donigan, Griffin, Sheltroun, Ebli, Gregory, Bledsoe, Roy Schmidt, Slezak, Neumann, Lemmons, Segal, Scripps, Slavens, Roberts, Haase, Young, Polidori, Mayes, Stanley, Meadows, Dean, Terry Brown, Womack, Kennedy and Espinoza introduced

House Bill No. 6443, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 32729 (MCL 324.32729), as added by 2008 PA 185.

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

Reps. Dean, Stanley, Young, Cushingberry, Hammel, Smith, Lemmons, Clemente, Sheltroun, Melton, Gonzales, Lipton, Donigan, Bennett, Leland, Huckleberry, Bettie Scott, Roy Schmidt, Gregory, Jackson and Johnson introduced

House Bill No. 6444, entitled

A bill to amend 1984 PA 424, entitled "Rental-purchase agreement act," by amending sections 2, 3, and 4 (MCL 445.952, 445.953, and 445.954), and by adding section 4a.

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

Reps. Haines, Rick Jones, Kowall, Genetski, Haveman, Knollenberg, Meltzer, Denby, Pavlov, Ball, Opsommer, Bolger, Stamas, Crawford, Daley, Proos and Agema introduced

House Bill No. 6445, entitled

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," by amending section 18 (MCL 432.18), as amended by 2004 PA 383.

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

Reps. Hammel and LeBlanc introduced

House Bill No. 6446, entitled

A bill to amend 1929 PA 312, entitled "The metropolitan district act," by amending sections 3, 4, 7, 9, and 13 (MCL 119.3, 119.4, 119.7, 119.9, and 119.13), section 4 as amended by 2002 PA 410, and by adding section 2a.

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

Reps. Hammel and LeBlanc introduced

House Bill No. 6447, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 24a, 509q, 558, 659, 699, 863, 960, and 968 (MCL 168.24a, 168.509q, 168.558, 168.659, 168.699, 168.863, 168.960, and 168.968), section 24a as amended by 2010 PA 52, sections 509q and 699 as amended by 2005 PA 71, section 558 as amended by 2002 PA 163, section 659 as amended by 2004 PA 296, section 863 as amended by 2003 PA 302, and sections 960 and 968 as amended by 1989 PA 26, and by adding section 17 and chapter XVIII.

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

Rep. LeBlanc introduced

House Bill No. 6448, entitled

A bill to amend 1976 PA 442, entitled "Freedom of information act," by amending sections 3 and 6 (MCL 15.233 and 15.236), as amended by 1996 PA 553.

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

Reps. Agema and Opsommer introduced

House Joint Resolution LLL, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 5 of article III, to provide for restrictions on the powers of governmental units in public-private partnerships.

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

Reps. Opsommer and Agema introduced

House Joint Resolution MMM, entitled

A joint resolution to petition the congress of the United States to call a convention to propose amendments to the constitution of the United States to require a balanced federal budget and to limit the federal government's power under the commerce clause.

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

Announcements by the Clerk

September 14, 2010

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

Financial audit of the Michigan Justice Training Fund, Michigan Commission on Law Enforcement Standards, Michigan Department of State Police, for the period October 1, 2007 through September 30, 2009.

Richard J. Brown
Clerk of the House

Rep. Hansen moved that the House adjourn.

The motion prevailed, the time being 4:25 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, September 16, at 10:00 a.m.

RICHARD J. BROWN
Clerk of the House of Representatives