

No. 53
STATE OF MICHIGAN
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House of Representatives
95th Legislature
REGULAR SESSION OF 2009

House Chamber, Lansing, Wednesday, June 10, 2009.

1:30 p.m.

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

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

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

e/d/s = entered during session

Rep. Tom McMillin, from the 45th District, offered the following invocation:

“Dear Lord,

Please watch over and guide our deliberations today in this chamber. Your Word says that the heart of the leaders of a country and state are in Your hands and that You turn them as You will. Therefore, I ask that You cause us to do that which is pleasing to You.

Please be with our President and Governor and also cause them to do that which would please You and align with Your word.

Please be with Michigan families who have trials due to the bad economy. Move Your people, individually, through churches and private organizations, to help them in their difficulties.

Be merciful to our state and nation.

Let those who don’t know You, find You.

In Christ’s Name I pray,

Amen.”

Rep. Angerer moved that Reps. Gregory, Nerat and Bettie Scott be excused from today’s session.
The motion prevailed.

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

Messages from the Senate

The Speaker laid before the House

House Bill No. 4830, entitled

A bill to amend 1909 PA 283, entitled “An act to revise, consolidate, and add to the laws relating to the establishment, opening, discontinuing, vacating, closing, altering, improvement, maintenance, and use of the public highways and private roads; the condemnation of property and gravel therefor; the building, repairing and preservation of bridges; maintaining public access to waterways under certain conditions; setting and protecting shade trees, drainage, and cutting weeds and brush within this state; providing for the election or appointment and defining the powers, duties, and compensation of state, county, township, and district highway officials; and to prescribe penalties and provide remedies,” by amending section 6 of chapter IV (MCL 224.6), as amended by 2006 PA 598.

(The bill was received from the Senate on June 9, with substitute (S-5) and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 52, p. 1038.)

The question being on concurring in the substitute (S-5) made to the bill by the Senate,

The substitute (S-5) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 284

Yeas—66

Angerer	Durhal	Leland	Scott, P.
Ball	Ebli	Lemmons	Scripps
Barnett	Elsenheimer	Lipton	Segal
Bauer	Espinoza	Liss	Simpson
Bennett	Geiss	Lund	Slavens
Bledsoe	Griffin	Mayes	Slezak
Bolger	Haase	Meadows	Smith
Brown, L.	Hammel	Meltzer	Stamas
Brown, T.	Haugh	Miller	Stanley
Clemente	Haveman	Nathan	Switalski
Constan	Hildenbrand	Opsommer	Tlaib
Corriveau	Huckleberry	Pavlov	Valentine

Coulouris	Jackson	Polidori	Walsh
Cushingberry	Johnson	Roberts	Warren
Dean	Jones, Robert	Rocca	Womack
Denby	Kandrevas	Schmidt, R.	Young
Donigan	Kennedy		

Nays—40

Agema	Genetski	Lahti	Moss
Amash	Gonzales	LeBlanc	Neumann
Booher	Green	Lindberg	Pearce
Byrnes	Haines	Lori	Proos
Byrum	Hansen	Marleau	Rogers
Calley	Horn	McDowell	Schmidt, W.
Caul	Jones, Rick	McMillin	Schuitmaker
Crawford	Knollenberg	Meekhof	Sheltrown
Daley	Kowall	Melton	Spade
DeShazor	Kurtz	Moore	Tyler

In The Chair: Byrnes

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

Second Reading of Bills**House Bill No. 4322, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 411u.

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. Spade moved to substitute (H-3) the bill.

The motion prevailed and the substitute (H-3) was adopted, a majority of the members serving voting therefor.

Rep. Spade 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. 4322, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 411u.

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

Roll Call No. 285**Yeas—107**

Agema	Donigan	Kurtz	Proos
Amash	Durhal	Lahti	Roberts
Angerer	Ebli	LeBlanc	Rocca
Ball	Elsenheimer	Leland	Rogers
Barnett	Espinoza	Lemmons	Schmidt, R.

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

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 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 411w.

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.

Second Reading of Bills

House Bill No. 4793, entitled

A bill to amend 1980 PA 299, entitled “Occupational code,” by amending sections 2004 and 2005 (MCL 339.2004 and 339.2005), section 2004 as amended by 1988 PA 463 and section 2005 as amended by 1998 PA 90.

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

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

Rep. Byrum 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. 4793, entitled

A bill to amend 1980 PA 299, entitled “Occupational code,” by amending sections 2004 and 2005 (MCL 339.2004 and 339.2005), section 2004 as amended by 1988 PA 463 and section 2005 as amended by 1998 PA 90.

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

Roll Call No. 286**Yeas—107**

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

Nays—0

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.

Second Reading of Bills**House Bill No. 4922, entitled**

A bill to amend 1995 PA 24, entitled “Michigan economic growth authority act,” by amending section 8 (MCL 207.808), as amended by 2008 PA 257.

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

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

Rep. McMillin moved to amend the bill as follows:

1. Amend page 7, line 9, after “section 9” by inserting “**PLUS A PENALTY EQUAL TO 50% OF THE CREDITS RECEIVED UNDER SECTION 9**”.

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

Rep. McMillin moved to amend the bill as follows:

1. Amend page 5, line 13, by inserting "(j)".
2. Amend page 5, line 17, after "agreement." by inserting "AN ANALYSIS THAT SHOWS THAT THE RECIPIENT OF THE TAX CREDITS IS NOT LIKELY TO COMPETE WITH ANY EXISTING MICHIGAN-BASED BUSINESSES."

The motion did not prevail and the amendments were not adopted, a majority of the members serving not voting therefor.

Rep. McMillin moved to amend the bill as follows:

1. Amend page 5, line 12, after "state." by inserting "THE AUTHORITY SHALL PROMPTLY MAKE THE COST/BENEFIT ANALYSIS AVAILABLE TO THE PUBLIC FOR INSPECTION."

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

Rep. McMillin moved to amend the bill as follows:

1. Amend page 13, following line 24, by inserting:
"Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 71 of the 95th Legislature is enacted into law."

The motion did not prevail and the amendment was not adopted, a majority of the members serving not voting therefor.

Rep. Clemente 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. 4922, entitled

A bill to amend 1995 PA 24, entitled "Michigan economic growth authority act," by amending section 8 (MCL 207.808), as amended by 2008 PA 257.

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

Roll Call No. 287

Yeas—92

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

Nays—15

Agema	Daley	McMillin	Opsommer
Amash	Genetski	Meekhof	Pearce
Bennett	Green	Miller	Stamas
Calley	Lund	Moore	

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.

By unanimous consent the House returned to the order of

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills and joint resolution had been printed and placed upon the files of the members on Wednesday, June 10:

House Bill Nos.	5049	5050	5051	5052	5053	5054	5055	5056	5057	5058	5059	5060	5061	5062
	5063	5064	5065	5066	5067	5068	5069							
House Joint Resolution		U												

Reports of Standing Committees

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

House Resolution No. 106.

A resolution to memorialize the Congress of the United States to rectify the imbalance in federal transportation funding that has consistently put Michigan near the bottom of the 50 states in the percentage of federal transportation tax dollars returned to this state each year.

(For text of resolution, see House Journal No. 49, p. 992.)

With the recommendation that the following substitute (H-2) be adopted and that the resolution then be adopted.

Substitute for House Resolution No. 106.

A resolution to memorialize the Congress of the United States to rectify the imbalance in federal transportation funding that has consistently put Michigan near the bottom of the 50 states in the percentage of federal transportation tax dollars returned to this state each year.

Whereas, Since the creation of the federal highway system and the construction of the interstate network that began in the 1950s, Michigan has paid more than its share—much more—of the costs of the nation’s network of roads. Through a complicated formula that has changed over a span of more than 5 decades, one thing has remained unchanged: Michigan has been, and continues to be, a “donor state,” one sending significantly more money to Washington than it receives in return; and

Whereas, Since the enactment of the Federal Aid Highway Act of 1956 and up to and including the 2006-2007 Fiscal Year, Michigan has, through the various federal transportation taxes paid by Michigan drivers, paid out more than \$1.4 billion more than it has been allocated in program funds. This shortfall, which represents a 94 percent return, places Michigan at 46th out of the 50 states in the money returned to fund projects in our state. The overall result of this policy is an insufficiently maintained highway network that becomes even more expensive to care for than it needs to be; and

Whereas, Although this serious imbalance in the redistribution of federal transportation tax dollars has always been disturbing and unfair, the harmful impact of this continuing injustice is exacerbated as Michigan struggles in the throes of the transformational challenges facing our economy. No longer can we absorb this annual inequity without seriously jeopardizing the safety of all who utilize our aging highway infrastructure; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to rectify the imbalance in federal transportation funding that has consistently put Michigan near the bottom of the 50 states in the percentage of federal transportation tax dollars returned to this state each year; and be it further

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

Favorable Roll Call

To Report Out:

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

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Byrnes, Chair, of the Committee on Transportation, was received and read:
Meeting held on: Tuesday, June 9, 2009

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

The Committee on Commerce, by Rep. Robert Jones, Chair, reported

Senate Bill No. 290, entitled

A bill to amend 1996 PA 381, entitled "Brownfield redevelopment financing act," by amending section 15 (MCL 125.2665), as amended by 2007 PA 201.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Robert Jones, Roy Schmidt, Byrum, Clemente, Haase, Haugh, Huckleberry, Lemmons, Nathan, Sheltroun and Meltzer

Nays: Reps. Hansen, DeShazor, Knollenberg, Meekhof and Opsommer

The Committee on Commerce, by Rep. Robert Jones, Chair, reported

Senate Bill No. 293, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 15 (MCL 125.2695) and by adding sections 8g and 8h.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Robert Jones, Roy Schmidt, Byrum, Clemente, Haase, Haugh, Huckleberry, Lemmons, Nathan and Sheltroun

Nays: Reps. Hansen, DeShazor, Knollenberg, Meekhof and Opsommer

The Committee on Commerce, by Rep. Robert Jones, Chair, reported

Senate Bill No. 295, entitled

A bill to amend 2000 PA 146, entitled "Obsolete property rehabilitation act," by amending section 8 (MCL 125.2788), as amended by 2008 PA 504.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Robert Jones, Roy Schmidt, Byrum, Clemente, Haase, Haugh, Huckleberry, Lemmons, Nathan and Sheltroun

Nays: Reps. Hansen, DeShazor, Knollenberg, Meekhof, Meltzer, Opsommer and Walsh

The Committee on Commerce, by Rep. Robert Jones, Chair, reported

Senate Bill No. 296, entitled

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

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Robert Jones, Roy Schmidt, Byrum, Clemente, Haase, Haugh, Huckleberry, Lemmons, Nathan and Sheltrown

Nays: Reps. Hansen, DeShazor, Knollenberg, Meekhof, Meltzer and Opsommer

The Committee on Commerce, by Rep. Robert Jones, Chair, reported

Senate Bill No. 539, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 457 (MCL 208.1457), as added by 2008 PA 86.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Robert Jones, Roy Schmidt, Byrum, Clemente, Haase, Haugh, Huckleberry, Lemmons, Nathan and Sheltrown

Nays: Reps. Hansen, DeShazor, Knollenberg, Meekhof, Meltzer and Opsommer

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Robert Jones, Chair, of the Committee on Commerce, was received and read:

Meeting held on: Wednesday, June 10, 2009

Present: Reps. Robert Jones, Roy Schmidt, Byrum, Clemente, Haase, Haugh, Huckleberry, Lemmons, Nathan, Sheltrown, Hansen, DeShazor, Knollenberg, Meekhof, Meltzer, Opsommer and Walsh

Absent: Reps. Nerat and Womack

Excused: Reps. Nerat and Womack

The Committee on Judiciary, by Rep. Meadows, Chair, reported

House Bill No. 4221, entitled

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

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. Meadows, Lipton, Lisa Brown, Constan, Corriveau, Coulouris, Kandrevas, Warren, Amash, Haveman, Kowall and Rocca

Nays: None

The Committee on Judiciary, by Rep. Meadows, Chair, reported

House Bill No. 4222, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2950a (MCL 600.2950a), as amended by 2001 PA 201.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Meadows, Lipton, Lisa Brown, Constan, Corriveau, Coulouris, Kandrevas, Warren, Amash, Haveman, Kowall and Rocca

Nays: None

The Committee on Judiciary, by Rep. Meadows, Chair, reported

House Bill No. 4349, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 2841 (MCL 333.2841).

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. Meadows, Lisa Brown, Constan, Corriveau, Coulouris, Kandrevas, Warren, Schuitmaker, Haveman, Kowall and Rocca

Nays: Rep. Amash

The Committee on Judiciary, by Rep. Meadows, Chair, reported

House Bill No. 4601, entitled

A bill to authorize local units of government to fingerprint certain individuals for the purpose of receiving criminal history record information from the department of state police and the federal bureau of investigation; to prescribe the powers and duties of certain state departments and officers; and to provide for the collection of fees.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Meadows, Constan, Corriveau, Coulouris, Kandrevas, Warren, Haveman and Rocca

Nays: Rep. Amash

The Committee on Judiciary, by Rep. Meadows, Chair, reported

House Bill No. 4828, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 145e.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Meadows, Lipton, Lisa Brown, Constan, Corriveau, Coulouris, Kandrevas, Warren, Schuitmaker, Amash, Haveman and Kowall

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, June 10, 2009

Present: Reps. Meadows, Lipton, Lisa Brown, Constan, Corriveau, Coulouris, Kandrevas, Warren, Schuitmaker, Amash, Haveman, Rick Jones, Kowall and Rocca

Absent: Rep. Bettie Scott

Excused: Rep. Bettie Scott

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, June 10, 2009

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

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Clemente, Chair, of the Committee on New Economy and Quality of Life, was received and read:

Meeting held on: Wednesday, June 10, 2009

Present: Reps. Clemente, Stanley, Byrnes, Geiss, Griffin, Leland, Segal, Knollenberg, Bolger, Denby and Tyler

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Angerer, Chair, of the Committee on Ethics and Elections, was received and read:

Meeting held on: Wednesday, June 10, 2009

Present: Reps. Angerer, Haase, Lisa Brown, Donigan, Scripps, Slavens, Meltzer, Kurtz and Pearce

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, June 10, 2009

Present: Reps. Johnson, Haugh, Byrnes, Griffin, Melton, Stanley, Rocca, Crawford and Stamas

Absent: Reps. Bettie Scott and Rick Jones

Excused: Reps. Bettie Scott and Rick Jones

Notices

June 10, 2009

Mr. Richard J. Brown, Clerk
Michigan House of Representatives
State Capitol Building
Lansing, Michigan 48913

Dear Mr. Clerk:

I hereby appoint Representative Kate Segal and Representative Hugh Crawford to the Judiciary Subcommittee on Mental Health for the 2009-2010 Legislative Session.

Please do not hesitate to contact my office with any questions or concerns.

Regards,
 Andy Dillon
 Speaker
 Michigan House of Representatives

Messages from the Governor

The following message from the Governor was received June 9, 2009 and read:

EXECUTIVE ORDER No. 2009-31

ABOLISHING THE ADVISORY SUBCOMMITTEE ON INTERIOR DESIGN

DEPARTMENT OF ENERGY, LABOR, AND ECONOMIC GROWTH

EXECUTIVE REORGANIZATION

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, Section 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the executive branch of state government or in the assignment of functions among its units that the Governor considers necessary for efficient administration;

WHEREAS, there is a continuing need to reorganize functions amongst state departments to ensure efficient administration and effectiveness of government;

WHEREAS, abolishing the Advisory Subcommittee on Interior Design will contribute to a smaller and more efficient state government;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

I. DEFINITIONS

As used in this Order:

A. "Department of Energy, Labor, and Economic Growth" means the principal department of state government created by Section 225 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.325, and renamed by Executive Order 1996-2, MCL 445.2001, by Executive Order 2003-18, MCL 445.2011, and by Executive Order 2008-20.

B. "Advisory Subcommittee on Interior Design" means the subcommittee created under Section 601a of the Occupational Code, 1980 PA 299, MCL 339.601a.

C. "State Budget Director" means the individual appointed by the Governor pursuant to Section 321 of The Management and Budget Act, 1984 PA 431, MCL 18.1321.

D. "Type III transfer" means that term as defined under Section 3(c) of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.103.

II. TRANSFER OF AUTHORITY

A. The Advisory Subcommittee on Interior Design is transferred by Type III transfer to the Department of Energy, Labor, and Economic Growth.

B. The Advisory Subcommittee on Interior Design is abolished.

III. IMPLEMENTATION OF TRANSFERS

A. The Director of the Department of Energy, Labor, and Economic Growth shall provide executive direction and supervision for the implementation of all transfers of functions under this Order and shall make internal organizational changes as necessary to complete the transfers under this Order.

B. The functions transferred under this Order shall be administered by the Director of the Department of Energy, Labor, and Economic Growth in such ways as to promote efficient administration.

C. All records, property, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Advisory Subcommittee on Interior Design for the activities, powers, duties, functions, and responsibilities transferred under this Order are transferred to the Department of Energy, Labor, and Economic Growth.

D. The State Budget Director shall determine and authorize the most efficient manner possible for handling financial transactions and records in the state's financial management system necessary for the implementation of this Order.

IV. MISCELLANEOUS

A. All rules, orders, contracts, and agreements relating to the functions transferred under this Order lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended, repealed, or rescinded.

B. This Order shall not abate any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected under this Order. Any suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected under this Order.

C. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

In fulfillment of the requirements under Section 2 of Article V of the Michigan Constitution of 1963, the provisions of this Order are effective August 10, 2009 at 12:01 a.m.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 9th day of June, in the year of our Lord, two thousand nine.

Jennifer M. Granholm

Governor

By the Governor:

Terri L. Land

Secretary of State

The message was referred to the Clerk.

The following message from the Governor was received June 9, 2009 and read:

EXECUTIVE ORDER

No. 2009-32

ABOLISHING THE MICHIGAN HOUSING AND COMMUNITY DEVELOPMENT FUND ADVISORY COMMITTEE**MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY****EXECUTIVE REORGANIZATION**

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, Section 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the executive branch of state government or in the assignment of functions among its units that the Governor considers necessary for efficient administration;

WHEREAS, there is a continuing need to reorganize functions amongst state departments to ensure efficient administration and effectiveness of government;

WHEREAS, abolishing the Michigan Housing and Community Development Fund Advisory Committee will contribute to a smaller and more efficient state government;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

I. DEFINITIONS

As used in this Order:

A. "Michigan State Housing Development Authority" means the public body corporate and politic created under Section 21 of the State Housing Development Authority Act of 1966, 1966 PA 346, MCL 125.1421.

B. "Michigan Housing and Community Development Fund Advisory Committee" means the committee created under Section 58e of the State Housing Development Authority Act of 1966, 1966 PA 346, MCL 125.1458e.

C. "State Budget Director" means the individual appointed by the Governor pursuant to Section 321 of The Management and Budget Act, 1984 PA 431, MCL 18.1321.

D. "Type III transfer" means that term as defined under Section 3(c) of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.103.

II. TRANSFER OF AUTHORITY

A. Any and all of the authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations or other funds of the Michigan Housing and Community Development Fund Advisory Committee

authorized under Section 58e of the State Housing Development Authority Act of 1966, 1966 PA 346, MCL 125.1458e, are transferred by Type III transfer to the Michigan State Housing Development Authority.

B. The Michigan Housing and Community Development Fund Advisory Committee is abolished.

III. IMPLEMENTATION OF TRANSFERS

A. The Executive Director of the Michigan State Housing Development Authority shall provide executive direction and supervision for the implementation of all transfers of functions under this Order and shall make internal organizational changes as necessary to complete the transfers under this Order.

B. The functions transferred under this Order shall be administered by the Executive Director of the Michigan State Housing Development Authority in such ways as to promote efficient administration.

C. All records, property, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Michigan Housing and Community Development Fund Advisory Committee for the activities, powers, duties, functions, and responsibilities transferred under this Order are transferred to the Michigan State Housing Development Authority.

D. The State Budget Director shall determine and authorize the most efficient manner possible for handling financial transactions and records in the state's financial management system necessary for the implementation of this Order.

IV. MISCELLANEOUS

A. All rules, orders, contracts, and agreements relating to the functions transferred under this Order lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended, repealed, or rescinded.

B. This Order shall not abate any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected under this Order. Any suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected under this Order.

C. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

In fulfillment of the requirements under Section 2 of Article V of the Michigan Constitution of 1963, the provisions of this Order are effective August 10, 2009 at 12:01 a.m.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 9th day of June, in the year of our Lord, two thousand nine.

Jennifer M. Granholm
Governor
By the Governor:
Terri L. Land
Secretary of State

The message was referred to the Clerk.

The following message from the Governor was received June 9, 2009 and read:

EXECUTIVE ORDER No. 2009-33

DEPARTMENT OF EDUCATION DEPARTMENT OF ENERGY, LABOR, AND ECONOMIC GROWTH

EXECUTIVE REORGANIZATION

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, Section 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the executive branch of state government or in the assignment of functions among its units that the Governor considers necessary for efficient administration;

WHEREAS, there is a continuing need to reorganize functions amongst state departments to ensure efficient administration and effectiveness of government;

WHEREAS, under Section 1b of the Construction of School Buildings Act, 1937 PA 306, MCL 388.851b, the Department of Energy, Labor, and Economic Growth is responsible for the administration and enforcement of the Construction of School Buildings Act and the Stille-DeRossett-Hale Single State Construction Code Act, 1972 PA 230, MCL 125.1501, in each school building in this state, including, but not limited to, ensuring that the construction, remodeling, or reconstruction of a school building in this state is in conformance with the Stille-DeRossett-Hale Single State Construction Code Act;

WHEREAS, under Section 1263 of the Revised School Code, 1976 PA 451, MCL 380.1263, the Superintendent of Public Instruction has sole and exclusive jurisdiction over the review and approval of plans and specifications for the construction, reconstruction, or remodeling of school buildings used for instructional or noninstructional school purposes and, in certain circumstances, of site plans for those school buildings;

WHEREAS, since 2004, the Bureau of Construction Codes within the Department of Energy, Labor, and Economic Growth has reviewed proposed school building site plans and provided its recommendations to the Superintendent of Public Instruction for approval of those plans;

WHEREAS, transferring the functions of the Superintendent of Public Instruction under Section 1263 of the Revised School Code, 1976 PA 451, MCL 380.1263, to the Bureau of Construction Codes within the Department of Energy, Labor, and Economic Growth would contribute to a smaller and more efficient state government;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

I. DEFINITIONS

A. "Department of Energy, Labor, and Economic Growth" or "Department" means the principal department of state government created by Section 225 of the Executive Reorganization Act of 1965, 1965 PA 380, MCL 16.325, and renamed by Executive Order 1996-2, MCL 445.2001, by Executive Order 2003-18, MCL 445.2011, and by Executive Order 2008-20, MCL 445.2025.

B. "State Budget Director" means the individual appointed by the Governor pursuant to Section 321 of The Management and Budget Act, 1984 PA 431, MCL 18.1321.

C. "Superintendent of Public Instruction" means the individual appointed by the State Board of Education pursuant to Section 3 of Article VIII of the Michigan Constitution of 1963 and Section 305 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.405.

D. "Type II transfer" means that phrase as defined by Section 3 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.103.

II. TRANSFER OF SCHOOL BUILDING CONSTRUCTION, RECONSTRUCTION, REMODELING, AND SITE PLAN APPROVAL FUNCTIONS OF SUPERINTENDENT OF PUBLIC INSTRUCTION

A. The authority, powers, duties, functions, and responsibilities of the Superintendent of Public Instruction under Section 1263 of the Revised School Code, 1976 PA 451, MCL 380.1263, are transferred by Type II transfer from the Superintendent of Public Instruction to the Department of Energy, Labor, and Economic Growth.

B. The Director of the Department of Energy, Labor, and Economic Growth shall provide executive direction and supervision for the implementation of the transfers to the Department of Energy, Labor, and Economic Growth under this Order and shall make internal organization changes as necessary to effectuate the transfers.

C. The authority, powers, duties, functions, and responsibilities transferred to the Department of Energy, Labor, and Economic Growth under this Order shall be administered in such ways as to promote efficient administration.

D. All records, property, grants, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available for the activities, powers, duties, functions, and responsibilities transferred under this Order are transferred to the Department of Energy, Labor, and Economic Growth.

III. MISCELLANEOUS

A. The State Budget Director shall determine and authorize the most efficient manner possible for handling financial transactions and records in the state's financial management system necessary for the implementation of this Order.

B. All rules, orders, contracts, and agreements relating to the transfers under this Order lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended, repealed, or rescinded.

C. This Order shall not abate any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected under this Order. Any suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected under this Order.

D. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

In fulfillment of the requirements under Section 2 of Article V of the Michigan Constitution of 1963, the provisions of this Order are effective August 10, 2009 at 12:01 a.m.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 9th day of June in the year of our Lord, two thousand nine.

Jennifer M. Granholm
Governor
By the Governor:
Terri L. Land
Secretary of State

The message was referred to the Clerk.

The following message from the Governor was received June 9, 2009 and read:

EXECUTIVE ORDER
No. 2009-34

2010 UNITED STATES CENSUS COMPLETE COUNT COMMITTEE

DEPARTMENT OF INFORMATION TECHNOLOGY

EXECUTIVE REORGANIZATION

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, Section 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the executive branch of state government or in the assignment of functions among its units that the Governor considers necessary for efficient administration;

WHEREAS, Section 2 of Article I of the United States Constitution requires the federal government to count the number of people living in the United States and its territories every ten years;

WHEREAS, under Section 141 of Title 13 of the Census Act, Public Law 83-740, 13 USC 141, the next federal census will officially commence on April 1, 2010;

WHEREAS, census data are used by the federal government to allocate more than \$300 billion in federal funds to state, local, and tribal governments each year, as well as to determine the number of representatives each state will have in the United States House of Representatives;

WHEREAS, it is imperative that the census count in Michigan be complete and accurate to ensure that Michigan receives the correct amount of federal funding and the appropriate representation in the United States House of Representatives;

WHEREAS, the creation of a Complete Count Committee in Michigan will heighten awareness of the 2010 Census and encourage the full participation of the residents of this state in the counting process;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

I. DEFINITIONS

As used in this Order:

A. "Department of Information Technology" or "Department" means the principal department of state government created by Executive Order 2001-3, MCL 18.41.

B. "Complete Count Committee" or "Committee" means the committee created within the Department of Information Technology under this Order.

II. CREATION OF THE COMPLETE COUNT COMMITTEE

A. The Complete Count Committee is created as an advisory body within the Department of Information Technology.

B. The Committee shall consist of the Lieutenant Governor and the directors of each principal department of state government or their designated representatives from within their respective departments.

C. The Lieutenant Governor shall serve as the Chairperson of the Committee. The Governor may designate a member of the Committee to serve as its Vice-Chairperson at the pleasure of the Governor.

III. CHARGE TO THE COMMITTEE

A. The Committee shall act in an advisory capacity to the Governor and shall do all of the following:

1. Develop, recommend, and assist in the administration of an outreach action plan to identify areas or groups within this state that are isolated geographically, linguistically, racially, culturally, or otherwise and may be difficult to enumerate.

2. Develop, recommend, and assist in the coordinated distribution by state and local agencies, organizations, and entities of press releases, publications, displays, and other promotional material designed to heighten awareness of, and ensure the full participation of Michigan residents in, the 2010 Census.

3. Identify barriers and obstacles that interfere with the full participation of Michigan residents in the 2010 Census and develop strategies to overcome those barriers.

B. The Committee may, as appropriate, establish subcommittees to assist the Committee in fulfilling its responsibilities under this Order, including, but not limited to, subcommittees in the areas of government, education, media, business, and community and faith-based organizations.

C. The Committee shall meet at least quarterly until March 10, 2010, and as often thereafter as is required to complete its work.

D. The Committee may, as appropriate, coordinate its efforts with those of the United States Census Bureau and other complete count committees established at the local level.

E. The Committee shall complete its work and submit a final report to the Governor by August 1, 2010 summarizing its activities and suggesting improvements to the Complete Count Committee for Census 2020.

IV. OPERATIONS OF THE COMMITTEE

A. The Committee shall be staffed and assisted by personnel from the Department, subject to available funding. Any budgeting, procurement, or related management functions of the Committee shall be performed under the direction and supervision of the Director of the Department.

B. The Committee shall adopt procedures consistent with Michigan law and this Order governing its organization and operations.

C. A majority of the members serving on the Committee constitutes a quorum for the transaction of the Committee's business. The Committee shall act by a majority vote of its serving members.

D. The Committee shall meet at the call of the Chairperson and as may be provided in procedures adopted by the Committee.

E. The Committee may establish advisory workgroups composed of state officers, state employees, or members of the public who are not members of the Committee. The Committee may adopt, reject, or modify any recommendations proposed by an advisory workgroup.

F. The Committee may, as appropriate, make inquiries, conduct studies or investigations, hold hearings, and receive comments from the public. The

Committee may also consult with outside experts in order to perform its duties including, but not limited to, experts in the private sector, organized labor, government agencies, and at institutions of higher education.

G. Members of the Committee shall serve without compensation. Members of the Committee may receive reimbursement for necessary travel and expenses according to relevant statutes and the rules and procedures of the Department of Management and Budget and the Civil Service Commission, subject to available funding.

H. The Committee may hire or retain contractors, sub-contractors, advisors, consultants, and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of the Committee and the performance of its duties as the Director of the Department deems advisable and necessary, in accordance with this Order, and the relevant statutes, rules, and procedures of the Civil Service Commission and the Department of Management and Budget.

I. The Committee may accept donations of labor, services, or other things of value from any public or private agency or person.

J. All departments, boards, commissioners, or officers of this state, or of any political subdivision of this state, shall cooperate with the Committee and give to the Committee or to any representative of the Committee, any necessary assistance required by the Committee or their representative in the performance of their duties as Committee members. Committee members shall be given free access to any policy related or technical information held by any department, board, commissioner, or officer of this state including books, records, or documents in their possession relating to matters within the scope of inquiry, study or review of the Committee.

K. Members of the Committee shall refer all legal, legislative, and media contacts to the Department.

V. MISCELLANEOUS

A. Any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected by this Order shall not abate by reason of the taking effect of this Order.

B. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

This order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 9th day of June, in the year of our Lord, two thousand nine.

Jennifer M. Granholm

Governor

By the Governor:

Terri L. Land

Secretary of State

The message was referred to the Clerk.

The following message from the Governor was received June 9, 2009 and read:

EXECUTIVE ORDER

No. 2009-35

MICHIGAN ECONOMIC RECOVERY OFFICE MICHIGAN ECONOMIC RECOVERY OVERSIGHT BOARD

EXECUTIVE OFFICE OF THE GOVERNOR DEPARTMENT OF MANAGEMENT AND BUDGET

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, under Section 8 of Article V of the Michigan Constitution of 1963, it is the responsibility of the Governor to take care that the laws be faithfully executed;

WHEREAS, under Section 8 of Article V of the Michigan Constitution of 1963, each principal department of state government is under the supervision of the Governor unless otherwise provided by the Constitution;

WHEREAS, the federal American Recovery and Reinvestment Act of 2009 (“ARRA”), Public Law 111-5, was signed into law on February 17, 2009 and provides, among other things, tax benefits and federal assistance to states for critical investments in infrastructure, health and human services, education, energy efficiency, housing, transportation, science and technology, and unemployment benefits;

WHEREAS, the ARRA imposes strict accountability, transparency and oversight requirements on all state and local recipients of federal funds distributed under the Act in order to ensure that the recipients’ allocation and investment of the federal funds is an appropriate and responsible use of taxpayers’ dollars;

WHEREAS, under the ARRA, Michigan will receive billions of dollars in federal assistance, which will help protect millions of residents impacted by the national recession and allow the state to move forward with its plans to grow the economy and create jobs;

WHEREAS, the federal Government Accountability Office has selected Michigan as one of 16 states that the Government Accountability Office will track over the next 3 years to examine how Michigan is using the federal funds it receives under the ARRA and whether the state is, among other things: (i) preserving and creating jobs and promoting economic recovery; (ii) assisting those most impacted by the recession; (iii) investing in transportation, environmental protection, and other infrastructure that will provide long-term economic benefits; and (iv) stabilizing state and local government budgets in order to minimize and avoid reductions in essential services and counterproductive state and local tax increases;

WHEREAS, 2009 PA 7 authorizes the expenditure of funds for a Michigan economic recovery office and establishes requirements for the use of the funds by that office;

WHEREAS, it is therefore critical that the federal funds that Michigan receives under the ARRA are allocated and invested in an efficient, effective, and coordinated manner so as to fully maximize the impact of the funds, while at the same time ensuring that accountability, transparency, and oversight measures are in place so residents will know that Michigan is investing these funds wisely and responsibly;

NOW THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

I. DEFINITIONS

As used in this Order:

A. “ARRA” means the federal American Recovery and Reinvestment Act of 2009, Public Law 111-5.

B. “Department of Management and Budget” or “Department” means the principal department of state government created under Section 121 of The Management and Budget Act, 1984 PA 431, MCL 18.1121.

C. “Michigan Economic Recovery Office” or “Office” means the office created within the Executive Office of the Governor under Section II.

D. “Michigan Economic Recovery Oversight Board” or “Board” means the board created within the Department of Management and Budget under Section III.

E. “State Budget Director” means the individual appointed by the Governor pursuant to Section 321 of The Management and Budget Act, 1984 PA 431, MCL 18.1321.

II. THE MICHIGAN ECONOMIC RECOVERY OFFICE

A. The Michigan Economic Recovery Office is created within the Executive Office of the Governor. The authority, powers, duties, and functions of the Office, including, but not limited to, budgeting, procurement, and related management functions, shall be performed under the direction and supervision of the Governor.

B. The Office shall include a Director who shall be selected by the Governor and who shall report to the Governor. The Office may employ personnel as necessary to perform the duties and responsibilities of the Office, including, but not limited to, those duties and responsibilities required for compliance with the ARRA.

C. The Office shall do all of the following:

1. Coordinate with the principal departments of state government the exchange of all reports, procedures, and other information necessary to assist the Office in performing its duties and responsibilities as required for compliance with the ARRA.

2. Assist in assuring that the federal funds received by this state under the ARRA are allocated and invested in a manner consistent with applicable state and federal law, including, but not limited to, each of the following:

a. ARRA.

b. Title VI and VII of the Civil Rights Act of 1964, Public Law 88-352, 42 USC 2000d to 2000e-17.

c. Title IX of the Education Amendments of 1972, Public Law 92-318, 20 USC 1681 to 1688.

d. Section 504 of the Rehabilitation Act of 1973, Public Law 93-112, 29 USC 793 to 794e.

e. Age Discrimination Act of 1975, Public Law 94-135, 42 USC 6101 to 6107.

- f. Fair Housing Act of 1968, Public Law 90-284, 42 USC 3601 to 3619.
- g. Fair Credit Reporting Act, Public Law 91-508, 15 USC 1681 to 1681x.
- h. Americans With Disabilities Act of 1990, Public Law 101-336, 42 USC 12101 to 12103.
- i. Equal Educational Opportunities Act, Public Law 93-380, 20 USC 1703 to 1705.
- j. Age Discrimination in Employment Act of 1967, Public Law 90-202, 29 USC 621 to 634.
- k. Davis-Bacon Act of 1931, Public Law 74-403, 40 USC 276 to 276a-7, as amended, Public Law 107-217, 40 USC 3141 to 3148.
 - l. Prevailing Wages On State Projects, 1965 PA 166, MCL 408.551 to 408.558.
 - m. Elliott-Larsen Civil Rights Act, 1976 PA 453, MCL 37.2101 to 37.2804.
 - n. Persons With Disabilities Civil Rights Act, 1976 PA 220, MCL 37.1101 to 37.1607.
3. Review the specific selection criteria and requirements for competitive grant awards under the ARRA and identify what, if any, actions should be taken by this state to better position itself as a favorable applicant for assistance.
4. Develop procedures for the effective oversight of the expenditure of the federal funds received by this state under the ARRA so as to assure this state's compliance with applicable state and federal law, including, but not limited to, the ARRA, and to prevent waste, fraud, and abuse.
5. Develop procedures for the collection and timely report of information to the relevant federal agencies regarding the projects or activities for which the federal funds received by this state were obligated and expended, as prescribed by Section 1512 of the ARRA.
6. Consistent with the ARRA and Section 206 of 2009 PA 7, develop, post, and maintain a user-friendly and publicly accessible Internet site to clearly illustrate all state expenditures of federal funds under the ARRA and to serve as a single portal for all Michigan-specific information related to the ARRA, including, but not limited to, each of the following:
 - a. Funding opportunities available under the ARRA.
 - b. Projects funded with federal funds distributed under the ARRA.
 - c. Reports and other information detailing Michigan's expenditure of federal funds under the ARRA.
7. Consistent with Section 209 of 2009 PA 7, develop written statements for issuance to the recipients of the federal funds appropriated under the ARRA, and inclusion in the contracts entered into between the principal departments of state government and the recipients of these federal funds, indicating that the funds are temporary in nature, and that the programs supported by the funds will not be continued with state-financed appropriations upon the expenditure of the temporary funds.
8. Perform all other functions related to the implementation of the ARRA as determined by the Director of the Office or by the Governor.
- D. The Office shall coordinate all of the activities of the executive branch of this state regarding the implementation of the ARRA and the expenditure of funds by this state. All state departments and agencies shall cooperate with the Office in the performance of its duties and responsibilities under this Order. The Office may request, and state departments and agencies shall provide, information and assistance as the Office requires in the performance of its duties and responsibilities under this Order.
- E. The Office is abolished effective December 31, 2011.

III. CREATION OF THE MICHIGAN ECONOMIC RECOVERY OVERSIGHT BOARD

- A. The Michigan Economic Recovery Oversight Board is created as an advisory body within the Department of Management and Budget.
- B. The Board shall consist of 6 members appointed by the Governor. No member of the Board shall be an employee or officer of any local government or of this state.
- C. The Governor shall designate one of the members of the Board to serve as its Chairperson.
- D. Members of the Board shall serve until December 31, 2011.
- E. A vacancy on the Board shall be filled in the same manner as the original appointment.

IV. CHARGE TO THE BOARD

- A. The Board shall act in an advisory capacity to the Governor and the Director of the Office and shall do all of the following:
 1. Review and monitor the allocation and investment of the federal funds received by this state so as to ensure that the following objectives are achieved:
 - a. The funds are allocated in a prompt, fair, and reasonable manner.
 - b. The funds are leveraged in such a way as to fully maximize the impact of the funds.
 - c. The recipients and uses of the funds are transparent to the public, and the public benefits of these funds are reported clearly, accurately, and in a timely manner.
 - d. The funds are used for authorized purposes and instances of fraud, waste, error, and abuse are mitigated.
 - e. The projects funded under the Act avoid unnecessary delays and cost overruns.
 2. Review the procedures developed by the Office for compliance with the transparency and accountability requirements under Section 1512 of the ARRA and, where appropriate, make recommendations for the improvement of those procedures.
 3. Review the reports submitted by the Office under Section 1512 of the ARRA and, where appropriate, make recommendations for the improvement of those reports.

4. Solicit public testimony on the manner in which this state has allocated and invested federal funds it has received under the ARRA.

B. The Board shall provide other information, recommendations, or advice relating to this state's compliance with the transparency, accountability, and oversight requirements of the ARRA as requested by the Governor or the Director of the Department.

V. OPERATIONS OF THE BOARD

A. The Board shall be staffed and assisted by personnel from the Department, subject to available funding. The authority, powers, duties, and functions of the Board, including, but not limited to, budgeting, procurement, and related management functions, shall be performed under the direction and supervision of the State Budget Director.

B. The Board shall adopt procedures consistent with Michigan law and this Order governing its organization and operations.

C. The Board shall select from among its members a Secretary. Board staff shall assist the Secretary with recordkeeping responsibilities.

D. A majority of the members serving on the Board constitutes a quorum for the transaction of the Board's business. The Board shall act by a majority vote of its serving members.

E. The Board shall meet at the call of the Chairperson and as may be provided in procedures adopted by the Board.

F. The Board may, as appropriate, make inquiries, conduct studies, conduct investigations, hold hearings, and receive comments from the public. The Board may also consult with outside experts in order to perform its duties, including, but not limited to, experts in the private sector, organized labor, government agencies, and at institutions of higher education.

G. Members of the Board shall serve without compensation. Members of the Board may receive reimbursement for necessary travel and expenses according to relevant statutes and the rules and procedures of the Department of Management and Budget and the Civil Service Commission, subject to available funding.

H. Members of the Board shall discharge the duties of the Board in a nonpartisan manner, in good faith, and with the degree of diligence, care, and skill that an ordinarily prudent person would exercise under similar circumstances in a like position.

I. Members of the Board are public servants subject to 1968 PA 317, MCL 15.321 to 15.330, and are subject to any other applicable law with respect to conflicts of interest. The Board shall establish policies and procedures requiring periodic disclosure of relationships which may give rise to conflicts of interest.

J. The Board may hire or retain contractors, sub-contractors, advisors, consultants, and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of the Board and the performance of its duties as the Director of the Department deems advisable and necessary, in accordance with this Order, and the relevant statutes, rules, and procedures of the Civil Service Commission and the Department of Management and Budget.

K. The Board may accept donations of labor, services, or other things of value from any public or private agency or person.

L. Members of the Board shall refer all legal, legislative, and media contacts to the Office.

M. All departments, committees, commissioners, or officers of this state, or of any political subdivision of this state, shall give to the Board or to any member or representative of the Board, any necessary assistance required by the Board or any member or representative of the Board, in the performance of the duties of the Board so far as is compatible with its, his, or her duties. Free access shall also be given to any books, records, or documents in its, his, or her custody, relating to matters within the scope of inquiry, study, or review of the Board.

N. The Board is abolished effective December 31, 2011.

VI. MISCELLANEOUS

A. Any rules, orders, bylaws, contracts, and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Order shall continue to be effective until amended, rescinded, or terminated.

B. This Order shall not abate any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected under this Order. Any suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected under this Order.

C. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

D. This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 9th day of June, in the year of our Lord, two thousand nine.

Jennifer M. Granholm
Governor
By the Governor:
Terri L. Land
Secretary of State

The message was referred to the Clerk.

Date: June 9, 2009
Time: 4:30 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4308 (Public Act No. 38, I.E.), being

An act to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2009; and to provide for the expenditure of the appropriations.

(Filed with the Secretary of State June 9, 2009, at 4:35 p.m.)

Introduction of Bills

Reps. Dean, Roy Schmidt, Lemmons, Gonzales, Kandreas, Bledsoe, Robert Jones, Bettie Scott, Hammel, Polidori, Stanley, Espinoza, Melton, Lipton, Durhal, Johnson, Jackson, Tlaib, Switalski and Bauer introduced

House Bill No. 5070, entitled

A bill to amend 1980 PA 299, entitled “Occupational code,” by amending sections 1105 and 1108 (MCL 339.1105 and 339.1108), as amended by 1988 PA 463.

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

Reps. Dean, Roy Schmidt, Lemmons, Gonzales, Kandreas, Bledsoe, Robert Jones, Bettie Scott, Hammel, Polidori, Stanley, Espinoza, Melton, Lipton, Durhal, Johnson, Jackson, Tlaib, Switalski and Bauer introduced

House Bill No. 5071, entitled

A bill to amend 1980 PA 299, entitled “Occupational code,” by amending sections 1203a, 1207, and 1211 (MCL 339.1203a, 339.1207, and 339.1211), section 1203a as added and sections 1207 and 1211 as amended by 1997 PA 97.

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

Rep. Gonzales introduced

House Bill No. 5072, entitled

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

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

Rep. Gonzales introduced

House Bill No. 5073, entitled

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

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

Reps. DeShazor, Agema, Opsommer, Kowall and McMillin introduced

House Bill No. 5074, entitled

A bill to amend 1933 PA 167, entitled “General sales tax act,” by amending section 25 (MCL 205.75), as amended by 2008 PA 361.

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

Reps. Opsommer, Agema and Kowall introduced

House Bill No. 5075, entitled

A bill to amend 1951 PA 51, entitled “An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck

safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," (MCL 247.651 to 247.675) by adding section 10f.

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

Reps. Kurtz, Polidori, Opsommer, Lori, McMillin, Pavlov, Terry Brown, Spade, Stanley, Durhal, Pearce, Paul Scott, Rogers, Meekhof, Elsenheimer, Schuitmaker, DeShazor, Calley, Lund, Proos, Haveman, Womack, Bledsoe and Kowall introduced **House Bill No. 5076, entitled**

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 1062.

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

Reps. McDowell, Nerat, Lindberg, Valentine and Segal introduced

House Bill No. 5077, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 12915 (MCL 333.12915), as amended by 1982 PA 526.

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

Reps. Knollenberg, Opsommer, Agema and Kowall introduced

House Joint Resolution V, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 10 of article IX, to dedicate a certain percentage of sales tax revenue to road construction, maintenance, and repair.

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

Announcements by the Clerk

June 9, 2009

Received from the Auditor General a copy of the following audit report and/or report summary:
Performance audit of the Bureau of Correctional Industries, Department of Corrections, June 2009.

Richard J. Brown
Clerk of the House

By unanimous consent the House returned to the order of

Reports of Standing Committees

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

House Bill No. 4311, entitled

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2009; and to provide for the expenditure of the appropriations.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Cushingberry, Bauer, Terry Brown, Dean, Durhal, Espinoza, Gonzales, Jackson, Lahti, LeBlanc, McDowell, Miller, Smith, Spade, Switalski, Tlaib, Moss, Booher, Caul, Green, Lori, Proos and Schuitmaker

Nays: None

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

House Bill No. 4538, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending section 34a (MCL 791.234a), as amended by 2008 PA 158.

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

Nays: None

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

House Bill No. 4721, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11 and 17b (MCL 388.1611 and 388.1617b), section 11 as amended by 2008 PA 268 and section 17b as amended by 2007 PA 137.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Cushingberry, Hammel, Bauer, Bennett, Terry Brown, Dean, Durhal, Espinoza, Gonzales, Jackson, Lahti, LeBlanc, McDowell, Miller, Smith, Spade, Tlaib, Moss, Agema, Caul, Haines, Hildenbrand, Lori, Proos, Rogers and Schuitmaker

Nays: None

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

Senate Bill No. 243, entitled

A bill to make appropriations for the department of energy, labor, and economic growth and certain other state purposes for the fiscal year ending September 30, 2010; to provide for the expenditure of those appropriations; to provide for the imposition of certain fees; to provide for the disposition of fees and other income received by the state agencies; to provide for reports to certain persons; and to prescribe powers and duties of certain state departments and certain state and local agencies and officers.

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

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

Favorable Roll Call

To Report Out:

Yeas: Reps. Cushingberry, Hammel, Bauer, Bennett, Terry Brown, Dean, Durhal, Espinoza, Gonzales, Jackson, Lahti, LeBlanc, McDowell, Miller, Smith, Spade, Switalski and Tlaib

Nays: Reps. Moss, Agema, Booher, Caul, Genetski, Green, Hildenbrand, Lori, Proos and Schuitmaker

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, June 10, 2009

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

Absent: Rep. Gregory

Rep. Lipton moved that the House adjourn.

The motion prevailed, the time being 5:35 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, June 11, at 12:00 Noon.

RICHARD J. BROWN
Clerk of the House of Representatives