

No. 60
STATE OF MICHIGAN
Journal of the Senate
95th Legislature
REGULAR SESSION OF 2009

Senate Chamber, Lansing, Wednesday, July 15, 2009.

10:00 a.m.

The Senate was called to order by the President pro tempore, Senator Randy Richardville

The roll was called by the Secretary of the Senate, who announced that a quorum was present.

Allen—present
Anderson—present
Barcia—present
Basham—present
Birkholz—present
Bishop—present
Brater—excused
Brown—present
Cassis—present
Cherry—present
Clark-Coleman—present
Clarke—present
Cropsey—present

Garcia—present
George—present
Gilbert—present
Gleason—present
Hardiman—present
Hunter—present
Jacobs—present
Jansen—present
Jelinek—present
Kahn—present
Kuipers—present
McManus—present

Olshove—present
Pappageorge—present
Patterson—present
Prusi—present
Richardville—present
Sanborn—present
Scott—present
Stamas—present
Switalski—present
Thomas—present
Van Woerkom—present
Whitmer—present

Senator Gerald Van Woerkom of the 34th District offered the following invocation:

Heavenly Father, we come to You to offer praise and honor to Your name. We are grateful that You are our God, we are grateful that You watch over us, and we are grateful that You bless us. We pray that You will continue to look upon us with Your favor.

We pray that You will grant us wisdom as we make decision here in this body today. We pray that You will give us a sense of vision for what we ought to do for the people of our state. We are making some very difficult choices over the next couple of weeks and, Lord, we pray that You will help us to put forth good priorities so that people who need special care within our state might be provided for.

Lord, we pray that You will guide and direct us. In Your most holy name. Amen.

The President pro tempore, Senator Richardville, led the members of the Senate in recital of the *Pledge of Allegiance*.

Motions and Communications

Senators Clark-Coleman, Bishop, McManus and Pappageorge entered the Senate Chamber.

Senator Cropsey moved that when the Senate adjourns today, it stand adjourned until Wednesday, July 22; when it adjourns on Wednesday, July 22, it stand adjourned until Wednesday, August 5; and when it adjourns on Wednesday, August 5, it stand adjourned until Tuesday, August 18.

The motion prevailed.

Senator Thomas moved that Senators Hunter and Barcia be temporarily excused from today's session.

The motion prevailed.

Senator Thomas moved that Senator Brater be excused from today's session.

The motion prevailed.

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair.

The motion prevailed, the time being 10:05 a.m.

11:32 a.m.

The Senate was called to order by the President, Lieutenant Governor Cherry.

During the recess, Senators Hardiman, Gleason, Birkholz, Stamas, Barcia, Hunter, George and Jansen entered the Senate Chamber.

The following communications were received and read:

Office of the Majority Leader

June 26, 2009

Pursuant to PA 72 of 1990 (MCL 141.1213), I am nominating Mr. James R. DeSana, 514 Oak, #6, Wyandotte, Michigan 48192 for the local financial management review team for the City of Ecorse.

If you have any questions, please contact Bill Sullivan in my office. Thank you.

June 30, 2009

Pursuant to PA 549 of 2008, I am making the following appointment to the Lansing School District Promise Zone Authority Board:

Ms. Linda Lee Tarver, 3414 S. Deerfield Avenue, Lansing, Michigan 48911.

If you have any questions, please feel free to contact Bill Sullivan in my office at 517-373-2417.

July 15, 2009

Pursuant to PA 549 of 2008, I am making the following appointment to the Muskegon Area Intermediate School District Promise Zone Authority Board:

Mr. Stephen Olsen, 820 Oakmere Place, North Muskegon, Michigan 49445.

If you have any questions, please feel free to contact Bill Sullivan in my office at 517-373-2417.

Sincerely,
Michael D. Bishop
Senate Majority Leader

The communications were referred to the Secretary for record.

The Secretary announced that the Majority Leader has made the appointment of the following standing committee:

Appropriations - Senator Garcia replacing Senator Gilbert.

The standing committee appointment was approved, a majority of the members serving voting therefor.

The following communications were received and read:

Office of the Auditor General

June 26, 2009

Enclosed is a copy of the following audit report:

Financial audit, including the provisions of the Single Audit Act, of the Michigan Department of Agriculture for the period October 1, 2006 through September 30, 2008.

June 26, 2009

Enclosed is a copy of the following audit report:

Financial audit, including the provisions of the Single Audit Act, of the Department of Labor and Economic Growth (DLEG) for the period October 1, 2006 through September 30, 2008.

June 30, 2009

Enclosed is a copy of the following audit report:

Financial audit, including the provisions of the Single Audit Act, of the Department of History, Arts, and Libraries for the period October 1, 2006 through September 30, 2008.

June 30, 2009

Enclosed is a copy of the following audit report:

Financial audit, including the provisions of the Single Audit Act, of the Michigan Department of Transportation for the period October 1, 2006 through September 30, 2008.

Sincerely,
Thomas H. McTavish, C.P.A.
Auditor General

The audit reports were referred to the Committee on Government Operations and Reform.

The following communication was received and read:

Office of the Auditor General

July 1, 2009

Enclosed for your records is a copy of the executed engagement contract for the financial audit of the Michigan Legislature for the fiscal years ending September 30, 2009 and September 30, 2010.

If you have questions about your contract, please contact me.

Sincerely,
Thomas H. McTavish, C.P.A.
Auditor General

The communication was referred to the Secretary for record.

The following communication was received:

Office of Children's Ombudsman

May 2009

In accordance with my statutory responsibility as the Children's Ombudsman, I respectfully submit the 2007/2008 Annual Report.

This report provides an overview of the activities of the Office of Children's Ombudsman from October 1, 2007 to September 30, 2008, and an analysis of the complaints received and investigated. In addition to the analysis there are recommendations for positive change in the child welfare system to improve outcomes for children. This year, the report includes an expanded section specifically focused on child death investigations.

The Office of Children's Ombudsman appreciates the leadership and support of Governor Granholm, the Michigan Legislature, and the Department of Human Services. Thank you for the opportunity to serve the children of Michigan.

Respectfully,
Verlie M. Ruffin
Children's Ombudsman

The communication was referred to the Secretary for record.

The following communications were received:
Department of State

Administrative Rules
Notices of Filing

June 12, 2009

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Energy, Labor, and Economic Growth and the State Office of Administrative Hearings and Rules filed Administrative Rule #2008-047-SR (Secretary of State Filing #09-06-01) on this date at 10:21 a.m. for the Department of Energy, Labor, and Economic Growth, entitled "State Police Retirement Board - General Hearing Rules."

These rules become effective upon filing with the Secretary of the State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

June 12, 2009

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Energy, Labor, and Economic Growth and the State Office of Administrative Hearings and Rules filed Administrative Rule #2007-063-LG (Secretary of State Filing #09-06-02) on this date at 10:23 a.m. for the Department of Energy, Labor, and Economic Growth, entitled "Fire Inspector Certification."

These rules become effective 60 days after filing.

June 25, 2009

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Energy, Labor, and Economic Growth and the State Office of Administrative Hearings and Rules filed Administrative Rule #2009-024-LG (Secretary of State Filing #09-06-03) on this date at 10:59 a.m. for the Department of Energy, Labor, and Economic Growth, entitled "On-Premises Licenses."

These rules become effective 7 days after filing with the Secretary of State.

June 30, 2009

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of State Police and the State Office of Administrative Hearings and Rules filed Administrative Rule #2008-035-SP (Secretary of State Filing #09-06-04) on this date at 11:24 a.m. for the Department of State Police, entitled "Criminal Justice Information Systems."

These rules become effective 7 days after filing with the Secretary of State.

June 30, 2009

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6, this is to advise you that the Michigan Department of Energy, Labor, and Economic Growth and the

State Office of Administrative Hearings and Rules filed Administrative Rule #2008-053-LG (Secretary of State Filing #09-06-05) on this date at 11:26 a.m. for the Department of Energy, Labor, and Economic Growth, entitled "Workers' Compensation Health Care Services Rules."

These rules become effective 7 days after filing with the Secretary of State.

Sincerely,
Terri Lynn Land
Secretary of State
Robin L. Houston, Departmental Supervisor
Office of the Great Seal

The communications were referred to the Secretary for record.

The following communication was received:

Municipal Employees' Retirement System of Michigan

June 30, 2009

Enclosed is a copy of the *Comprehensive Annual Financial Report for the Year Ending December 31, 2008*. I am providing this to you pursuant to the requirements of the *MERS Plan Document* and MCL 38.1536(2)(f). Please read the report into the Daily Journal, since the journal is the recognized official document for communication for the members of the Legislature.

The report can also be found on our website at: www.mersofmich.com. We hope that you find the report informative.

Sincerely,
Anne M. Wagner
Chief Executive Officer

The communication was referred to the Secretary for record.

The following communication was received:

Department of State Police

July 7, 2009

The 2008 Michigan Annual Drunk Driving Audit provides detailed information concerning traffic fatalities and injuries as well as arrest activities that are part of ongoing efforts to reduce drunk driving in our state.

The 2008 Michigan Drunk Driving Audit shows declines across the state in alcohol-related crashes, injury crashes, injuries, and overall arrests, but notes increases in crashes and deaths involving drugs. Overall, fatalities resulting from alcohol and/or drug-related crashes decreased slightly from 381 in 2007 to 379 in 2008.

In 2008, 47,251 alcohol and drug-related driving arrests were made, a drop of more than 2,600 from 2007. More than three times as many men as women were arrested for impaired driving offenses, with 35,508 men arrested compared to 11,743 women.

Of those arrests, 45,162 resulted in operating under the influence of liquor or impaired driving convictions. Some of these convictions may include arrests made in prior years.

The Michigan Annual Drunk Driving Audit was compiled with information and data provided by the Michigan Department of State Police, the Michigan Department of State, and the Michigan Department of Transportation. We appreciate the teamwork, assistance, and dedication of each of these departments in helping to make Michigan's roads safe.

Questions regarding Section I (Traffic Crash and Arrest Data) should be directed to the Michigan Department of State Police, Criminal Justice Information Center, Traffic Crash Reporting Unit at (517) 322-1150. Questions regarding Section II (Conviction Disposition Data) should be directed to the Michigan Department of State at (517) 322-1598.

Col. Peter C. Munoz
Director

The communication was referred to the Secretary for record.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, June 25:

House Bill Nos. 4383 4787 4788 4789 4993 5058 5086 5099 5100

The Secretary announced the enrollment printing and presentation to the Governor on Monday, June 29, for her approval the following bills:

Enrolled Senate Bill No. 586 at 2:56 p.m.

Enrolled Senate Bill No. 587 at 2:58 p.m.

Enrolled Senate Bill No. 588 at 3:00 p.m.

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, June 30, for her approval the following bills:

Enrolled Senate Bill No. 349 at 11:26 a.m.

Enrolled Senate Bill No. 483 at 11:28 a.m.

Enrolled Senate Bill No. 490 at 11:30 a.m.

Enrolled Senate Bill No. 596 at 11:32 a.m.

The Secretary announced that the following official bills were printed on Friday, June 26, and are available at the legislative website:

Senate Bill Nos.	658	659	660	661	662	663	664	665	666	667	668	669	670	671
	672	673	674	675	676	677	678	679	680					
House Bill Nos.	5143	5144	5145	5146	5147	5148	5149	5150	5151	5152	5153	5154	5155	5156
	5157	5158	5159	5160	5161	5162	5163	5164	5165	5166	5167			

Messages from the Governor

The following messages from the Governor were received:

Date: June 25, 2009

Time: 8:55 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 151 (Public Act No. 55), being

An act to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” by amending sections 16335, 17801, 17820, and 17821 (MCL 333.16335, 333.17801, 333.17820, and 333.17821), section 16335 as added by 1993 PA 80, section 17801 as amended by 1987 PA 213, and sections 17820 and 17821 as amended by 2006 PA 387, and by adding sections 17823, 17824, 17825, 17826, and 17827.

(Filed with the Secretary of State on June 25, 2009, at 3:08 p.m.)

Date: June 25, 2009

Time: 11:00 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 264 (Public Act No. 56), being

An act to prohibit the sale of certain uncertified cigarettes; to provide standards for testing and fire safety certification of cigarettes; to provide remedies and civil sanctions; to provide for the powers and duties of certain state governmental officers and entities; and to repeal acts and parts of acts.

(Filed with the Secretary of State on June 26, 2009, at 9:28 a.m.)

Date: July 1, 2009
Time: 1:14 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 586 (Public Act No. 60), being

An act to amend 1987 PA 264, entitled “An act to provide for the creation of the health and safety fund; to provide for the deposit of certain money in that fund; to provide for the distribution of the money in that fund and to limit its use; to prescribe the powers and duties of certain state officials; and to provide for an appropriation,” by amending section 5 (MCL 141.475), as amended by 2008 PA 586.

(Filed with the Secretary of State on July 2, 2009, at 9:52 a.m.)

Date: July 1, 2009
Time: 1:16 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 587 (Public Act No. 61), being

An act to amend 1985 PA 106, entitled “An act to impose a state excise tax on persons engaged in the business of providing rooms for dwelling, lodging, or sleeping purposes to transient guests in certain counties; to provide for the levy, assessment, and collection of the tax; to provide for the disposition and appropriation of the collections from the tax; to create a convention facility development fund; to authorize the distributions from the fund; to authorize the use of distributions from the tax as security for any bonds, obligations, or other evidences of indebtedness issued to finance convention facilities as provided by law; to prescribe certain other matters relating to bonds, obligations, or other evidences of indebtedness issued for such purposes,” by amending sections 3, 4, 8, 9, 10, and 12 (MCL 207.623, 207.624, 207.628, 207.629, 207.630, and 207.632), sections 3, 8, 9, 10, and 12 as amended by 2008 PA 553.

(Filed with the Secretary of State on July 2, 2009, at 9:54 a.m.)

Date: July 1, 2009
Time: 1:18 p.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 588 (Public Act No. 62), being

An act to amend 2000 PA 489, entitled “An act to create certain funds; to provide for the allocation of certain revenues among certain funds and for the operation, investment, and expenditure of certain funds; and to impose certain duties and requirements on certain state officials,” by amending section 7 (MCL 12.257), as amended by 2008 PA 256.

(Filed with the Secretary of State on July 2, 2009, at 9:56 a.m.)

Date: July 9, 2009
Time: 10:46 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 349 (Public Act No. 69), being

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending section 43521 (MCL 324.43521), as amended by 1996 PA 585.

(Filed with the Secretary of State on July 9, 2009, at 11:06 a.m.)

Date: July 9, 2009
Time: 10:48 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 483 (Public Act No. 70), being

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate

the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending sections 43523, 43528, and 43531 (MCL 324.43523, 324.43528, and 324.43531), as amended by 2008 PA 347.

(Filed with the Secretary of State on July 9, 2009, at 11:08 a.m.)

Date: July 9, 2009

Time: 10:50 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 490 (Public Act No. 71), being

An act to amend 1950 (Ex Sess) PA 21, entitled "An act to create the Mackinac bridge authority, and to prescribe its powers and duties; to provide for the determination of the physical and financial feasibility of a bridge connecting the upper and lower peninsulas of Michigan; to provide for a board of consulting engineers, and to prescribe its powers and duties; and to make an appropriation to carry out the provisions of this act," (MCL 254.301 to 254.302) by amending the title and by adding section 1a.

(Filed with the Secretary of State on July 9, 2009, at 11:10 a.m.)

Date: July 9, 2009

Time: 10:52 a.m.

To the President of the Senate:

Sir—I have this day approved and signed

Enrolled Senate Bill No. 596 (Public Act No. 72), being

An act to authorize the state administrative board to convey certain state owned property in Delta county; to prescribe conditions for the conveyance; to provide for certain powers and duties of the department of management and budget; and to provide for disposition of the revenue from the conveyance.

(Filed with the Secretary of State on July 9, 2009, at 11:12 a.m.)

Respectfully,
Jennifer M. Granholm
Governor

The following message from the Governor was received on July 13, 2009, and read:

EXECUTIVE ORDER

No. 2009-36

Abolishing the Department of History, Arts, and Libraries

Department of Education
Department of Energy, Labor, and Economic Growth
Department of History, Arts, and Libraries
Department of Information Technology
Department of Management and Budget
Department of Natural Resources
Department of Treasury

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 or in the assignment of functions among its units that the Governor considers necessary for efficient administration;

WHEREAS, under Section 2 of Article V of the Michigan Constitution of 1963, the executive and administrative offices, agencies, and instrumentalities of the executive branch of state government and their respective functions, powers,

and duties, must be allocated among and within not more than 20 principal departments and shall be grouped as far as practicable according to major purposes;

WHEREAS, the Department of History, Arts, and Libraries was created as the twentieth principal department of state government under Section 3 of the History, Arts, and Libraries Act, 2001 PA 63, MCL 399.703, following an unsuccessful attempt to create a Department of History, Arts and Culture under Executive Order 2001-1;

WHEREAS, the essential functions of the Department of History, Arts, and Libraries can be efficiently performed by other principal departments in state government;

WHEREAS, abolishing the Department of History, Arts, and Libraries will assure more efficient use of taxpayer dollars;

WHEREAS, it is practicable and necessary in the interests of efficient administration and effectiveness of government to change the organization of the executive branch of state government and to reduce to 17 the number of principal state departments;

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 the laws of the State of Michigan order:

I. DEFINITIONS

As used in this Order:

A. "Board of Trustees of the Library of Michigan" means the board created by Section 4 of the Library of Michigan Act, 1982 PA 540, MCL 397.14.

B. "Department of Education" means the principal department of state government created by Section 300 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.400.

C. "Department of History, Arts, and Libraries" means the principal department of state government created by Section 3 of the History, Arts, and Libraries Act, 2001 PA 63, MCL 399.703.

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

E. "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, MCL 445.2025.

F. "Department of Management and Budget" means the principal department of state government created by Section 121 of The Management and Budget Act, 1984 PA 431, MCL 18.1121.

G. "Department of Natural Resources" means the principal department of state government created by Section 250 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.350, and Section 501 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.501, as modified by Executive Order 1995-18, MCL 324.99903.

H. "Idlewild Centennial Commission" means the commission created by Executive Order 2007-50.

I. "Library of Michigan" means the library created by Section 3 of the Library of Michigan Act, 1982 PA 540, MCL 397.13.

J. "Mackinac Island State Park Commission" means the commission provided for under 1958 PA 201, MCL 318.201 to 318.208, transferred under Section 256 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.356, and created by Section 76503 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.76503.

K. "Michigan Center for Innovation and Reinvention Board" means the board created by Section IV of this Order.

L. "Michigan Commission for the Blind" means the commission created by Section 2 of 1978 PA 260, MCL 393.352.

M. "Michigan Commission on the Commemoration of the Bicentennial of the War of 1812" means the commission created by Executive Order 2007-51.

N. "Michigan Council for Arts and Cultural Affairs" means the council created by Executive Order 1991-21, MCL 2.132, and transferred to the Department of History, Arts, and Libraries by Section 11 of the History, Arts, and Libraries Act, 2001 PA 63, MCL 399.711.

O. "Michigan Freedom Trail Commission" means the commission created by Section 3 of the Michigan Freedom Trail Commission Act, 1998 PA 409, MCL 399.83.

P. "Michigan Heritage Water Trail Program" means the program described in Section 72113 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.72113.

Q. "Michigan Historical Center" means the organizational entity within the Department of History, Arts, and Libraries referenced in Section 7a of the Michigan Historical Commission Act, 1913 PA 271, MCL 399.7a, Section 2 of the Michigan Historical Markers Act, 1955 PA 10, MCL 399.152, Section 281 of the Income Tax Act of 1967, 1967 PA 281, MCL 206.266, Section 39c of the Single Business Tax Act, 1975 PA 228, MCL 208.39c, and Section 435 of the Michigan Business Tax Act, 2007 PA 36, MCL 208.1435.

R. "Michigan Historical Commission" means the commission created by Section 1 of the Michigan Historical Commission Act, 1913 PA 271, MCL 399.1.

S. "Michigan Iron Industry Museum Advisory Board" means the board created by Section 3 of the Michigan Iron Industry Museum Advisory Board Act, 1984 PA 152, MCL 399.73.

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

U. "Michigan Strategic Fund" means the public body corporate and politic created by Section 5 of the Michigan Strategic Fund Act, 1984 PA 270, MCL 125.2005.

V. "State Historic Preservation Review Board" means the board created by Executive Order 2007-53.

W. "State Historical Records Advisory Board" means the board created by Executive Order 2007-54.

X. "Superintendent of Public Instruction" means the principal executive officer appointed by the State Board of Education pursuant to Section 3 of Article VIII of the Michigan Constitution of 1963.

Y. "Type I transfer" means that phrase as defined in Section 3 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.103.

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

AA. "Type III transfer" means that phrase as defined in Section 3 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.103.

BB. "Underwater Salvage and Preserve Committee" means the committee created by Section 76103 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.76103.

II. TRANSFER OF AUTHORITY, DUTIES, POWERS, FUNCTIONS, AND RESPONSIBILITIES OF THE DEPARTMENT OF HISTORY, ARTS, AND LIBRARIES

A. Michigan Council for Arts and Cultural Affairs

1. The Michigan Council for Arts and Cultural Affairs is transferred to the Michigan Strategic Fund, together with all of the authority, powers, duties, functions, responsibilities, personnel, equipment, and budgetary resources vested in that Council by law, including, but not limited to, Section 11 of the History, Arts, and Libraries Act, 2001 PA 63, MCL 399.711. The functions of budgeting and procurement of the Michigan Council for Arts and Cultural Affairs are transferred to the Michigan Strategic Fund.

2. All records, property, grants, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Department of History, Arts, and Libraries for the authority, activities, powers, duties, functions, and responsibilities transferred under Section II.A of this Order, including, but not limited to, the Michigan Council for the Arts Fund created by Section 9(1) of the History, Arts, and Libraries Act, 2001 PA 63, MCL 399.709(1), are transferred to the Michigan Strategic Fund.

3. The President of the Michigan Strategic Fund shall provide executive direction and supervision for the implementation of the transfers under Section II.A of this Order.

4. The President of the Michigan Strategic Fund shall supervise and administer the functions transferred to the Fund under Section II.A of this Order in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities under this Order.

B. Library of Michigan

1. All of the authority, powers, duties, functions, responsibilities, personnel, equipment, collections, and budgetary resources of the Library of Michigan and of the State Librarian, except those pertaining to services for the blind and physically handicapped described in Section II.C of this Order and those related to census data functions described in Section II.D of this Order, are transferred by Type II transfer to the Department of Education, including, but not limited to, the authority, powers, duties, functions and responsibilities under all of the following:

a. The Library of Michigan Act, 1982 PA 540, MCL 397.11 to 397.24.

b. Section 4c of 1919 PA 71, MCL 21.44c.

c. Section 4b of the Uniform Budgeting and Accounting Act, 1968 PA 2, MCL 141.424b.

d. Section 2885 of the Public Health Code, 1978 PA 368, MCL 333.2885.

e. Sections 3, 3a, 3b, 5, 6, and 24 of the District Library Establishment Act, 1989 PA 24, MCL 397.173, 397.173a, 397.173b, 397.175, 397.176, and 397.194.

f. Section 15 of the State Aid to Public Libraries Act, 1977 PA 89, MCL 397.565.

2. The Board of Trustees of the Library of Michigan is transferred by Type II transfer to the Department of Education.

3. All of the authority, powers, duties, functions, responsibilities, personnel, equipment, and budgetary resources of the Department of History, Arts, and Libraries relating to the Library of Michigan and oversight of libraries within this state are transferred by Type II transfer to the Department of Education, including, but not limited to, the authority, powers, duties, functions, and responsibilities under all of the following:

a. The Library of Michigan Act, 1982 PA 540, MCL 397.11 to 397.24.

b. Section 13a of the Charter Township Act, 1947 PA 359, MCL 42.13a.

c. The District Library Establishment Act, 1989 PA 24, MCL 397.171 to 397.196.

d. The State Aid to Public Libraries Act, 1977 PA 89, MCL 397.551 to 397.576.

4. The unclassified position of State Librarian created by Section 5 of the Library of Michigan Act, 1982 PA 540, MCL 397.15, is abolished.

5. The position of the Director of the Department of History, Arts, and Libraries or his or her designee from within the Department as a member of the Board of Trustees of the Library of Michigan under Section 4 of the Library of Michigan Act, 1982 PA 540, MCL 397.14, is transferred to the Superintendent of Public Instruction or his or her designee from within the Department of Education.

6. All records, property, grants, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Department of History, Arts, and Libraries for the authority, activities, powers, duties, functions, and responsibilities transferred under Section II.B are transferred to the Department of Education.

7. The Superintendent of Public Instruction shall provide executive direction and supervision for the implementation of the transfers under Section II.B of this Order.

8. The Superintendent of Public Instruction shall administer the assigned functions transferred to the Department of Education under Section II.B of this Order in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities under this Order. In order to achieve efficient administration and effectuate necessary cost savings consistent with available appropriated resources, the Superintendent shall implement cost-saving measures designed to reduce expenditures while protecting the core mission of the library. Unless the Superintendent determines it to be impracticable, these measures shall include, but shall not be limited to, all of the following:

a. Eliminating circulation of specific collections (including, but not limited to, the Main, Dewey, and General Reference collections, the Michigan collection, the Michigan Documents collection, and the Rare Book collection) or, alternatively, transferring such collections to other suitable institutions.

b. Eliminating circulation and document delivery for the law collection.

c. Suspending or eliminating participation as a participating lending library in MeLCat.

d. Eliminating or transferring to other suitable institutions the Federal Documents Depository and the non-Michigan Genealogy collection.

e. Taking such other measures as may be necessary or appropriate to limit expenditures consistent with available appropriations.

C. Services for the Blind and Physically Handicapped

1. All of the authority, powers, duties, functions, responsibilities, personnel, equipment, and budgetary resources of the Department of History, Arts, and Libraries related to library services for the blind and physically handicapped, including, but not limited to, the authority, powers, duties, functions, and responsibilities under 1959 PA 127, MCL 397.491, are transferred to the Michigan Commission for the Blind. The related functions of budgeting and procurement are transferred to the Michigan Commission for the Blind.

2. All records, property, grants, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Department of History, Arts, and Libraries for the authority, activities, powers, duties, functions, and responsibilities transferred under Section II.C of this Order are transferred to the Michigan Commission for the Blind.

3. The Director of the Department of Energy, Labor, and Economic Growth shall provide executive direction and supervision for the implementation of the transfers under Section II.C of this Order.

4. The Director of the Department of Energy, Labor, and Economic Growth shall administer the assigned functions transferred to the Michigan Commission for the Blind under Section II.C of this Order in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities under this Order.

D. Population Statistics and Census Reporting Duties

1. All of the authority, powers, duties, functions, responsibilities, personnel, equipment, and budgetary resources of the Department of History, Arts, and Libraries related to census reporting and conducting statistical studies and making estimates and projections of population relative to size and distribution are transferred by Type II transfer to the Department of Information Technology including, but not limited to, the authority, powers, duties, functions, and responsibilities under all of the following:

a. Section 343 of The Management and Budget Act, 1984 PA 431, MCL 18.1343.

b. The cooperative initiative between the United States Bureau of the Census and this state regarding census reporting referenced in Section III of Executive Order 2002-17, MCL 399.751.

2. All records, property, grants, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Department of History, Arts, and Libraries for the authority, activities, powers, duties, functions, and responsibilities transferred under Section II.D of this Order are transferred to the Department of Information Technology.

3. The Director of the Department of Information Technology shall provide executive direction and supervision for the implementation of the transfers under Section II.D of this Order.

4. The Director of the Department of Information Technology shall administer the assigned functions transferred to that Department under Section II.D of this Order in such ways as to promote efficient administration and shall make

internal organizational changes as may be administratively necessary to complete the realignment of responsibilities under this Order.

E. State Records Management

1. All of the authority, powers, duties, functions, responsibilities, personnel, equipment, and budgetary resources of the Department of History, Arts, and Libraries regarding the state records management program are transferred by Type II transfer to the Department of Management and Budget, including, but not limited to, any powers, duties, functions, and responsibilities for state records management vested in the Department of History, Arts, and Libraries by the following statutes:

- a. Sections 287 to 292 of The Management and Budget Act, 1984 PA 431, MCL 18.1287 to 18.1292.
- b. Section 131 of The Management and Budget Act, 1984 PA 431, MCL 18.1131.
- c. Section 289 of The Management and Budget Act, 1984 PA 431, MCL 18.1289.
- d. The Records Reproduction Act, 1992 PA 116, MCL 24.401 to 24.406.
- e. Section 5 of the Michigan Historical Commission Act, 1913 PA 271, MCL 399.5, insofar as that section pertains to duties and functions of the Historical Commission concerning state and local government record schedules.

2. All records, property, grants, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Department of History, Arts, and Libraries for the authority, activities, powers, duties, functions, and responsibilities transferred under Section II.E of this Order are transferred to the Department of Management and Budget.

3. The Director of the Department of Management and Budget shall provide executive direction and supervision for the implementation of the transfers under Section II.E of this Order.

4. The Director of the Department of Management and Budget shall administer the assigned functions transferred to that Department under Section II.E of this Order in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities under this Order.

5. Executive Order 2002-17, MCL 399.751, is rescinded in its entirety.

F. State Archives

1. All of the authority, powers, duties, functions, responsibilities, personnel, equipment, and budgetary resources of the Department of History, Arts, and Libraries regarding the state archives program are transferred by Type II transfer to the Department of Natural Resources, including, but not limited to, any authority, powers, duties, functions, and responsibilities for state archives vested in the Department of History, Arts, and Libraries by the following statutes:

- a. Sections 288 and 289 of The Management and Budget Act, 1984 PA 431, MCL 18.1288 and 18.1289.
- b. The Michigan Historical Commission Act, 1913 PA 271, MCL 399.1 to 399.10.
- c. Section 2137 of the Revised Judicature Act of 1961, 1961 PA 236, MCL 600.2137.
- d. Section 2 of 1897 PA 8, MCL 35.232.
- e. Section 1 of 1927 PA 54, MCL 399.51.
- f. Section 1 of 1927 PA 55, MCL 399.61.
- g. Section 491 of the Michigan Penal Code, 1931 PA 328, MCL 750.491.

2. All records, property, grants, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Department of History, Arts, and Libraries for the authority, activities, powers, duties, functions, and responsibilities transferred under Section II.F of this Order are transferred to the Department of Natural Resources.

3. The Director of the Department of Natural Resources shall provide executive direction and supervision for the implementation of the transfers under Section II.F of this Order.

4. The Director of the Department of Natural Resources shall administer the assigned functions transferred to that Department under Section II.F of this Order in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities under this Order.

G. State Historical Records Advisory Board

1. The State Historical Records Advisory Board is transferred by Type II transfer to the Department of Natural Resources together with all of the authority, powers, duties, functions, responsibilities, personnel, equipment, and budgetary resources vested in that Board by law, including, but not limited to, any authority, powers, duties, functions, and responsibilities under Executive Order No. 2007-54.

2. The position of the Director of the Department of History, Arts, and Libraries or his or her designee from within that Department as a member of the State Historical Records Advisory Board under Section II.B.2. of Executive Order 2007-54 is transferred to the Director of the Department of Natural Resources or his or her designee from within the Department of Natural Resources.

3. All records, property, grants, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Department of History, Arts, and Libraries for the authority, activities,

powers, duties, functions, and responsibilities transferred under Section II.G of this Order are transferred to the Department of Natural Resources.

4. The Director of the Department of Natural Resources shall provide executive direction and supervision for the implementation of the transfers under Section II.G of this Order.

5. The Director of the Department of Natural Resources shall supervise and administer the assigned functions transferred to that Department under Section II.G of this Order in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities under this Order.

H. Michigan Historical Commission

1. Except as otherwise provided in this Order, all of the authority, powers, duties, functions, responsibilities, personnel, equipment, and budgetary resources of the Department of History, Arts, and Libraries relating to the promotion of history and the preservation of the state's historical resources are transferred by Type II transfer to the Department of Natural Resources, including, but not limited to, the authority, powers, duties, functions, and responsibilities of the Department of History, Arts, and Libraries under all of the following:

- a. The Michigan Historical Commission Act, 1913 PA 271, MCL 399.1 to 399.10.
- b. The Michigan Historical Markers Act, 1955 PA 10, MCL 399.151 to 399.160.
- c. 1976 PA 69, MCL 399.111 to 399.113.
- d. Sections 76101 to 76118 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.76101 to 324.76118.
- e. Any duties, functions, or responsibilities of the Department of History, Arts, and Libraries related to the Thunder Bay National Marine Sanctuary and Underwater Preserve arising under the 2002 Memorandum of Agreement between the National Marine Safety Program and this state.

2. The Michigan Historical Commission is transferred by Type II transfer to the Department of Natural Resources.

3. The position of the Director of the Department of History, Arts, and Libraries or his or her designee from within the Department as an ex officio member of the Michigan Historical Commission under Section 1 of the Michigan Historical Commission Act, 1913 PA 271, MCL 399.1, is transferred to the Director of the Department of Natural Resources or his or her designee from within that Department.

4. All of the authority, powers, duties, functions, and responsibilities of the Director of the Department of History, Arts, and Libraries regarding the appointment of members and the chairman of the Underwater Salvage and Preserve Committee under Section 76103 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.76103, are transferred to the Director of the Department of Natural Resources.

5. All records, property, grants, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Department of History, Arts, and Libraries for the authority, activities, powers, duties, functions, and responsibilities transferred under Section II.H of this Order are transferred to the Department of Natural Resources.

6. The Director of the Department of Natural Resources shall provide executive direction and supervision for the implementation of the transfers under Section II.H of this Order.

7. The Director of the Department of Natural Resources shall supervise and administer the assigned functions transferred to that Department under Section II.H of this Order in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities under this Order. In order to achieve efficient administration and effectuate necessary cost savings consistent with available appropriated resources, the Director shall implement cost-saving measures designed to reduce expenditures and generate revenue while protecting the core mission of the former Department of History, Arts, and Libraries transferred to the Department of Natural Resources. Unless the Director determines it to be impracticable, these measures shall include, but shall not be limited to, all of the following:

- a. Instituting an admission fee for museum facilities and exhibits.
- b. If the Department of History, Arts, and Libraries has not already done so, entering into a memorandum of understanding with a qualified non-profit organization, society, or foundation willing to assume responsibility for the publication of any or all magazines or journals published by the Department or taking other steps to eliminate the expenditure of state funds appropriated for the publications.
- c. Entering into a memorandum of understanding with a qualified non-profit organization, society, or foundation willing to assume responsibility for the staffing and operation of the museum store and for the development and operation of online sales of merchandise from, or related to, this state's museums or archives, if the Director determines that such an agreement will reduce state expenditures or enhance state revenues and is otherwise in the best interests of this state.
- d. If the Department of History, Arts, and Libraries has not already done so, entering into a memorandum of understanding with a qualified non-profit organization, society, or foundation willing to assume responsibility for the administration of the Michigan historical markers program under the Michigan Historical Markers Act, 1955 PA 10, MCL 399.151, if the Director determines that such an agreement will reduce state expenditures or enhance state revenues and is otherwise in the best interests of this state.

- e. Depositing any state funds generated by such activities into the general fund of this state.
- f. Taking such other measures as may be necessary or appropriate to limit expenditures consistent with available appropriations.

I. Mackinac Island State Park Commission

1. The Mackinac Island State Park Commission is transferred by Type I transfer to the Department of Natural Resources, including, but not limited to, the authority, powers, duties, functions, and responsibilities of the Commission under all of the following:

a. Sections 76501 to 76509, 76701 to 76709, 76901 to 76903, 77101, 77301, 77302, 77701 to 77704, and 77901 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.76501 to 324.76509, 324.76701 to 324.76709, 324.76901 to 324.76903, 324.77101, 324.77301, 324.77302, 324.77701 to 324.77704, and 324.77901.

b. Section 511 of the Michigan Liquor Control Code of 1998, 58 PA 1998, MCL 436.1511.

2. All records, property, grants, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Department of History, Arts, and Libraries for the authority, activities, powers, duties, functions, and responsibilities transferred under Section II.I of this Order are transferred by Type I transfer to the Department of Natural Resources.

3. The Director of the Department of Natural Resources shall provide executive direction and supervision for the implementation of the transfers under Section II.I of this Order.

J. Michigan Heritage Water Trail Program

1. All of the authority, powers, duties, functions, and responsibilities of the Department of History, Arts, and Libraries related to the Michigan Heritage Water Trail Program are transferred to the Department of Natural Resources, including, but not limited to, the authority, powers, duties, functions, and responsibilities under Section 72113 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.72113.

2. All records, property, grants, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Department of History, Arts, and Libraries for the authority, activities, powers, duties, functions, and responsibilities transferred under Section II.J of this Order are transferred to the Department of Natural Resources.

3. The Director of the Department of Natural Resources shall provide executive direction and supervision for the implementation of the transfers under Section II.J of this Order.

4. The Director of the Department of Natural Resources shall administer the assigned functions transferred to that Department under Section II.J of this Order in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities under this Order.

K. Michigan Freedom Trail Commission

1. The Michigan Freedom Trail Commission is transferred by Type II transfer to the Department of Natural Resources.

2. Any authority, powers, duties, functions, and responsibilities vested in the Department of History, Arts, and Libraries under the Michigan Freedom Trail Commission Act, 1998 PA 409, MCL 399.81 to 399.85, are transferred by Type II transfer to the Department of Natural Resources.

3. The position of the Director of the Department of History, Arts, and Libraries or his or her designee from within that Department as a member of the Michigan Freedom Trail Commission under Section 3 of the Michigan Freedom Trail Commission Act, 1998 PA 409, MCL 399.83, is transferred to the Director of the Department of Natural Resources or his or her designee from within the Department of Natural Resources.

4. All records, property, grants, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Department of History, Arts, and Libraries for the authority, activities, powers, duties, functions, and responsibilities transferred under Section II.K of this Order are transferred to the Department of Natural Resources.

5. The Director of the Department of Natural Resources shall provide executive direction and supervision for the implementation of the transfers under Section II.K of this Order.

6. The Director of the Department of Natural Resources shall supervise and administer the assigned functions transferred to that Department under Section II.K of this Order in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities under this Order.

L. Idlewild Centennial Commission

1. The Idlewild Centennial Commission is transferred to the Michigan State Housing Development Authority, together with all of the authority, powers, duties, functions, responsibilities, personnel, equipment, and budgetary resources vested in that Commission, including, but not limited to, the authority, powers, duties, functions and responsibilities under Executive Order 2007-50. The functions of budgeting and procurement of the Idlewild Centennial Commission are transferred to the Michigan State Housing Development Authority.

2. The position of the Director of the Department of History, Arts, and Libraries or his or her designee from within that Department as a member of the Idlewild Centennial Commission under Section II.B.1 of Executive Order 2007-50 is

transferred to the Executive Director of the Michigan State Housing Development Authority or his or her designee from within the Authority.

3. The duty of the Director of the Department of History, Arts, and Libraries to serve as Chairperson of the Idlewild Centennial Commission under Section II.E of Executive Order 2007-50 is transferred to the Executive Director of the Michigan State Housing Development Authority or his or her designee from within the Authority.

4. All records, property, grants, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Department of History, Arts, and Libraries for the authority, activities, powers, duties, functions, and responsibilities transferred under Section II.L of this Order are transferred to the Michigan State Housing Development Authority.

5. The Executive Director of the Michigan State Housing Development Authority shall provide executive direction and supervision for the implementation of the transfers under Section II.L of this Order.

6. The Executive Director of the Michigan State Housing Development Authority shall supervise and administer the assigned functions transferred to the Authority under Section II.L of this Order in such ways as to promote efficient administration.

M. Michigan Commission on the Commemoration of the Bicentennial of the War of 1812

1. The Michigan Commission on the Commemoration of the Bicentennial of the War of 1812 is transferred by Type II transfer to the Department of Natural Resources.

2. The position of the Director of the Department of History, Arts, and Libraries or his or her designee from within that Department to serve as a member of the Michigan Commission on the Commemoration of the Bicentennial of the War of 1812 under Section II.B.1 of Executive Order 2007-51 is transferred to the Director of the Department of Natural Resources or his or her designee from within the Department of Natural Resources.

3. The duty of the Director of the Department of History, Arts, and Libraries or his or her designee from within that Department to serve as Chairperson of the Michigan Commission on the Commemoration of the Bicentennial of the War of 1812 under Sections II.B.1 and II.E of Executive Order 2007-51 is transferred to the Director of the Department of Natural Resources or his or her designee from within the Department of Natural Resources.

4. All records, property, grants, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Department of History, Arts, and Libraries for the authority, activities, powers, duties, functions, and responsibilities transferred under Section II.M of this Order are transferred to the Department of Natural Resources.

5. The Director of the Department of Natural Resources shall provide executive direction and supervision for the implementation of the transfers under Section II.M of this Order.

6. The Director of the Department of Natural Resources shall supervise and administer the assigned functions transferred to that Department under Section II.M of this Order in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities under this Order.

N. Michigan Iron Industry Museum Advisory Board

1. The Michigan Iron Industry Museum Advisory Board is transferred by Type II transfer to the Department of Natural Resources.

2. All records, property, grants, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Department of History, Arts, and Libraries for the authority, activities, powers, duties, functions, and responsibilities transferred under Section II.N of this Order are transferred to the Department of Natural Resources.

3. The Director of the Department of Natural Resources shall provide executive direction and supervision for the implementation of the transfers under Section II.N of this Order.

4. The Director of the Department of Natural Resources shall supervise and administer the assigned functions transferred to that Department under Section II.N in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities under this Order.

O. Historic Preservation

1. The State Historic Preservation Review Board is transferred to the Michigan State Housing Development Authority, together with all of the authority, powers, duties, functions, responsibilities, personnel, equipment, and budgetary resources of that Board, including, but not limited to, any authority, powers, duties, functions, and responsibilities under Executive Order 2007-53. The budgeting and procurement functions of the State Historic Preservation Review Board are transferred to the Michigan State Housing Development Authority.

2. Except as otherwise provided in this Order, all of the authority, powers, duties, functions, responsibilities, personnel, equipment, and budgetary resources of the Department of History, Arts, and Libraries or the Michigan Historical Center relating to the identification, certification, and preservation of historical sites are transferred to the Michigan State Housing Development Authority, including, but not limited to, the authority, powers, duties, functions, and responsibilities under all of the following:

- a. Section 13(1)(o) of the Freedom of Information Act, 1976 PA 442, MCL 15.243.

- b. Section 29 of the Downtown Development Authority Act, 1975 PA 197, MCL 125.1679.
- c. Section 26 of the Tax Increment Finance Act, 1980 PA 450, MCL 125.1826.
- d. Section 26 of the Corridor Improvement Authority Act, 2005 PA 280, MCL 125.2896.
- e. Section 39c of the Single Business Tax Act, 1975 PA 228, MCL 208.39c.
- f. Section 266 of the Income Tax Act of 1967, 1967 PA 281, MCL 206.266.
- g. Section 435 of the Michigan Business Tax Act, 2007 PA 36, MCL 208.1435.
- h. Section 811k of the Michigan Vehicle Code, 1949 PA 300, MCL 257.811k.
- i. Sections 63523 to 63525 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.63523 to 324.63525.
- j. The Local Historic Districts Act, 1970 PA 169, MCL 399.201 to 399.215.
- k. Executive Order No. 2007-53.

3. All records, property, grants, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Department of History, Arts, and Libraries for the authority, activities, powers, duties, functions, and responsibilities transferred under Section II.O of this Order are transferred to the Michigan State Housing Development Authority.

4. The Executive Director of the Michigan State Housing Development Authority shall provide executive direction and supervision for the implementation of the transfers under Section II.O of this Order.

5. The Executive Director of the Michigan State Housing Development Authority shall supervise and administer the assigned functions transferred to the Authority under Section II.O of this Order in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities under this Order. However, the State Historic Preservation Review Board shall retain all of its prescribed statutory authority to decide appeals under Section 5 of the Local Historic Districts Act, 1920 PA 169, MCL 399.205.

III. ABOLITION OF THE DEPARTMENT OF HISTORY, ARTS, AND LIBRARIES

A. Except as otherwise provided in this Order, any authority, powers, duties, functions, and responsibilities of the Department of History, Arts, and Libraries are transferred by Type III transfer to the Department of Natural Resources.

B. The Department of History, Arts, and Libraries is abolished.

IV. CREATION OF THE MICHIGAN CENTER FOR INNOVATION AND REINVENTION BOARD

A. The Michigan Center for Innovation and Reinvention Board is created as an advisory body within the Department of Natural Resources.

B. The Board shall consist of the following 9 voting members:

1. The Director of the Department of Natural Resources or his or her designee from within the Department of Natural Resources.

2. The Superintendent of Public Instruction or his or her designee from within the Department of Education.

3. Three members appointed by the Governor.

4. Three members appointed by the Governor from a list of at least 9 individuals nominated by the President of Michigan State University.

5. One member appointed by the Governor from a list of at least 3 individuals nominated by the Mayor of the City of Lansing.

C. The Director of the Department of Natural Resources or his or her designee shall serve as the Chairperson of the Board. The Board shall select a member of the Board to serve as Vice-Chairperson of the Board.

D. The Board shall act in an advisory capacity to the Governor and shall review and evaluate the potential for the creation of a Michigan Center for Innovation and Reinvention in partnership with Michigan State University, the city of Lansing, or other appropriate public and private partners and to consider alternative ideas and proposals designed to achieve all of the following objectives:

1. Preserve and maximize the benefits to the public of existing state library and historical resources including collections, buildings, and skilled personnel.

2. Explore creative and innovative ideas for using existing state library and historical resources, in combination with the resources of potential partners, to: (i) serve the public more effectively and more efficiently; (ii) promote knowledge and understanding of this state's history and heritage; (iii) educate both children and adults in science, technology, engineering, and mathematics; and (iv) enhance the competitiveness of the citizens of this state in the world economy.

3. Identify and recommend alternative sources and means of funding these activities and services.

E. The Board shall complete its work and submit a final report to the Governor by June 1, 2010.

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

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

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

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

J. The Board may, as appropriate, make inquiries, studies, 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, government agencies, and at institutions of higher education.

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

L. 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 of Natural Resources deems advisable and necessary, in accordance with this Order, the relevant statutes, the rules and procedures of the Civil Service Commission and the Department of Management and Budget, subject to available funding.

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

N. Members of the Board shall refer all legal, legislative, and media contacts to the Department of Natural Resources.

V. 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, including, but not limited to, for the fiscal year ending September 30, 2010.

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

C. Any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected under this Order, shall not abate by reason of the taking effect of 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 of Article V, Section 2 of the Michigan Constitution of 1963, the provisions of this Executive Order are effective October 1, 2009 at 12:01 a.m.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 13th day of July in the year of our Lord, two thousand nine.

Jennifer M. Granholm
Governor

By the Governor:
Terri L. Land
Secretary of State

The Executive Order was referred to the Committee on Government Operations and Reform.

The following messages from the Governor were received and read:

June 26, 2009

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointments to state office under Sections 16121 and 16521 of the Public Health Code, 1978 PA 368, MCL 333.16121 and MCL 333.16521:

Michigan Board of Acupuncture

Mr. Jay Abel-Horowitz, M.D., of 25235 Canterbury, Franklin, Michigan 48025, county of Oakland, is reappointed to represent physicians licensed under part 170 or 175, for a term expiring June 30, 2013.

Mr. Leonard D. Wright, M.D., of 1241 Scenic Drive, Muskegon, Michigan 49445, county of Muskegon, is reappointed to represent physicians licensed under part 170 or 175, for a term expiring June 30, 2013.

June 26, 2009

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointment to state office under Sections 16121 and 16805 of the Public Health Code, 1978 PA 368, MCL 333.16121 and 333.16805:

Michigan Board of Audiology

Mr. Lari P. Korpela of 19327 Bainbridge, Livonia, Michigan 48152, county of Wayne, is reappointed to represent audiologists, for a term expiring June 30, 2013.

June 26, 2009

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments to state office under Section 7111 of the Public Health Code, 1978 PA 368, MCL 333.7111:

Controlled Substances Advisory Commission

Mr. Darnarius M. Hemphill of 18691 Ferguson Street, Detroit, Michigan 48235, county of Wayne, succeeding Bradley E. Meisling, who has resigned, is appointed to represent the general public, for a term commencing June 26, 2009 and expiring August 30, 2009, and reappointed for a term commencing August 31, 2009 and expiring August 30, 2011.

Mr. Dennis H. Smith of 875 Foxtail Court, Marquette, Michigan 49855, county of Marquette, succeeding Howard S. Wolpin, who has resigned, is appointed to represent the general public, for a term commencing June 26, 2009 and expiring August 30, 2009, and reappointed for a term commencing August 31, 2009 and expiring August 30, 2011.

June 26, 2009

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointments to state office under Sections 16121 and 18103 of the Public Health Code, 1978 PA 368, MCL 333.16121 and 333.18103:

Michigan Board of Counseling

Ms. Robbie J. Steward, Ph.D., of 4418 Calgary Boulevard, Okemos, Michigan 48864, county of Ingham, is reappointed to represent individuals engaged primarily in teaching, training or research in counseling, for a term expiring June 30, 2013.

Ms. Marion D. Turowski of 5314 Shrewsbury Drive, Troy, Michigan 48085, county of Oakland, is reappointed to represent individuals engaged primarily in the administration of counseling services, for a term expiring June 30, 2013.

June 26, 2009

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments to state office under Section 17955 of 2008 PA 471, MCL 333.17955:

Michigan Board of Massage Therapy

Ms. Karen P. Armstrong of 38815 Country Circle, Farmington Hills, Michigan 48331, county of Oakland, is appointed to represent professionals, for a term commencing June 26, 2009 and expiring December 31, 2012.

Mr. Timothy E. Bograkos of 3254 Holiday Drive, Lansing, Michigan 48912, county of Ingham, is appointed to represent the general public, for a term commencing June 26, 2009 and expiring December 31, 2012.

Ms. Mary C. Ericson of 511 North Holbrook, Apt. B, Plymouth, Michigan 48170, county of Wayne, is appointed to represent professionals, for a term commencing June 26, 2009 and expiring December 31, 2011.

Ms. Tiffany L. Hartung of 3842 Stolzenfeld Avenue, Warren, Michigan 48091, county of Macomb, is appointed to represent the general public, for a term commencing June 26, 2009 and expiring December 31, 2011.

Mr. Dennis G. Hilton-Scheffler of 29 Roseview, Mount Clemens, Michigan 48043, county of Macomb, is appointed to represent professionals, for a term commencing June 26, 2009 and expiring December 31, 2011.

Ms. Billy Joda-Miller of 6031 Rockingham Drive, Lansing, Michigan 48911, county of Eaton, is appointed to represent professionals, for a term commencing June 26, 2009 and expiring December 31, 2013.

Ms. Jodi L. Kubizna of 3035 Hoag Avenue, N.E., Grand Rapids, Michigan 49525, county of Kent, is appointed to represent professionals, for a term commencing June 26, 2009 and expiring December 31, 2012.

Mr. Thomas J. Mackowiak of 2506 Arbor Forest Drive, Lansing, Michigan 48910, county of Ingham, is appointed to represent the general public, for a term commencing June 26, 2009 and expiring December 31, 2012.

Mr. Harold R. Rudnianin of 21464 Paavola Road, Hancock, Michigan 49930, county of Houghton, is appointed to represent professionals, for a term commencing June 26, 2009 and expiring December 31, 2013.

Mr. Michael J. Ryan of 367 Lakewood Lane, Marquette, Michigan 49855, county of Marquette, is appointed to represent professionals, for a term commencing June 26, 2009 and expiring December 31, 2013.

Ms. Amanda J. West of 1978 Chestnut Street, Holt, Michigan 48842, county of Ingham, is appointed to represent the general public, for a term commencing June 26, 2009 and expiring December 31, 2013.

June 26, 2009

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointments to state office under Sections 301, 302 and 1802 of the Occupational Code, 1980 PA 299, MCL 339.301, 339.302 and 339.1802:

Board of Examiners in Mortuary Science

Mr. John E. Desmond of 2023 Haverford Drive, Troy, Michigan 48098, county of Oakland, is reappointed to represent professionals, for a term expiring June 30, 2013.

Mr. Stephen R. Kemp of 1758 Brandywine Drive, Bloomfield Hills, Michigan 48304, county of Oakland, is reappointed to represent professionals, for a term expiring June 30, 2013.

Father Russell E. Kohler of 1050 Porter Street, Detroit, Michigan 48226, county of Wayne, is reappointed to represent the general public, for a term expiring June 30, 2013.

June 26, 2009

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to state office under Sections 16121 and 18305 of the Public Health Code, 1978 PA 368, MCL 333.16121 and 333.18305:

Michigan Board of Occupational Therapists

Ms. Britt R. Lenfield, OTR, of 400 Haskins Court, S.E., Ada, Michigan 49301, county of Kent, succeeding Barbara Hemphill, who has resigned, is appointed to represent occupational therapists, for a term commencing June 26, 2009 and expiring December 31, 2010.

June 26, 2009

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments to state office under Sections 16121 and 17721 of the Public Health Code, 1978 PA 368, MCL 333.16121 and 333.17721:

Michigan Board of Pharmacy

Ms. Ilene Hartman-Abramson, Ph.D., of 1127 South Lake Drive #114, Novi, Michigan 48377, county of Oakland, succeeding Edward Rivet, who has resigned, is appointed to represent the general public, for a term commencing June 26, 2009 and expiring June 30, 2011.

Mr. Dhafer A. Almaklani of 6134 Payne, Dearborn, Michigan 48126, county of Wayne, succeeding Laura Shaw, is appointed to represent pharmacists, for a term commencing July 1, 2009 and expiring June 30, 2013.

Ms. Pamela L. Bufe-Wyett of 212 Westwood, Bloomfield Hills, Michigan 48301, county of Oakland, succeeding Leigh Kegerreis, is appointed to represent the general public, for a term commencing July 1, 2009 and expiring June 30, 2013.

June 26, 2009

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments to state office under Section 17605 of 2008 PA 524, MCL 333.17605:

Michigan Board of Speech Language Pathology

Ms. Brit Austin of 1256 Poppy Hill Drive, Oxford, Michigan 48371, county of Oakland, is appointed to represent professionals, for a term commencing June 26, 2009 and expiring December 31, 2010.

Ms. Judith Brown Clarke, Ph.D., of 3800 Colchester Road, Lansing, Michigan 48906, county of Ingham, is appointed to represent the general public, for a term commencing June 26, 2009 and expiring December 31, 2013.

Ms. Frances E. Eldis, Ph.D., of 8855 Riverdale, Redford, Michigan 48239, county of Wayne, is appointed to represent professionals, for a term commencing June 26, 2009 and expiring December 31, 2010.

Ms. Ellen J. Fairbrother of 20268 Beechaven, Southfield, Michigan 48076, county of Oakland, is appointed to represent professionals, for a term commencing June 26, 2009 and expiring December 31, 2011.

Mr. Thomas Koepke, Ph.D., of 18255 Manorwood West, Clinton Township, Michigan 48038, county of Macomb, is appointed to represent the general public, for a term commencing June 26, 2009 and expiring December 31, 2012.

Ms. Jeanette M. Meyer, M.D., of 3208 Bronson Boulevard, Kalamazoo, Michigan 49008, county of Kalamazoo, is appointed to represent physicians, for a term commencing June 26, 2009 and expiring December 31, 2012.

Ms. Donna J. Riccio Omichinski of 1299 Annandale, Ann Arbor, Michigan 48108, county of Washtenaw, is appointed to represent the general public, for a term commencing June 26, 2009 and expiring December 31, 2011.

Ms. Lizbeth J. Stevens, Ph.D., of 1922 Edgewood Boulevard, Berkley, Michigan 48072, county of Oakland, is appointed to represent professionals, for a term commencing June 26, 2009 and expiring December 31, 2012.

Ms. Katie A. Strong of 3862 Plover Place, East Lansing, Michigan 48823, county of Ingham, is appointed to represent professionals, for a term commencing June 26, 2009 and expiring December 31, 2011.

Mr. Timothy G. Weise of 9106 Manchester, Grosse Ile, Michigan 48135, county of Wayne, is appointed to represent professionals, for a term commencing June 26, 2009 and expiring December 31, 2013.

July 1, 2009

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointment to state office pursuant to Section 3 of 1965 PA 114, MCL 290.553:

Michigan Bean Commission

Mr. Michael Sahr of 9121 E. Washington Road, Saginaw, Michigan 48601, county of Saginaw, is reappointed to represent District 8 growers, for a term expiring December 31, 2011.

July 1, 2009

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments and reappointments to office under Section 7 of the Agricultural Commodities Marketing Act, 1965 PA 232, MCL 290.657:

Michigan Dairy Marketing Program Committee

Mr. Mark J. Halbert of 22322 East Avenue N, Battle Creek, Michigan 49017, county of Calhoun, succeeding Elwood Kirkpatrick, whose term has expired, is appointed to represent the Michigan Milk Producers Association, for a term commencing July 1, 2009 and expiring December 31, 2011.

Mr. Robert E. Kran of 7380 North Tuttle Road, Free Soil, Michigan 49411, county of Mason, succeeding Harold Clossen, whose term has expired, is appointed to represent the Michigan Milk Producers Association, for a term commencing July 1, 2009 and expiring December 31, 2011.

Mr. Earl A. Horning of 11855 Pleasant Lake Road, Manchester, Michigan 48158, county of Washtenaw, is reappointed to represent the Michigan Milk Producers Association, for a term expiring December 31, 2011.

Mr. Bryan D. Hull of 10434 Vickeryville Road, Fenwick, Michigan 48834, county of Montcalm, is reappointed to represent the Dairy Farmers of America, for a term expiring December 31, 2011.

Mr. Dwight Nash of 4717 North Shepardsville Road, Elsie, Michigan 48831, county of Clinton, is reappointed to represent the Dairy Farmers of America, for a term expiring December 31, 2011.

July 1, 2009

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointment to state office under Section 7 of the Farm Produce Insurance Act, 2003 PA 198, MCL 285.317:

Farm Produce Insurance Authority Board of Directors

Mr. Carl Bednarski of 2740 W. Elmwood Road, Caro, Michigan 48723, county of Tuscola, is reappointed to represent producers from the largest Michigan organization representing general farm interests in Michigan, for a term expiring June 20, 2011.

July 1, 2009

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to state office pursuant to Section 7 of the Agricultural Commodities Marketing Act, 1965 PA 232, MCL 290.657:

Michigan Soybean Marketing Program Committee

Mr. James E. Wilson of 2665 E. Wellman Line, Yale, Michigan 48097, county of Sanilac, succeeding James B. Domagalski, who has resigned, is appointed to represent District 4 growers, for a term commencing July 1, 2009 and expiring September 23, 2009.

July 1, 2009

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment and reappointment under Sections 21 and 22 of the Tax Tribunal Act, 1973 PA 186, MCL 205.721 and 205.722:

Michigan Tax Tribunal

Ms. Cynthia J. Knoll, CPA, of 14682 Hunters Trail, Holland, Michigan 49424, county of Ottawa, succeeding Susan Grimes Munsell, whose term has expired, is appointed to represent certified public accountants, for a term commencing July 1, 2009 and expiring June 30, 2013.

Ms. Patricia L. Halm of 5521 McCourt Street, Lansing, Michigan 48911, county of Ingham, is reappointed to represent attorneys, for a term expiring June 30, 2013.

July 14, 2009

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointments and reappointment to state office under Sections 302 and 721 of the Occupational Code, 1980 PA 299, MCL 339.302 and 339.721:

State Board of Accountancy

Mr. Daniel J. Lord of 643 Lexington Drive, Saline, Michigan 48176, county of Washtenaw, succeeding Richard G. David, who has resigned, is appointed to represent certified public accountants, for a term commencing July 14, 2009 and expiring June 30, 2013.

Mr. Steven M. Wolock of 31737 Robinhood, Beverly Hills, Michigan 48025, county of Oakland, succeeding Ellen S. Cogen-Lipton, who has resigned, is appointed to represent the general public, for a term commencing July 14, 2009 and expiring June 30, 2013.

Mr. Thomas R. Weirich, Ph.D., of 829 Ashland Drive, Mt. Pleasant, Michigan 48858, county of Isabella, is reappointed to represent certified public accountants, for a term expiring June 30, 2013.

July 14, 2009

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment and reappointments to state office under Section 3 of the Older Michiganians Act, 1981 PA 180, MCL 400.583:

Commission on Services to the Aging

Ms. Valerie F. Lafferty, an Independent, of 4097 Shoals, Okemos, Michigan 48864, county of Ingham, succeeding Chun-Keung Leung, who has resigned, is appointed for a term commencing July 14, 2009 and expiring July 28, 2011.

Ms. Jerutha Kennedy, an Independent, of 13586 Mendota, Detroit, Michigan 48236, county of Wayne, is reappointed for a term expiring July 28, 2012.

Mr. Donald L. Newport, Ph.D., an Independent, of 3491 S. US 23, Greenbush, Michigan 48738, county of Alcona, is reappointed for a term expiring July 28, 2012.

Mr. Anthony P. Pawelski, a Democrat, of 226 Libby, P.O. Box 556, Pinconning, Michigan 48650, county of Bay, is reappointed for a term expiring July 28, 2012.

Ms. Amne M. Talab, an Independent, of 6410 Oakman Boulevard, Dearborn, Michigan 48126, county of Wayne, is reappointed for a term expiring July 28, 2012.

Mr. Ramesh C. Verma, a Democrat, of 45725 Jaslyn Lane, Novi, Michigan 48374, county of Oakland, is reappointed for a term expiring July 28, 2012.

July 14, 2009

I respectfully submit to the Senate pursuant to Article V, Section 6 of the Michigan Constitution of 1963, the following reappointments to office under Section 7 of the Elevator Safety Board Act, 1967 PA 227, MCL 408.807:

Elevator Safety Board

Mr. William J. Kogelschatz of 8071 Diane Drive, Portland, Michigan 48875, county of Ionia, is reappointed to represent elevator contractor unions, for a term expiring July 22, 2013.

Mr. Joseph T. McNally of 6560 Sunburst Drive, Portage, Michigan 49024, county of Kalamazoo, is reappointed to represent insurance companies that are authorized to insure elevators, for a term expiring July 22, 2013.

Ms. Erin C. Modiano of 4045 Harbor Vista Drive, Orchard Lake, Michigan 48323, county of Oakland, is reappointed to represent elevator manufacturers, for a term expiring July 22, 2013.

July 14, 2009

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointment to state office under Section 3 of 1939 PA 176, MCL 423.3:

Employment Relations Commission

Ms. Christine A. Dardarian, a Democrat, of 6952 Sandalwood Drive, Bloomfield Hills, Michigan 48301, county of Oakland, is reappointed for a term expiring June 30, 2012.

July 14, 2009

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointment to state office under Section 13 of the State Plumbing Act, 2002 PA 733, MCL 338.3523:

State Plumbing Board

Mr. Richard S. Gaber of 10255 Pontiac Lake Road, White Lake, Michigan 48386, county of Oakland, is reappointed to represent licensed journey plumbers, for a term expiring June 30, 2012.

July 14, 2009

I respectfully submit to the Senate pursuant to Article V, Section 6 of the Michigan Constitution of 1963, the following appointment and reappointments to office under Sections 302 and 2603 of the Occupational Code, 1980 PA 299, MCL 339.302 and 339.2603:

Board of Real Estate Appraisers

Mr. Norman G. Thomas of 26458 Pleasant Valley, Farmington Hills, Michigan 48331, succeeding Andrew Chamberlain, whose term has expired, is appointed to represent certified real estate appraisers, for a term commencing July 14, 2009 and expiring June 30, 2013.

Mr. Darius W. Dynkowski of 19098 Livery Court, Clinton Township, Michigan 48038, county of Macomb, is reappointed to represent the general public, for a term expiring June 30, 2013.

Mr. David C. Molenaar of 879 Audubon Road, East Lansing, Michigan 48823, county of Ingham, is reappointed to represent certified residential real estate appraisers, for a term expiring June 30, 2013.

July 14, 2009

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following reappointments to state office under Sections 323 and 324 of the Ski Area Safety Act of 1962, 1962 PA 199, MCL 408.323 and 408.324:

Ski Area Safety Board

Mr. Michael S. Call of 7661 Worden Road, Beulah, Michigan 49617, county of Benzie, is reappointed to represent Lower Peninsula ski area managers, for a term expiring June 8, 2013.

Mr. Joel M. Woods of 5259 Tyrol Lane, Harbor Springs, Michigan 49740, county of Emmet, is reappointed to represent Lower Peninsula ski area managers, for a term expiring June 8, 2013.

Sincerely,
Jennifer M. Granholm
Governor

The appointments were referred to the Committee on Government Operations and Reform.

The following message from the Governor was received and read:

July 15, 2009

I am writing to inform you of my withdrawal of the following appointment with your office on July 14, 2009 pursuant to Section 7 of the Elevator Safety Board Act, 1967 PA 227, MCL 408.807:

Elevator Safety Board

Mr. Joseph T. McNally of 6560 Sunburst Drive, Portage, Michigan 49024, county of Kalamazoo, is reappointed to represent insurance companies that are authorized to insure elevators, for a term expiring July 22, 2013.

Sincerely,
Jennifer M. Granholm
Governor

The message was referred to the Committee on Government Operations and Reform.

Messages from the House

Senate Bill No. 586, entitled

A bill to amend 1987 PA 264, entitled "Health and safety fund act," by amending section 5 (MCL 141.475), as amended by 2008 PA 586.

(For Conference Report, see Senate Journal No. 58, p. 1176.)

The House of Representatives has adopted the report of the Committee of Conference.

Pursuant to a previous order, the bill was referred to the Secretary for enrollment printing and presentation to the Governor on June 26, 2009.

Senate Bill No. 587, entitled

A bill to amend 1985 PA 106, entitled "State convention facility development act," by amending sections 3, 8, 9, 10, and 12 (MCL 207.623, 207.628, 207.629, 207.630, and 207.632), as amended by 2008 PA 553.

(For Conference Report, see Senate Journal No. 58, p. 1179.)

The House of Representatives has adopted the report of the Committee of Conference.

Pursuant to a previous order, the bill was referred to the Secretary for enrollment printing and presentation to the Governor on June 26, 2009.

Senate Bill No. 588, entitled

A bill to amend 2000 PA 489, entitled "Michigan trust fund act," by amending section 7 (MCL 12.257), as amended by 2008 PA 256.

(For Conference Report, see Senate Journal No. 58, p. 1185.)

The House of Representatives has adopted the report of the Committee of Conference.

Pursuant to a previous order, the bill was referred to the Secretary for enrollment printing and presentation to the Governor on June 26, 2009.

By unanimous consent the Senate proceeded to the order of
General Orders

Senator Cropsey moved that the Senate resolve itself into the Committee of the Whole for consideration of the General Orders calendar.

The motion prevailed, and the President, Lieutenant Governor Cherry, designated Senator Barcia as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Cherry, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bill:

House Bill No. 4053, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 77.

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

The Committee of the Whole reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 215, entitled

A bill to amend 1975 PA 164, entitled "An act to create a commission on Spanish-speaking affairs, an office of Spanish-speaking affairs, and an interagency council on Spanish-speaking affairs; to prescribe their powers and duties; to provide for appropriations; and to abolish the advisory council for the Spanish-speaking," by amending the title and sections 1, 2, 3, 4, 5, and 6 (MCL 18.301, 18.302, 18.303, 18.304, 18.305, and 18.306), sections 2 and 4 as amended by 2004 PA 94.

Substitute (S-3).

The Senate agreed to the substitute recommended by the Committee of the Whole, and the bill as substituted was placed on the order of Third Reading of Bills.

By unanimous consent the Senate returned to the order of
Third Reading of Bills

Senator Cropsey moved that the rules be suspended and that the following bill, now on the order of Third Reading of Bills, be placed on its immediate passage:

House Bill No. 4053

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

Senator Cropsey moved that the following bills be placed at the head of the Third Reading of Bills calendar:

Senate Bill No. 48

Senate Bill No. 528

House Bill No. 4053

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 48, entitled

A bill to amend 1911 PA 209, entitled "An act to adopt and prescribe the design of a state coat-of-arms and state flag, and their use, and to prohibit the use of the same for advertising purposes, and to provide a punishment for such forbidden use," (MCL 2.21 to 2.27) by adding section 2a.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 379

Yeas—36

Allen
 Anderson
 Barcia
 Basham

Clark-Coleman
 Clarke
 Cropsey
 Garcia

Jacobs
 Jansen
 Jelinek
 Kahn

Prusi
 Richardville
 Sanborn
 Scott

Birkholz	George	Kuipers	Stamas
Bishop	Gilbert	McManus	Switalski
Brown	Gleason	Olshove	Thomas
Cassis	Hardiman	Pappageorge	Van Woerkom
Cherry	Hunter	Patterson	Whitmer

Nays—0

Excused—1

Brater

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 528, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” (MCL 333.1101 to 333.25211) by adding section 20153.

The question being on the passage of the bill,

Senator Jacobs offered the following amendment:

1. Amend page 3, following line 8, by inserting:

“Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 65 of the 95th Legislature is enacted into law.”.

The amendment was not adopted, a majority of the members serving not voting therefor.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 380

Yeas—36

Allen	Clark-Coleman	Jacobs	Prusi
Anderson	Clarke	Jansen	Richardville
Barcia	Cropsey	Jelinek	Sanborn
Basham	Garcia	Kahn	Scott
Birkholz	George	Kuipers	Stamas
Bishop	Gilbert	McManus	Switalski
Brown	Gleason	Olshove	Thomas
Cassis	Hardiman	Pappageorge	Van Woerkom
Cherry	Hunter	Patterson	Whitmer

Nays—0

Excused—1

Brater

Not Voting—0

In The Chair: President

The Senate agreed to the title of the bill.

Senator Hardiman asked and was granted unanimous consent to make a statement and moved that the statement be printed in the Journal.

The motion prevailed.

Senator Hardiman's statement is as follows:

I rise to speak in favor of Senate Bill No. 528 and to ask members to join me in supporting it. This bill would help to correct a flaw in our Public Health Code. It would help put the minds of many of my constituents at ease.

About two years ago, Kent County residents were shocked to discover that a doctor they had known and trusted violated that trust by deliberately reusing medical devices, regardless of the consequences to literally thousands of patients. That doctor was convicted in federal court for falsely billing for services, but the Public Health Code has a gray area about the actual practice of misusing single-use devices.

We need to pass Senate Bill No. 528 to clarify state law and penalize health professionals who would do this to their patients. We don't want to outlaw the proper use of devices when medically appropriate. Senate Bill No. 528 has some exceptions to recognize legitimate situations, and I have worked with the medical community to try to strike the proper balance in this regulation.

Senate Bill No. 528 is a workable and reasonable response to a terrible situation. Passage of this bill will bring great relief to many in Kent County, and I thank you for your consideration of it.

The following bill was read a third time:

House Bill No. 4053, entitled

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2080) by adding section 77.

The question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 381**Yeas—36**

Allen	Clark-Coleman	Jacobs	Prusi
Anderson	Clarke	Jansen	Richardville
Barcia	Cropsey	Jelinek	Sanborn
Basham	Garcia	Kahn	Scott
Birkholz	George	Kuipers	Stamas
Bishop	Gilbert	McManus	Switalski
Brown	Gleason	Olshove	Thomas
Cassis	Hardiman	Pappageorge	Van Woerkom
Cherry	Hunter	Patterson	Whitmer

Nays—0**Excused—1**

Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,
The recommendation was concurred in, 2/3 of the members serving voting therefor.

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

“An act to consolidate prior acts naming certain Michigan highways; to provide for the naming of certain highways; to prescribe certain duties of the state transportation department; and to repeal acts and parts of acts and certain resolutions.”.

The Senate agreed to the full title.

Senator Birkholz asked and was granted unanimous consent to make a statement and moved that the statement be printed in the Journal.

The motion prevailed.

Senator Birkholz’s statement is as follows:

I would move that my comments be recorded in the Journal because this is an important piece of legislation for the VFW National Home in Eaton Rapids.

The bill before us concerns the designation of M-188 highway in Eaton County to be known as the “Elgie G. Hanna Memorial Highway”. Under the Michigan Memorial Highway Act, the Veterans of Foreign Wars National Home facility is located along this stretch of highway. It’s a home, actually a community of homes, built by the Veterans of Foreign Wars to house orphans from the wars, actually, starting with World War I. They take in children, orphans of any age, and they help raise them, get them into an educational system, give them a loving, warm, and supportive home and family environment.

Elgie Hanna was the only alum from the VFW National Home to be killed in action in Vietnam 40 years ago. This legislation would designate that stretch of highway in his name. I think it’s very important and a very strong testament to Elgie Hanna’s service, as well as the VFW National Home’s service to the Veterans of Foreign Wars. I would urge support of the members.

By unanimous consent the Senate proceeded to the order of

Resolutions

Senator Cropsey moved that consideration of the following resolution be postponed for today:

Senate Resolution No. 41

The motion prevailed.

Senator Brown offered the following concurrent resolution:

Senate Concurrent Resolution No. 14.

A concurrent resolution to urge President Obama to grant Michigan a waiver from federal matching requirements for federal-aid highway projects.

Whereas, The condition of Michigan’s roads and infrastructure is deteriorating rapidly as dollars for construction and improvements dwindle. The Michigan Asset Management Council reports that the percentage of roads in poor condition increased from 25 percent in 2007 to 32 percent in 2008. This represents more than 17,378 lane miles of federal-aid-eligible roads. The costs of this continued deterioration are significant. In 2004, it would have cost about \$3.7 billion to bring all poor and fair federal-aid roads up to a good rating. Four years later, it would have cost \$7.2 billion, almost double what it would have cost in 2004. This represents \$3.5 billion in lost value of our road assets. Allowing this trend to continue will have significant financial and economic effects on the state economy, which has been mired in a recession since 2002; and

Whereas, Michigan is facing a crisis in infrastructure funding exacerbated by rising inflation in materials costs and a decline in fuel tax revenue due to spikes in gas prices, reduced travel, improvements in gas mileage, and the slow economy. Last year, Governor Granholm’s Transportation Funding Task Force recommended raising transportation-related taxes and fees by over \$3 billion. If not, the Michigan Department of Transportation will lose almost \$600 million in federal aid beginning in 2011 and \$1.9 billion between 2011 and 2013. Losing those funds would greatly reduce highway improvement projects and cost the state an estimated 17,000 jobs; and

Whereas, Since the mid-1950s, when the interstate highway system was created, Michigan has been a “donor” state for transportation dollars, contributing a greater proportionate share to the Federal Highway Trust Fund than the share of federal transportation funds returned to Michigan. Currently, Michigan receives 92 percent of the share of the federal tax revenue that the state generates; and

Whereas, Granting Michigan a waiver from the federal matching requirement, much like the Obama Administration provided to every state under the American Recovery and Reinvestment Act of 2009, would help to alleviate the need for massive fuel and vehicle registration fee increases, act to stimulate the economy, and further diversify the state economy by attracting new businesses. Michigan Representative Candice Miller recognized this need when she recently introduced H.R. 3102 in Congress, a bill to increase the federal share of costs for transportation projects for the state of Michigan; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we urge President Obama to grant Michigan a waiver from federal matching requirements for federal-aid highway projects; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the United States Department of Transportation, and members of the Michigan congressional delegation.

Pending the order that, under rule 3.204, the concurrent resolution be referred to the Committee on Government Operations and Reform,

Senator Cropsy moved that the rule be suspended.

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

The concurrent resolution was adopted.

Senators Barcia, Cassis, Clarke, Hardiman, Jacobs, Jansen, Kuipers, McManus, Pappageorge, Richardville and Switalski were named co-sponsors of the concurrent resolution.

Senator Brown asked and was granted unanimous consent to make a statement and moved that the statement be printed in the Journal.

The motion prevailed.

Senator Brown’s statement is as follows:

I would ask members to adopt the concurrent resolution that urges President Obama to grant Michigan a waiver from the federal matching requirements for federal-aid highway projects. Michigan has been a donor state for transportation dollars since the mid-1950s. Michigan receives only 92 percent of the share of the federal tax revenue that we generate. This should be changed, especially at a time when Michigan has many transportation needs as evidenced by the Transportation Funding Task Force that suggested that some \$3 billion is needed for transportation projects.

Michigan would benefit from a waiver from the federal matching requirement, much like what was granted to every state under the American Recovery and Reinvestment Act of 2009. Representative Candice Miller recently introduced H.R. 3102 that would waive for two years the federal match requirement for transportation. This resolution calls on the President to support Representative Miller’s bill to help Michigan during these challenging times.

Senator Kahn offered the following resolution:

Senate Resolution No. 68.

A resolution to urge President Obama to grant Michigan a waiver from federal matching requirements for federal-aid highway projects.

Whereas, The condition of Michigan’s roads and infrastructure is deteriorating rapidly as dollars for construction and improvements dwindle. The Michigan Asset Management Council reports that the percentage of roads in poor condition increased from 25 percent in 2007 to 32 percent in 2008. This represents more than 17,378 lane miles of federal-aid-eligible roads. The costs of this continued deterioration are significant. In 2004, it would have cost about \$3.7 billion to bring all poor and fair federal-aid roads up to a good rating. Four years later, it would have cost \$7.2 billion, almost double what it would have cost in 2004. This represents \$3.5 billion in lost value of our road assets. Allowing this trend to continue will have significant financial and economic effects on the state economy, which has been mired in a recession since 2002; and

Whereas, Michigan is facing a crisis in infrastructure funding exacerbated by rising inflation in materials costs and a decline in fuel tax revenue due to spikes in gas prices, reduced travel, improvements in gas mileage, and the slow economy. Last year, Governor Granholm’s Transportation Funding Task Force recommended raising transportation-related taxes and fees by over \$3 billion. If not, the Michigan Department of Transportation will lose almost \$600 million in federal aid beginning in 2011 and \$1.9 billion between 2011 and 2013. Losing those funds would greatly reduce highway improvement projects and cost the state an estimated 17,000 jobs; and

Whereas, Since the mid-1950s, when the interstate highway system was created, Michigan has been a “donor” state for transportation dollars, contributing a greater proportionate share to the Federal Highway Trust Fund than the share of federal transportation funds returned to Michigan. Currently, Michigan receives 92 percent of the share of the federal tax revenue that the state generates; and

Whereas, Granting Michigan a waiver from the federal matching requirement, much like the Obama Administration provided to every state under the American Recovery and Reinvestment Act of 2009, would help to alleviate the need for

massive fuel and vehicle registration fee increases, act to stimulate the economy, and further diversify the state economy by attracting new businesses. Michigan Representative Candice Miller recognized this need when she recently introduced H.R. 3102 in Congress, a bill to increase the federal share of costs for transportation projects for the state of Michigan; now, therefore, be it

Resolved by the Senate, That we urge President Obama to grant Michigan a waiver from federal matching requirements for federal-aid highway projects; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the United States Department of Transportation, and members of the Michigan congressional delegation.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations and Reform,

Senator Cropsey moved that the rule be suspended.

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

The resolution was adopted.

Senators Allen, Anderson, Barcia, Basham, Birkholz, Brown, Cassis, Clarke, Cropsey, Garcia, George, Gilbert, Gleason, Hardiman, Jacobs, Jansen, Jelinek, Kuipers, McManus, Olshove, Pappageorge, Richardville, Sanborn, Switalski and Van Woerkom were named co-sponsors of the resolution.

Senator Kahn asked and was granted unanimous consent to make a statement and moved that the statement be printed in the Journal.

The motion prevailed.

Senator Kahn's statement is as follows:

In substantial point similar to the Senate concurrent resolution that we just discussed, Senate Resolution No. 68 is about our transportation woes. This resolution is to urge President Obama to grant Michigan a waiver from federal matching requirements for federal-aid highway projects.

As our people know, the condition of Michigan's roads and the infrastructure are deteriorating rapidly. Dollars for construction, improvements, and maintenance dwindle with our stricken economy. Michigan is facing a crisis in infrastructure funding exacerbated by rising inflation in materials costs, decline in fuel tax revenue, reduced travel, improvements in gas mileage, and, of course, the slow economy.

Last year, Governor Granholm's Transportation Funding Task Force recommended raising transportation-related taxes and fees by over \$3 billion. At that time, it was noted that the Michigan Department of Transportation would lose almost \$600 million in federal aid beginning in 2011; \$1.9 billion between 2011 and 2013. Losing these funds would greatly reduce highway improvement projects and cost the state an estimated 17,000 jobs.

So granting Michigan a waiver from the federal matching requirement, which is much like what the Obama Administration provided to every state under the American Recovery and Reinvestment Act of 2009, would help us to alleviate our needs for massive fuel and vehicle registration fee increases. It will act to stimulate our economy and further diversify the state economy by attracting new businesses. I urge this resolution's adoption.

Senator Richardville offered the following resolution:

Senate Resolution No. 69.

A resolution urging the United States Congress to enact legislation to waive for two years the requirement that Michigan match federal highway funds.

Whereas, The Michigan Department of Transportation (MDOT) has recently eliminated or delayed 134 road and bridge preservation projects from its 2009-2013 Five-Year Program, totaling \$740 million. The department's decision is based on the unfortunate reality that the state can no longer afford the required 20 percent matching funds; and

Whereas, MDOT announced that, by 2011, it will be forced to return \$576 million in federal aid because the state is no longer in the financial position to provide the federally required 20 percent match, or \$102 million. This disastrous scenario gets even worse as projected shortfalls to the highway and maintenance program are \$111 million in FY 2012 and \$124 million in FY 2013; and

Whereas, Michigan continues to have the highest unemployment rate in the nation at 14.1 percent. In addition, Michigan is the only state in the country to have surpassed the average national unemployment rate by 40 percent over the past 24 months. If the state is unable to sustain the current level of transportation investment, MDOT estimates that more than 17,000 additional jobs are at risk; and

Whereas, Over the past decade, Michigan has lost more than 350,000 manufacturing jobs. Consequently, the state ranking in per-capita income has fallen dramatically, from sixteenth to thirty-third. At the present, the state's per capita income is 11 percent below the national average, the lowest figure since the federal government started compiling the data in 1929; and

Whereas, Since the 1950s, Michigan has been a federal funding "donor" state, receiving less in federal funds than it collects through the 18.4 cent per gallon federal motor fuel excise tax. Under the current federal highway authorization act, this disparity in the distribution of highway funds continues. Implausibly, Michigan receives 92 cents on every \$1 it sends to Washington, D.C.; and

Whereas, Under the American Recovery and Reinvestment Act of 2009, Congress waived the state matching grant requirement in order to stimulate the economy by putting people back to work. During these nearly unprecedented economic times in Michigan, this waiver needs to be applied to the allocation of federal highway funds, particularly since Michigan has been subsidizing other states' roads for half a century; now, therefore, be it

Resolved by the Senate, That we urge the United States Congress to enact legislation to waive for two years the requirement that Michigan match federal highway funds; and be it further

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

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations and Reform,

Senator Cropsey moved that the rule be suspended.

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

The resolution was adopted.

Senators Allen, Barcia, Basham, Birkholz, Bishop, Brown, Cassis, Clarke, Cropsey, Garcia, George, Gilbert, Gleason, Hardiman, Jacobs, Jansen, Jelinek, Kahn, Kuipers, McManus, Pappageorge, Switalski and Van Woerkom were named co-sponsors of the resolution.

Senator Richardville asked and was granted unanimous consent to make a statement and moved that the statement be printed in the Journal.

The motion prevailed.

Senator Richardville's statement is as follows:

I would like to speak, with your permission, to not only this resolution, but also Senate Concurrent Resolution No. 15. What these do is urge Congress to enact legislation to waive for a two-year period the requirement for Michigan to match federal highway funds. They are not unlike the previous resolutions.

Representative Candice Miller has a bill that would waive the 20 percent match required for states like Michigan. Michigan is a donor state. It receives less in federal funding than it collects through the 18-plus cent per gallon federal fuel tax. Michigan receives only about 92 percent in return for every \$1 it sends to Washington, D.C.

At this point in time, Michigan's unemployment rate remains at about 14 percent. We're the only state to have surpassed the average national unemployment rate by 40 percent over the past 24 months. There is little chance of Michigan being able to meet the matching fund requirements if the unemployment rate in Michigan continues to remain high. With less jobs, there is less money coming in by way of income, sales tax, et cetera.

Senator Richardville offered the following concurrent resolution:

Senate Concurrent Resolution No. 15.

A concurrent resolution urging the United States Congress to enact legislation to waive for two years the requirement that Michigan match federal highway funds.

Whereas, The Michigan Department of Transportation (MDOT) has recently eliminated or delayed 134 road and bridge preservation projects from its 2009-2013 Five-Year Program, totaling \$740 million. The department's decision is based on the unfortunate reality that the state can no longer afford the required 20 percent matching funds; and

Whereas, MDOT announced that, by 2011, it will be forced to return \$576 million in federal aid because the state is no longer in the financial position to provide the federally required 20 percent match, or \$102 million. This disastrous scenario gets even worse as projected shortfalls to the highway and maintenance program are \$111 million in FY 2012 and \$124 million in FY 2013; and

Whereas, Michigan continues to have the highest unemployment rate in the nation at 14.1 percent. In addition, Michigan is the only state in the country to have surpassed the average national unemployment rate by 40 percent over the past 24 months. If the state is unable to sustain the current level of transportation investment, MDOT estimates that more than 17,000 additional jobs are at risk; and

Whereas, Over the past decade, Michigan has lost more than 350,000 manufacturing jobs. Consequently, the state ranking in per-capita income has fallen dramatically, from sixteenth to thirty-third. At the present, the state's per capita income is 11 percent below the national average, the lowest figure since the federal government started compiling the data in 1929; and

Whereas, Since the 1950s, Michigan has been a federal funding "donor" state, receiving less in federal funds than it collects through the 18.4 cent per gallon federal motor fuel excise tax. Under the current federal highway authorization act, this disparity in the distribution of highway funds continues. Implausibly, Michigan receives 92 cents on every \$1 it sends to Washington, D.C.; and

Whereas, Under the American Recovery and Reinvestment Act of 2009, Congress waived the state matching grant requirement in order to stimulate the economy by putting people back to work. During these nearly unprecedented economic times in Michigan, this waiver needs to be applied to the allocation of federal highway funds, particularly since Michigan has been subsidizing other states' roads for half a century; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we urge the United States Congress to enact legislation to waive for two years the requirement that Michigan match federal highway funds; and be it further

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

Pending the order that, under rule 3.204, the concurrent resolution be referred to the Committee on Government Operations and Reform,

Senator Cropsey moved that the rule be suspended.

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

The concurrent resolution was adopted.

Senators Barcia, Cassis, Clarke, Hardiman, Jacobs, Jansen, Kuipers, McManus, Pappageorge and Switalski were named co-sponsors of the concurrent resolution.

Senator Cassis offered the following resolution:

Senate Resolution No. 70.

A resolution to implore Governor Granholm to convince President Obama to grant Michigan a two-year waiver from federal matching requirements for federal-aid bridge and highway projects.

Whereas, Fifty-five years ago, General Motors' share of the domestic automobile market was almost 55 percent. The company's current home market share has dwindled to 19.6 percent, a drop of almost 2 percent within the last year alone. Over the past year, General Motors sales have fallen over 40 percent, from 1.5 million vehicles to 940,000 vehicles. Over the same period, Ford vehicle sales have fallen 32.7 percent, from 1.1 million to 743,000 vehicles; and Chrysler vehicle sales have fallen 45.7 percent, from 867,000 to 471,000 vehicles; and

Whereas, The Michigan economy has been devastated by the collapse of the domestic automobile industry. Within the past few years, the state has lost more than 700,000 auto industry-related jobs. It is expected that by the end of the decade, Michigan will have lost 1 million jobs. Of the 49 metropolitan areas in the county with over 1 million people, the Detroit-Warren-Livonia metropolitan area reported the highest unemployment rate in May 2009 at 14.9 percent. The two divisions that comprise this metropolitan area registered the highest jobless rates in the nation: Detroit-Livonia-Dearborn at 16 percent and Warren-Troy-Farmington Hills at 14.1 percent. Further, over the past year, Warren-Troy-Farmington Hills and Detroit-Livonia-Dearborn experienced the largest unemployment increases in the country (increasing by 6.7 and 6.4 percentage points, respectively). Unfortunately, the near future economic forecast is not promising as the statewide unemployment rate is expected to climb to 16.9 percent in 2010; and

Whereas, The disintegration of the domestic automobile industry is having a cascading effect on counties, cities, and villages. It has been projected that local governments are about to go through at least a decade where two-thirds of their principal revenue sources—property taxes—will not increase. In fact, the absolute dollar amount collected in property taxes in 2008 will not reach the same level of dollars collected until probably 2020 or 2022; and

Whereas, One of the key provisions of the American Recovery and Reinvestment Act (ARRA) of 2009, which apportioned \$873 million to Michigan, is that the federal government waived the 20 percent local match requirement for eligible state and local road and bridge projects. However, Michigan has billions in unmet state and local transportation infrastructure needs that will require the 20 percent match requirement. By waiving the local match requirement for two years, thousands of new road and bridge construction jobs will be created, which will not only assist our ailing local governments, but improve our critical state infrastructure; now, therefore, be it

Resolved by the Senate, That we implore Governor Granholm to convince President Obama to grant Michigan a two-year waiver from federal matching requirements for federal-aid bridge and highway projects; and be it further

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

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations and Reform,

Senator Cropsey moved that the rule be suspended.

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

The resolution was adopted.

Senators Anderson, Basham, Birkholz, Bishop, Brown, Clarke, Cropsey, Garcia, George, Gleason, Hardiman, Jacobs, Jansen, Jelinek, Kahn, Kuipers, McManus, Pappageorge, Prusi, Richardville, Switalski and Van Woerkom were named co-sponsors of the resolution.

Senator Cassis asked and was granted unanimous consent to make a statement and moved that the statement be printed in the Journal.

The motion prevailed.

Senator Cassis' statement is as follows:

Senate Resolution No. 70 is direct and to the point. It augments and reinforces all other efforts in this regard and is indicative of Michigan's extreme and critical special circumstances and needs. As we all know, Michigan still only receives 92 cents on every \$1 we send to the federal government. On top of that, we still have to match funds for extremely critical transportation funding in order to garner what is rightfully Michigan's fair share of transportation spending.

Today, we are calling on the Governor to use her influence, as she has just recently in requesting a federal loan targeting, among others, auto suppliers. Today, we also call on the Senate, a united voice to ask for a gubernatorial and presidential pledge to Michigan to provide for fair funding in very, very tumultuous times.

I ask for your support of this resolution.

Senators Pappageorge and Kuipers offered the following concurrent resolution:

Senate Concurrent Resolution No. 16.

A concurrent resolution to implore Governor Granholm to convince President Obama to grant Michigan a two-year waiver from federal matching requirements for federal-aid bridge and highway projects.

Whereas, Fifty-five years ago, General Motors' share of the domestic automobile market was almost 55 percent. The company's current home market share has dwindled to 19.6 percent, a drop of almost 2 percent within the last year alone. Over the past year, General Motors sales have fallen over 40 percent, from 1.5 million vehicles to 940,000 vehicles. Over the same period, Ford vehicle sales have fallen 32.7 percent, from 1.1 million to 743,000 vehicles; and Chrysler vehicle sales have fallen 45.7 percent, from 867,000 to 471,000 vehicles; and

Whereas, The Michigan economy has been devastated by the collapse of the domestic automobile industry. Within the past few years, the state has lost more than 700,000 auto industry-related jobs. It is expected that by the end of the decade, Michigan will have lost 1 million jobs. Of the 49 metropolitan areas in the county with over 1 million people, the Detroit-Warren-Livonia metropolitan area reported the highest unemployment rate in May 2009 at 14.9 percent. The two divisions that comprise this metropolitan area registered the highest jobless rates in the nation: Detroit-Livonia-Dearborn at 16 percent and Warren-Troy-Farmington Hills at 14.1 percent. Further, over the past year, Warren-Troy-Farmington Hills and Detroit-Livonia-Dearborn experienced the largest unemployment increases in the country (increasing by 6.7 and 6.4 percentage points, respectively). Unfortunately, the near future economic forecast is not promising as the statewide unemployment rate is expected to climb to 16.9 percent in 2010; and

Whereas, The disintegration of the domestic automobile industry is having a cascading effect on counties, cities, and villages. It has been projected that local governments are about to go through at least a decade where two-thirds of their principal revenue sources—property taxes—will not increase. In fact, the absolute dollar amount collected in property taxes in 2008 will not reach the same level of dollars collected until probably 2020 or 2022; and

Whereas, One of the key provisions of the American Recovery and Reinvestment Act (ARRA) of 2009, which apportioned \$873 million to Michigan, is that the federal government waived the 20 percent local match requirement for eligible state and local road and bridge projects. However, Michigan has billions in unmet state and local transportation infrastructure needs that will require the 20 percent match requirement. By waiving the local match requirement for two years, thousands of new road and bridge construction jobs will be created, which will not only assist our ailing local governments, but improve our critical state infrastructure; now, therefore, be it

Resolved by the Senate (the House of Representative concurring), That we implore Governor Granholm to convince President Obama to grant Michigan a two-year waiver from federal matching requirements for federal-aid bridge and highway projects; and be it further

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

Pending the order that, under rule 3.204, the concurrent resolution be referred to the Committee on Government Operations and Reform,

Senator Cropsey moved that the rule be suspended.

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

The concurrent resolution was adopted.

Senators Barcia, Cassis, Clarke, Hardiman, Jacobs, Jansen, McManus, Richardville and Switalski were named co-sponsors of the concurrent resolution.

Senator Pappageorge asked and was granted unanimous consent to make a statement and moved that the statement be printed in the Journal.

The motion prevailed.

Senator Pappageorge's statement is as follows:

The justification for these resolutions has already been adequately stated. I would just like to point out, if you ask why so many resolutions, it's because we want a lot of folks to pay attention to this. We want the President, Congress, and we ask our Governor to take the lead on rectifying a really bad situation.

Let me repeat what was said earlier. We collect the money, we send it all to Washington, D.C., and they return 92 cents on the \$1 back to us. Then they tell us that we can't have the 92 cents until we come up with another 20 percent match. So it is \$1.20 that we are sending to the feds for every 92 cents we get back. All we are asking here, given the hard times, is that for the next two years, we forego the 20 percent match and still give us back 92 cents out of our \$1.

By unanimous consent the Senate proceeded to the order of

Statements

Senators Brown, Scott, Patterson, Cropsey and Hunter asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Brown's statement is as follows:

Today, I am joining my colleague from the 30th District in introducing legislation that will drastically reduce instances of voter registration fraud in our state. Mr. President, numerous states prohibit groups conducting voter registration drives from establishing quotas or paying bonuses to employees based on the number of registrations collected. And why is that? Because these practices have been proven to encourage the submission of fraudulent applications.

Despite warnings from our Secretary of State and concerns raised by clerks around Michigan, it is still legal for groups like ACORN to offer bonuses or to establish quotas as a condition of employment here in Michigan. This leaves a gaping loophole in current law that greatly increases the chances of compromised elections.

Everyone is familiar with the cases of fraud associated with voter registration drives in the 2008 election. Around the country, registrations were submitted for Mickey Mouse, Jimmy Johns, and the entire starting lineup of the Dallas Cowboys, just to name a few. Here in Michigan, one clerk reported piles of registrations submitted with signatures in the same exact handwriting. Another reported that phone calls now to the registrants submitted by ACORN found that none were legitimate applications.

Our Secretary of State has issued a warning about this loophole in the election law. A department report states: "Many—if not all—of the falsified applications are being submitted by volunteers who are being paid by public interest organizations to register voters. Given the cash incentives involved, it appears that those completing and submitting the falsified registration forms are seeking to boost their earnings with the organizations that are paying them."

Mr. President, we have an obligation to protect our election system—our democracy—from those who would compromise the principle of one person, one vote. The bills we introduced today will help do just that.

Senator Scott's statement is as follows:

On Thursday, June 25, I was at a Women in Government conference and missed several votes. For the follow bills, Senate Bill Nos. 247, 248, 245, and 250 and House Bill No. 4438, I would have voted "no." For Senate Bill Nos. 237, 470, 449, 586, 587, and 588 and House Bill Nos. 4897, 4607, 4166, 4184, and 4998, I would have voted "yes."

The great lawyer Clarence Darrow once said, "As long as the world shall last there will be wrongs, and if no one objected and no one rebelled, these wrongs would last forever." We have heard our citizens object to the unfair auto insurance rates that many of them pay. Many of them are careful drivers. They don't have accidents, and they don't have points on their licenses. They pay their bills on time. They are responsible citizens. Yet they pay extraordinarily high auto insurance rates just because they live in a particular city or in a particular neighborhood.

People should not be penalized with higher rates simply because of their address. They should not be penalized because they choose to live near where they work, or they choose to live near their family. If they have a good driving record, then their auto insurance rates should reflect that record.

We can make the rules on this issue. We can give good drivers across Michigan the fair rates they deserve if we would just make this an important issue and move my bills.

Senator Patterson's statement, in which Senator Cropsey concurred, is as follows:

Recently, the United States House of Representatives took certain action. The action taken could be described as dramatic. As chair of this body's energy policy committee, I fear that history will conclude the House action, if enacted, will be described as devastating in its resultant outcome.

Having read the House resolution described affectionately as "cap and trade," it is my conclusion that it will ultimately institutionalize high unemployment, low growth, and a lesser standard of living for all Americans. When Speaker Pelosi asserts that cap and trade is about jobs, jobs, and jobs, there is absolutely no evidence to support her assertion. Nowhere in the world have energy mandates grown employments.

A study released earlier this year by the University of Illinois certainly casts doubt on all of her assertions. Claims of green jobs are unsubstantiated and overstated. Rather, energy mandates will kill more jobs in energy-dependent fields like steelmaking and manufacturing; industries that otherwise we have depended upon for years. Worse, cap and trade is entirely dependent on unrealistic claims in ability for renewables.

Literally, if we go down this path, we will end up in the dark. It is my considered opinion, having read the 1,000-plus pages in the resolution, unlike most of the House members who voted on it in Congress, that final enactment of this legislation will push us over the brink.

And for all of you who may have had some doubts, I did not meet my wife in school, nor did I meet her at my workplace. That is an inside joke that some of you may not have been paying attention to the teleprompter.

Senator Hunter's statement is as follows:

The Department of Human Services participates in on-site inspections of licensed day-care providers every two years. At that time, rule violations are posted online for a two-year period until the next on-site inspection. Currently, DHS does not require a provider to disclose previous incidents, even if the death of a child has occurred, after that two-year period.

Colleagues, bipartisan action is needed by the Legislature to place stricter guidelines on these reporting practices by childcare centers, group childcare homes, and family childcare homes. Parents and guardians should be aware of all past incidents that have taken place before making such an important decision on who will be caring for their child.

I would like to announce that I, along with Senator Mark Jansen, have offered a two-bill package addressing this very important issue affecting our state and the families and children of this great state. I would urge my Senate colleagues to co-sponsor, if you are willing.

Onto the next issue regarding the unemployment modernization proposal currently before this august body. Today, the Department of Energy, Labor, and Economic Growth is expected to announce Michigan's unemployment numbers for the month of June. It is not likely to be good news. As we await new unemployment numbers, thousands of Michigan families are waiting for us to act to provide a lifeline. This is why I rise today to again call for action on the unemployment modernization legislation that would not only help our workers stay afloat, but would also provide displaced workers up to 26 weeks of training benefits.

This unemployment modernization legislation would make Michigan eligible to receive almost \$140 million in federal funding through the American Recovery and Reinvestment Act—much-needed funds to help our unemployed workers survive. During this economic transition, we need to be exploring all avenues to counteract the loss of traditional manufacturing jobs and put Michigan's men and women back to work in new and growing fields. Passing this legislation would do just that.

Just yesterday, President Barack Obama was in Warren to announce a new initiative to help displaced workers get training and develop new job skills. This is exactly the type of training that these bills would help Michigan's unemployed workers pursue.

This legislation was passed by the House on May 6; yet, there still has been no action taken by the Senate. That is why we have launched an online petition that can be found by going to the Senate website, www.senate.michigan.gov. It is calling for action to secure the \$140 million to help our unemployed workers. Residents from around the state continue to share their struggles and continue to show their support to pass this plan. Every day that we wait on these bills prolongs the suffering of Michigan families, as more and more of the state's unemployed are running out of time to receive benefits.

Just this week, another state has approved the changes to their unemployment laws to receive the funding allocated to them, bringing the total to 27 states, while we are still sitting idly by. We should not pass up \$140 million in federal money to help Michigan workers survive, and we should not risk allowing our state's hard-earned tax dollars to go back to Washington unspent. We should not be ignoring the plight of our ever-growing unemployed as we strive to give them the support and training they need for their families to survive.

It is time to take up this legislation and extend a helping hand to Michigan workers. I urge my Republican colleagues to stand with Senate Democrats in doing so.

Senator Cropsey moved that rule 2.106 be suspended to allow committees to meet during Senate session. The motion prevailed, a majority of the members serving voting therefor.

By unanimous consent the Senate returned to the order of

Introduction and Referral of Bills

Senator George introduced
Senate Bill No. 681, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 5133 (MCL 333.5133), as amended by 1994 PA 420.

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

Senators George, Allen, Richardville and Birkholz introduced

Senate Bill No. 682, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 811e (MCL 257.811e), as amended by 2006 PA 562, and by adding section 811r.

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

Senators Anderson, Jacobs, Clark-Coleman, Brater, Prusi, Olshove, Cherry, Barcia, Gleason, Switalski, Whitmer, Scott, Thomas, Hunter and Richardville introduced

Senate Bill No. 683, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1312a.

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

Senator Gilbert introduced

Senate Bill No. 684, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 1 (MCL 205.51), as amended by 2008 PA 438.

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

Senator George introduced

Senate Bill No. 685, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 1 of chapter XI (MCL 711.1), as amended by 2000 PA 111.

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

Senator George introduced

Senate Bill No. 686, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 15f of chapter XVII (MCL 777.15f), as added by 2002 PA 206.

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

Senator George introduced

Senate Bill No. 687, entitled

A bill to amend 1945 PA 78, entitled "An act to declare the area of the state of Michigan," by amending the title and sections 1 and 2 (MCL 2.1 and 2.2).

The bill was read a first and second time by title and referred to the Committee on Local, Urban and State Affairs.

Senator George introduced

Senate Bill No. 688, entitled

A bill to amend 1964 PA 170, entitled "An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers, employees, and volunteers and for paying damages sought or awarded against them; to provide for the legal defense of public officers, employees, and volunteers; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal acts and parts of acts," by amending section 7 (MCL 691.1407), as amended by 2005 PA 318.

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

Senator George introduced

Senate Bill No. 689, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7333 (MCL 333.7333), as amended by 2006 PA 451.

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

Senator Brown introduced

Senate Bill No. 690, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," (MCL 168.1 to 168.992) by adding section 932c.

The bill was read a first and second time by title and referred to the Committee on Campaign and Election Oversight.

Senator Brown introduced

Senate Bill No. 691, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11d of chapter XVII (MCL 777.11d), as added by 2002 PA 31.

The bill was read a first and second time by title and referred to the Committee on Campaign and Election Oversight.

Senator Brown introduced

Senate Bill No. 692, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," (MCL 168.1 to 168.992) by adding section 931a.

The bill was read a first and second time by title and referred to the Committee on Campaign and Election Oversight.

Senator Brown introduced

Senate Bill No. 693, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 931 (MCL 168.931), as amended by 1996 PA 583.

The bill was read a first and second time by title and referred to the Committee on Campaign and Election Oversight.

Senators Kuipers and Brown introduced

Senate Bill No. 694, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 519 (MCL 168.519).

The bill was read a first and second time by title and referred to the Committee on Campaign and Election Oversight.

Senators Kuipers and Brown introduced

Senate Bill No. 695, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11d of chapter XVII (MCL 777.11d), as added by 2002 PA 31.

The bill was read a first and second time by title and referred to the Committee on Campaign and Election Oversight.

Senator Allen introduced

Senate Bill No. 696, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 7dd (MCL 211.7dd), as amended by 2008 PA 243.

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

Senator Allen introduced

Senate Bill No. 697, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending sections 8c and 9 (MCL 125.2688c and 125.2689), section 8c as amended by 2006 PA 284 and section 9 as amended by 2008 PA 495.

The bill was read a first and second time by title and referred to the Committee on Commerce and Tourism.

Senator Kuipers introduced

Senate Bill No. 698, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1278a (MCL 380.1278a), as amended by 2008 PA 316.

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

Senators Jansen, Richardville and Birkholz introduced

Senate Bill No. 699, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending section 23 (MCL 125.2023), as amended by 2002 PA 556.

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

Senators Cropsey, Richardville, Kahn and Birkholz introduced

Senate Bill No. 700, entitled

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending section 20 (MCL 445.920).

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

Senators Richardville, Kahn and Birkholz introduced

Senate Bill No. 701, entitled

A bill to amend 1971 PA 227, entitled "An act to prescribe the rights and duties of parties to home solicitation sales; to regulate certain telephone solicitation; to provide for the powers and duties of certain state officers and entities; and to prescribe penalties and remedies," by amending section 1 (MCL 445.111), as amended by 2002 PA 612.

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

Senators Hunter, Richardville, Kahn and Birkholz introduced

Senate Bill No. 702, entitled

A bill to amend 1965 PA 314, entitled "Public employee retirement system investment act," by amending section 13 (MCL 38.1133), as amended by 2008 PA 425.

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

Senators Kahn, Richardville and Birkholz introduced

Senate Bill No. 703, entitled

A bill to amend 1982 PA 162, entitled "Nonprofit corporation act," by amending section 1137 (MCL 450.3137), as added by 1984 PA 209.

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

Senators Jacobs, Richardville, Kahn and Birkholz introduced

Senate Bill No. 704, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 159g and 411j (MCL 750.159g and 750.411j), section 159g as amended by 2002 PA 124 and section 411j as amended by 2002 PA 136.

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

Senators Barcia, Richardville, Kahn and Birkholz introduced

Senate Bill No. 705, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 4701 (MCL 600.4701), as amended by 2007 PA 156.

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

Senators Olshove, Richardville, Kahn and Birkholz introduced

Senate Bill No. 706, entitled

A bill to amend 1980 PA 307, entitled "Savings and loan act of 1980," by amending section 515 (MCL 491.515), as added by 1987 PA 106.

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

Senators Thomas, Richardville, Kahn and Birkholz introduced

Senate Bill No. 707, entitled

A bill to amend 1986 PA 316, entitled "Michigan education trust act," by amending section 19 (MCL 390.1439).

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

Senators Stamas, Richardville, Kahn and Birkholz introduced

Senate Bill No. 708, entitled

A bill to amend 1986 PA 157, entitled "Michigan export development act," by amending section 10 (MCL 447.160), as amended by 2002 PA 302.

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

Senators Switalski, Richardville, Kahn and Birkholz introduced

Senate Bill No. 709, entitled

A bill to amend 1987 PA 173, entitled "Mortgage brokers, lenders, and servicers licensing act," by amending sections 1a and 29 (MCL 445.1651a and 445.1679), section 1a as amended by 2008 PA 66 and section 29 as amended by 2008 PA 529.

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

Senators Kuipers, Richardville, Kahn and Birkholz introduced

Senate Bill No. 710, entitled

A bill to amend 1994 PA 160, entitled "Credit services protection act," by amending section 2 (MCL 445.1822).

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

Senators McManus, Richardville, Kahn and Birkholz introduced

Senate Bill No. 711, entitled

A bill to amend 1962 PA 192, entitled "Professional service corporation act," by amending section 8 (MCL 450.228), as amended by 1998 PA 48.

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

Senators Birkholz, Richardville and Kahn introduced

Senate Bill No. 712, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 21528 and 50510 (MCL 324.21528 and 324.50510), section 21528 as amended by 1996 PA 181 and section 50510 as amended by 2002 PA 387.

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

House Bill No. 4383, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 509t (MCL 168.509t), as amended by 2004 PA 92.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Campaign and Election Oversight.

House Bill No. 4787, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 5, 507, and 1701a (MCL 380.5, 380.507, and 380.1701a), section 5 as amended by 2005 PA 61, section 507 as amended by 1995 PA 289, and section 1701a as amended by 2008 PA 1, and by adding sections 1280c and 1320 and part 6d.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

House Bill No. 4788, entitled

A bill to amend 1947 PA 336, entitled "An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; and to prescribe means of enforcement and penalties for the violation of the provisions of this act," by amending section 15 (MCL 423.215), as amended by 1994 PA 112.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

House Bill No. 4789, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 6 (MCL 388.1606), as amended by 2008 PA 268.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

House Bill No. 4993, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 509v and 509w (MCL 168.509v and 168.509w), as added by 1994 PA 441.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Campaign and Election Oversight.

House Bill No. 5058, entitled

A bill to authorize the department of natural resources to convey certain state owned property in Iosco county; to prescribe conditions for the conveyance; and to provide for disposition of the revenue from the conveyance.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

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

House Bill No. 5086, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending section 8c (MCL 125.2688c), as amended by 2006 PA 284.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Agriculture and Bioeconomy.

House Bill No. 5099, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending section 88k (MCL 125.2088k), as added by 2005 PA 215.

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Commerce and Tourism.

House Bill No. 5100, entitled

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

The House of Representatives has passed the bill and ordered that it be given immediate effect.

The bill was read a first and second time by title and referred to the Committee on Commerce and Tourism.

Recess

Senator Cropsey moved that the Senate recess until 2:30 p.m.

The motion prevailed, the time being 12:51 p.m.

The Senate reconvened at the expiration of the recess and pursuant to rule 1.101, in the absence of the Presiding Officers, the Senate was called to order by the Secretary of the Senate.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Garcia asked and was granted unanimous consent to make a statement and moved that the statement be printed in the Journal.

The motion prevailed.

Senator Garcia's statement is as follows:

I rise to give my voting intentions for the two weeks that I was gone during the last half of June. If you recall, I was gone away on military business to Carlisle, Pennsylvania.

Roll Call Nos. 247 and 248, "yes"; Roll Call Nos. 249 and 250, "no"; Roll Call No. 251, "yes"; Roll Call Nos. 252-255, "no"; Roll Call Nos. 256 and 258-268, "yes"; Roll Call Nos. 269 and 270, "no"; Roll Call No. 271, "yes"; Roll Call Nos. 272-279, "no"; Roll Call Nos. 280-282, "yes"; Roll Call Nos. 283-286, "no"; Roll Call No. 287, "yes"; Roll Call No. 288, "no"; Roll Call Nos. 289-291, "yes"; Roll Call Nos. 292 and 293, "no"; Roll Call Nos. 294 and 295, "yes"; Roll Call Nos. 296 and 297, "no"; Roll Call Nos. 298-303, "yes"; Roll Call No. 304, "no"; Roll Call Nos. 305-308, "yes"; Roll Call Nos. 309-317, "no"; Roll Call No. 318, "yes"; Roll Call Nos. 319 and 320, "no"; Roll Call No. 321, "yes"; Roll Call Nos. 322 and 323, "no"; Roll Call No. 324, "yes"; Roll Call Nos. 325-335, "no"; Roll Call Nos. 336-338, "yes"; Roll Call Nos. 339-344, "no"; Roll Call No. 345, "yes"; Roll Call Nos. 346-354, "no"; Roll Call Nos. 355-362, "yes"; Roll Call Nos. 363 and 364, "no"; Roll Call Nos. 366-370, "yes"; Roll Call Nos. 371 and 372, "no"; Roll Call Nos. 373-375, "yes"; Roll Call Nos. 376 and 377, "no"; and Roll Call No. 378, "yes."

Again, I wish to reiterate that I missed all of those votes because I was away for two weeks on military duty, and many of those votes were budget roll call votes.

The Assistant President pro tempore, Senator Sanborn, assumed the Chair.

The following communications were received and read:
Office of the Senate Majority Leader

July 15, 2009

Pursuant to Joint Rule 3, the Senate, having non-concurred in the House substitute (H-1) to Senate Bill 237, appoints the following members to sit on the conference committee:

Senator Cameron Brown, Chair
Senator Ron Jelinek
Senator Martha Scott

Thank you for your prompt consideration of this matter.

July 15, 2009

Pursuant to Joint Rule 3, the Senate, having non-concurred in the House substitute (H-1) to Senate Bill 243, appoints the following members to sit on the conference committee:

Senator Mark Jansen, Chair
Senator Tom George
Senator Martha Scott

Thank you for your prompt consideration of this matter.

July 15, 2009

Pursuant to Joint Rule 3, the Senate, having non-concurred in the House substitute (H-1) to Senate Bill 245, appoints the following members to sit on the conference committee:

Senator John Pappageorge, Chair
Senator Mark Jansen
Senator Deb Cherry

Thank you for your prompt consideration of this matter.

July 15, 2009

Pursuant to Joint Rule 3, the Senate, having non-concurred in the House substitute (H-1) to Senate Bill 247, appoints the following members to sit on the conference committee:

Senator Tom George, Chair
Senator Cameron Brown
Senator Irma Clark-Coleman

Thank you for your prompt consideration of this matter.

July 15, 2009

Pursuant to Joint Rule 3, the Senate, having non-concurred in the House substitute (H-4) to Senate Bill 248, appoints the following members to sit on the conference committee:

Senator Bill Hardiman, Chair
Senator Roger Kahn
Senator Martha Scott

Thank you for your prompt consideration of this matter.

July 15, 2009

Pursuant to Joint Rule 3, the Senate, having non-concurred in the House substitute (H-1) to Senate Bill 249, appoints the following members to sit on the conference committee:

Senator Alan Cropsey, Chair

Senator Roger Kahn

Senator Liz Brater

Thank you for your prompt consideration of this matter.

July 15, 2009

Pursuant to Joint Rule 3, the Senate, having non-concurred in the House substitute (H-1) to Senate Bill 250, appoints the following members to sit on the conference committee:

Senator Valde Garcia, Chair

Senator Alan Cropsey

Senator Jim Barcia

Thank you for your prompt consideration of this matter.

July 15, 2009

Pursuant to Joint Rule 3, the Senate, having non-concurred in the House substitute (H-1) to Senate Bill 254, appoints the following members to sit on the conference committee:

Senator Bill Hardiman, Chair

Senator Alan Cropsey

Senator Glenn Anderson

Thank you for your prompt consideration of this matter.

Sincerely,
Michael D. Bishop
Majority Leader
State Senate, 12th District

The communications were referred to the Secretary for record.

By unanimous consent the Senate returned to the order of
Messages from the House

Recess

Senator Brown moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 2:37 p.m.

2:57 p.m.

The Senate was called to order by the Assistant President pro tempore, Senator Sanborn.

Senate Bill No. 462, entitled

A bill to provide for the licensing of mortgage loan originators; to regulate the business practices of mortgage loan originators; to establish certain obligations of employees and principals of mortgage loan originators; to prescribe the powers and duties of certain state agencies and officials; and to provide remedies and prescribe penalties.

The House of Representatives has passed the bill and ordered that the bill be given immediate effect.

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

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

Senate Bill No. 463, entitled

A bill to amend 1987 PA 173, entitled "Mortgage brokers, lenders, and servicers licensing act," by amending the title and sections 1a, 2, 8, 10, 11, 12, 14, 29, and 33 (MCL 445.1651a, 445.1652, 445.1658, 445.1660, 445.1661, 445.1662,

445.1664, 445.1679, and 445.1683), the title as amended by 2008 PA 66, section 1a as amended by 2009 PA 13, section 2 as amended by 2008 PA 328, section 8 as amended by 2008 PA 326, section 10 as amended by 2008 PA 69, sections 11 and 12 as amended by 2008 PA 62, section 14 as amended by 2008 PA 63, section 29 as amended by 2008 PA 529, and section 33 as amended by 2008 PA 324; and to repeal acts and parts of acts.

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

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

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

Senate Bill No. 464, entitled

A bill to amend 1981 PA 125, entitled “The secondary mortgage loan act,” by amending the title and sections 1, 2, 6, 6a, 6b, 11, 13, 20, 22, and 27 (MCL 493.51, 493.52, 493.56, 493.56a, 493.56b, 493.61, 493.63, 493.70, 493.72, and 493.77), the title and sections 2, 6, 6a, 6b, 11, 13, 20, and 22 as amended by 2008 PA 325, section 1 as amended by 2009 PA 14, and section 27 as amended by 2008 PA 530; and to repeal acts and parts of acts.

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

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

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

Senate Bill No. 465, entitled

A bill to amend 1988 PA 161, entitled “Consumer financial services act,” by amending section 9 (MCL 487.2059), as amended by 2009 PA 12.

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

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

The Senate agreed to the full title.

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

Senator Thomas asked and was granted unanimous consent to make a statement and moved that the statement be printed in the Journal.

The motion prevailed.

Senator Thomas’ statement is as follows:

I thank you all for indulging me and staying in session a few minutes longer. This is an exciting, sad, and bittersweet day for my office because we are getting ready to say goodbye to one of the most valuable members of my team.

Allison Kriger joined my office about three and a half years ago as an intern. She was a student at Michigan State University still working on her undergraduate degree. She had this wonderful voice, this wonderful enthusiasm, great smile, and she turned that internship into volunteering and working and eventually became a part-time employee. I just kept promoting her and promoting her and promoting her because she is just as good as can be.

She is a constituent of mine. We grew up about a quarter mile away from each other. It turns out that my parents know her parents. We didn’t know this when she joined my staff. She is a remarkable light, a remarkable individual whom the state of Michigan is so fortunate to have. She is someone who could go anywhere, write her ticket and do anything anywhere in the country, and she chooses to stay in Michigan.

She has been accepted to law school at Wayne State University. She is going back home to go to Detroit to learn and study the law. I am so proud of her. I can’t begin to tell you how much I am going to miss her. There are few people who can deal with my moods and deal with some days—he is there and some days he is not there. Allison always does it with grace and a smile. I can’t tell you how much it has meant to have her on my staff these past three and a half years.

We have hired her replacement and she has big shoes to fill. I am going to tremendously miss Allison, but the fact that I know that I do just live a couple of blocks away from her, I still get to see her. I want to say thank you to her for all that she has done for me and for the citizens of the 4th Senate District. We are going to miss her tremendously. I hope my colleagues will join me in saying thank you to Allison Kriger for her years of service to the state of Michigan.

Committee Reports**COMMITTEE ATTENDANCE REPORT**

The Legislative Retirement Board of Trustees Investment Subcommittee submitted the following:
Meeting held on Tuesday, May 12, 2009, at 3:15 p.m., Room S-927, South Tower, House Office Building
Present: Senator Clarke

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Tourism submitted the following:
Meeting held on Wednesday, July 15, 2009, at 9:00 a.m., Room 100, Farnum Building
Present: Senators Allen (C), Gilbert and Clarke
Excused: Senators Stamas and Hunter

Scheduled Meetings

Legislative Commission on Statutory Mandates - Tuesday, July 21, 9:00 a.m., Room 426, Capitol Building (373-0212)

Legislative Retirement Board of Trustees - Thursdays, September 10 and December 3, 2:00 p.m., Room H-252, Capitol Building (373-0575)

State Drug Treatment Court Advisory Committee - Tuesday, July 28, 9:30 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (373-0212)

Senator Brown moved that the Senate adjourn.
The motion prevailed, the time being 3:09 p.m.

In pursuance of the order previously made, the Assistant President pro tempore, Senator Sanborn, declared the Senate adjourned until Wednesday, July 22, 2009, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate