

No. 17
STATE OF MICHIGAN
Journal of the Senate
96th Legislature
REGULAR SESSION OF 2011

Senate Chamber, Lansing, Thursday, February 24, 2011.

10:00 a.m.

The Senate was called to order by the President, Lieutenant Governor Brian N. Calley.

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

Anderson—present
Bieda—present
Booher—present
Brandenburg—present
Casperson—present
Caswell—present
Colbeck—present
Emmons—present
Gleason—present
Green—present
Gregory—present
Hansen—present
Hildenbrand—present

Hood—present
Hopgood—present
Hune—present
Hunter—present
Jansen—present
Johnson—excused
Jones—present
Kahn—present
Kowall—present
Marleau—present
Meekhof—present
Moolenaar—present
Nofs—present

Pappageorge—present
Pavlov—present
Proos—present
Richardville—present
Robertson—present
Rocca—present
Schuitmaker—present
Smith—present
Walker—present
Warren—present
Whitmer—present
Young—present

Senator Tupac A. Hunter of the 5th District offered the following invocation:

Father in Heaven, holy and reverent is Your name. Thank You so much for this day. Thank You for health and strength sufficient to praise You before this body assembled here this morning. It is by Your mercies that we are here. Your compassion for Your people never fails. Your grace and mercy are new every morning. Great is Your faithfulness.

Lord, You know the challenges of our state, but I believe that You have called every man and woman of our government for such a time as this. So I humbly pray that You bless each and every one of us with the knowledge, wisdom, and strength to make decisions that are best for the fiscal health of our state, as well as for the general welfare of all of our citizens. Lord, I pray that You would be in the midst of our deliberations and debate so that we would govern most responsibly and justly.

Scripture teaches us that when the righteous are in authority, the people rejoice; but when the wicked rule, the people mourn. So I pray that You search the heart of every man and woman in authority in this body, as well as every branch and level of our government. I pray that You use every one of us to carry out Your will for Your people according to Your way and for Your divine purpose.

Also You have said in Scripture: "If my people, which are called by my name, shall humble themselves, and pray, and seek my face, and turn from their wicked ways; then I will hear from heaven, and will forgive their sin, and will heal their land."

The state of Michigan and its people need You desperately right now, Lord. So I pray that every household represented here, as well as those of our constituents residing in all 38 districts across this state, would humbly seek Your face in these difficult times, call upon Your holy name, and most importantly, repent. As the great prophet Isaiah wrote, "The Lord is our judge, the Lord is our lawgiver, the Lord is our king; he will save us."

So thank You this morning, Lord, for providing to all who would believe the free gift of salvation in the person of Jesus Christ, who died for our sins according to the Scriptures, was buried, and rose again the third day, according to the Scriptures.

For it is in His name that I do reverently pray. Amen.

The President, Lieutenant Governor Calley, led the members of the Senate in recital of the *Pledge of Allegiance*.

Motions and Communications

Senators Kahn and Brandenburg entered the Senate Chamber.

Senator Hunter moved that Senator Smith be temporarily excused from today's session.
The motion prevailed.

Senator Hunter moved that Senator Johnson be excused from today's session.
The motion prevailed.

Senator Meekhof moved that Senators Booher, Emmons and Pavlov be temporarily excused from today's session.
The motion prevailed.

Senator Meekhof moved that rule 3.902 be suspended to allow the guests of Senator Kowall admittance to the Senate floor, including the center aisle.

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

Senator Meekhof moved that rule 3.901 be suspended to allow photographs to be taken from the Senate floor, including the center aisle.

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

Recess

Senator Meekhof moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:07 a.m.

10:10 a.m.

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

During the recess, Senator Kowall introduced Clara Bohrer, director of the West Bloomfield Township Public Library, recipient of the 2010 National Medal for Museum and Library Service, and presented her with a Special Tribute.

During the recess, Senators Emmons, Booher and Pavlov entered the Senate Chamber.

The Secretary announced that the following House bills were received in the Senate and filed on Thursday, February 24:
House Bill Nos. 4214 4215 4216 4217 4218 4246

The Secretary announced that the following official bills and joint resolution were printed on Wednesday, February 23, and are available at the legislative website:

Senate Bill Nos.	169	170	171	172	173	174	175	176	177	178	179	180	181	182
	183	184	185	186	187	190	191	192	193	194	195	196		
Senate Joint Resolution	G													
House Bill Nos.	4304	4305	4306	4307	4308	4309	4310	4311	4312	4313	4314	4315		

Messages from the Governor

The following message from the Governor was received on February 23, 2011, and read:

EXECUTIVE ORDER No. 2011-4

Department of Energy, Labor and Economic Growth
Department of Licensing and Regulatory Affairs
Department of Community Health
Department of Civil Rights
Department of Environmental Quality
Department of Education
Department of Technology, Management and Budget
Michigan Strategic Fund
Workforce Development Agency
Michigan Administrative Hearing System

Executive Reorganization

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power in the Governor; and
 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 which the Governor considers necessary for efficient administration; and

WHEREAS, Section 8 of Article V of the Michigan Constitution of 1963 provides that each principal department shall be under the supervision of the Governor, unless otherwise provided by the constitution; and

WHEREAS, there is a continued need to reorganize functions among state departments to ensure efficient administration; and

WHEREAS, programs, agencies, and commissions should be placed among the principal departments on a consistent, logical basis in order to ensure the most efficient use of taxpayer dollars and to allow the state to offer more streamlined services; and

WHEREAS, the administration's primary objective is the creation and cultivation of jobs; and

WHEREAS, economic development is an essential tool to attract and create jobs; and

WHEREAS, Michigan's economic development programs will benefit from greater consolidation of, and cooperation with, workforce development programs; and

WHEREAS, the citizens of the state of Michigan deserve an administrative hearing process that is efficient, fair, and responsive; and

WHEREAS, the centralization of administrative hearing functions will eliminate unnecessary duplication and streamline the delivery of necessary services; and

WHEREAS, it is in the public interest to achieve greater efficiency by abolishing harmful, redundant, or obsolete government agencies;

NOW, THEREFORE, I, Richard D. Snyder, Governor of the State of Michigan, pursuant to the powers vested in me by the constitution of the State of Michigan of 1963 and the laws of the State of Michigan, order the following:

I. DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

A. The Department of Energy, Labor, and Economic Growth is renamed the Department of Licensing and Regulatory Affairs.

B. The Director of the Department shall provide executive direction and supervision for the implementation of all transfers of authority to the Department of Licensing and Regulatory Affairs made under this Order.

C. The Director of the Department shall administer the assigned functions transferred by 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 prescribed by this Order.

D. The Director of the Department and the directors of all other state departments and agencies having authority transferred to the Department of Licensing and Regulatory Affairs under this Order shall immediately initiate coordination to facilitate the transfers and develop memoranda of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved related to the authority to be transferred.

E. All records, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to any entity for the activities, powers, duties, functions and responsibilities transferred to the Department of Licensing and Regulatory Affairs by this Order are hereby transferred to the Department of Licensing and Regulatory Affairs.

F. The Director of the Department of Licensing and Regulatory Affairs may delegate a duty or power conferred by law or this Order and the person to whom such duty or power is delegated may perform such duty or exercise such power at the time and to the extent that such duty or power is delegated by the Director of the Department of Licensing and Regulatory Affairs.

G. The Department of Technology, Management and Budget shall determine and authorize the most efficient manner possible for handling financial transactions and records in the state's financial management system for the remainder of the fiscal year for transfers made under this Order.

H. All rules, orders, contracts and agreements relating to the functions transferred to the Department of Licensing and Regulatory Affairs by this Order lawfully adopted prior to the effective date of this Order by the responsible state agency shall continue to be effective until revised, amended, or rescinded.

I. Any suit, action, or other proceeding lawfully commenced by, against, or before any entity transferred to the Department of Licensing and Regulatory Affairs by this Order shall not abate by reason of the taking effect of this Order. Any lawfully commenced suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected by this Order.

J. Any statutory references to the Department of Energy, Labor, and Economic Growth not inconsistent with this Order shall be deemed references to the Department of Licensing and Regulatory Affairs.

K. References to the Department of Licensing and Regulatory Affairs in this order may be deemed to be references to its named predecessor agencies.

II. DEPARTMENT OF COMMUNITY HEALTH

A. Bureau of Health Professions

1. The Bureau of Health Professions is transferred from the Department of Community Health to the Department of Licensing and Regulatory Affairs. Any authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations or other funds, including the functions of budgeting and procurement, of the Bureau of Health Professions of the Department of Community Health, including its Licensing Division, the Health Investigation Division, the Health Regulatory Division, the Administration Division, the Health Professional Recovery Program, and any board, commission, council, or similar entity within the Bureau of Health Professions, including the authority to regulate health professionals licensed, registered, or certified under Articles 1, 7, and 15 of the Michigan Public Health Code, 1978 PA 368, MCL 333.7101 to 333.7545, 333.16101 to 333.18838, are transferred from the Department of Community Health to the Department of Licensing and Regulatory Affairs.

2. Any authority, powers, duties, functions and responsibilities of the Bureau of Health Professions of the Department of Community Health under the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCL 333.26421 to 333.26430, are transferred from the Department of Community Health to the Department of Licensing and Regulatory Affairs.

3. Any authority, powers, duties, functions, and responsibilities of management support within the Department of Community Health for programs or functions within the Bureau of Health Professions are transferred from the Department of Community Health to the Director of the Department of Licensing and Regulatory Affairs.

4. Any authority, powers, duties, functions, and responsibilities concerning the promulgation of rules by the Department of Community Health related to the Bureau of Health Professions, and any board, commission, council, or other similar entity within the Bureau of Health Professions, are transferred to the Department of Licensing and Regulatory Affairs.

5. Any Bureau of Health Professions licensing council, board, or task force shall retain all of its statutory authority, powers, duties, functions, and responsibilities that are consistent with this Order.

B. Part 209 of the Michigan Public Health Code

1. Any authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations or other funds, including the functions of budgeting and procurement, of the Department of Community Health regarding the registration, licensing, or regulation of professional occupations arising from Part 209 of the Michigan Public Health Code, 1978 PA 368, MCL 333.20901 to 333.20979, including any board, commission, council, or similar entity providing regulation of health professionals licensed, registered, or certified under Article 17 of the Public Health Code, are transferred from the Department of Community Health to the Department of Licensing and Regulatory Affairs.

2. Any authority, powers, duties, functions, and responsibilities of management support within the Department of Community Health for programs or functions relative to the registration, licensing, or enforcement of professional occupations under Part 209 of the public Health Code are transferred from the Department of Community Health to the Department of Licensing and Regulatory Affairs.

3. Any authority, powers, duties, functions, and responsibilities of the Department of Community Health related to the promulgation of rules related to the registration, licensing, or regulation of professional occupations under the Part 209 of the Public Health Code, are transferred to the Department of Licensing and Regulatory Affairs.

C. Bureau of Health Systems

1. The Bureau of Health Systems is transferred from the Department of Community Health to the Department of Licensing and Regulatory Affairs. Any authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations or other funds, including the functions of budgeting and procurement, of the Bureau of Health Systems of the Department of Community Health, including its Division of Health Facilities and Services, the Division of Licensing and Certification, the Division of Nursing Home Monitoring, and the Division of Operations, and any board, commission, council, or similar entity within the Bureau of Health Systems, are transferred from the Department of Community Health to the Department of Licensing and Regulatory Affairs.

2. Any authority, powers, duties, functions, and responsibilities of management support within the Department of Community Health for programs or functions within the Bureau of Health Systems are transferred from the Department of Community Health to the Department of Licensing and Regulatory Affairs.

3. The transfers under this Section II.C. include but are not limited to any authority, powers, duties, functions and responsibilities of the Bureau of Health Systems under the following:

a. Parts 135, 201, 205, 208, 213, 214, 215, and 217 of the Public Health Code, 1978 PA 368, as amended, MCL 333.13501 to 333.13536, 333.20101 to 333.20211, 333.20501 to 20554, 333.20801 to 333.20821, 333.21401 to 333.21571, and 333.21701 to 333.21799e.

b. Titles XVIII and XIX of the federal Social Security Act of 1965 and the federal Clinical Laboratory Improvement Act of 1988.

4. The directors of the departments shall immediately initiate coordination to facilitate the transfers and develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the departments.

5. Any authority, powers, duties, functions, and responsibilities related to the promulgation of rules by the Department of Community Health related to the Bureau of Health Systems, and any board, commission, council, or other similar entity within the Bureau of Health Systems are transferred to the Department of Licensing and Regulatory Affairs.

6. All records, property, unexpended balances of appropriations, allocations or other funds used, held, employed, available, or to be made available to the Bureau of Health Systems for the activities, powers, duties, functions, and responsibilities transferred by this Section II. C. are transferred to the Department of Licensing and Regulatory Affairs.

D. Controlled Substances Advisory Commission

The Controlled Substances Advisory Commission created under Section 7111 of the Public Health Code, 1978 PA 368, MCL 333.7111, together with any authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations or other funds, including the functions of budgeting and procurement, of the Controlled Substances Advisory Commission, are transferred from the Department of Community Health to the Department of Licensing and Regulatory Affairs.

III. DEPARTMENT OF CIVIL RIGHTS

A. Disability Concerns Commission

The Disability Concerns Commission, created by Executive Order 2009-28, MCL 445.2012, together with any authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations or other funds, including the functions of budgeting and procurement, of the Disability Concerns Commission, are transferred from the Department of Licensing and Regulatory Affairs to the Department of Civil Rights.

B. Division on Deaf and Hard of Hearing; Advisory Council on Deaf and Hard of Hearing

The Division on Deaf and Hard of Hearing and the Advisory Council on Deaf and Hard of Hearing are transferred from the Department of Licensing and Regulatory Affairs to the Department of Civil Rights. Any authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations or other funds, including the functions of budgeting and procurement of the Division on Deaf and Hard of Hearing and the Advisory Council on Deaf and Hard of Hearing, including but not limited to the statutory authority, powers, duties, functions, and responsibilities set forth in 1937 PA 72, as amended, MCL 408.201 through 408.210, and 1982 PA 204, Sections 393.501 through 393.509, are transferred from the Department of Licensing and Regulatory Affairs to the Department of Civil Rights.

C. Pacific American Affairs Commission

The new Pacific American Affairs Commission and the Office of Asian Pacific American Affairs created under Executive Order 2009-21, MCL 445.1992, together with any authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations or other funds, including the functions of budgeting and procurement, of the new Pacific American Affairs Commission and the Office of Asian Pacific American Affairs are transferred from the Department of Licensing and Regulatory Affairs to the Department of Civil Rights.

D. Hispanic/Latino Commission

The Hispanic/Latino Commission and the Office of Hispanic Latino Affairs created by 1975 PA 164, as amended, MCL 18.301 through 18.308, together with any authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations or other funds, including the functions of budgeting and procurement, of the Hispanic/Latino Commission and the Office of Hispanic Latino Affairs are transferred from the Department of Licensing and Regulatory Affairs to the Department of Civil Rights.

E. Implementation of Transfers to Department of Civil Rights

1. All records, personnel, property, unexpended balances of appropriations, allocations, or other funds used, held, employed, available, or to be made available to the Department of Licensing and Regulatory Affairs for the activities, powers, duties, functions, and responsibilities transferred by Section III of this Order are transferred to the Department of Civil Rights.

2. The Director of the Department Civil Rights, after consultation with the Director of the Department of Licensing and Regulatory Affairs, shall provide executive direction and supervision for the implementation of the transfers. The assigned functions shall be administered under the direction and supervision of the Director of the Department of Civil Rights.

3. The directors of the departments shall immediately initiate coordination to facilitate the transfers and shall develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Department of Civil Rights.

4. The Director of the Department of Civil Rights shall administer any assigned functions 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 prescribed by this Order.

IV. DEPARTMENT OF ENVIRONMENTAL QUALITY**A. Bureau of Energy Systems**

Any authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations or other funds, including the functions of budgeting and procurement, of the Bureau of Energy Systems related to energy policy, energy efficiency, alternative energy, green infrastructure, green programs and practices, low-impact design, sustainability, and recycling transferred to the Department of Energy Labor and Economic Growth under Executive Order 2008-20 are transferred to the Department of Environmental Quality.

B. Implementation of Transfers to Department of Environmental Quality

1. All records, personnel, property, unexpended balances of appropriations, allocations, or other funds used, held, employed, available, or to be made available to the Department of Licensing and Regulatory Affairs for the activities, powers, duties, functions, and responsibilities transferred by Section IV of this Order are transferred to the Department of Environmental Quality.

2. The Director of the Department of Environmental Quality, after consultation with the Director of the Department of Licensing and Regulatory Affairs, shall provide executive direction and supervision for the implementation of the transfers. The assigned functions shall be administered under the direction and supervision of the Director of the Department of Environmental Quality.

3. The directors of the departments shall immediately initiate coordination to facilitate the transfers and shall develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Department of Environmental Quality.

4. The Director of the Department of Environmental Quality shall administer the assigned functions 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 prescribed by this Order.

V. DEPARTMENT OF EDUCATION

A. Youth Employment Act aspects of the Wage Hour Division

Any authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations or other funds, including the functions of budgeting and procurement, of the Wage Hour Division relative to the Youth Employment Act, 1978 PA 90, MCL 409.101 to 409.124, are transferred from the Department of Licensing and Regulatory Affairs to the Department of Education.

B. Implementation

1. All records, personnel, property, unexpended balances of appropriations, allocations, or other funds used, held, employed, available, or to be made available to the Department of Licensing and Regulatory Affairs for the activities, powers, duties, functions, and responsibilities transferred by Section V of this Order are transferred to the Department of Education.

2. The Superintendent of Public Instruction, after consultation with the Director of the Department of Licensing and Regulatory Affairs, shall provide executive direction and supervision for the implementation of the transfers. The assigned functions shall be administered under the direction and supervision of the Superintendent of Public Instruction.

3. The director of the department and the Superintendent of Public Instruction shall immediately initiate coordination to facilitate the transfers and shall develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Department of Education.

4. The Superintendent of Public Instruction shall administer any assigned functions 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 prescribed by this Order.

VI. DEPARTMENT OF TECHNOLOGY, MANAGEMENT AND BUDGET

A. Labor Market Information and Strategies

The Bureau of Labor Market Information and Strategies, and any authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations or other funds, including the functions of budgeting and procurement, of the Bureau of Labor Market Information and Strategies are transferred from the Department of Licensing and Regulatory Affairs to the Department of Technology, Management and Budget.

B. State Unemployment Rate Certification

Any authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations or other funds, including the functions of budgeting and procurement, of the Director of the Department of Licensing and Regulatory Affairs under Section 353 of the Management and Budget Act, 1984 PA 431, MCL 18.1353, regarding certification of the seasonally adjusted state unemployment rate, are transferred from the Department of Licensing and Regulatory Affairs to the Department of Technology, Management and Budget.

C. Implementation

1. All records, personnel, property, unexpended balances of appropriations, allocations, or other funds used, held, employed, available, or to be made available to the Department of Licensing and Regulatory Affairs for the activities, powers, duties, functions, and responsibilities transferred under Section VI of this Order are transferred to the Department of Technology, Management and Budget.

2. The Director of the Department of Technology, Management and Budget, after consultation with the Director of the Department of Licensing and Regulatory Affairs, shall provide executive direction and supervision for the implementation of the transfers. The assigned functions shall be administered under the direction and supervision of the Director of the Department of Technology, Management and Budget.

3. The directors of the departments shall immediately initiate coordination to facilitate the transfers and shall develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Department of Technology, Management and Budget.

4. The Director of the Department of Technology, Management and Budget shall administer any assigned functions 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 prescribed by this Order.

VII. MICHIGAN STRATEGIC FUND

A. Prevailing Wages on State Projects Act

Any authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations or other funds, including the functions of budgeting and procurement, of the Wage Hour Division relative to prevailing wages on state projects created by the Prevailing Wages on State Projects Act, 1965 PA 166, as amended, MCL 408.551 to 408.558, are transferred from the Department of Energy Labor and Economic Growth to the Michigan Strategic Fund.

B. Energy Efficiency and Renewable Energy Revolving Loan Fund

The Energy Efficiency and Renewable Energy Revolving Loan Fund and any authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations or other funds, including the functions of budgeting and procurement, relative to administration of the Energy Efficiency and Renewable Energy Revolving Loan

Fund created by 2009 PA 242, MCL 460.911 to 460.913, are transferred from the Department of Energy Labor and Economic Growth to the Michigan Strategic Fund.

C. Michigan Next Energy Authority

1. The Michigan Next Energy Authority and any authority, powers, duties, functions, responsibilities, personnel, property, unexpended balances of appropriations, or other funds of the Michigan Next Energy Authority are transferred from the Department of Energy Labor and Economic Growth to the Michigan Strategic Fund.

2. The Michigan Next Energy Authority shall exercise its prescribed powers, duties, functions, and responsibilities independent of the President of the Michigan Strategic Fund. However, budgeting, procurement, and related administrative or management functions of the Michigan Next Energy Authority assigned to the Director of the Department of Labor and Economic Growth under Executive Order 2003-18, MCL 445.2011, shall be performed by the President of the Michigan Strategic Fund. The Department of Treasury shall function as the appointing authority for any civil service employees of the Authority.

D. The Bureau of Energy Systems

The Bureau of Energy Systems, and any authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations or other funds, including the functions of budgeting and procurement, relative to administration of the Bureau of Energy Systems, other than those transferred to the Department of Environmental Quality under Section IV.A. of this Order, are hereby transferred from the Department of Licensing and Regulatory Affairs to the Michigan Strategic Fund.

E. Michigan Economic Growth Authority

1. The position as a member of the Michigan Economic Growth Authority designated for the Director of the Department of Licensing and Regulatory Affairs or his or her representative pursuant to Executive Order 2003-18, MCL 445.2011, is transferred to the President of the Michigan Strategic Fund or his or her representative.

2. The position as Chairperson of the Michigan Economic Growth Authority designated for the Director of the Department of Treasury, or his or her representative from within the Department of Treasury, pursuant to Executive Order 2010-3, is transferred to the President of the Michigan Strategic Fund or his or her representative.

F. The Michigan State Housing Development Authority

1. The Michigan State Housing Development Authority, created by 1966 PA 346, MCL 125.1421 et seq., is hereby transferred intact to the Michigan Strategic Fund. The Michigan State Housing Development Authority shall retain all of its statutory authority, powers, duties, functions, responsibilities, records, personnel, property, and unexpended balances of appropriations. The Michigan State Housing Development Authority shall also retain control of all monies and funds, including but not limited to, grants, bonds, notes, reserves, and trust funds, subject to any agreements of the Michigan State Housing Development Authority with note and bond holders.

2. The Michigan State Housing Development Authority shall exercise its prescribed statutory powers, duties, and functions independent of the Michigan Strategic Fund. The budgeting, procurement, and related management functions of the Michigan State Housing Development Authority shall be performed under the direction and supervision of the President of the Michigan Strategic Fund. When directing and supervising the budgeting, procurement, and related management functions of the Michigan State Housing Development Authority, the President of the Michigan Strategic Fund shall remain cognizant of the rights of the holders of Michigan State Housing Development Authority bonds or notes. The Michigan State Housing Development Authority shall remain as the appointing authority for any civil service employees of the Michigan State Housing Development Authority. Certain Michigan State Housing Development Authority bond or note contracts may require the Michigan State Housing Development Authority to either maintain sufficient personnel or contract for services to plan Michigan State Housing Development Authority programs and to supervise enforcement and, where necessary, foreclosure of Michigan State Housing Development Authority mortgage agreements.

3. The transfer of the Michigan State Housing Development Authority under Section VII.F.1 is subject to any agreement executed prior to the issuance of this order with note holders, bond holders, or issuers of instruments that are guaranteed.

4. Nothing in this Order shall be construed to affect the status of moneys of the Michigan State Housing Development Authority. Moneys of the Michigan State Housing Development Authority are not moneys of this state, nor the Michigan Strategic Fund, and shall continue to be non-state funds. State funds appropriated to the Michigan State Housing Development Authority lose their identity as state funds upon payment to the Michigan State Housing Development Authority and become public funds of the Michigan State Housing Development Authority under the control of the Michigan State Housing Development Authority. Funds established by or within the Michigan State Housing Development Authority are public trust funds administered by the Michigan State Housing Development Authority.

5. Nothing in this order shall be construed to impair the obligations of any bond issued by or on behalf of the Michigan State Housing Development Authority. Bonds and notes issued by or on behalf of the Michigan State Housing Development Authority are obligations of the Michigan State Housing Development Authority and not obligations of this state, nor the Michigan Strategic Fund.

6. All rules, orders, contracts and agreements lawfully adopted or entered into prior to the effective date of this order by the Michigan State Housing Development Authority shall continue to be effective until revised, amended, or rescinded.

G. The State Land Bank Fast Track Authority

1. The State Land Bank Fast Track Authority created under Section 15 of the Land Bank Fast Track Authority Act, 2003 PA 258, MCL 124.765, is transferred to the Michigan Strategic Fund.

2. The State Land Bank Fast Track Authority shall exercise its prescribed statutory powers, duties, and functions independent of the Michigan Strategic Fund. The budgeting, procurement, and related management functions of the State Land Bank Fast Track Authority shall be performed under the direction and supervision of the President of the Michigan Strategic Fund. When directing and supervising the budgeting, procurement, and related management functions of the State Land Bank Fast Track Authority, the President of the Michigan Strategic Fund shall remain cognizant of the rights of the holders of State Land Bank Fast track Authority bonds or notes.

3. The transfer of the authority, powers, duties, functions, responsibilities, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds of the State Land Bank Fast track Authority with respect to issuance of bonds or notes to the Michigan Finance Authority pursuant to Section IV.L.1. of Executive Order 2010-2 is ratified and confirmed.

H. Implementation of Transfers to the Michigan Strategic Fund

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

2. The President of the Michigan Strategic Fund, after consultation with the Director of the Department of Licensing and Regulatory Affairs and the Department of Treasury, shall provide executive direction and supervision for the implementation of the transfers. The assigned functions shall be administered under the direction and supervision of the President of the Michigan Strategic Fund.

3. The director of the department and the President of the Michigan Strategic Fund shall immediately initiate coordination to facilitate the transfers and shall develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Michigan Strategic Fund.

4. The President of the Michigan Strategic Fund shall administer any assigned functions 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 prescribed by this Order.

VIII. WORKFORCE DEVELOPMENT AGENCY**A. Creation of the Workforce Development Agency**

The Workforce Development Agency is created within the Michigan Strategic Fund.

B. Workforce Transformation

Except as otherwise provided in Section VIII.C. of this Order, any authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations or other funds, including the functions of budgeting and procurement, of the Bureau of Workforce Transformation within the Department of Licensing and Regulatory Affairs, including but not limited to, any board, commission, council, or similar entity, and any rule making authority of the Bureau, are transferred to the Workforce Development Agency.

C. Authority Retained by Department of Licensing and Regulatory Affairs

Any authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations or other funds, including the functions of budgeting and procurement, under the following statutes are not transferred under Section VIII.B. of this Order and are retained by the Department of Licensing and Regulatory Affairs:

a. Sections 1 through 5 of the Proprietary Schools Act, 1943 PA 148, MCL 395.101 to 395.104, regarding the permitting and licensing of proprietary schools;

b. Sections 1 to 5 of the Private Trade Schools, Business Schools, Correspondence Schools, and Institutes Act, 1963 PA 40, MCL 395.121 to 395.125, regarding the permitting of solicitors;

c. Sections 170 to 177 of the Michigan General Corporations Act, 1931 PA 327, MCL 450.170 to 177, regarding educational corporations and foundations.

D. Center for Educational Performance and Information Board

The position on the Center for Educational Performance and Information Advisory Committee designated for a representative of the Department of Career Development under Section 94a of the State School Aid Act of 1979, 1979 PA 94, MCL 388.1694a, and transferred to the Director of the Department of Energy Labor and Economic Growth, or his or her authorized representative, under Executive Order 2003-18, MCL 445.2011, is transferred to the Director of the Workforce Development Agency, or his or her authorized representative.

E. Michigan Merit Award Board

The position on the Michigan Merit Award Board designated for the Director of the Department of Career Development under Section 4 of the Michigan Merit Award Act, 1999 PA 94, MCL 390.1454, and transferred to the Director of the

Department of Energy Labor and Economic Growth or his or her authorized representative under Executive Order 2003-18, MCL 445.2011, is transferred to the Director of the Workforce Development Agency, or his or her authorized representative.

F. Council for Labor and Economic Growth

The Council for Labor and Economic Growth, created by Executive Order 2004-36, as amended by Executive Order 2006-15, together with any authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations or other funds, including the functions of budgeting and procurement, of the Council for Labor and Economic Growth, is hereby transferred from the Department of Licensing and Regulatory Affairs to the Workforce Development Agency. Executive Orders 2004-36 and 2006-15 are further amended as follows:

1. The requirement to advise the Department of Labor and Economic Growth provided for in Sections III.C. and III. E. of Executive Order 2004-36 is amended to delete reference to the Department of Labor and Economic Growth and to require the advice instead be given to the Director of the Workforce Development Agency.

2. The requirement that staff be provided by the Department of Labor and Economic Growth in Section IV. B. of Executive Order 2004-36 is transferred to the Workforce Development Agency.

3. The duty to provide guidance to the Council on the authority created in Section IV.J. of Executive Order 2004-36 is transferred from the Department of Licensing and Regulatory Affairs to the Workforce Development Agency.

4. The requirement in Section IV.N. of Executive Order 2004-36 that members of the Council shall refer all legal, media, and legislative contacts to the Department of Labor and Economic Growth is amended. Members of the Council shall refer those contacts to the Workforce Development Agency.

5. The position of the Director of the Department of Labor and Economic Growth as an ex officio voting member of the Council for Labor and Economic Growth is eliminated.

G. Implementation of Transfers

1. Any authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations or other funds, including the functions of budgeting and procurement, used, held, employed, available, or to be made available to the Department of Licensing and Regulatory Affairs for the activities, powers, duties, functions, and responsibilities transferred by Section VIII of this Order are transferred to the Workforce Development Agency.

2. The Director of the Workforce Development Agency, after consultation with the Director of Department of Licensing and Regulatory Affairs, shall provide executive direction and supervision for the implementation of the transfers. The assigned functions shall be administered under the direction and supervision of the Director of the Workforce Development Agency.

3. The Director of the Workforce Development Agency and the Director of the Department of Energy Labor and Economic Growth shall immediately initiate coordination to facilitate the transfers and shall develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Workforce Development Agency.

4. The Director of the Workforce Development Agency shall supervise and administer the functions transferred to the Michigan Strategic Fund under Section VIII 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.

IX. MICHIGAN ADMINISTRATIVE HEARING SYSTEM

A. Creation of the Michigan Administrative Hearing System

1. The Michigan Administrative Hearing System is created as an independent and autonomous Agency within the Department of Licensing and Regulatory Affairs.

2. The Michigan Administrative Hearing System shall be headed by a director known as the Executive Director of the Michigan Administrative Hearing System.

3. The appointing authority for the Executive Director of the Michigan Administrative Hearing System shall be the Governor.

4. The Michigan Administrative Hearing System shall exercise its prescribed powers, duties, responsibilities, and functions, including the prescription of any hearing rules, adjudications or orders, independent of the Director of the Department of Licensing and Regulatory Affairs. The budgeting, procurement, and related management functions of the Michigan Administrative Hearing System shall be performed under the direction and supervision of the Director of the Department of Licensing and Regulatory Affairs.

5. The Michigan Administrative Hearing System shall coordinate and lead state efforts to evaluate policies and procedures for contested administrative hearings and develop standards for the conduct of administrative hearings.

6. To increase efficiency and to assure effective delivery of adjudicative services, the Executive Director of the Michigan Administrative Hearing System shall establish and continuously reassess assignment, scheduling, productivity, or other performance standards for hearing officers, administrative law judges, magistrates, board members, and commissioners assigned to the Michigan Administrative Hearing System.

B. Transfer of Administrative Hearing Functions and Personnel, State Office of Administrative Hearings and Rules

1. Any authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations or other funds, including the functions of budgeting and procurement, of the State Office of Administrative Hearings and Rules (SOAHR) created through Executive Orders 2005-1 and 2005-26, MCL 445.2021, except its authority, powers, duties, functions, and responsibilities transferred from the Office of Regulatory Reform to the SOAHR by Executive Order 2005-1, are transferred from the SOAHR to the Michigan Administrative Hearing System.

2. The SOAHR, established under Executive Orders 2005-1 and 2005-26, MCL 445.2021, is abolished.

3. Any and all statutory references to the SOAHR related to administrative hearings not inconsistent with this Order shall be deemed references to the Michigan Administrative Hearing System created under Section IX of this Order.

4. The position of Executive Director of SOAHR is abolished.

C. Michigan Tax Tribunal

The Michigan Tax Tribunal, created under Act No. 186 of the Public Acts of 1973, as amended, being Section 205.701 et seq. of the Michigan Compiled Laws, together with any authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations or other funds, including the functions of budgeting and procurement, is transferred to the Michigan Administrative Hearing System.

D. Michigan Employment Security Board of Review

The Michigan Employment Security Board of Review, created under 1936 PA 1, as amended, MCL 421.1 to 421.75, together with any authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations or other funds, including the functions of budgeting and procurement, of the Michigan Employment Security Board of Review, are transferred to the Michigan Administrative Hearing System.

E. Workers' Compensation Appellate Commission

1. The Workers' Compensation Appellate Commission, created under Executive Order 2003-18, MCL 445.2011, together with its authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations or other funds, including its functions of budgeting and procurement, are transferred to the Michigan Administrative Hearing System.

2. All the authority, powers, duties, functions, and responsibilities of the Chairperson of the Workers' Compensation Appellate Commission to establish assignment, scheduling, productivity, or other performance standards is transferred from the Chairperson of the Workers' Compensation Appellate Commission to the Executive Director of Michigan Administrative Hearing System.

F. Qualifications Advisory Committee

The Qualifications Advisory Committee, created under Executive Order 2003-18, MCL 445.2011, is transferred to the Michigan Administrative Hearing System.

G. Worker's Compensation Board of Magistrates

The Worker's Compensation Board of Magistrates, established under Section 213 of the Worker's Disability Compensation Act of 1969, 1969 PA 317, MCL 418.213, as amended by Executive Order 2003-18, MCL 445.2011, and Executive Order 2009-53, is transferred to the Michigan Administrative Hearing System. Any authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations or other funds, including the functions of budgeting and procurement, are also transferred to the Michigan Administrative Hearing System.

H. Implementation of Transfers

1. The Executive Director of the Michigan Administrative Hearing System shall provide executive direction and supervision for the implementation of the transfers described in Section IX of this Order.

2. Any authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations or other funds, including the functions of budgeting and procurement, are transferred to the Michigan Administrative Hearing System.

3. The Executive Director of the Michigan Administrative Hearing System shall make internal organization changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

4. 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.

5. Any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected by Section IX of this Order shall not abate by reason of the taking effect of this Order. Any suit, action, or other proceeding lawfully commenced may be maintained by, against, or before the appropriate successor of any entity affected by this Order.

6. The functions of budgeting, procurement and management-related functions of the agencies transferred by Section IX of this Order shall continue to be exercised by the Director of the Department of Licensing and Regulatory Affairs.

X. MISCELLANEOUS

A. The position of Automobile and Home Insurance Consumer Advocate created by Executive Order 2008-2, MCL 445.2005, is abolished.

B. The position of Chief Energy Officer created by Executive Order 2008-20, MCL 445.2025, is abolished.

C. This Order shall not abate any criminal action commenced by this state prior to the effective date of 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 Section 2 of Article V of the Michigan Constitution of 1963, the provisions of this Order shall be effective 60 days after the filing of this Order.

[SEAL]

Given under my hand and the Great Seal of the state of Michigan this 23rd day of February in the Year of our Lord, two thousand eleven.

Richard D. Snyder
Governor

By the Governor:
Ruth A. Johnson
Secretary of State

The executive order was referred to the Committee on Government Operations.

The following message from the Governor was received on February 23, 2011, and read:

EXECUTIVE ORDER
No. 2011-5

Executive Office
Department of Licensing and Regulatory Affairs
Office of Regulatory Reinvention

Executive Reorganization

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power in the Governor; and
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 which he considers necessary for efficient administration; and

WHEREAS, it is necessary in the interest of efficient administration and effectiveness of government to effect changes in the organization of the Executive Branch of Government; and

WHEREAS, it is in the best interests of the people of the state of Michigan to have a regulatory environment and regulatory processes that are fair, efficient, transparent, and conducive to business growth and job creation; and

WHEREAS, the elimination or amendment of duplicative, obsolete, unnecessary, or unduly restrictive rules will lead to the creation of more businesses and job opportunities for Michigan citizens; and

WHEREAS, the rule making process should be the direct responsibility of the Director of the Department of Licensing and Regulatory Affairs or other person designated by the Governor as the Chief Regulatory Officer, as provided below;

NOW, THEREFORE, I, Richard D. Snyder, Governor of the state of Michigan, pursuant to the powers vested in me by the constitution of state of Michigan of 1963 and the laws of the state of Michigan, do hereby order the following:

I. CREATION

A. The Office of Regulatory Reinvention is created within the Department of Licensing and Regulatory Affairs.

B. The Director of the Department of Licensing and Regulatory Affairs shall also serve as the Director of the Office of Regulatory Reinvention and Chief Regulatory Officer of the state of Michigan, unless otherwise designated by the Governor.

C. The Office of Regulatory Reinvention shall be responsible for creating a regulatory environment and regulatory processes that are fair, efficient, and conducive to business growth and job creation through its oversight and review of current rules and regulations and proposed rule making and regulatory activities by all departments and agencies.

II. AUTHORITY OF THE OFFICE OF REGULATORY REINVENTION

A. The Office of Regulatory Reinvention shall possess all authority, powers, duties, functions, responsibilities, and rule making authority previously transferred to the State Office of Administrative Hearings and Rules under Section V of Executive Order 2005-1 and under Executive Order 2005-26 relative to the review, approval, processing, compilation, publication, and coordination of administrative rules, in addition to all authority, powers, duties, responsibilities, and rule making authority described below.

B. The authority, powers, duties, functions, and responsibilities of the Administrative Rules Manager created by Section V. B. of Executive Order 2005-1 are transferred to the Chief Regulatory Officer.

III. SYSTEMATIC REVIEW OF MICHIGAN RULES AND RULE MAKING

A. The Office of Regulatory Reinvention shall be responsible for completing a systematic review of all existing and proposed rules and rule making processes.

B. The Office of Regulatory Reinvention shall make a written report to the Governor with respect to its recommendations concerning existing rules and regulations, and proposed rule making and regulatory activities. In forming its recommendations, the Office of Regulatory Reinvention shall consider such factors and information it deems useful, including recommendations made by certain Advisory Rules Committees to be formed by the Office of Regulatory Reinvention in consultation with the directors of other departments or agencies. The Advisory Rules Committees may consider, as determined by the Office of Regulatory Reinvention, rules areas such as Workplace Safety, Insurance and Banking, Utilities, Environment, Natural Resources, Occupational Licensing, Agriculture, and Health Care. Membership in all Advisory Rules Committees shall be established by the Office of Regulatory Reinvention with the expectation that a broad spectrum of stakeholders, including members of the regulated community and the general public, will be included in their membership.

C. The Office of Regulatory Reinvention shall post the names of the Advisory Rules Committees and the names of their members on an internet site with information regarding the anticipated scope of the rules and regulations to be reviewed by each Advisory Rules Committee. The internet site shall include an opportunity for the public to offer comments and suggestions on rules being reviewed. Comments and suggestions will also be accepted in writing when mailed to the Department of Licensing and Regulatory Affairs, 611 W. Ottawa, P.O. Box 30004, Lansing, MI 48909-7504, Attn: Office of Regulatory Reinvention.

D. The Office of Regulatory Reinvention shall review and evaluate all promulgated and proposed rules by considering, without limitation, the following factors:

1. The health or safety benefits of the rules;
2. Whether the rules are mandated by any applicable constitutional or statutory provision;
3. The cost of compliance with the rules, taking into account their complexity, reporting requirements, and other factors;
4. The extent to which the rules conflict with or duplicate similar rules or regulations adopted by the state or federal government;
5. The extent to which the rules exceed national or regional compliance requirements or other standards;
6. The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions or other factors have changed regulatory activity covered by the rules since the last evaluation;
7. Other changes or developments since implementation that demonstrate there is no continued need for the rules;
8. The recommendations of any Advisory Rules Committees formed pursuant to this Order, which shall consider the factors set forth in paragraphs 1–7 of this Section III. D.;
9. The recommendations of any departments or agencies that are or will be charged with the implementation or enforcement of the rules. Those departments or agencies shall also review the rules and shall consider the factors set forth in paragraphs 1–7 of this Section III. D.;
10. Comments received from the public under Section III of this Order;
11. The nature of any complaints or comments the Office of Regulatory Reinvention receives, or any departments or agencies receive, from the public concerning the rules; and
12. Other factors the Office of Regulatory Reinvention considers necessary or appropriate.

E. The requirements contained in Section III. D. do not apply to rules promulgated pursuant to Sections 44 and 48 of the Administrative Procedures Act, 1969 PA 306, as amended, MCL 24.244 and 24.248.

F. An Advisory Rules Committee shall submit a report detailing its findings and making recommendations to the Office of Regulatory Reinvention within 120 days of the formation of the Committee. The Chief Regulatory Officer may grant a 120-day extension of the 120-day report requirement. Upon issuance of its report, the Advisory Rules Committee shall be dissolved.

G. The Office of Regulatory Reinvention shall review the submissions of the Advisory Rules Committees and the other factors set forth above, and shall submit a report outlining recommended actions to the Governor as soon as practicable after such submissions are reviewed.

H. In addition to the systematic review described above, the Office of Regulatory Reinvention is granted authority to direct additional, targeted reviews of selected rule areas utilizing new Advisory Rules Committees or such other processes as the Office of Regulatory Reinvention deems necessary or appropriate, and may submit its findings and recommendations to the Governor.

I. The Office of Regulatory Reinvention shall establish a dedicated web site to inform the public and seek input on matters outlined in Section III.

IV. OVERSIGHT OF NON-RULE REGULATORY ACTIONS

A. In order to reduce regulatory burdens on the citizens of Michigan, the Office of Regulatory Reinvention shall have oversight authority over non-rule regulatory actions adopted by departments and agencies. At its discretion, the Office of Regulatory Reinvention may exercise its oversight authority by selecting non-rule regulatory actions for review. Following that review, the Office of Regulatory Reinvention may order the elimination, suspension, or modification of the non-rule regulatory action based on any of the following:

1. The Office of Regulatory Reinvention determines that a non-rule regulatory action is being used to support a department or agency's decision to act or refusal to act.'s

2. The Office of Regulatory Reinvention determines that a non-rule regulatory action exceeds the department's or agency's constitutional or statutory scope.

3. The Office of Regulatory Reinvention determines that a non-rule regulatory action is unduly burdensome or otherwise not consistent with the purposes set forth in this Order.

B. As used in this section, "non-rule regulatory action" means a regulatory action not adopted by a department or agency as a rule pursuant to the Administrative Procedures Act, 1969 PA 306, as amended, MCL 24.201, et seq., that is utilized by a department or agency to govern or bind Michigan businesses, entities, or individuals including, but not limited to, guidelines, handbooks, manuals, instructional bulletins, forms with instructions, and operational memoranda.

V. BEST REGULATORY MANAGEMENT PRACTICES

The Office of Regulatory Reinvention shall strive to ensure that all rule making comports with best regulatory management practices by requiring departments and agencies to do the following:

1. Complete a detailed cost-benefit analysis for all proposed rules that specifies the methodologies utilized in determining the existence and extent of the costs and benefits of the proposed rules as well as an assessment of any disproportionate impact of the rules based upon industrial sector, segment of the public, business size, geographic location, environmental resource, or other factors determined from time to time by the Office of Regulatory Reinvention.

2. Establish broadly representative stakeholder advisory groups and seeking the input of these groups on proposed rules as the department or agency deems appropriate or as directed by the Office of Regulatory Reinvention.

3. Detail all provisions in rules that exceed federal or regional standards and explain the rationale for the deviation and the specific costs and benefits of the deviation.

The Office of Regulatory Reinvention shall post the information required by this section, together with the Regulatory Impact Statement required under MCL 24.245, at least 21 calendar days before the public hearing on proposed rule changes.

VI. MISCELLANEOUS

A. To further reduce regulatory burdens and complexities, the Office of Regulatory Reinvention shall work with departments and agencies to reduce the number of forms and applications used by departments and agencies to fulfill their regulatory objectives. As part of this charge, the Office of Regulatory Reinvention shall work with the Michigan Economic Development Corporation and other stakeholders.

B. To encourage input from the public on reducing regulatory burdens and increasing customer satisfaction with the regulatory process, the Office of Regulatory Reinvention shall create an online suggestion box soliciting proposals and ideas on improving or reducing rule and non-rule regulatory requirements and forms.

C. The Office of Regulatory Reinvention shall establish, in consultation with state departments and agencies, dashboard metrics that track the performance of certain regulatory processes utilized by state departments and agencies.

VII. IMPLEMENTATION

1. The Director of the Department of Licensing and Regulatory Affairs shall provide executive direction and supervision necessary to ensure compliance with this Order.

2. The Director of the Department of Licensing and Regulatory Affairs, with the assistance of the Executive Director of the Michigan Administrative Hearing System, shall develop and issue a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Office of Regulatory Reinvention in its separation from the State Office of Administrative Hearings and Rules under Executive Order 2011-4.

3. The Director of the Department of Licensing and Regulatory Affairs shall administer the transferred powers, duties, functions and responsibilities in such ways as to promote effective administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

4. The Department of Technology, Management and Budget shall determine and authorize the most efficient manner possible for handling financial transactions and records in the state's financial management system for the remainder of this fiscal year concerning the transfers made under this Order.

5. All records, personnel, property, and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to SOAHR for the activities, powers, duties, functions and responsibilities transferred by this Order are hereby transferred to the Director of the Office of Regulatory Reinvention.

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

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

8. 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 Section 2 of Article V of the Michigan Constitution of 1963, the provisions of this Order shall be effective 60 days after the filing of this Order.

[SEAL]

Given under my hand and the Great Seal of the state of Michigan this 23rd day of February in the Year of our Lord, two thousand eleven.

Richard D. Snyder
Governor

By the Governor:
Ruth A. Johnson
Secretary of State

The executive order was referred to the Committee on Government Operations.

The following messages from the Governor were received and read:

February 4, 2011

I respectfully submit to the Senate the following appointments to office:

Michigan Commission on Law Enforcement Standards

Richard R. Weiler of 2521 Foxhill Drive, Sterling Heights, Michigan 48310, county of Macomb, is reappointed for a term expiring November 1, 2014.

James D. Bosscher of 8252 W. Falmouth Road, McBain, Michigan 49657, county of Missaukee, is reappointed for a term expiring November 1, 2014.

Ronald J. Bretz of 3521 Delta River Drive, Lansing, Michigan 48906, county of Ingham, is reappointed for a term expiring November 1, 2014.

Doreen E. Olko of 1899 N. Squirrel Road, Auburn Hills, Michigan 48326, county of Oakland, is reappointed for a term expiring November 1, 2014.

Michael Wendling of 10256 Webb Road, Goodells, Michigan 48027, county of St. Clair, succeeding David Morse, for a term expiring November 1, 2014.

February 4, 2011

I respectfully submit to the Senate the following appointment to office:

Workers' Compensation Board of Magistrates

David Grunewald of 1111 Torrey Road, Grosse Pointe Woods, Michigan 48236, county of Wayne, is reappointed for a term expiring January 26, 2015.

February 16, 2011

I respectfully submit to the Senate the following appointments to office:

Michigan Dairy Market Program Committee

Eric J. Frahm of 1520 Frahm Road, Frankenmuth, Michigan 48734, county of Saginaw, is reappointed for a term expiring December 31, 2013.

David M. Lott of 1655 N. Meridian Road, Mason, Michigan 48854, county of Ingham, is reappointed for a term expiring December 31, 2013.

Corby L. Werth of 8303 Napper Road, Alpena, Michigan 49707, county of Alpena, succeeding Michael Allen Schwab, for a term expiring December 31, 2013.

Sincerely,
Rick Snyder
Governor

The appointments were referred to the Committee on Government Operations.

By unanimous consent the Senate returned to the order of

Motions and Communications

Senator Meekhof moved that the Committee on Outdoor Recreation and Tourism be discharged from further consideration of the following bill:

House Bill No. 4160, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending section 88b (MCL 125.2088b), as amended by 2010 PA 271.

The motion prevailed, a majority of the members serving voting therefor, and the bill was placed on the order of General Orders.

Senator Meekhof moved that the rules be suspended and that the following bill, now on the order of General Orders, be placed on the General Orders calendar for consideration today:

House Bill No. 4160

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

Senator Meekhof moved that the rules be suspended and that the following bill, now on Committee Reports, be placed on the General Orders calendar for consideration today:

House Bill No. 4212

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

By unanimous consent the Senate proceeded to the order of

General Orders

Senator Meekhof 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 Calley, designated Senator Jansen as Chairperson.

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

House Bill No. 4160, entitled

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending section 88b (MCL 125.2088b), as amended by 2010 PA 271.

House Bill No. 4212, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 8702, 8703, 8704, 8705, 8706, 8707, 8708, 8709, 8710, 8713, 8714, 8715, and 8716 (MCL 324.8702, 324.8703, 324.8704, 324.8705, 324.8706, 324.8707, 324.8708, 324.8709, 324.8710, 324.8713, 324.8714, 324.8715, and 324.8716), section 8703 as amended by 1995 PA 61, section 8707 as amended by 2000 PA 100, section 8715 as amended by 2008 PA 18, and section 8716 as amended by 2007 PA 174, and by adding section 8713a.

The bills were placed on the order of Third Reading of Bills.

By unanimous consent the Senate returned to the order of

Third Reading of Bills

Senator Meekhof 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. 4160

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

The following bill was read a third time:

Senate Bill No. 77, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 5805 and 5839 (MCL 600.5805 and 600.5839), section 5805 as amended by 2002 PA 715 and section 5839 as amended by 1985 PA 188.

The question being on the passage of the bill,

Senator Schuitmaker offered the following amendment:

1. Amend page 4, following line 11, by inserting:

"(15) THE AMENDMENTS TO THIS SECTION MADE BY THE 2011 AMENDATORY ACT THAT ADDED THIS SUBSECTION APPLY TO CAUSES OF ACTION THAT ACCRUE ON OR AFTER THE EFFECTIVE DATE OF THAT AMENDATORY ACT." and renumbering the remaining subsection.

The amendment was adopted, a majority of the members serving 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:

duties of the job development authority and the Michigan economic development authority to the Michigan strategic fund; to provide for the expenditure of proceeds in certain funds to which the Michigan strategic fund succeeds in ownership; to provide for the issuance of, and terms and conditions for, certain notes and bonds of the Michigan strategic fund; to create certain boards and funds; to create certain permanent funds; to exempt the property, income, and operation of the fund and its bonds and notes, and the interest thereon, from certain taxes; to provide for the creation of certain centers within and for the purposes of the Michigan strategic fund; to provide for the creation and funding of certain accounts for certain purposes; to impose certain powers and duties upon certain officials, departments, and authorities of this state; to make certain loans, grants, and investments; to provide penalties; to make an appropriation; and to repeal acts and parts of acts.”.

The Senate agreed to the full title.

By unanimous consent the Senate proceeded to the order of
Resolutions

Senator Smith entered the Senate Chamber.

The question was placed on the adoption of the following resolution consent calendar:

Senate Resolution No. 18

The resolution consent calendar was adopted.

Senators Colbeck, Robertson, Gregory, Marleau, Brandenburg, Anderson, Bieda, Green, Booher, Nofs, Emmons, Hansen, Schuitmaker, Proos, Moolenaar and Pappageorge offered the following resolution:

Senate Resolution No. 18.

A resolution recognizing February 27 - March 5, 2011, as Michigan Aviation Week.

Whereas, We are in the 21st century, moving further into the air age and a global economy, and airport infrastructure is critical for our economy to compete in today’s marketplace; and

Whereas, Michigan’s geography as a peninsula makes aviation necessary for the fast and efficient transport of people, goods, and services; and

Whereas, Nearly 1 billion pounds of air cargo are carried into the state annually to support Michigan businesses; and

Whereas, General aviation contributes \$19 billion annually to our state economy; and

Whereas, Our businesses, industries, and foreign firms need reliable runways, taxiways, and navigational systems for the conducting of their business; and

Whereas, Michigan boasts 235 public-use airports, serving 17,500 pilots and 7,000 general aviation aircraft; and

Whereas, More than 1,000 Michigan companies, employing 1 million people, operate their own aircraft; and

Whereas, Michigan is home to 53 charter flight companies, 119 repair stations, and 70 flight schools; now, therefore, be it

Resolved by the Senate, That February 27 - March 5, 2011, be hereby recognized as Michigan Aviation Week.

Senators Hopgood, Jones and Kowall were named co-sponsors of the resolution.

Senate Resolution No. 10.

A resolution to memorialize the United States Congress to take immediate steps to impose a moratorium on greenhouse gas, air quality, and other regulatory actions by the Environmental Protection Agency.

The question being on the adoption of the following committee substitute:

Substitute (S-1).

The substitute was adopted.

The resolution, as substituted, was adopted.

Senators Green and Casperson asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Green’s statement is as follows:

Last week in committee, we heard testimony from a special interest group that repeatedly supported EPA regulation of what this environmentalist called carbon pollution. First, as a farmer, I’m here to tell you that if it weren’t for carbon dioxide, there would be no food on earth. All plants would die, all animals would die, and all people would die. Clearly, that environmental group doesn’t understand the basic science of agriculture or life itself. In fact, there are about 100 people here right now in the Senate Chamber, and in one year’s time, we 100 people will breathe out at least 34 tons of carbon dioxide. If we all led active lives, we’d breathe out over 200 tons of carbon dioxide this year. Now that’s some heavy breathing.

We heard in committee about renewable energy manufacturing creating 290,000 jobs. Who will pay for these 290,000 so-called green jobs if they ever occur? According to experts, the cost of gasoline will go up by 50 percent, raising the price to over \$4.50 a gallon at today's prices. The cost of producing food will go through the roof. Electric bills will go up by 50 percent, the cost of natural gas by 75 percent, and all of this money that will no longer be spent in our communities but will be spent somewhere else. So the result—it's estimated that 2.5 million people will lose their jobs. So the EPA fires ten people in order to hire one person. That's who pays for these so-called green jobs.

According to the experts, the cost of buying and installing all of this clean energy equipment is in the ballpark of \$120 billion. So besides laying off 2.5 million workers, the EPA would dramatically increase everyone's electric bill. Sounds cheap doesn't it? But that's a 20 percent to 33 percent increase in your monthly electric bill. In fact, even the EPA estimates that if cap-and-trade passes, the cost would be \$1,200 per household. So low-income households and single-mom households will be hit the hardest. The earned income tax credit isn't enough to pay for even half of the increased cost of the EPA regulations.

Folks, the EPA has declared war on the poor. Today, you get to choose which side you're on. If you want to see federal bureaucracies raise the electric and heating bills of all of your senior citizens and low-income constituents, then vote "no." If you support the working families of Michigan, then vote "yes" on this resolution.

Senator Casperson's statement is as follows:

I rise in support of Senate Resolution No. 10 and Senate Concurrent Resolution No. 6. The resolutions are calling on Congress to stop the regulatory train wreck. These resolutions are being introduced by state legislators across the country. The resolutions call on Congress to stop the EPA from issuing burdensome rules known as the train wreck that will, in the words of the American Legislative Exchange Council, dramatically increase energy costs, causing enormous negative impact to jobs and the economy, irreparable damage to the competitiveness of businesses, and trample on the rights of states in the process.

The EPA knows that cap-and-trade is dead in Congress. Consequently, they have planned a series of major regulations—more than 30 major regulations and more than 70 major policy rules—that will achieve the same results. The EPA promulgated no less than eleven greenhouse gas regulations in 2010, seven of them in December, and six of them totaling more than 500 pages were issued on the eve of the Christmas holiday. They did not get published in the Federal Register until the last two business days of 2010.

The EPA is not daunted by the number, cost, and impact on jobs. In fact, the EPA has not even done a study of what all of these regulations together will cost. As a sample of the impact, the Heritage Foundation reports that ten of the major rules that came out of the EPA in fiscal year 2010 have a cost of more than \$23 billion. This is just the tip of the iceberg as to what is coming. So I rise in support of these resolutions.

Senate Concurrent Resolution No. 6.

A concurrent resolution to memorialize the United States Congress to take immediate steps to impose a moratorium on greenhouse gas, air quality, and other regulatory actions by the Environmental Protection Agency.

The question being on the adoption of the following committee substitute:

Substitute (S-1).

The substitute was adopted.

The concurrent resolution, as substituted, was adopted.

Senators Jansen, Jones, Rocca, Robertson, Casperson, Meekhof, Emmons, Moolenaar, Brandenburg, Booher, Hansen, Green, Schuitmaker, Caswell, Marleau, Pappageorge, Proos, Walker, Hildenbrand, Nofs and Colbeck offered the following concurrent resolution:

Senate Concurrent Resolution No. 9.

A concurrent resolution to reject the proposed increase in rates of compensation recommended by the Civil Service Commission and contained in the Executive Budget for fiscal year 2011-2012 relative to the extension of health benefits to adults and their dependents living with but not related to a classified employee.

Whereas, Article XI, Section 5 of the *Constitution of the State of Michigan of 1963* provides that increases in rates of compensation in the state classified services authorized by the Civil Service Commission require prior notice to the Governor. The *Constitution of the State of Michigan of 1963* also requires that the Governor transmit such increases to the Legislature as part of the Governor's budget; and

Whereas, Article XI, Section 5 of the *Constitution of the State of Michigan of 1963* reads, in part, as follows:

"Increases in rates of compensation authorized by the commission may be effective only at the start of a fiscal year and shall require prior notice to the governor, who shall transmit such increases to the legislature as part of his budget. The legislature may, by a majority vote of the members elected to and serving in each house, waive the notice and permit increases in rates of compensation to be effective at a

time other than the start of a fiscal year. Within 60 calendar days following such transmission, the legislature may, by a two-thirds vote of the members elected to and serving in each house, reject or reduce increases in rates of compensation authorized by the commission. Any reduction ordered by the legislature shall apply uniformly to all classes of employees affected by the increases and shall not adjust pay differentials already established by the civil service commission. The legislature may not reduce rates of compensation below those in effect at the time of the transmission of increases authorized by the commission.”

; and

Whereas, The Civil Service Commission has approved letters of understanding for certain bargaining units that would allow represented employees in the classified civil service who do not have an eligible spouse to enroll one unrelated adult and that adult’s dependents in the State Health Plan, provided that certain criteria are met. The Commission also adopted a rule providing the same option to nonexclusively represented employees. The Governor’s proposed budget for fiscal year 2012, transmitted to the Legislature, contains the Commission’s recommended increase in the rate of compensation. The Attorney General has opined that the term “compensation” includes fringe benefits, such as health care benefits. The Attorney General has also opined that the Commission’s decision allowing classified employees to enroll an additional adult and their dependents into the State Health Plan constitutes an increase in the rate of compensation. Consequently, the decision requires notice to the Governor for inclusion in the budget to be transmitted to the Legislature and may be rejected or reduced within 60-days of transmission of the budget by a two-thirds vote of the members elected to and serving in each house of the Legislature; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Michigan Legislature, pursuant to Article XI, Section 5 of the *Constitution of the State of Michigan of 1963*, hereby rejects the Civil Service Commission’s decision allowing classified employees who do not have an eligible spouse to enroll one unrelated adult and that adult’s dependents in the State Health Plan; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the Governor and the Civil Service Commission.

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

Senator Meekhof moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

Senator Meekhof moved that the concurrent resolution be referred to the Committee on Reforms, Restructuring and Reinventing.

The motion prevailed.

Senator Kowall was named co-sponsor of the concurrent resolution.

Senator Moolenaar offered the following concurrent resolution:

Senate Concurrent Resolution No. 10.

A concurrent resolution to approve a certain designated open space land application for property in Midland County.

Whereas, Section 36105(2) and Section 36106(9) of Part 361, Farmland and Open Space Preservation, of the Natural Resources and Environmental Protection Act, 1994 PA 451, require the Department of Agriculture to submit each application for a designated open space easement and local open space easements on appeal, along with an analysis of the cost, to the Legislature; and

Whereas, The Department of Agriculture has received an application for a designated open space easement located in Edenville Township, Midland County; and

Whereas, The Legislature has reviewed the application and analysis and determined that the land in question qualifies and that it is in the interest of the state of Michigan to enter into said easement; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we hereby approve the following designated open space land application submitted by the Department of Agriculture:

<u>Name</u>	<u>Location</u>	<u>Size</u>	<u>Cost</u>	<u>Proposed Term</u>
Marilyn Garrison	Edenville Township Midland County Section 10 T16N R1W	33.5 Acres	Zero	Ten years

; and be it further

Resolved, That copies of this resolution be transmitted to the Department of Agriculture.

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

Senator Meekhof moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,
Senator Meekhof moved that the concurrent resolution be referred to the Committee on Agriculture.
The motion prevailed.
Senators Booher, Brandenburg, Kowall and Proos were named co-sponsors of the concurrent resolution.

Introduction and Referral of Bills

Senator Kahn introduced

Senate Bill No. 197, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 11 and 17b (MCL 388.1611 and 388.1617b), section 11 as amended by 2010 PA 217 and section 17b as amended by 2007 PA 137.

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

Senators Hunter, Smith, Young, Hood and Schuitmaker introduced

Senate Bill No. 198, entitled

A bill to amend 1990 PA 72, entitled "Local government fiscal responsibility act," by amending section 38 (MCL 141.1238).

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

Senator Kahn introduced

Senate Bill No. 199, entitled

A bill to make appropriations for various state departments and agencies; the judicial branch, and the legislative branch for the fiscal years ending September 30, 2012; to provide anticipated appropriations for the fiscal year ending September 30, 2013; to provide a nonbinding schedule of programs; to provide for certain conditions on appropriations; to provide for the expenditure of the appropriations.

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

Senator Kahn introduced

Senate Bill No. 200, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 1, 3, 6, 11a, 11g, 11j, 11k, 11m, 15, 18, 20, 20d, 22a, 22b, 24, 24a, 24c, 26a, 26b, 31a, 31d, 31f, 32b, 32d, 32j, 39, 39a, 40, 51a, 51c, 51d, 53a, 54, 56, 61a, 62, 74, 81, 94a, 98, 99, 101, 104, 107, 109, 147, and 152a (MCL 388.1601, 388.1603, 388.1606, 388.1611a, 388.1611g, 388.1611j, 388.1611k, 388.1611m, 388.1615, 388.1618, 388.1620, 388.1620d, 388.1622a, 388.1622b, 388.1624, 388.1624a, 388.1624c, 388.1626a, 388.1626b, 388.1631a, 388.1631d, 388.1631f, 388.1632b, 388.1632d, 388.1632j, 388.1639, 388.1639a, 388.1640, 388.1651a, 388.1651c, 388.1651d, 388.1653a, 388.1654, 388.1656, 388.1661a, 388.1662, 388.1674, 388.1681, 388.1694a, 388.1698, 388.1699, 388.1701, 388.1704, 388.1707, 388.1709, 388.1747, and 388.1752a), sections 11m, 22a, 51a, and 56 as amended by 2010 PA 217, sections 11j, 24c, 26a, 39a, 81, 94a, and 104 as amended by 2010 PA 204, sections 3, 6, 11a, 11g, 11k, 15, 18, 20, 20d, 22b, 24, 24a, 26b, 31a, 31d, 31f, 32b, 32d, 32j, 39, 51c, 51d, 53a, 54, 61a, 62, 74, 98, 99, 101, 107, and 147 as amended by 2010 PA 110, section 40 as amended by 2000 PA 297, section 109 as amended by 1994 PA 283, section 152a as added by 2010 PA 217, and section 1 as added by 1979 PA 94; and by adding sections 173a, 173b, 173c, 174a, 174b, 175a, 175b, 176a, 176b, 176c, 176d, 176e, 176f, 176g, 181a, 181b, 181c, 181d, 181e, 182a, 182b, 182c, 182d, 182e, 183a, 183b, 183c, 183d, 183e, 183f, 183g, 184a, 184b, 184c, 184d, 184e, 184f, 184g, 185a, 185b, 185c, 186a, 186b, 191, 192, 193, 194, and 195; and to repeal acts and parts of acts.

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

Senator Schuitmaker introduced

Senate Bill No. 201, 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 sections 1, 2, and 2a (MCL 691.1401, 691.1402, and 691.1402a), section 1 as amended by 2001 PA 131 and section 2 as amended and section 2a as added by 1999 PA 205, and by adding section 2b.

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

Senators Bieda, Whitmer, Casperson, Jansen and Schuitmaker introduced

Senate Bill No. 202, entitled

A bill to amend 1957 PA 261, entitled “Michigan legislative retirement system act,” by amending sections 6 and 17a (MCL 38.1006 and 38.1017a), section 6 as amended by 1996 PA 486 and section 17a as amended by 1981 PA 185, and by adding section 17e.

The bill was read a first and second time by title and referred to the Committee on Reforms, Restructuring and Reinventing.

Senators Caswell, Marleau and Bieda introduced

Senate Bill No. 203, entitled

A bill to amend 1957 PA 261, entitled “Michigan legislative retirement system act,” by amending sections 50b, 75, and 79 (MCL 38.1050b, 38.1075, and 38.1079), sections 50b and 75 as amended by 1998 PA 501 and section 79 as amended by 2006 PA 614, and by adding section 79a.

The bill was read a first and second time by title and referred to the Committee on Reforms, Restructuring and Reinventing.

House Bill No. 4214, entitled

A bill to safeguard the continued financial viability of units of local government, including school districts; to preserve the capacity of units of local government to provide necessary services essential to the public health, safety, and welfare; to provide for review, management, planning, and control of the financial operation of units of local government, including school districts; to provide criteria to be used in determining the financial condition of units of local government, including school districts; to permit a declaration of the existence of a local government financial emergency and to prescribe the powers and duties of the governor, other state departments, boards, agencies, officials, and employees, and officials and employees of units of local government, including school districts; to provide for placing units of local government, including school districts, into state receivership; to provide for a review and appeal process; to provide for the appointment and to prescribe the powers and duties of an emergency manager; to require the development of financial plans to regulate expenditures and investments by units of local government, including school districts, in a state of financial stress or financial emergency; to provide for the modification or termination of contracts under certain circumstances; to set forth the conditions for termination of a local government financial emergency; and to repeal acts and parts of acts.

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. 4215, entitled

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending section 1280c (MCL 380.1280c), as added by 2009 PA 204.

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. 4216, entitled

A bill to amend 2001 PA 34, entitled “Revised municipal finance act,” by amending section 303 (MCL 141.2303), as amended by 2002 PA 541.

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. 4217, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 971 (MCL 168.971), as amended by 2003 PA 302.

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. 4218, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending section 36a (MCL 117.36a), as added by 2003 PA 210.

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. 4246, 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 the title and section 15 (MCL 423.215), section 15 as amended by 2009 PA 201, and by adding section 15a.

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.

Statements

Senators Hildenbrand and Gleason asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Hildenbrand's statement is as follows:

With the adoption of Senate Resolution No. 16 yesterday, today is Conductive Education Day in Michigan. Conductive education was developed over 60 years ago in Hungary by Dr. András Petö. Dr. Petö strived to create a system of education that maximized the independence and mobility of children and adults with disabilities. Stroke survivors and those with cerebral palsy, multiple sclerosis, acquired brain injuries, Parkinson's disease, and others have all benefited from this system.

One of the most encouraging aspects of conductive education is that it functions on the premise that no matter how severe the disability, people can learn and improve when they are motivated. In short, conductive education helps individuals learn their way to independence.

In recognition of this special day, I am proud to welcome the current president of the Association of Conductive Education of North America and a longtime advocate of conductive education nationally, statewide, and in the Grand Rapids area, Dr. David Dvorak, who is seated in the east Gallery. His unwavering support of this program and his long hours of advocacy on behalf of all those who benefit and could benefit from conductive education are truly admirable and deserve our recognition today. Please help me welcome Dr. Dvorak here today.

Senator Gleason's statement is as follows:

I would like to remark in regard to Representative Daley fulfilling his obligations as a Representative to his district and the state of Michigan. We all understand the horrific and terrible loss he suffered with his family—the loss of his young son—yet he stood up to his obligations on behalf of the citizens of the state of Michigan. I would like to congratulate him in this sense of condolence, knowing full well the difficult time his family has endured. He still found the courage and personal stamina to fulfill his obligations here in Lansing during this horrific time.

Again, I congratulate him. It is not typical that a first bill would join such a loss, but we commend him for his personal effort and civic duties being fulfilled during this horrific time. I know we set aside a moment of silence as a body during the brief time after the loss of his son, but we would like to, once again, as a body congratulate him and extend our condolences on behalf of the citizens of Michigan.

Committee Reports

The Committee on Education reported

Senate Bill No. 153, entitled

A bill to safeguard the continued financial viability of units of local government, including school districts; to preserve the capacity of units of local government to provide necessary services essential to the public health, safety, and welfare; to provide for review, management, planning, and control of the financial operation of units of local government, including school districts; to provide criteria to be used in determining the financial condition of units of local government, including school districts; to permit a declaration of the existence of a local government financial emergency and to prescribe the powers and duties of the governor, other state departments, boards, agencies, officials, and employees, and officials and employees of units of local government, including school districts; to provide for placing units of local government, including school districts, into state receivership; to provide for a review and appeal process; to provide for the appointment and to prescribe the powers and duties of an emergency manager; to require the development of financial plans to regulate expenditures and investments by units of local government, including school districts, in a state of financial stress or financial emergency; to provide for the modification or termination of contracts under certain circumstances; to set forth the conditions for termination of a local government financial emergency; and to repeal acts and parts of acts.

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

The committee further recommends that the bill be given immediate effect.

Phillip J. Pavlov
Chairperson

To Report Out:

Yeas: Senators Pavlov, Emmons and Colbeck

Nays: Senators Hopgood and Young

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Education reported

Senate Bill No. 154, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending section 36a (MCL 117.36a), as added by 2003 PA 210.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Phillip J. Pavlov
Chairperson

To Report Out:

Yeas: Senators Pavlov, Emmons and Colbeck

Nays: Senators Hopgood and Young

The bill was referred to the Committee of the Whole.

The Committee on Education reported

Senate Bill No. 155, entitled

A bill to amend 2001 PA 34, entitled "Revised municipal finance act," by amending section 303 (MCL 141.2303), as amended by 2002 PA 541.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Phillip J. Pavlov
Chairperson

To Report Out:

Yeas: Senators Pavlov, Emmons and Colbeck

Nays: Senators Hopgood and Young

The bill was referred to the Committee of the Whole.

The Committee on Education reported

Senate Bill No. 156, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 971 (MCL 168.971), as amended by 2003 PA 302.

With the recommendation that the bill pass.
The committee further recommends that the bill be given immediate effect.

Phillip J. Pavlov
Chairperson

To Report Out:

Yeas: Senators Pavlov, Emmons and Colbeck
Nays: Senators Hopgood and Young
The bill was referred to the Committee of the Whole.

The Committee on Education reported

Senate Bill No. 157, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1280c (MCL 380.1280c), as added by 2009 PA 204.

With the recommendation that the bill pass.
The committee further recommends that the bill be given immediate effect.

Phillip J. Pavlov
Chairperson

To Report Out:

Yeas: Senators Pavlov, Emmons and Colbeck
Nays: Senators Hopgood and Young
The bill was referred to the Committee of the Whole.

The Committee on Education reported

Senate Bill No. 158, 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 the title and section 15 (MCL 423.215), section 15 as amended by 2009 PA 201.

With the recommendation that the bill pass.
The committee further recommends that the bill be given immediate effect.

Phillip J. Pavlov
Chairperson

To Report Out:

Yeas: Senators Pavlov, Emmons and Colbeck
Nays: Senators Hopgood and Young
The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Education submitted the following:

Meeting held on Wednesday, February 23, 2011, at 12:30 p.m., Room 100, Farnum Building
Present: Senators Pavlov (C), Emmons, Colbeck, Hopgood and Young

The Committee on Agriculture reported

House Bill No. 4212, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 8702, 8703, 8704, 8705, 8706, 8707, 8708, 8709, 8710, 8713, 8714, 8715, and 8716 (MCL 324.8702, 324.8703, 324.8704, 324.8705, 324.8706, 324.8707, 324.8708, 324.8709, 324.8710, 324.8713, 324.8714, 324.8715, and 324.8716), section 8703 as amended by 1995 PA 61, section 8707 as amended by 2000 PA 100, section 8715 as amended by 2008 PA 18, and section 8716 as amended by 2007 PA 174, and by adding section 8713a.

With the recommendation that the bill pass.
The committee further recommends that the bill be given immediate effect.

Joseph R. Hune
Chairperson

To Report Out:

Yeas: Senators Hune, Booher, Emmons, Hansen and Gleason

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Agriculture submitted the following:

Meeting held on Thursday, February 24, 2011, at 9:10 a.m., Room 110, Farnum Building

Present: Senators Hune (C), Booher, Emmons, Hansen and Gleason

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Department of Human Services submitted the following:

Meeting held on Wednesday, February 23, 2011 at 8:30 a.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Caswell (C), Proos and Gregory

Excused: Senator Jansen

COMMITTEE ATTENDANCE REPORT

The Subcommittee on K-12, School Aid, Education submitted the following:

Meeting held on Wednesday, February 23, 2011, at 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Walker (C), Pappageorge and Hopgood

Excused: Senator Caswell

COMMITTEE ATTENDANCE REPORT

The Committee on Reforms, Restructuring and Reinventing submitted the following:

Meeting held on Wednesday, February 23, 2011, at 8:30 a.m., Rooms 402 and 403, Capitol Building

Present: Senators Jansen (C), Colbeck, Casperson, Kowall, Robertson, Young and Warren

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Wednesday, February 23, 2011, at 12:30 p.m., Room 210, Farnum Building

Present: Senators Brandenburg (C), Jansen, Pappageorge, Proos, Robertson, Bieda and Warren

COMMITTEE ATTENDANCE REPORT

The Committee on Economic Development submitted the following:

Meeting held on Wednesday, February 23, 2011, at 1:32 p.m., Room 110, Farnum Building

Present: Senators Kowall (C), Hildenbrand, Nofs, Emmons, Hansen, Hunter and Smith

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Wednesday, February 23, 2011, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building

Present: Senators Kahn (C), Moolenaar, Jansen, Pappageorge, Booher, Caswell, Colbeck, Green, Proos, Schuitmaker, Walker, Anderson, Gregory, Hood and Hopgood

Excused: Senator Johnson

COMMITTEE ATTENDANCE REPORT

The Subcommittee on Agriculture and Rural Development submitted the following:

Joint meeting held on Wednesday, February 23, 2011, at 3:00 p.m., Rooms 402 and 403, Capitol Building

Present: Senators Green (C), Moolenaar and Hopgood

Scheduled Meetings**Appropriations -****Subcommittees -**

Community Colleges and House Community Colleges Appropriations Subcommittee - Friday, February 25, 1:00 p.m., Room K-301, John Lewis Center, 14500 East 12 Mile Road, Warren (373-2768)

Higher Education - Wednesday, March 2, 12:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

K-12, School Aid, Education - Wednesday, March 2, 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

State Police and Military Affairs - Thursdays, March 3, March 10 and March 17, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-2768)

Transportation - Wednesdays, March 2, March 9, March 16, March 23 and April 13, 3:00 p.m. or later immediately following the Appropriations Committee meeting, Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Energy and Technology - Tuesday, March 1, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5307)

Natural Resources, Environment and Great Lakes and Outdoor Recreation and Tourism - Thursday, March 3, 12:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5323)

Outdoor Recreation and Tourism and Natural Resources, Environment and Great Lakes - Thursday, March 3, 12:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5323)

Senator Meekhof moved that the Senate adjourn.

The motion prevailed, the time being 10:50 a.m.

The President, Lieutenant Governor Calley, declared the Senate adjourned until Tuesday, March 1, 2011, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate