

**No. 20**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**96th Legislature**  
**REGULAR SESSION OF 2012**

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House Chamber, Lansing, Tuesday, February 28, 2012.

1:30 p.m.

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

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

Agema—present	Genetski—present	LeBlanc—present	Price—present
Ananich—present	Gilbert—excused	Lindberg—present	Pscholka—present
Barnett—present	Glaridon—present	Lipton—present	Rendon—present
Bauer—present	Goike—present	Liss—present	Rogers—present
Bledsoe—present	Haines—present	Lori—present	Rutledge—present
Bolger—present	Hammel—present	Lund—present	Santana—present
Brown—present	Haugh—excused	Lyons—present	Schmidt, R.—present
Brunner—present	Haveman—present	MacGregor—present	Schmidt, W.—present
Bumstead—present	Heise—present	MacMaster—present	Segal—present
Byrum—present	Hobbs—present	McBroom—present	Shaughnessy—present
Callton—present	Hooker—present	McCann—present	Shirkey—present
Cavanagh—present	Horn—present	McMillin—present	Slavens—present
Clemente—present	Hovey-Wright—present	Meadows—present	Smiley—present
Constan—present	Howze—present	Moss—present	Somerville—present
Cotter—present	Hughes—present	Muxlow—present	Stallworth—excused
Crawford—present	Huuki—present	Nathan—present	Stamas—present
Daley—present	Irwin—present	Nesbitt—present	Stanley—present
Damrow—present	Jackson—present	O'Brien—present	Stapleton—present
Darany—present	Jacobsen—present	Oakes—present	Switalski—present
Denby—present	Jenkins—present	Olson—present	Talabi—present
Dillon—present	Johnson—present	Olumba—present	Tlaib—present
Durhal—present	Kandrevas—present	Opsommer—present	Townsend—present
Farrington—present	Knollenberg—present	Ouimet—present	Tyler—present
Forlini—present	Kowall—present	Outman—present	Walsh—present
Foster—present	Kurtz—present	Pettalia—present	Womack—present
Franz—present	LaFontaine—present	Poleski—present	Yonker—present
Geiss—present	Lane—present	Potvin—present	Zorn—present

e/d/s = entered during session

Rep. Eileen Kowall, from the 44th District, offered the following invocation:

“Lord, we come to You and we ask, like Solomon, for understanding hearts that we may govern this great state and these great people.

Lord, grant to this House an understanding heart to know the times, an understanding of our economy, and an understanding of how best to grow this state’s greatness. So we pray for understanding.

We pray for restoration and recovery of our state and the blessing of God upon these, Your elected delegates. In God’s name we pray. Amen.”

Rep. Segal moved that Reps. Haugh and Stallworth be excused from today’s session.  
The motion prevailed.

Rep. Stamas moved that Rep. Gilbert be excused from today’s session.  
The motion prevailed.

### Messages from the Senate

The Speaker laid before the House

#### **House Bill No. 4754, entitled**

A bill to amend 1976 PA 295, entitled “State transportation preservation act of 1976,” by amending section 10 (MCL 474.60), as amended by 2011 PA 29.

(The bill was received from the Senate on February 21, with substitute (S-1), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until February 22, see House Journal No. 17, p. 231.)

The question being on concurring in the substitute (S-1) made to the bill by the Senate,

The substitute (S-1) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

#### **Roll Call No. 73**

#### **Yeas—105**

Agema	Genetski	Lindberg	Price
Ananich	Glardon	Lipton	Pscholka
Barnett	Goike	Liss	Rendon
Bauer	Haines	Lori	Rogers
Bledsoe	Hammel	Lund	Rutledge
Bolger	Haveman	Lyons	Santana
Brown	Heise	MacGregor	Schmidt, R.
Brunner	Hobbs	MacMaster	Schmidt, W.
Bumstead	Hooker	McBroom	Segal
Byrum	Horn	McCann	Shaughnessy
Callton	Hovey-Wright	McMillin	Shirkey
Cavanagh	Howze	Meadows	Slavens
Clemente	Hughes	Moss	Smiley
Constan	Huuki	Muxlow	Somerville
Cotter	Irwin	Nathan	Stamas
Crawford	Jackson	Nesbitt	Stanley
Daley	Jacobsen	O’Brien	Stapleton
Damrow	Jenkins	Oakes	Switalski
Darany	Johnson	Olson	Talabi

Denby	Kandrevas	Olumba	Tlaib
Dillon	Knollenberg	Opsommer	Townsend
Durhal	Kowall	Ouimet	Tyler
Farrington	Kurtz	Outman	Walsh
Forlini	LaFontaine	Pettalia	Womack
Foster	Lane	Poleski	Yonker
Franz	LeBlanc	Potvin	Zorn
Geiss			

**Nays—0**

In The Chair: Walsh

The House agreed to the full title.

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

The Speaker laid before the House

**House Bill No. 4994, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by repealing section 3111 (MCL 324.3111).

(The bill was received from the Senate on February 22, with substitute (S-1), full title inserted and immediate effect given by the Senate, consideration of which, under the rules, was postponed until February 23, see House Journal No. 18, p. 245.)

The question being on concurring in the substitute (S-1) made to the bill by the Senate,

The substitute (S-1) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 74****Yeas—64**

Agema	Goike	LeBlanc	Pettalia
Bolger	Haines	Lori	Poleski
Bumstead	Haveman	Lund	Potvin
Callton	Heise	Lyons	Price
Clemente	Hooker	MacGregor	Pscholka
Cotter	Horn	MacMaster	Rendon
Crawford	Hughes	McBroom	Rogers
Daley	Huuki	McMillin	Schmidt, W.
Damrow	Jacobsen	Moss	Shaughnessy
Denby	Jenkins	Muxlow	Shirkey
Farrington	Johnson	Nesbitt	Somerville
Forlini	Kandrevas	O’Brien	Stamas
Foster	Knollenberg	Olson	Tyler
Franz	Kowall	Opsommer	Walsh
Genetski	Kurtz	Ouimet	Yonker
Glardon	LaFontaine	Outman	Zorn

**Nays—41**

Ananich	Durhal	Lipton	Segal
Barnett	Geiss	Liss	Slavens

Bauer	Hammel	McCann	Smiley
Bledsoe	Hobbs	Meadows	Stanley
Brown	Hovey-Wright	Nathan	Stapleton
Brunner	Howze	Oakes	Switalski
Byrum	Irwin	Olumba	Talabi
Cavanagh	Jackson	Rutledge	Tlaib
Constan	Lane	Santana	Townsend
Darany	Lindberg	Schmidt, R.	Womack
Dillon			

In The Chair: Walsh

The House agreed to the full title.

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

### Third Reading of Bills

#### House Bill No. 5335, entitled

A bill to amend 1976 PA 267, entitled "Open meetings act," by amending section 3 (MCL 15.263), as amended by 1988 PA 278.

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

#### Roll Call No. 75

#### Yeas—94

Agema	Geiss	Lindberg	Potvin
Ananich	Genetski	Liss	Price
Barnett	Glardon	Lori	Pscholka
Bauer	Goike	Lund	Rendon
Bledsoe	Haines	Lyons	Rogers
Bolger	Hammel	MacGregor	Rutledge
Brown	Haveman	MacMaster	Schmidt, R.
Brunner	Heise	McBroom	Schmidt, W.
Bumstead	Hooker	McCann	Segal
Byrum	Horn	McMillin	Shaughnessy
Callton	Hovey-Wright	Meadows	Shirkey
Cavanagh	Hughes	Moss	Slavens
Clemente	Huuki	Muxlow	Smiley
Cotter	Irwin	Nathan	Somerville
Crawford	Jacobsen	Nesbitt	Stamas
Daley	Jenkins	O'Brien	Stanley
Damrow	Johnson	Oakes	Switalski
Darany	Kandrevas	Olson	Townsend
Denby	Knollenberg	Opsommer	Tyler
Dillon	Kowall	Ouimet	Walsh
Farrington	Kurtz	Outman	Womack
Forlini	LaFontaine	Pettalia	Yonker
Foster	Lane	Poleski	Zorn
Franz	LeBlanc		

**Nays—11**

Constan	Howze	Olumba	Talabi
Durhal	Jackson	Santana	Tlaib
Hobbs	Lipton	Stapleton	

In The Chair: Walsh

The House agreed to the title of the bill.

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

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

Reps. Bledsoe, Brunner, Bumstead, Byrum, Cotter, Crawford, Daley, Darany, Farrington, Forlini, Franz, Geiss, Genetski, Glardon, Haines, Haveman, Hooker, Horn, Jacobsen, Knollenberg, Kurtz, Liss, Lund, MacGregor, MacMaster, McBroom, Moss, Muxlow, Olson, Pettalia, Poleski, Potvin, Price, Pscholka, Rendon, Wayne Schmidt, Smiley, Stamas, Yonker and Zorn were named co-sponsors of the bill.

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Rep. Stapleton, having reserved the right to explain her protest against the passage of the bill, made the following statement:

“Mr. Speaker and members of the House:

This bill while done with good intentions does not fully close the door on public bodies being able to circumvent the public and total openness.

I wanted to change the following:

‘All decisions of a public body shall be made at a meeting open to the public. A MEETING IS NOT OPEN TO THE PUBLIC IF A MEMBER OF THE PUBLIC BODY CASTS HIS OR HER VOTE ON A DECISION OF THE PUBLIC BODY WITHOUT BEING PHYSICALLY PRESENT AT THE MEETING.’

The reason I wanted to change this and what causes me enough cause to vote no is the words ‘A MEETING IS NOT OPEN TO THE PUBLIC’ I believe these words remaining in the bill will still give those interested in violating the public trust an opportunity to circumvent the will of the people and total openness.

I hope that the Senate will correct this so that this is crystal clear and total openness will occur. It is the public’s right and we should do whatever is necessary to uphold it.”

**Second Reading of Bills****Senate Bill No. 611, entitled**

A bill to amend 1939 PA 280, entitled “The social welfare act,” by amending section 109 (MCL 400.109), as amended by 2011 PA 53.

The bill was read a second time.

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

The motion prevailed.

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Rep. Stamas moved that House Committees be given leave to meet during the balance of today’s session.

The motion prevailed.

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

**House Bill No. 4445, entitled**

A bill to amend 1979 PA 94, entitled "An act to make appropriations to aid in the support of the public schools, the intermediate school districts, community colleges, and public universities of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the appropriations; to authorize the issuance of certain bonds and provide for the security of those bonds; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to create certain funds and provide for their expenditure; to prescribe penalties; and to repeal acts and parts of acts," by amending sections 6, 11, 11a, 11m, 22a, 22b, 24a, 24c, 26b, 51a, 51c, 74, 94a, and 104 (MCL 388.1606, 388.1611, 388.1611a, 388.1611m, 388.1622a, 388.1622b, 388.1624a, 388.1624c, 388.1626b, 388.1651a, 388.1651c, 388.1674, 388.1694a, and 388.1704), sections 6, 11a, 24a, 24c, 26b, 74, 94a, and 104 as amended by 2011 PA 62 and sections 11, 11m, 22a, 22b, 51a, and 51c as amended by 2011 PA 299, and by adding sections 11q, 22h, and 32g.

The Senate has concurred in the House substitute (H-2) to the Senate substitute (S-1) and agreed to the title as amended. The bill was referred to the Clerk for enrollment printing and presentation to the Governor on February 23, 2012.

By unanimous consent the House returned to the order of  
**Announcement by the Clerk of Printing and Enrollment**

The Clerk announced the enrollment printing and presentation to the Governor on Thursday, February 23, for his approval of the following bill:

**Enrolled House Bill No. 4445 at 8:05 p.m.**

The Clerk announced that the following bills had been printed and placed upon the files of the members on Friday, February 24:

<b>House Bill Nos.</b>	<b>5428</b>	<b>5429</b>	<b>5430</b>	<b>5431</b>	<b>5432</b>	<b>5433</b>	<b>5434</b>	<b>5435</b>	<b>5436</b>	<b>5437</b>
<b>Senate Bill Nos.</b>	<b>976</b>	<b>977</b>	<b>978</b>	<b>979</b>	<b>980</b>	<b>981</b>				

The Clerk announced the enrollment printing and presentation to the Governor on Tuesday, February 28, for his approval of the following bills:

**Enrolled House Bill No. 4369 at 2:01 p.m.**

**Enrolled House Bill No. 4578 at 2:03 p.m.**

**Messages from the Governor**

The following message from the Governor was received February 24, 2012 and read:

**EXECUTIVE ORDER  
 No. 2012 - 2**

**DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
 DEPARTMENT OF TECHNOLOGY, MANAGEMENT AND BUDGET  
 DEPARTMENT OF HUMAN SERVICES  
 DEPARTMENT OF CIVIL RIGHTS  
 COMMISSION FOR THE BLIND  
 BLIND AND VISUALLY IMPAIRED SERVICES ADVISORY BOARD  
 MICHIGAN REHABILITATION COUNCIL  
 MICHIGAN COUNCIL FOR REHABILITATION SERVICES  
 DISABILITY CONCERNS COMMISSION**

**RESCISSION OF EXECUTIVE ORDER 2007-48**

**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 that 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, the rehabilitation needs of Michigan residents can be best served by consolidation of existing programs and services; and

WHEREAS, the management of vendor facility programs is most efficiently performed in conjunction with other state facility management services;

NOW, THEREFORE, I, Richard D. Snyder, Governor of the state of Michigan, by virtue of the powers and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

### **I. BUSINESS ENTERPRISE PROGRAM**

A. Except as specified in Section I.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 Commission for the Blind and the Department of Licensing and Regulatory Affairs relating to the Business Enterprise Program and other vendor licensing programs relating to the blind or visually impaired are transferred from the Commission for the Blind and the Department of Licensing and Regulatory Affairs to the Department of Technology, Management and Budget, including but not limited to the following:

1. The Blind and Visually Disabled Persons Act, 1978 PA 260, MCL 393.351 to 393.369.
2. Section 7a of the Michigan Historical Commission Act, 1913 PA 271, MCL 399.1 to 399.10.
3. Section 2 of the Limited Access Highways Act, 1941 PA 205, MCL 252.51 to 252.64.
4. Section 4 of the Business Opportunity Act for Persons with Disabilities, 1988 PA 112, MCL 450.791 to MCL 450.795.
5. Section 208 of the Michigan Museum Act, 1990 PA 325, MCL 399.301 to MCL 399.510.

B. Any authority, powers, duties, functions, records, property, unexpended balances of appropriations, allocations or other funds, of the Director of the Commission for the Blind or the Director of the Department of Licensing and Regulatory Affairs relating to the Business Enterprise Program or other vendor facilities and licensing programs relating to the blind or visually impaired are transferred to the Director of the Department of Technology, Management and Budget.

C. Any authority, powers, duties, functions, records, property, unexpended balances of appropriations, allocations or other funds of the Commission for the Blind granted by 1999 AC, R 393.16(f), 393.34 and 393.56 are transferred to the Director of the Department of Technology, Management and Budget.

### **II. THE BLIND AND VISUALLY IMPAIRED SERVICES ADVISORY BOARD**

A. The Blind and Visually Impaired Services Advisory Board ("Advisory Board") is created as an advisory board within the Department of Human Services.

B. The Advisory Board shall consist of five members appointed by, and serving at the pleasure of, the Governor.

C. The Advisory Board members shall have a particular interest or expertise in the concerns of the blind or visually impaired community.

D. The Governor shall designate a member of the Advisory Board to serve as its Chairperson. The Chairperson shall serve at the pleasure of the Governor.

E. The Director of the Department of Human Services shall perform all budgeting, procurement, and related management functions of the Advisory Board.

F. The Advisory Board shall do the following:

1. Study and review the needs of the blind and visually impaired community in this state.
2. Advise the Department concerning the coordination and administration of state programs serving the blind and visually impaired community.
3. Recommend changes in state programs, statutes, and policies that affect the blind and visually impaired community to the Department.
4. Secure appropriate recognition of the accomplishments and contributions of blind and visually impaired residents of this state.
5. Monitor, evaluate, investigate, and advocate programs for the betterment of blind and visually impaired residents of this state.

### **III. MICHIGAN COMMISSION FOR THE BLIND**

A. 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 Commission for the Blind not previously transferred to the Department of Technology, Management and Budget under Section I. of this Order are transferred from the Commission for the Blind and the Department of Licensing and Regulatory Affairs to the Department of Human Services.

B. Any authority, powers, duties, functions, records, property, unexpended balances of appropriations, allocations or other funds, including the functions of budgeting and procurement, of the Director of the Commission for the Blind or

the Director of the Department of Licensing and Regulatory Affairs relative to services to the blind and visually impaired and not previously transferred to the Department of Technology, Management and Budget under Section I. of this Order are transferred to the Director of the Department of Human Services.

#### **IV. MICHIGAN REHABILITATION SERVICES**

Michigan Rehabilitation Services is transferred by a Type II transfer from the Department of Licensing and Regulatory Affairs to the Department of Human Services. Any authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations or other funds, including the functions of budgeting and procurement, of Michigan Rehabilitation Services are transferred from the Department of Licensing and Regulatory Affairs to the Department of Human Services.

#### **V. IMPLEMENTATION OF TRANSFERS**

A. 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 this Order are transferred to the receiving department.

B. The director of the department receiving the transfer, 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 receiving department.

C. The directors of the departments impacted by this Order 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.

D. The directors of the departments impacted by this Order shall administer the functions transferred 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.

#### **VI. CREATION OF MICHIGAN COUNCIL FOR REHABILITATION SERVICES**

A. The Michigan Council for Rehabilitation Services (“Council”) is established within the Department of Human Services.

B. The Council shall include the following sixteen (16) voting members:

1. The following members are appointed by the Governor, after soliciting recommendations from representatives of organizations representing a broad range of individuals with disabilities and organizations interested in individuals with disabilities:

- a. One individual representing the Statewide Independent Living Council established under Executive Order 2007-49.
- b. One individual representing a parent training and information center established under Section 671 of the Individuals with Disabilities Education Act, Public Law 91-30, as amended, 20 USC 1471.
- c. One individual representing the client assistance program established under Section 112 of the Rehabilitation Act of 1973, Public Law 93-112, as amended, 29 USC 732.
- d. One individual representing qualified vocational rehabilitation counselors with knowledge of, and experience with, vocational rehabilitation programs. The individual appointed under this paragraph shall not be an employee of Michigan Rehabilitation Services.
- e. One individual representing community rehabilitation program service providers.
- f. Four individuals representing business, industry, or labor, including at least one individual representing the Talent Investment Board created by Executive Order 2011-13.
- g. Four individuals representing disability advocacy groups, including a cross-section of all of the following:
  - i. Disability advocacy groups representing individuals with physical, cognitive, sensory, and mental disabilities.
  - ii. Disability groups representing representatives of individuals with disabilities who have difficulty in representing themselves or are unable due to their disabilities to represent themselves.
- h. One individual representing current or former applicants for, or recipients of, vocational rehabilitation services.
  - i. One individual representing the director of a project carried out under Section 121 of the Rehabilitation Act of 1973, Public Law 93-112, as amended, 29 USC 741, providing vocational rehabilitation services grants to the governing bodies of an Indian tribe or to a consortium of tribal governing bodies.

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

C. The Bureau Director of Michigan Rehabilitation Services shall serve as a non-voting ex officio member of the Council.

D. A majority of the members of the Council shall be individuals with disabilities and shall not be employed by the Department of Human Services. When appointing members of the Council, the Governor shall consider, to the greatest extent practicable, the extent to which minority populations are represented on the Council.

E. Of the members of the Council initially appointed by the Governor under Section VI.B., six (6) members shall be appointed for a term expiring on December 31, 2012, five (5) members shall be appointed for a term expiring on



December 31, 2013, and five (5) members shall be appointed for a term expiring on December 31, 2014. After the initial appointments, members shall be appointed for a term of three (3) years.

F. A vacancy on the Council occurring other than by expiration of a term shall be filled by the Governor in the same manner as the original appointment for the balance of the unexpired term. A vacancy shall not affect the power of the remaining members to exercise the duties of the Council.

G. Except for a member appointed under Section VI.B.1.c. or Section VI.B.1.i., a member of the Council shall not serve more than two consecutive full terms.

#### **VII. CHARGE TO THE COUNCIL**

A. After consulting with the Talent Investment Board, the Council shall do all of the following:

1. Review, analyze, and advise Michigan Rehabilitation Services regarding the performance of the responsibilities of Michigan Rehabilitation Services under Sections 100 to 141 of the Rehabilitation Act of 1973, Public Law 93-112, as amended, 29 USC 720 to 753a, particularly responsibilities relating to all of the following:

- a. Eligibility, including order of selection.
- b. The extent, scope, and effectiveness of services provided.
- c. Functions performed by state departments and agencies that affect or that potentially affect the ability of individuals with disabilities in achieving employment outcomes under Sections 100 to 141 of the Rehabilitation Act of 1973, Public Law 93-112, as amended, 29 USC 720 to 753a.

2. In partnership with Michigan Rehabilitation Services, do all of the following:

- a. Develop, agree to, and review the goals and priorities of this state in accordance with Section 101(a)(15)(C) of the Rehabilitation Act of 1973, Public Law 93-112, as amended, 29 USC 721(a)(15)(C).
- b. Evaluate the effectiveness of the vocational rehabilitation program and submit reports of progress to the federal government in accordance with Section 101(a)(15)(E) of the Rehabilitation Act of 1973 Public Law 93-112, as amended, 29 USC 721(a)(15)(E).

3. Advise the Department of Human Services and Michigan Rehabilitation Services regarding activities authorized to be carried out under Sections 100 to 141 of the Rehabilitation Act of 1973, Public Law 93-112, as amended, 29 USC 720 to 753a, and assist in the preparation of the State Plan and amendments to the State Plan, applications, reports, needs assessments, and evaluations required by Sections 100 to 141 of the Rehabilitation Act of 1973, Public Law 93-112, as amended, 29 USC 720 to 753a.

4. Perform all other functions required by 29 USC 725(c)(4)-(8).

5. Perform other functions related to the Council's responsibilities as requested by the Governor.

#### **VIII. OPERATIONS OF THE COUNCIL**

A. The Council shall select from among its voting members a Chairperson of the Council and may select other officers as it deems necessary.

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

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

D. The Council shall meet at least four times per year in a place that the Council determines necessary to conduct Council business and conduct forums or hearings as the Council determines appropriate.

E. The Council shall conduct all business at public meetings held in compliance with the Open Meetings Act, 1976 PA 267, MCL 15.261 to 15.275. Public notice of the time, date, and place of each meeting shall be given in the manner required by the Open Meetings Act, 1976 PA 267, MCL 15.261 to 15.275.

F. The Council shall carry out its functions as required by 29 USC 725(d)-(e) and 29 USC 725(g).

#### **IX. DISABILITY CONCERNS COMMISSION**

All the authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, and allocations or other funds, including the functions of budgeting and procurement, of the Disability Concerns Commission, created by Executive Order 2009-40, previously transferred by Executive Order 2011-4 from the Department of Licensing and Regulatory Affairs to the Department of Civil Rights by a Type I transfer, are hereby transferred to the Department of Civil Rights by Type III transfer as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

#### **X. ABOLISHED ENTITIES**

A. The Michigan Rehabilitation Council, created by Executive Order 2007-48, is abolished, and Executive Order 2007-48 is rescinded.

B. The Commission for the Blind, created by MCL 393.352, and the Commission Board, created by 1999 AC, R 391.1 et seq, are abolished.

C. The position of Director of the Commission for the Blind created by MCL 393.352(1) is abolished.

D. The Disability Concerns Commission, created by Executive Order 2009-40, is abolished.

**XI. MISCELLANEOUS**

A. All rules, orders, contracts, plans, and agreements relating to the functions transferred to the Department of Technology, Management and Budget and Department of Human Services 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.

B. Any suit, action, or other proceeding lawfully commenced by, against, or before any entity transferred to the Department of Technology, Management and Budget and Department of Human Services 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.

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

In fulfillment of the requirements 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 24th day of February, in the Year of our Lord, Two Thousand Twelve.

RICHARD D. SNYDER

GOVERNOR

BY THE GOVERNOR:

RUTH A. JOHNSON

SECRETARY OF STATE

The message was referred to the Clerk.

Date: February 24, 2012

Time: 8:08 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4445 (Public Act No. 29, I.E.), being**

An act to amend 1979 PA 94, entitled “An act to make appropriations to aid in the support of the public schools, the intermediate school districts, community colleges, and public universities of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the appropriations; to authorize the issuance of certain bonds and provide for the security of those bonds; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to create certain funds and provide for their expenditure; to prescribe penalties; and to repeal acts and parts of acts,” by amending sections 6, 11, 11a, 11m, 22a, 22b, 24a, 24c, 26b, 51a, 51c, 74, 94a, and 104 (MCL 388.1606, 388.1611, 388.1611a, 388.1611m, 388.1622a, 388.1622b, 388.1624a, 388.1624c, 388.1626b, 388.1651a, 388.1651c, 388.1674, 388.1694a, and 388.1704), sections 6, 11a, 24a, 24c, 26b, 74, 94a, and 104 as amended by 2011 PA 62 and sections 11, 11m, 22a, 22b, 51a, and 51c as amended by 2011 PA 299, and by adding sections 11q, 22h, and 32g.

(Filed with the Secretary of State February 24, 2012, at 11:52 a.m.)

### Explanation of “No” Votes

Rep. Haugh, having reserved the right to explain his nay vote pertaining to **House Bill No. 4445**, made the following statement:

“Mr. Speaker and members of the House:

I voted no on House Bill 4445 because, rather than working in a bipartisan matter to establish a meaningful solution to an educational crisis, the House Majority is playing politics with our children’s future and their education.

House Bill 4445 will put enormous pressure on students to leave their current school— throwing the students and the Highland Park community in disarray— rather than assisting the students in their own neighborhoods in Highland Park. Students who move to a new school district in the middle of a school year face enormous challenges. Even more egregious, the bill would allow the other school districts to reject the most vulnerable Highland Park students, essentially leaving them without a school. House Democrats, on the other hand, offered a lawful solution to allow the district to make payroll for the remainder of the year but the Majority rejected this common sense solution.

In short, the House Majority has chosen to abandon the Highland Park school district and short-change the Highland Park students. Therefore, I voted ‘no’ on HB 4445.”

Rep. McCann, having reserved the right to explain his nay vote pertaining to **House Bill No. 4445**, made the following statement:

“Mr. Speaker and members of the House:

I voted no on House Bill 4445 because it will put enormous pressure on Highland Park School District students to leave their current school— throwing the students and the Highland Park community in disarray— rather than assisting the students in their own neighborhoods in Highland Park. Students who would be compelled to move to a new school district in the middle of a school year face enormous challenges, beyond those currently existing in the district. Furthermore, the bill would allow other school districts to reject the most vulnerable Highland Park students, essentially leaving them without a school. Therefore, I voted ‘no’ on HB 4445.”

### Introduction of Bills

Reps. Huuki, Franz, McBroom, Foster, Bumstead, Johnson, MacMaster, Lyons, McMillin, Glardon, Rendon and Haugh introduced

#### **House Bill No. 5438, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 11506 (MCL 324.11506), as amended by 2010 PA 345.

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

Rep. Opsommer introduced

#### **House Bill No. 5439, entitled**

A bill to amend 1939 PA 3, entitled “An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts,” (MCL 460.1 to 460.11) by adding sections 10ff and 10gg.

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

Rep. Lori introduced

#### **House Bill No. 5440, entitled**

A bill to amend 1968 PA 251, entitled “Cemetery regulation act,” (MCL 456.521 to 456.543) by adding section 17.

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

Rep. Hughes introduced

#### **House Bill No. 5441, entitled**

A bill to amend 1998 PA 386, entitled “Estates and protected individuals code,” by amending section 5305 (MCL 700.5305), as amended by 2000 PA 464.

The bill was read a first time by its title and referred to the Committee on Families, Children, and Seniors.

Reps. Damrow and Rogers introduced

#### **House Bill No. 5442, entitled**

A bill to amend 1976 PA 451, entitled “The revised school code,” by amending sections 1310, 1311, and 1311a (MCL 380.1310, 380.1311, and 380.1311a), section 1310 as amended by 2000 PA 230, section 1311 as amended by 2008 PA 1, and section 1311a as amended by 2007 PA 138.

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

Reps. Damrow and Rogers introduced

**House Bill No. 5443, entitled**

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 6, 105, and 105c (MCL 388.1606, 388.1705, and 388.1705c), section 6 as amended by 2011 PA 62 and sections 105 and 105c as amended by 2008 PA 268.

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

Rep. Gilbert introduced

**House Bill No. 5444, entitled**

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4r (MCL 205.54r), as amended by 2004 PA 173.

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

Rep. Gilbert introduced

**House Bill No. 5445, entitled**

A bill to amend 1937 PA 94, entitled "Use tax act," by amending section 4k (MCL 205.94k), as amended by 2009 PA 54.

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

**Announcements by the Clerk**

February 27, 2012

Received from the Wayne County Airport Authority a copy of the 2011 Audited Financial Statements per the requirements of Public Act 90 of 2002.

Gary L. Randall  
Clerk of the House

February 27, 2012

Received from the Auditor General a copy of the following audit report and/or report summary:  
Financial audit of the Michigan Education Trust (MET) Plans B and C, a discretely presented component unit of the State of Michigan, for the fiscal years ended September 30, 2011 and September 30, 2010.

February 27, 2012

Received from the Auditor General a copy of the following audit report and/or report summary:  
Financial audit of the Michigan Education Trust (MET) Plan D, a discretely presented component unit of the State of Michigan, for the fiscal years ended September 30, 2011 and September 30, 2010.

February 27, 2012

Received from the Auditor General a copy of the following audit report and/or report summary:  
Performance audit of Youth Transitioning from Foster Care to Self-Sufficiency, Department of Human Services, February 2012.

Gary L. Randall  
Clerk of the House

Rep. Somerville moved that the House adjourn.

The motion prevailed, the time being 2:35 p.m.

The Speaker Pro Tempore declared the House adjourned until Wednesday, February 29, at 1:30 p.m.

GARY L. RANDALL  
Clerk of the House of Representatives