

No. 70
STATE OF MICHIGAN
Journal of the Senate
95th Legislature
REGULAR SESSION OF 2010

Senate Chamber, Lansing, Thursday, August 19, 2010.

10:00 a.m.

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

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

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

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

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

Pastor Rod McTaggart of Bread of Life Harvest Center Church of Saginaw offered the following invocation:

Gracious Father, we are gathered here this morning in these hallowed chambers of the Senate desiring Your wisdom and counsel. Father, just as our first President stated in an inaugural address that “the propitious smiles of Heaven can never be expected on a nation that disregards the eternal rules of order and right which Heaven itself has ordained,” Lord, we pray that heaven will smile upon us today.

Father, may the laws and actions taken by the honorable men and women of this chamber be measured by Your laws and by the laws of nature, of which there can be no contradiction. Lord, may we forever acknowledge that this land called Michigan was a gift of heaven to our forefathers and to us.

Father, this Senate is faced in these times with critical decisions that will affect the lives of countless generations and citizens of the future, even those that are yet within the womb. Father, I pray that all men of all races would be guaranteed their unalienable rights of life, liberty, and the pursuit of happiness. I pray that this nation and state will rise up and live out the true meaning of “We hold these truths to be self-evident, that all men are created equal.”

I pray that we will no longer see business as usual and that we would recognize the urgency of the moment in which we live and not live at cross purposes with You or with one another. I pray, Lord, that the angst and distrust that has engulfed our nation and state will be no more; that as a people, we will see that our destinies are tied up together, that our freedoms are intricately bound together, and that we cannot walk alone.

Lord, I ask that we will be able to transform the jangling discord of partisanship into a beautiful symphony of brotherhood and peace. Heavenly Father, may all these things be done and accomplished in Jesus’ name. Amen.

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

Motions and Communications

Senators George, Gleason, Brown, Jansen, Pappageorge, Garcia and McManus entered the Senate Chamber.

Senator Anderson moved that Senators Clarke and Hunter be temporarily excused from today’s session. The motion prevailed.

Senator Anderson moved that Senators Barcia, Clark-Coleman, Thomas and Whitmer be excused from today’s session. The motion prevailed.

Recess

Senator Cropsey moved that the Senate recess subject to the call of the Chair. The motion prevailed, the time being 10:08 a.m.

11: 05 a.m.

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

During the recess, Senators Clarke and Hunter entered the Senate Chamber.

Senator Cropsey moved that consideration of the motion to discharge the Committee on Government Operations from further consideration of the following resolution be postponed for today:

Senate Resolution No. 172

The motion prevailed.

The Secretary announced that the following official bills were printed on Wednesday, August 18, and are available at the legislative website:

Senate Bill Nos. 1453 1454 1455 1456 1457 1458 1459 1460 1461 1462 1463

Messages from the Governor

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

Senate Bill No. 1163

The motion prevailed.

The following message from the Governor was received on August 18, 2010, and read:

EXECUTIVE ORDER
No. 2010-8

**Abolishing the Strategic Economic Investment and Commercialization Board
Department of Treasury**

Executive Reorganization

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

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

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

WHEREAS, abolishing the Strategic Economic Investment and Commercialization Board will contribute to a smaller and more efficient state government;

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

I. DEFINITIONS

As used in this Order:

A. "Department of Treasury" or "Department" means the principal department of state government created under Section 75 of 1965 PA 380, MCL 16.175.

B. "Michigan Strategic Fund" means the public body corporate and politic created within the Department of Treasury under Section 5 of the Michigan Strategic Fund Act, 1984 PA 270, MCL 125.2005.

C. "Michigan Strategic Fund Board" means the board created under Section 5 of the Michigan Strategic Fund Act, 1984 PA 270, MCL 125.2005.

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

E. "Strategic Economic Investment and Commercialization Board" means the board created under Section 88k of the Michigan Strategic Fund Act, 1984 PA 270, MCL 125.2088k.

II. TRANSFER OF AUTHORITY

A. All of the authority, powers, duties, functions, responsibilities, records, personnel, property, unexpended balances of appropriations, allocations, or other funds of the Strategic Economic Investment and Commercialization Board are transferred to the Michigan Strategic Fund Board, including, but not limited to, the authority, powers, duties, functions, responsibilities, records, personnel, property, unexpended balances of appropriations, allocations, or other funds of the Strategic Economic Investment and Commercialization Board under any of the following:

1. Section 88k of the Michigan Strategic Fund Act, 1984 PA 270, MCL 125.2088k.
2. Section 88l of the Michigan Strategic Fund Act, 1984 PA 270, MCL 125.2088l.
3. Section 88m of the Michigan Strategic Fund Act, 1984 PA 270, MCL 125.2088m.
4. Section 88n of the Michigan Strategic Fund Act, 1984 PA 270, MCL 125.2088n.

B. The Strategic Economic Investment and Commercialization Board is abolished.

III. IMPLEMENTATION OF TRANSFERS

A. The President of the Michigan Strategic Fund shall provide executive direction and supervision for the implementation of all transfers of functions under this Order and shall make internal organizational changes as necessary to complete the transfers under this Order.

B. The functions transferred under this Order shall be administered by the President of the Michigan Strategic Fund in such ways as to promote efficient administration.

C. All records, property, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Strategic Economic Investment and Commercialization Board for the activities, powers, duties, functions, and responsibilities transferred under this Order are transferred to the Michigan Strategic Fund.

IV. MISCELLANEOUS

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

B. 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.

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

D. This Order shall not abate any criminal action commenced by this state prior to the effective date of this Order.

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

In fulfillment of the requirements under Section 2 of Article V of the Michigan Constitution of 1963, the provisions of this Order are effective October 18, 2010 at 12:01 a.m.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 18th day of August, in the year of our Lord, two thousand and ten.

Jennifer M. Granholm
Governor

By the Governor:
Terri L. Land
Secretary of State

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

The following message from the Governor was received on August 18, 2010, and read:

EXECUTIVE ORDER
No. 2010-9

**Manufactured Housing Commission
Department of Energy, Labor, and Economic Growth**

Executive Reorganization

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

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

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

WHEREAS, reducing the membership of the Manufactured Housing Commission will contribute to a smaller and more efficient state government;

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

I. DEFINITIONS

As used in this Order:

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

B. "Manufactured Housing Commission" or "Commission" means the commission created within the Department of Energy, Labor, and Economic Growth under Section 3 of the Mobile Home Commission Act, 1987 PA 96, MCL 125.2303, and renamed by Executive Order 1997-12, MCL 445.2002.

II. MANUFACTURED HOUSING COMMISSION

A. The positions as members of the Manufactured Housing Commission that are provided for 2 operators of a licensed manufactured housing park having 100 or more sites under Section 3(3)(c) of the Mobile Home Commission Act, 1987 PA 96, MCL 125.2303(3)(c), are abolished effective October 18, 2010.

B. The position as a member of the Commission that is provided for 1 operator of a licensed manufactured housing park having less than 100 sites under Section 3(3)(c) of the Mobile Home Commission Act, 1987 PA 96, MCL 125.2303(3)(c), is abolished effective October 18, 2010.

C. The position as a member of the Commission that is provided for 1 resident of a licensed manufactured housing park having 100 or more sites under Section 3(3)(g) of the Mobile Home Commission Act, 1987 PA 96, MCL 125.2303(3)(g), is abolished effective October 18, 2010.

D. The position as a member of the Commission that is provided for 1 resident of a licensed manufactured housing park having less than 100 sites under Section 3(3)(g) of the Mobile Home Commission Act, 1987 PA 96, MCL 125.2303(3)(g), is abolished effective October 18, 2010.

E. Effective October 19, 2010, the Commission also shall consist of the following additional 3 members, each of whom shall be a citizen of this state, appointed by the Governor with the advice and consent of the Michigan Senate:

1. 2 operators of licensed manufactured housing parks.
2. 1 resident of a licensed manufactured housing park.

F. Members of the Commission appointed under Section II.E shall be appointed for terms expiring on May 9, 2013.

III. MISCELLANEOUS

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

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

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 this Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

In fulfillment of the requirements under Section 2 of Article V of the Michigan Constitution of 1963, the provisions of this Order are effective October 18, 2010 at 12:01 a.m.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 18th day of August, in the year of our Lord, two thousand and ten.

Jennifer M. Granholm
Governor

By the Governor:
Terri L. Land
Secretary of State

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

The following message from the Governor was received on August 18, 2010, and read:

EXECUTIVE ORDER
No. 2010-10

**Board of Health and Safety Compliance Appeals
Department of Energy, Labor, and Economic Growth**

Executive Reorganization

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

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

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

WHEREAS, reducing the membership of the Board of Health and Safety Compliance Appeals will contribute to a smaller and more efficient state government;

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

I. DEFINITIONS

As used in this Order:

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

B. "Board of Health and Safety Compliance and Appeals" means the board created within the Department of Energy, Labor, and Economic Growth under Section 46 of 1974 PA 154, MCL 408.1046.

II. BOARD OF HEALTH AND SAFETY COMPLIANCE APPEALS

A. The position as a member of the Board of Health and Safety Compliance Appeals that is provided for one individual representing management and actively engaged in the area of industry under Section 46(1)(a)(i) of the Michigan Occupational Safety and Health Act, 1974 PA 154, MCL 408.1046(1)(a)(i), is abolished effective October 18, 2010.

III. MISCELLANEOUS

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

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

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 this Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

In fulfillment of the requirements under Section 2 of Article V of the Michigan Constitution of 1963, the provisions of this Order are effective October 18, 2010 at 12:01 a.m.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 18th day of August, in the year of our Lord, two thousand and ten.

Jennifer M. Granholm
Governor

By the Governor:

Terri L. Land

Secretary of State

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

The following message from the Governor was received on August 18, 2010, and read:

EXECUTIVE ORDER

No. 2010-11

Abolishing the Renewable Fuels Commission Department of Energy, Labor, and Economic Growth

Executive Reorganization

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

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

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

WHEREAS, abolishing the Renewable Fuels Commission will contribute to a smaller and more efficient state government;

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

I. DEFINITIONS

As used in this Order:

A. "Department of Energy, Labor, and Economic Growth" means the principal department of state government created by Section 225 of the Executive Reorganization Act of 1965, 1965 PA 380, MCL 16.325, and renamed by Executive

Order 1996-2, MCL 445.2001, by Executive Order 2003-18, MCL 445.2011, and by Executive Order 2008-20, MCL 445.2025.

B. "Renewable Fuels Commission" means the commission created under Section 3 of the Renewable Fuels Commission Act, 2006 PA 272, MCL 290.583.

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

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

II. TRANSFER OF AUTHORITY

A. The Renewable Fuels Commission is transferred by Type III transfer to the Department of Energy, Labor, and Economic Growth.

B. The Renewable Fuels Commission is abolished.

III. IMPLEMENTATION OF TRANSFERS

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

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

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

IV. MISCELLANEOUS

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

B. 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.

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

D. This Order shall not abate any criminal action commenced by this state prior to the effective date of this Order.

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

In fulfillment of the requirements under Section 2 of Article V of the Michigan Constitution of 1963, the provisions of this Order are effective October 18, 2010 at 12:01 a.m.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 18th day of August, in the year of our Lord, two thousand and ten.

Jennifer M. Granholm
Governor

By the Governor:
Terri L. Land
Secretary of State

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

The following message from the Governor was received on August 18, 2010, and read:

EXECUTIVE ORDER No. 2010-12

Abolishing the Mentor Michigan Leadership Council Department of Human Services

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

WHEREAS, abolishing the Mentor Michigan Leadership Council will contribute to a smaller and more efficient state government;

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

- A. The Mentor Michigan Leadership Council is abolished.
- B. Executive Order 2006-3 is rescinded in its entirety.

The provisions of this Order are effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 18th day of August, in the year of our Lord, two thousand and ten.

Jennifer M. Granholm
Governor

By the Governor:
Terri L. Land
Secretary of State

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

The following message from the Governor was received on August 18, 2010, and read:

EXECUTIVE ORDER
No. 2010-13

**Abolishing the Michigan Center for Innovation and Reinvention Board
Department of Natural Resources and Environment**

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

WHEREAS, the Michigan Center for Innovation and Reinvention Board has completed the work for which it was created;

WHEREAS, abolishing the Michigan Center for Innovation and Reinvention Board will contribute to a smaller and more efficient state government;

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

- A. The Michigan Center for Innovation and Reinvention Board that was created within the Department of Natural Resources and Environment under Section IV of Executive Order 2009-36 is abolished.

The provisions of this Order are effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 18th day of August in the year of our Lord, two thousand and ten.

Jennifer M. Granholm
Governor

By the Governor:
Terri L. Land
Secretary of State

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

The following message from the Governor was received on August 18, 2010, and read:

EXECUTIVE ORDER
No. 2010-14

**Abolishing Complete Count Committee
Department of Technology, Management, and Budget**

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

WHEREAS, the Complete Count Committee has completed the work for which it was created;

WHEREAS, abolishing the Complete Count Committee will contribute to a smaller and more efficient state government;

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

A. The Complete Count Committee created within the Department of Technology, Management, and Budget by Executive Order 2009-34 is abolished effective November 30, 2010. Executive Order 2009-34 is rescinded in its entirety effective November 30, 2010.

The provisions of this Order are effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 18th day of August in the year of our Lord, two thousand and ten.

Jennifer M. Granholm
Governor

By the Governor:
Terri L. Land
Secretary of State

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

The following message from the Governor was received on August 18, 2010, and read:

EXECUTIVE ORDER
No. 2010-15

P-20 Longitudinal Data System Advisory Council

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

WHEREAS, under Section 8 of Article V of the Michigan Constitution of 1963, the Governor is responsible for the faithful execution of the laws;

WHEREAS, under Section 94a of the State School Aid Act, 1979 PA 94, MCL 388.1694a, the Center for Educational Performance and Information was created within the State Budget Office in the Department of Technology, Management, and Budget and is responsible for, among other things, coordinating the collection, management, and reporting of all education data required by state and federal law for preschool, elementary, secondary and postsecondary education, in a manner that reduces the administrative burden on reporting entities, complies with federal and state privacy laws, and provides data and reports to state and local policymakers and the residents of this state;

WHEREAS, under Section 94a of the State School Aid Act, 1979 PA 94, MCL 388.1694a, the Center for Educational Performance and Information is also responsible for the development and implementation of a comprehensive P-20 longitudinal data reporting system and the collection of data necessary to implement the system, including the electronic exchange of student records between preschool, elementary, secondary and postsecondary educational entities;

WHEREAS, there is a need for an effective P-20 longitudinal data collection management and reporting system that identifies factors that help increase student success at every level of the education system by providing students, educators, researchers, policymakers, and the residents of this state with high quality, useful, and timely reports that can improve both practice and policy;

WHEREAS, managing an effective P-20 longitudinal data reporting system requires close coordination and communication among state agencies, preschool, elementary, secondary, postsecondary, and other adult learner education entities;

WHEREAS, the creation of a P-20 Longitudinal Data System Advisory Council that consists of representatives from state agencies, preschool, elementary, secondary, postsecondary, and other adult learner education entities, as well as from the workforce, will assist the Center for Educational Performance and Information in its efforts to develop and implement a comprehensive P-20 longitudinal data reporting system;

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

I. DEFINITIONS

As used in this Order:

A. "Department of Technology, Management, and Budget" means the principal department of state government created as the Department of Management and Budget under Section 121 of The Management and Budget Act, 1984 PA 431, MCL 18.1121, and renamed under Executive Order 2009-55, MCL 18.441.

B. "Center for Educational Performance and Information" means the center within the State Budget Office provided for by Section 94a of the State School Aid Act, 1979 PA 94, MCL 388.1694a.

C. "Council" means the P-20 Longitudinal Data System Advisory Council created under Section II of this Order.

D. "P-20" means education and training at all levels from pre-school through postsecondary education, and workforce training.

E. "State Budget Director" means the individual appointed by the Governor pursuant to Section 321 of The Management and Budget Act, 1984 PA 431, MCL 18.1321 and Executive Order 2009-55, MCL 18.441.

F. "State Budget Office" means the office created within the Department of Technology, Management, and Budget under Section 321 of The Management and Budget Act, 1984 PA 431, MCL 18.1321, and renamed under Executive Order 2009-55, MCL 18.441.

II. CREATION OF THE P-20 LONGITUDINAL DATA SYSTEM ADVISORY COUNCIL

A. The P-20 Longitudinal Data System Advisory Council is created as an advisory body within the State Budget Office.

B. The Council shall consist of the following members:

1. The Superintendent of Public Instruction or his or her designee from within the Department of Education.
2. The Director of the Department of Technology, Management, and Budget or his or her designee from within the Department of Technology, Management, and Budget.
3. The Director of the Department of Energy, Labor, and Economic Growth or his or her designee from within the Department of Energy, Labor, and Economic Growth.
4. The State Treasurer or his or her designee from within the Department of Treasury.
5. The State Budget Director or his or her designee from within the State Budget Office.
6. The Chief Executive Officer of the Early Childhood Investment Corporation or his or her designee from within the Early Childhood Investment Corporation.
7. Twelve individuals appointed by the Governor, including all of the following:
 - a. Six individuals representing public schools in this state.
 - b. Three individuals representing institutions of higher education in this state but not including community colleges.
 - c. Two individuals representing community colleges in this state.
 - d. One other resident of this state.

C. Members of the Council appointed by the Governor under Section II.B.7 shall serve at the pleasure of the Governor and initially shall be appointed for terms expiring on September 30, 2014. After September 30, 2010, members shall be appointed to 4-year terms. A vacancy caused other than by expiration of a term shall be filled in the same manner as the original appointment for the remainder of the term.

D. The State Budget Director shall serve as the Chairperson of the Council. The members of the Council shall select members of the Council to serve as Vice-Chairperson and Secretary of the Council.

III. CHARGE TO THE COUNCIL

A. The Council shall act in an advisory capacity to the State Budget Director and the Governor and shall do all of the following:

1. Review, develop, and recommend policies, procedures, and timelines to be adopted by the Center for Educational Performance and Information for the development and implementation of, and ongoing collection of data included in, a comprehensive longitudinal data reporting system in compliance with state and federal laws.

2. Develop and maintain data definitions, data transmission protocols, and system specifications and procedures for the integrated, efficient, accurate, and cost-effective transmission, collection, and reporting of data, including the movement of electronic student records, that are based on open standards, nonproprietary formats, and without preference to a particular model.

3. Develop and recommend state and educational entity model policies related to data collection, maintenance and reporting for the P-20 longitudinal data reporting system, including, but not limited to, all of the following:

- a. Storing unique student identifiers and matching student-level data in postsecondary data systems;
- b. Reporting student-level remedial coursework for institutions of higher education to high schools;
- c. Connecting individual teacher data to teacher preparation colleges;
- d. Ensuring the privacy of individual student data, including that a student's social security number is not released to the public for any purpose.

4. Ensure the data in the P-20 longitudinal data reporting system is made available to state and local policymakers and residents of this state in the most useful format possible.

5. Report to the Governor and the Legislature on recommended changes in Michigan law.

6. Other duties as requested by the Governor or the State Budget Director.

IV. OPERATIONS OF THE COUNCIL

A. The Council shall be staffed and assisted by personnel from the State Budget Office. Any budgeting, procurement, or related management functions of the Council shall be performed under the direction and supervision of the State Budget Director.

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

C. A majority of the 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 its serving members.

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

E. The Council may establish advisory workgroups composed of representatives of entities participating in Council activities or other members of the public as deemed necessary by the Council to assist the Council in performing its duties and responsibilities. The Council may adopt, reject, or modify any recommendations proposed by an advisory workgroup.

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

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

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

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

J. Members of the Council shall refer all legal, legislative, and media contacts to the State Budget Office.

V. MISCELLANEOUS

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

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

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

D. This Order is effective October 18, 2010 at 12:01 a.m.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 18th day of August in the year of our Lord, two thousand and ten.

Jennifer M. Granholm
Governor

By the Governor:
Terri L. Land
Secretary of State

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

The following message from the Governor was received on August 18, 2010, and read:

EXECUTIVE ORDER
No. 2010-16

**Abolishing the Center for Educational Performance and Information Advisory Committee
State Budget Office
Department of Technology, Management, and Budget**

Executive Reorganization

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

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

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

WHEREAS, abolishing the Center for Educational Performance and Information Advisory Committee will contribute to a smaller and more efficient state government;

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

I. DEFINITIONS

As used in this Order:

A. "Department of Technology, Management, and Budget" means the principal department of state government created as the Department of Management and Budget under Section 121 of The Management and Budget Act, 1984 PA 431, MCL 18.1121, and renamed under Executive Order 2009-55, MCL 18.441.

B. "Center for Educational Performance and Information Advisory Committee" means the committee created under Section 94a of the State School Aid Act, 1979 PA 94, MCL 388.1694a.

C. "P-20 Longitudinal Data System Advisory Council" means the council created under Section II of Executive Order 2010-15.

D. "State Budget Director" means the individual appointed by the Governor pursuant to Section 321 of The Management and Budget Act, 1984 PA 431, MCL 18.1321 and Executive Order 2009-55, MCL 18.441.

E. "State Budget Office" means the office created within the Department of Technology, Management, and Budget under Section 321 of The Management and Budget Act, 1984 PA 431, MCL 18.1321, and renamed under Executive Order 2009-55, MCL 18.441.

II. TRANSFER OF AUTHORITY

A. The authority, powers, duties, functions, responsibilities, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds of the Center for Educational Performance and Information Advisory Committee are transferred to the P-20 Longitudinal Data System Advisory Council.

B. The Center for Educational Performance and Information Advisory Committee is abolished.

III. IMPLEMENTATION OF TRANSFERS

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

B. The functions transferred under this Order shall be administered by the State Budget Director in such ways as to promote efficient administration.

C. All records, property, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Center for Educational Performance and Information Advisory Committee and the activities, powers, duties, functions, and responsibilities transferred under this Order are transferred to the P-20 Longitudinal Data System Advisory Council.

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

IV. MISCELLANEOUS

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

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

C. 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 under Section 2 of Article V of the Michigan Constitution of 1963, the provisions of this Order are effective October 18, 2010 at 12:01 a.m.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 18th day of August in the year of our Lord, two thousand ten.

Jennifer M. Granholm
Governor

By the Governor:
Terri L. Land
Secretary of State

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

The following message from the Governor was received on August 18, 2010, and read:

EXECUTIVE ORDER
No. 2010-17

**Abolishing the Foster Care Trust Fund Board
Department of Human Services**

Executive Reorganization

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

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

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

WHEREAS, merging the functions of the Foster Care Trust Fund Board and the State Child Abuse and Neglect Prevention Board will eliminate duplication and contribute to a smaller and more efficient state government;

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

I. DEFINITIONS

As used in this Order:

A. "Foster Care Trust Fund Board" means the board created in the Department of Human Services under Section 4 of the Foster Care Trust Fund Act, 2008 PA 525, MCL 722.1024.

B. "Department of Human Services" or "Department" means the principal department of state government created as the Department of Social Services under Section 450 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.550, renamed the Family Independence Agency under 1995 PA 223, MCL 400.1, and renamed the Department of Human Services under Executive Order 2004-38, MCL 400.226.

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

D. "State Child Abuse and Neglect Prevention Board" means the board created in the Department of Technology, Management, and Budget under Section 3 of the Child Abuse and Neglect Prevention Act, 1982 PA 250, MCL 722.603, and subsequently transferred to the Department of Human Services by Executive Order 1992-5, MCL 722.620.

II. TRANSFERS

A. The authority, powers, duties, functions, responsibilities, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds of the Foster Care Trust Fund Board are transferred to the State Child Abuse and Neglect Prevention Board.

B. The Foster Care Trust Fund Board is abolished.

III. IMPLEMENTATION OF TRANSFERS

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

B. All records, personnel, property, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Foster Care Trust Fund Board for the activities, powers, duties, functions, and responsibilities transferred under this Order are transferred to the State Child Abuse and Neglect Prevention Board.

C. Notwithstanding the activities, powers, duties, functions, and responsibilities transferred under this Order, the State Child Abuse and Neglect Prevention Board shall give first priority to fulfilling its duties and responsibilities under Section 6 of the Child Abuse and Neglect Prevention Act, 1982 PA 250, MCL 722.606.

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

IV. MISCELLANEOUS

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

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

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

In fulfillment of the requirements under Section 2 of Article V of the Michigan Constitution of 1963, the provisions of this Order are effective October 18, 2010 at 12:01 a.m.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 18th day of August in the year of our Lord, two thousand and ten.

Jennifer M. Granholm
Governor

By the Governor:
Terri L. Land
Secretary of State

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

The following message from the Governor was received on August 18, 2010, and read:

EXECUTIVE ORDER
No. 2010-18

**Department of Human Services
Governor's Task Force on Child Abuse and Neglect**

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

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

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

WHEREAS, a primary interest of this state is to promote and enhance the best interests of children residing in Michigan;

WHEREAS, improving the handling of child abuse and neglect cases, particularly child cases involving sexual abuse and exploitation, is of utmost importance to the well-being of Michigan children and families;

WHEREAS, the failure to coordinate and comprehensively improve the handling of child abuse and neglect cases may threaten the future of thousands of Michigan children;

WHEREAS, Section 107 of the federal Child Abuse Prevention and Treatment Act, as amended by the federal Keeping Children and Families Safe Act of 2003, Public Law 108-36, 42 USC 5106c, authorizes grants to states for the purpose of assisting states in developing, establishing, and operating programs designed to improve: (1) the handling of child abuse and neglect cases, particularly cases of child sexual abuse and exploitation, in a manner that limits additional trauma to the child victim; (2) the handling of cases of suspected child abuse or neglect related fatalities; (3) the investigation and prosecution of cases of child abuse and neglect, particularly child sexual abuse and exploitation; and (4) the handling of cases involving children with disabilities or serious health-related problems who are victims of abuse or neglect;

WHEREAS, to qualify for grants to states under Section 107 of the federal Child Abuse Prevention and Treatment Act, a state must establish or designate and maintain a multidisciplinary task force on children's justice;

WHEREAS, because this state remains committed to continual improvement in the handling of child abuse and neglect cases and to securing federal funding for such efforts, it is appropriate to refocus the activities of the Governor's Task Force on Children's Justice originally established by Executive Order 1991-38 through a newly focused Governor's Task Force on Child Abuse and Neglect consistent with changes provided for in the Keeping Children and Families Safe Act of 2003;

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

I. DEFINITIONS

As used in this Order:

A. "Civil Service Commission" means the commission created under Section 5 of Article XI of the Michigan Constitution of 1963.

B. "Department of Human Services" or "Department" means the principal department of state government created as the Department of Social Services under Section 450 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.550, renamed the Family Independence Agency under 1995 PA 223, MCL 400.1, and renamed the Department of Human Services under Executive Order 2004-38, MCL 400.266.

C. "Department of Technology, Management, and Budget" means the principal department of state government created as the Department of Management and Budget under Section 121 of The Management and Budget Act, 1984 PA 431, MCL 18.1121, and renamed under Executive Order 2009-55, MCL 18.441.

D. "Task Force" means the Governor's Task Force on Child Abuse and Neglect created within the Department of Human Services under Section II of this Order.

II. CREATION OF THE TASK FORCE

A. The Governor's Task Force on Child Abuse and Neglect is established within the Department of Human Services. The Task Force shall exercise its powers and duties independently of the Department.

B. The Task Force is designated as the multidisciplinary task force for this state for purposes of Section 107(c) of the federal Child Abuse Prevention and Treatment Act, 42 USC 5106c(c).

C. The Task Force shall consist of not more than 35 members appointed by the Governor and shall be composed of professionals with knowledge and experience relating to the criminal justice system and issues of child physical abuse, child neglect, child sexual abuse and exploitation, and child maltreatment related fatalities. Members of the Task Force shall include all of the following:

1. Individuals representing the law enforcement community.
2. Judges and attorneys involved in both civil and criminal court proceedings related to child abuse and neglect, including individuals involved with the defense and the prosecution of child abuse and neglect cases.
3. Child advocates, including both attorneys for children and court appointed special advocates.
4. Health and mental health professionals.
5. Individuals representing child protective services agencies.
6. Parents, including, but not limited to, parents experienced in working with children with disabilities.
7. Individuals representing parents' groups.

D. Members of the Task Force under Section II.C also may include other adult residents of this state who, as children, may or may not have been involved with the system for child abuse and neglect.

E. Members of the Task Force shall be appointed for a term of 4 years. A vacancy on the Task Force 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 member of the Task Force may be reappointed for subsequent additional terms.

F. The Governor shall designate a member of the Task Force to serve as Chairperson of the Task Force for a period coterminous with the member's term as a member of the Task Force. The Chairperson of the Task Force shall appoint a member of the Task Force to serve as Vice-Chairperson of the Task Force at the pleasure of the Chairperson of the Task Force.

G. The Task Force may establish and disband committees consisting of members of the Task Force as deemed necessary by the Task Force. The Chairperson of the Task Force shall appoint a chairperson for each committee established by the Task Force to serve as committee chairperson at the pleasure of the Chairperson of the Task Force. The chairperson of each committee established by the Task Force, the Chairperson of the Task Force, and the Vice-Chairperson of the Task Force shall constitute the Executive Committee of the Task Force.

III. CHARGE TO THE TASK FORCE

A. Not less than once every 3 years, the Task Force shall comprehensively review and evaluate state investigative, administrative, civil judicial handling, and criminal judicial handling of all of the following:

1. Cases of child abuse and neglect, particularly child sexual abuse and exploitation.
2. Cases involving suspected child maltreatment related fatalities.
3. Cases of child abuse and neglect involving a potential combination of jurisdictions, including, but not limited to, interstate, federal-state, and state-tribal.

B. At least once every 3 years, the Task Force shall comprehensively make policy and training recommendations to the Governor, the Michigan Supreme Court, and the Michigan Legislature in each of the following categories:

1. Investigative, administrative, and judicial handling of all of the following in a manner that reduces any additional trauma to a child victim and the victim's family and that also ensures procedural fairness to the accused:

- a. Cases of child abuse and neglect, particularly child sexual abuse and exploitation.
- b. Cases involving suspected child maltreatment related fatalities.
- c. Cases of child abuse and neglect involving a potential combination of jurisdictions, including, but not limited to, interstate, federal-state, and state-tribal.

2. Experimental, model, and demonstration programs for testing innovative approaches and techniques that improve the prompt and successful resolution of civil and criminal court proceedings or enhance the effectiveness of judicial and administrative action in child abuse and neglect cases, particularly child sexual abuse and exploitation cases, including the enhancement of the performance of court-appointed attorneys and guardians ad litem for children, and that also ensure procedural fairness to the accused.

3. Reform of state laws, ordinances, regulations, protocols, procedures, and rules to provide comprehensive protection for children from abuse, particularly child sexual abuse and exploitation, while ensuring fairness to all affected persons.

C. The Task Force shall function as a statewide coordinating council to oversee the implementation of recommendations of the Task Force under Section III.B. Acting as the statewide coordinating council, the Task Force shall develop both of the following:

1. Model statewide protocols adaptable to local needs.

2. A statewide comprehensive initiative to disseminate and encourage the proper use of protocols and to educate the public about child abuse and neglect, particularly child sexual abuse and exploitation.

D. The Task Force shall make other comments and recommendations relating to child abuse and neglect to the Governor, the Michigan Supreme Court, and the Michigan Legislature that the Task Force considers relevant and useful.

E. The Task Force shall perform other functions related to the Task Force's duties as requested by the Governor.

IV. OPERATIONS OF THE TASK FORCE

A. The Task Force shall be staffed and assisted by personnel from the Department, subject to available funding. Any budgeting, procurement, or related management functions of the Task Force shall be performed under the direction and supervision of the Director of the Department and the Chairperson of the Task Force. Consistent with any applicable rules or regulations of the Civil Service Commission, personnel assigned by the Department to assist the Task Force in performing duties under Section III shall be selected and approved by the Chairperson of the Task Force or other Task Force member designated by the Chairperson of the Task Force.

B. The Task Force shall adopt procedures consistent with applicable law and this Order governing its organization and operations.

C. A majority of the members serving on the Task Force constitutes a quorum for the transaction of the Task Force's business. The Task Force shall act by a majority vote of its members in attendance. In the event of an emergency, as determined by the Chairperson of the Task Force, the Task Force may act by a majority vote of the Executive Committee. The Executive Committee shall report on any action taken by the Executive Committee in the event of an emergency to all of the members of the Task Force.

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

E. The Task Force may establish subcommittees of Task Force members and advisory workgroups composed of public officers, public employees, or members of the public who are not members of the Task Force. The Task Force may adopt, reject, or modify any recommendations proposed by a subcommittee or an advisory workgroup.

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

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

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

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

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

K. When requested by the Task Force, the judicial branch of state government is respectfully requested to assist the Task Force in performing its duties under this Order.

L. Members of the Task Force shall refer all legal, legislative, and media contacts to the Department.

V. RESCISSION OF EXECUTIVE ORDERS

A. The Governor's Task Force on Children's Justice created under Executive Orders 1991-38 and 1993-8 is abolished. The Governor's Task Force on Child Abuse and Neglect shall be the successor to the Governor's Task Force on Children's Justice.

B. Executive Order 1991-38 is rescinded in its entirety.

C. Executive Order 1993-8 is rescinded in its entirety.

Not Voting—0

In The Chair: Richardville

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor. The bill was referred to the Secretary for enrollment printing and presentation to the Governor.

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

Senator Cropsey moved that the following bill be placed at the head of the Third Reading of Bills calendar:
House Bill No. 6097
The motion prevailed.

The following bill was read a third time:

House Bill No. 6097, entitled

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending section 7704 (MCL 500.7704), as amended by 2006 PA 671.

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

Roll Call No. 399

Yeas—34

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

Nays—0

Excused—4

Barcia	Clark-Coleman	Thomas	Whitmer
--------	---------------	--------	---------

Not Voting—0

In The Chair: Richardville

The question being on concurring in the committee recommendation to give the bill immediate effect, The recommendation was concurred in, 2/3 of the members serving voting therefor. Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to revise, consolidate, and classify the laws relating to the insurance and surety business; to regulate the incorporation or formation of domestic insurance and surety companies and associations and the admission of foreign and

alien companies and associations; to provide their rights, powers, and immunities and to prescribe the conditions on which companies and associations organized, existing, or authorized under this act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, associations, risk retention groups, and purchasing groups engaged in an insurance or surety business may exercise their powers; to provide for the imposition of a privilege fee on domestic insurance companies and associations and the state accident fund; to provide for the imposition of a tax on the business of foreign and alien companies and associations; to provide for the imposition of a tax on risk retention groups and purchasing groups; to provide for the imposition of a tax on the business of surplus line agents; to provide for the imposition of regulatory fees on certain insurers; to provide for assessment fees on certain health maintenance organizations; to modify tort liability arising out of certain accidents; to provide for limited actions with respect to that modified tort liability and to prescribe certain procedures for maintaining those actions; to require security for losses arising out of certain accidents; to provide for the continued availability and affordability of automobile insurance and homeowners insurance in this state and to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates; to provide for certain reporting with respect to insurance and with respect to certain claims against uninsured or self-insured persons; to prescribe duties for certain state departments and officers with respect to that reporting; to provide for certain assessments; to establish and continue certain state insurance funds; to modify and clarify the status, rights, powers, duties, and operations of the nonprofit malpractice insurance fund; to provide for the departmental supervision and regulation of the insurance and surety business within this state; to provide for regulation over worker's compensation self-insurers; to provide for the conservation, rehabilitation, or liquidation of unsound or insolvent insurers; to provide for the protection of policyholders, claimants, and creditors of unsound or insolvent insurers; to provide for associations of insurers to protect policyholders and claimants in the event of insurer insolvencies; to prescribe educational requirements for insurance agents and solicitors; to provide for the regulation of multiple employer welfare arrangements; to create an automobile theft prevention authority to reduce the number of automobile thefts in this state; to prescribe the powers and duties of the automobile theft prevention authority; to provide certain powers and duties upon certain officials, departments, and authorities of this state; to provide for an appropriation; to repeal acts and parts of acts; and to provide penalties for the violation of this act.”

The Senate agreed to the full title.

By unanimous consent the Senate proceeded to the order of

General Orders

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

The motion prevailed, and the President pro tempore, Senator Richardville, designated Senator Stamas as Chairperson.

After some time spent therein, the Committee arose; and, the President pro tempore, Senator Richardville, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bills:

House Bill No. 5678, entitled

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

House Bill No. 5679, entitled

A bill to amend 1976 PA 295, entitled “State transportation preservation act of 1976,” by amending section 15a (MCL 474.65a), as added by 2002 PA 747.

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

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

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

The motion prevailed.

Senator Hardiman's statement is as follows:

I do come before the body with mixed feelings. I have a wonderful person who has served as an intern in my office. She is going to be leaving, and this is her last day. She has been interning in my office since the beginning of June.

She is a resident of Alto, Michigan, and a graduate of Lowell High School. She is an honor student at Olivet Nazarene University in Illinois. She is going into her junior year. She has a double major in corporate communications and political science, with a minor in intercultural studies.

Her future plans for her spring semester, she will be studying abroad in Australia. I am sure she is making all of us jealous. She is hoping to attend graduate school once she graduates. One day, she is hoping to work in foreign affairs, specifically doing international aid or relief work.

That typifies the kind of person she is. She has a heart of gold. She has exhibited incredible values, commitment, and loyalty. We are really, really going to miss her. Her name is Aubrey Dee. I would love to have my Senate colleagues help to thank her for contributions not only to my office, but to the state of Michigan.

Senators Nofs and Gilbert introduced

Senate Bill No. 1464, entitled

A bill to amend 1941 PA 359, entitled “An act for controlling and eradicating certain noxious weeds within the state; to permit townships, villages, and cities to have a lien for expenses incurred in controlling and eradicating such weeds; to permit officials of counties and municipalities to appoint commissioners of noxious weeds; to define the powers, duties, and compensation of commissioners; to provide for sanctions; and to repeal certain acts and parts of acts,” by amending section 2 (MCL 247.62).

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

Statements

Senators Scott, Anderson, Birkholz and Bishop asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Scott’s statement is as follows:

Adam Walinsky was talking about Robert F. Kennedy when he said, “We live. We die. The best thing we can do is leave a worthwhile example for those who come after us.” We have a chance to leave a worthwhile example for future legislators if we act now on auto insurance reform. We can show that we listened to our constituents, and we took decisive action to help them.

There is still time for us to do this if we start debating these bills now. All Michigan drivers deserve insurance that is fair and affordable—all Michigan drivers. Right now, only some of our drivers are treated fairly when it comes to auto insurance.

If an insurance company isn’t penalizing a driver because of where he or she lives, then they may be penalizing them because they pay cash for their purchases, own their homes and their cars, and don’t use credit cards. Can you believe that someone like this would be considered a credit risk and so be charged higher rates for their policy? It’s true and it has happened to some Michigan drivers.

It’s time that we act on auto insurance reform. There are too many problems that need to be fixed, and we should not ignore our responsibility and leave this for the next group of legislators to deal with. Let’s do our jobs, and pass auto insurance reform legislation this year.

Senator Anderson’s statement is as follows:

I would like to ask the members to join me in saying good-bye to someone today who has been an intern in my office. Alex Constantelos has interned in my office since mid-May. He attends Michigan State University. He is pursuing degrees in urban planning, political theory, and constitutional democracy.

He has been an exceptional intern in the office. His writing skills, responding to e-mails and letters have been unsurpassed by any previous intern I have ever had. He has just been an exceptional writer. He is just an all-around great deal of help to my office.

He has assisted constituents on a wide variety of issues dealing with the DHS, DCH, and many, many more. Many times, he was the first person whom my constituents spoke to when they called the office. He dealt with all their questions and opinions in a professional way with great ease. He made telephone calls for my office. He has an incredible radio voice. I don’t think we will get a sample of that today, but anyway, he has been tremendous. Not only has Alex been a dedicated intern in my office, but he has done it all while maintaining a full course load at Michigan State University.

We wish him the best in all his future endeavors. He will be sorely missed. He has been a great intern. Please join me in saying good-bye to Alex.

Senator Birkholz’s statement is as follows:

This week is the 90th anniversary of the 19th Amendment guaranteeing American women the right to vote. Beginning with our National Women Suffrage Association founders, Elizabeth Cady Stanton and Susan B. Anthony, three generations of women leaders fought for more than 70 years to achieve their goal.

Securing the right to vote for women did not come easily. Women marched, lectured, and were then beaten and arrested for many years before the 19th Amendment was added to the Constitution. A proposed constitutional amendment granting women the right to vote was first introduced in Congress in 1878, but it went nowhere for decades. The contributions and sacrifices of women during the First World War, stepping in for male workers to maintain the country's war supplies, helped turn the tide in their favor.

The amendment was finally approved by the U.S. House of Representatives on May 21, 1919. The Senate passed the proposed amendment two weeks later, sending it to the states to be ratified. Less than a week later, on July 10, 1919, Michigan was one of the first states to ratify the amendment. However, it would take more than a year for three-fourths of the states to approve the measure. That historic moment came 90 years ago, when Tennessee passed the amendment by a single vote on August 18, 1920. Having met that final hurdle, Secretary of State Bainbridge Colby certified the ratification of the 19th Amendment on August 26, 1920. Sadly, Elizabeth Cady Stanton and Susan B. Anthony and most of the founding women suffrage participants didn't live to see the realization of their dream.

It is hard to imagine what it must have been like for those early leaders. On this 90th anniversary, I would like to thank Stanton, Anthony, and everyone who stood up and won the right for women to participate in our great democracy.

American women have made tremendous strides since securing our voting rights. Women now make up the majority of registered voters, high school graduates, college graduates, and post-graduate students. Our first Michigan woman Senator, Eva McCall Hamilton from Grand Rapids, has her portrait hanging on the back wall of this chamber. We have had three women U.S. Secretaries of State in the past decade, and the short lists of possible presidential candidates for each majority party include prominent women. In Michigan, we elected our first woman Governor, Jennifer Granholm, in 2002.

I know I, personally, would not be here in the State Senate today if it were not for the leadership, dedication, and perseverance of the women suffrage leaders who achieved the right to vote 90 years ago. Please take a moment to honor the memories of these strong, committed, and courageous women, and remember their great accomplishments.

Senator Bishop's statement is as follows:

I rise today with a heavy heart to recognize an extended member of our family who has passed away. Yesterday, after a courageous battle with cancer, Michigan lost a wonderful person and devoted public servant in her own right, Pam Posthumus. She was the wife of former Senate Majority Leader and former Lieutenant Governor Dick Posthumus.

Pam was the type of person who immediately made you feel warm and welcome, like you were part of her family. She was an amazing mother of four children, one of whom is following in her father's footsteps and in her footsteps, trying to win a seat as a State Representative.

Pam and Dick were high school sweethearts. She was not only a great wife, but a great mother and grandmother. She worked to serve the people of the state of Michigan and the children of this state. In 1972, Pam served as a legislative aide for Representative Jack Welborn from Kalamazoo. She continued working for him when he was elected to the Senate. Later in life, Pam's devotion and care for her kids and passion for children carried over into her service as a board member of the Child Abuse and Neglect Prevention Board, which administers the state's Children's Trust Fund.

In 2002, Pam was asked to lead the nonprofit Children's Trust Fund, and she started the first auction for the Children's Trust Fund, an event that takes place every year and now raises funds to prevent child abuse in Michigan. We all know about this event.

Michigan certainly lost a wonderful person, a member, again, of our extended family. She will be greatly missed. I ask that you please join me in a moment of silence remembering Pam Posthumus.

A moment of silence was observed in memory of Pam Posthumus.

Committee Reports

The Committee on Banking and Financial Institutions reported

Senate Bill No. 1432, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 57v.

With the recommendation that the bill pass.

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

Randy Richardville
Chairperson

To Report Out:

Yeas: Senators Richardville, Sanborn, Cassis, Nofs, Hunter and Olshove

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Banking and Financial Institutions reported

House Bill No. 5821, entitled

A bill to amend 1978 PA 390, entitled "An act to regulate the time and manner of payment of wages and fringe benefits to employees; to prescribe rights and responsibilities of employers and employees, and the powers and duties of the department of labor; to require keeping of records; to provide for settlement of disputes regarding wages and fringe benefits; to prohibit certain practices by employers; to prescribe penalties and remedies; and to repeal certain acts and parts of acts," by amending section 6 (MCL 408.476), as amended by 2004 PA 534.

With the recommendation that the bill pass.

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

Randy Richardville
Chairperson

To Report Out:

Yeas: Senators Richardville, Sanborn, Cassis, Nofs, Hunter, Clarke and Olshove

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Banking and Financial Institutions submitted the following:

Meeting held on Wednesday, August 18, 2010, at 9:00 a.m., Room 210, Farnum Building

Present: Senators Richardville (C), Sanborn, Cassis, Nofs, Hunter, Clarke and Olshove

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources and Environmental Affairs submitted the following:

Meeting held on Wednesday, August 18, 2010, at 1:00 p.m., Room 110, Farnum Building

Present: Senators Birkholz (C), Van Woerkom, Basham and Gleason

Excused: Senator Patterson

Scheduled Meetings

Appropriations - Tuesday, August 24, 11:00 a.m. or later immediately following session, Senate Appropriations Room, 3rd Floor, Capitol Building (373-6960)

Community Health Department and Health Policy - Tuesday, August 24, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

Finance - Thursday, August 26, 11:00 a.m., Room 110, Farnum Building (373-1758)

Health Policy and Community Health Department Appropriations Subcommittee - Tuesday, August 24, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-2768)

Judiciary - Tuesday, August 24, 1:00 p.m., Room 210, Farnum Building (373-6920)

Senator Cropsey moved that the Senate adjourn.

The motion prevailed, the time being 11:37 a.m.

The President pro tempore, Senator Richardville, declared the Senate adjourned until Tuesday, August 24, 2010, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate