

No. 19
STATE OF MICHIGAN
Journal of the Senate
96th Legislature
REGULAR SESSION OF 2012

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

10:00 a.m.

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

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

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

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

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

Pastor Cliff Bira of Holy Cross Lutheran Church of Flushing offered the following invocation:

Gracious God, we begin our work this day in Your wonderful, powerful, holy, and merciful name. Help us, O God, for You are the place of safety where we can always come. "You alone are our hope. Without Your help wickedness will overpower us; cruelty and evil will overtake us." Psalm 71:3-5.

This day, these Your servants deliberate over matters of public safety, the common good, and the provision of the well-being of our great state. Be gracious, O God, and grant Your wisdom and courage to them so that they may uphold all that is good, right, and true.

On this day, guide them in Your ways, align them with Your will, and by Your mercy, through them, extend Your justice. This day, help them not only to discern the intended consequences of proposed actions, but to discover the unintended consequences that these actions may also create. Help them to see past the potential of a little good for some to the greater good for all. This day, grant Your grace to the citizens of our great state, and guide them as they vote in our primary elections.

Grace each of us to be selfless and honorable before You in our words and actions. Give to us a patient ear and an open heart to always listen to those who must be heard. Strengthen us so that we may be a sure defense for the defenseless.

Holy Spirit, lead and guide us always. Bless us so that they may be Your blessing. This we ask in the strong and powerful name of Your Son Jesus Christ. Amen.

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

Motions and Communications

The following communications were received and read:

Office of the Auditor General

February 24, 2012

Enclosed is a copy of the following audit report:

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 24, 2012

Enclosed is a copy of the following audit report:

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 24, 2012

Enclosed is a copy of the following audit report:

Performance audit of Youth Transitioning from Foster Care to Self-Sufficiency, Department of Human Services.

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

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

The following communication was received:

Wayne County Airport Authority

February 20, 2012

Please find enclosed a copy of our 2011 Audited Financial Statements per the requirements of Public Act 90 of 2002. If you have any questions, please contact me at (734) 247-6775

Sincerely,
Marge Basrai, CPA
Controller

The communication was referred to the secretary for record.

The Secretary announced that the following official bill was printed on Thursday, February 23, and is available at the legislative website:

House Bill No. 5427

The Secretary announced that the following official bills were printed on Friday, February 24, and are available at the legislative website:

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

Senator Bieda moved that Senator Young be temporarily excused from today's session.
The motion prevailed.

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

Senator Meekhof moved that the following bill, now on the order of General Orders, be referred to the Committee on Redistricting:

House Bill No. 5160, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 302 (MCL 600.302), as amended by 2001 PA 117.

The motion prevailed.

By unanimous consent the Senate proceeded to the order of

General Orders

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

The motion prevailed, and the President, Lieutenant Governor Calley, designated Senator Smith as Chairperson.

After some time spent therein, the Committee arose; and the President, Lieutenant Governor Calley, having resumed the Chair, the Committee reported back to the Senate, favorably and with a substitute therefor, the following bill:

Senate Bill No. 711, entitled

A bill to amend 1972 PA 239, entitled "McCauley-Traxler-Law-Bowman-McNeely lottery act," (MCL 432.1 to 432.47) by adding section 32a.

Substitute (S-1).

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

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

Senate Bill No. 712, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding sections 10c and 57v. Substitute (S-4).

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

During the Committee of the Whole, Senator Young entered the Senate Chamber.

By unanimous consent the Senate returned to the order of

Messages from the Governor

The following message from the Governor was received on February 23, 2012, and read:

EXECUTIVE ORDER

No. 2012-1

**Michigan Committee on Juvenile Justice
Department of Human Services**

**Rescission of
Executive Order 2003-9
Executive Order 2007-46**

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

WHEREAS, Congress enacted the Juvenile Justice and Delinquency Prevention Act of 1974, 42 USC 5601 to 5785 (Act), to provide a comprehensive and coordinated approach to the problems of juvenile delinquency and a funding mechanism for projects and programs intended to reduce and prevent delinquency; and

WHEREAS, the Act makes funds available to participating states to assist in planning and establishing, operating, coordinating and evaluating, either directly or through grants to or contracts with public or private agencies, projects to improve education, training, research, prevention, diversion, treatment, and rehabilitation programs in the area of juvenile justice; and

WHEREAS, 42 USC 5633(a)(3) requires that any state receiving money under the Act create an advisory group appointed by the chief executive officer of the state to advise the state planning agency on juvenile justice and delinquency prevention matters and the award of grants to state and local governments, private nonprofit agencies, colleges, and universities; and

WHEREAS, Executive Order 1976-6 established the Advisory Committee on Juvenile Justice; and

WHEREAS, Executive Order 2003-9 established the Committee on Juvenile Justice within the Department of Human Services; and

WHEREAS, under Section 1804 of the federal Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 USC 3796ee-4, a state receiving federal juvenile accountability block grants is required to establish an advisory board to recommend a coordinated enforcement plan for the use of the funds; and

WHEREAS, effective use of juvenile accountability block grants will strengthen the juvenile justice system in Michigan; and

WHEREAS, Executive Order 2007-46 established the Michigan Juvenile Accountability Block Grant Advisory Board within the Department of Human Services; and

WHEREAS, the goals, functions, and composition of the Michigan Juvenile Accountability Block Grant Advisory Board and the Michigan Committee on Juvenile Justice are similar and both advise the Governor on juvenile justice issues; and

WHEREAS, incorporating the Michigan Juvenile Accountability Block Grant Advisory Board into the Michigan Committee on Juvenile Justice will lead to more effective implementation of juvenile justice policy and greater administrative efficiency for juvenile justice programs;

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

I. CREATION OF THE MICHIGAN COMMITTEE ON JUVENILE JUSTICE

A. The Michigan Committee on Juvenile Justice (“Committee”) is created as an advisory body within the Department of Human Services (“Department”). The Department is designated as the state agency responsible for the supervision, preparation, and administration of the comprehensive Juvenile Justice and Delinquency Prevention Plan required by the Act (“Plan”). The Director of the Department shall provide appropriate staff support for the Committee, subject to available funding.

B. All of the authority, powers, duties, functions, responsibilities, records, personnel, property, and unexpended balances of appropriations of the former Committee on Juvenile Justice and the former Michigan Juvenile Accountability Block Grant Advisory Board are transferred to the Michigan Committee on Juvenile Justice created by this Order.

II. RESCISSION OF EXECUTIVE ORDERS

Executive Orders 2003-9 and 2007-46 are rescinded.

III. COMMITTEE MEMBERSHIP

A. The Governor shall appoint a Committee on Juvenile Justice consisting of 15 members. All members appointed to the Committee shall have training or experience within the juvenile justice system, or special knowledge concerning the prevention and treatment of juvenile delinquency, the administration of juvenile justice, or the reduction of juvenile delinquency. Membership shall reflect the requirements established in the federal Juvenile Justice Delinquency Prevention Act (OJJDP) 42 USC 5633 [Sec. 223] and 42 USC 3796ee-4b [Sec. 3796ee] and shall include:

- At least one locally elected official representing general purpose local government;
- Representatives of law enforcement and juvenile justice agencies, which may include state or local police, the local sheriff’s department, juvenile and family court judges, prosecutors, counsel for children and youth, and probation workers;
- Representatives of public agencies concerned with delinquency prevention or treatment, such as welfare, social services, mental health, education, special education, recreation, and youth services;
- Representatives of private nonprofit organizations, including persons with a special focus on: preserving and strengthening families, parent groups and parent self-help groups, youth development, delinquency prevention and treatment, neglected or dependent children, the quality of juvenile justice, education, religious and community groups, nongovernmental victim advocacy organizations, or social services for children;
- Volunteers who work with delinquents or potential delinquents;
- Youth workers involved with programs that are alternatives to incarceration, including programs providing organized recreation activities;
- Persons with special experience and competence in addressing problems related to school violence and vandalism and alternatives to suspension and expulsion;
- Persons with special experience and competence in addressing problems related to learning disabilities, emotional difficulties, child abuse and neglect, and youth violence; and
- Persons who have been, or are currently, involved in a juvenile justice program.

B. A majority of members, including the Chairperson, shall not be full-time employees of the federal, state, or local government; at least one-fifth of the members shall be under the age of 24 at the time of appointment; and at least 3 members under the age of 24, shall be persons who have been, or are currently, under the jurisdiction of the juvenile justice system.

C. A vacancy on the Committee shall be filled in the same manner as the original appointment.

D. The Governor shall designate a Chairperson of the Committee. A quorum shall consist of one-third of the members serving plus one.

E. Members of the Committee shall receive no compensation for their services as members and may be reimbursed only for those actual expenses incurred that are reimbursable under the laws, rules, and practices of the state, subject to available appropriations.

F. Members of the Committee shall be appointed for terms of three years.

G. Members who attended less than 66 percent of the scheduled meetings in any calendar year shall be considered to have vacated their appointment. Upon notification, the Governor shall fill the vacancy in the same manner as the original appointment.

IV. CHARGE TO THE COMMITTEE

A. The Committee shall do all of the following:

1. Meet at the call of the Chairperson and as may be provided in procedures adopted by the Committee.
2. Participate in the development and review of the federally-required Juvenile Justice and Delinquency Prevention Plan.
3. Submit at least annually to the Governor and the Legislature recommendations regarding state compliance with federal program requirements under the Act.
4. Contact and seek regular input from juveniles currently under the juvenile justice system.
5. Recommend and regularly update a state-coordinated enforcement plan for the use of funds received under Sections 1801 to 1810 of the federal Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 USC 3796ee to 3796ee-10, or any successor law.
6. Ensure that the proposed use of funds, under the state coordinated enforcement plan referenced in IV(A)(6), are for the purpose of strengthening the juvenile justice program, including any of the following:
 - Developing, implementing, and administering graduated sanctions for juvenile offenders.
 - Building, expanding, renovating, or operating temporary or permanent juvenile corrections, detention, or community corrections facilities.
 - Hiring probation officers and court-appointed defenders and special advocates, and funding pretrial services (including mental health screening and assessment) for juvenile offenders, to promote the effective and expeditious administration of the juvenile justice system.
 - Hiring additional prosecutors so that more cases involving violent juvenile offenders can be prosecuted and case backlogs reduced.
 - Providing funding to enable prosecutors to address drug, gang, and youth violence problems more effectively and for technology, equipment, and training to assist prosecutors in identifying and expediting the prosecution of violent juvenile offenders.
 - Establishing and maintaining training programs for law enforcement and other court personnel with respect to preventing and controlling juvenile crime.
 - Establishing juvenile gun courts for the prosecution and adjudication of juvenile firearm offenders.
 - Establishing drug court programs for juvenile offenders that provide continuing judicial supervision over juvenile offenders with substance abuse problems and the integrated administration of other sanctions and services for such offenders.
 - Establishing and maintaining a system of juvenile records designed to promote public safety.
 - Establishing and maintaining interagency information-sharing programs that enable the juvenile and criminal justice systems, schools, and social services agencies to make more informed decisions regarding the early identification, control, supervision, and treatment of juveniles who repeatedly commit serious delinquent or criminal acts.
 - Establishing and maintaining accountability-based programs designed to reduce recidivism among juveniles who are referred by law enforcement personnel or agencies.
 - Establishing and maintaining programs to conduct risk and needs assessments of juvenile offenders that facilitate the effective early intervention and the provision of comprehensive services, including mental health screening and treatment and substance abuse testing and treatment to such offenders.
 - Establishing and maintaining accountability-based programs that are designed to enhance school safety. The programs may include research-based bullying, cyberbullying, and gang prevention programs.
 - Establishing and maintaining restorative justice programs, as defined under Section 1801 of the federal Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 USC 3796ee.
 - Establishing and maintaining programs to enable juvenile courts and juvenile probation officers to be more effective and efficient in holding juvenile offenders accountable and reducing recidivism.
 - Hiring detention and corrections personnel, and establishing and maintaining training programs for such personnel to improve facility practices and programming.
 - Establishing, improving, and coordinating pre- and postrelease systems and programs to facilitate the successful reentry of juvenile offenders from state or local custody in the community.

7. Recommend timelines for the Juvenile Accountability Block Grant process administered by the Bureau of Juvenile Justice within the Department.

8. Provide advice and recommendations on other matters relating to strengthening the juvenile justice system in Michigan as requested by the Governor or the Department.

B. The Committee shall be afforded an opportunity to review a document, not later than 30 days after submission, on all juvenile justice and delinquency prevention grant applications submitted by the Department.

C. The Committee may, as appropriate, make inquiries, studies, investigations, hold hearings, and receive comments from the public. The Committee 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, and at institutions of higher education.

D. The Committee may participate in monitoring state compliance with federal program requirements as requested by the Department, advise on local criminal justice advisory board composition, and review progress and accomplishments of projects funded under the Plan.

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

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

V. MISCELLANEOUS

A. 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.

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

This Executive Order shall become effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the state of Michigan this 16th 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 executive order was referred to the Committee on Government Operations.

The following message from the Governor was received on 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 executive order was referred to the Committee on Government Operations.

The following messages from the Governor were received and read:

January 23, 2012

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

Michigan Dairy Market Program Committee

Wayne E. Rodgers of 9514 Cherry Valley Avenue, Caledonia, Michigan 49316, county of Kent, representing Dairy Farmers of America, succeeding Dwight H. Nash, is appointed for a term expiring December 31, 2014.

Bryan D. Hull of 10434 Vickeryville Road, Fenwick, Michigan 48834, county of Montcalm, representing Dairy Farmers of America, succeeding himself, is reappointed for a term expiring December 31, 2014.

Robert E. Kran of 7380 N. Tuttle Road, Freesoil, Michigan 49411, county of Mason, representing Michigan Milk Producers Association, succeeding himself, is reappointed for a term expiring December 31, 2014.

Mark J. Halbert of 22322 East Avenue N., Battle Creek, Michigan 49017, county of Calhoun, representing Michigan Milk Producers Association, succeeding himself, is reappointed for a term expiring December 31, 2014.

Brian M. Preston of 430 S. Ray Quincy Road, Quincy, Michigan 49082, county of Branch, representing Michigan Milk Producers Association, succeeding Earl Horning, is appointed for a term expiring December 31, 2014.

February 9, 2012

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

Michigan Travel Commission

Sally J. Laukitis of 145 Euna Vista Drive, Holland, Michigan 49423, county of Ottawa, succeeding Michael Patrick Shiels, is appointed for a term expiring August 20, 2014.

February 15, 2012

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

State Fire Marshal

Richard W. Miller of 130 Robindale Avenue, Dearborn, Michigan 48128, county of Wayne, succeeding Ronald R. Farr, for a term expiring at the pleasure of the Governor.

February 16, 2012

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

Firefighters Training Council

Richard W. Miller of 130 Robindale Avenue, Dearborn, Michigan 48128, county of Wayne, representing State Fire Marshal, succeeding Ronald Farr, is appointed to serve as an ex-officio member, for a term expiring at the pleasure of the Governor.

February 16, 2012

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

State Fire Safety Board

Richard W. Miller of 130 Robindale Avenue, Dearborn, Michigan 48128, county of Wayne, representing State Fire Marshal, succeeding Ronald Farr, is appointed to serve as an ex-officio member, for a term expiring at the pleasure of the Governor.

February 16, 2012

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

Board of Mechanical Rules

Richard W. Miller of 130 Robindale Avenue, Dearborn, Michigan 48128, county of Wayne, representing State Fire Marshal, succeeding Ronald Farr, is appointed to serve for a term expiring at the pleasure of the Governor.

February 23, 2012

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

Hispanic/Latino Commission of Michigan

Ignacio David Acevedo-Polakovich of 721 N. Capitol, No. 6, Lansing, Michigan 48906, county of Ingham, succeeding Arthur Luna, is appointed for a term expiring December 10, 2014.

Carlos Alvarado-Jorquera of 421 N. Lewis Street, Ludington, Michigan 49431, county of Mason, succeeding Frederick Feliciano, is appointed for a term expiring December 10, 2014.

Maria Luisa Oxholm of 560 Cook Road, Grosse Pointe Woods, Michigan 48236, county of Wayne, succeeding Alicia Villarreal, is appointed for a term expiring December 10, 2014.

Sincerely,
Rick Snyder
Governor

The appointments were referred to the Committee on Government Operations.

By unanimous consent the Senate proceeded to the order of

Resolutions

Senator Meekhof moved that consideration of the following resolutions be postponed for today:

Senate Resolution No. 34

Senate Resolution No. 67

Senate Resolution No. 85

Senate Resolution No. 105

House Concurrent Resolution No. 29

Senate Resolution No. 112

Senate Resolution No. 115

Senate Concurrent Resolution No. 26

House Concurrent Resolution No. 6

The motion prevailed.

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

Senate Resolution No. 122

Senate Resolution No. 123

The resolution consent calendar was adopted.

Senators Pappageorge, Marleau, Bieda, Booher, Nofs, Jansen, Colbeck, Kahn and Hildenbrand offered the following resolution:

Senate Resolution No. 122.

A resolution commemorating March 2012 as Ethnic and Cultural Heritage Month in the state of Michigan.

Whereas, The culture of the people of the state of Michigan has continually been renewed and enriched by the many different individuals who have chosen to come to Michigan, become citizens, and call this state their home; and

Whereas, Each individual brings with them a part of his or her own heritage which over time integrates into one common heritage, leading us to become a united people; and

Whereas, As unified people with one common heritage, we represent the past, present, and future traditions of our great state; and

Whereas, As united citizens, we celebrate Michigan's heritage with pride and great esteem; now, therefore, be it

Resolved by the Senate, That we hereby proclaim March 2012 as Ethnic and Cultural Heritage Month in the state of Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to Royal Oak resident Joan Larson, who originated this idea years ago, as a token of our highest esteem.

Senators Brandenburg, Hopgood, Kowall, Rocca and Warren were named co-sponsors of the resolution.

Senators Pappageorge, Marleau, Booher, Bieda, Nofs, Jansen, Colbeck, Kahn and Hildenbrand offered the following resolution:

Senate Resolution No. 123.

A resolution proclaiming March 25-31, 2012, as Michigan STEM Awareness Week.

Whereas, An education in science, technology, engineering, and mathematics (STEM) is critical to our children's future and the continued growth and prosperity of Michigan; and

Whereas, We look to deliver a world-class education that will determine Michigan's success in the 21st century; and
 Whereas, If Michigan students become inspired by science, technology, engineering, and mathematics at an early age, there is a greater likelihood they will want to enter those growing career fields when they graduate; and

Whereas, Increased awareness in our community of STEM education and STEM-related careers will advance Michigan's workforce; and

Whereas, STEM-related careers will be pivotal in the 21st century economy; and

Whereas, A STEM education will ensure our state's workforce will be better equipped for the jobs of tomorrow; now, therefore, be it

Resolved by the Senate, That we hereby proclaim the week of March 25-31, 2012, as Michigan STEM Awareness Week. We call upon parents, educators, community organizations, businesses, governments, and the people of Michigan to observe the week with appropriate programs and activities.

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

By unanimous consent the Senate returned to the order of

Motions and Communications

The following communication was received and read:

Office of the Senate Majority Leader

February 28, 2012

Pursuant to Senate Rule 3.203, I am hereby re-referring House Bills 4302, 4969 and 4970 from the Senate Committee on Finance to the Senate Committee on Natural Resources, Environment and Great Lakes.

Should you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,
 Randy Richardville
 Senate Majority Leader

The communication was referred to the Secretary for record.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators Caswell, Casperson, Jansen, Colbeck and Jones introduced

Senate Bill No. 982, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 21787 (MCL 333.21787), as added by 2000 PA 501.

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

Senator Brandenburg introduced

Senate Bill No. 983, entitled

A bill to amend 2007 PA 36, entitled "Michigan business tax act," by amending section 111 (MCL 208.1111), as amended by 2011 PA 305.

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

Senators Casperson, Green, Pavlov, Caswell, Booher, Colbeck, Jansen, Hansen, Hildenbrand, Proos, Jones, Marleau, Robertson, Rocca, Meekhof and Pappageorge introduced

Senate Bill No. 984, entitled

A bill to amend 1969 PA 207, entitled "An act to permit residents to purchase rifles and shotguns in contiguous states and to provide for reciprocity," by amending sections 1 and 2 (MCL 3.111 and 3.112).

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

Committee Reports

The Committee on Natural Resources, Environment and Great Lakes reported

Senate Bill No. 646, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 11123 (MCL 324.11123), as amended by 2010 PA 357.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.
The committee further recommends that the bill be given immediate effect.

Thomas A. Casperson
Chairperson

To Report Out:

Yeas: Senators Casperson, Pavlov, Green, Kowall, Meekhof, Warren and Hood

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Natural Resources, Environment and Great Lakes submitted the following:

Meeting held on Thursday, February 23, 2012, at 9:00 a.m., Room 210, Farnum Building

Present: Senators Casperson (C), Pavlov, Green, Kowall, Meekhof, Warren and Hood

The Committee on Appropriations reported

Senate Bill No. 877, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending sections 20g, 20i, 29, 63, 63a, 69a, and 70 (MCL 791.220g, 791.220i, 791.229, 791.263, 791.263a, 791.269a, and 791.270), section 20g as amended by 2000 PA 211, section 20i as added by 2006 PA 351, section 29 as amended by 2010 PA 248, and sections 63, 63a, 69a, and 70 as amended by 1998 PA 512.

With the recommendation that the bill pass.

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

Roger Kahn, M.D.
Chairperson

To Report Out:

Yeas: Senators Kahn, Moolenaar, Jansen, Pappageorge, Booher, Colbeck, Green, Proos, Schuitmaker and Walker

Nays: Senators Anderson, Gregory, Hood, Hopgood and Johnson

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

Senate Bill No. 878, entitled

A bill to amend 1953 PA 232, entitled "Corrections code of 1953," by amending sections 29, 63, 63a, 69a, and 70 (MCL 791.229, 791.263, 791.263a, 791.269a, and 791.270), section 29 as amended by 2010 PA 248 and sections 63, 63a, 69a, and 70 as amended by 1998 PA 512.

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

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

Roger Kahn, M.D.
Chairperson

To Report Out:

Yeas: Senators Kahn, Moolenaar, Jansen, Pappageorge, Booher, Colbeck, Green, Proos, Schuitmaker and Walker

Nays: Senators Anderson, Gregory, Hood and Hopgood

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

The Committee on Appropriations reported

Senate Bill No. 887, entitled

A bill to amend 1939 PA 141, entitled "Grain dealers act," by amending section 8 (MCL 285.68), as amended by 2010 PA 264; and to repeal acts and parts of acts.

With the recommendation that the bill pass.

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

Roger Kahn, M.D.
Chairperson

To Report Out:

Yeas: Senators Kahn, Moolenaar, Jansen, Pappageorge, Booher, Caswell, Colbeck, Green, Proos, Schuitmaker and Walker

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Appropriations reported

Senate Bill No. 888, entitled

A bill to amend 2003 PA 198, entitled "Farm produce insurance act," by amending the title and sections 3, 7, 8, 9, 11, 13, 15, and 21 (MCL 285.313, 285.317, 285.318, 285.319, 285.321, 285.323, 285.325, and 285.331), the title and sections 3, 7, 9, 15, and 21 as amended by 2010 PA 300 and section 13 as amended by 2008 PA 140, and by adding section 10.

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

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

Roger Kahn, M.D.
Chairperson

To Report Out:

Yeas: Senators Kahn, Moolenaar, Jansen, Pappageorge, Booher, Caswell, Colbeck, Green, Proos, Schuitmaker and Walker
Nays: None

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

The Committee on Appropriations reported

Senate Bill No. 946, entitled

A bill to amend 1931 PA 189, entitled "The insect pest and plant disease act," by amending sections 2, 4, 6, 9, 17, and 22 (MCL 286.202, 286.204, 286.206, 286.209, 286.217, and 286.222), sections 6 and 9 as amended by 2007 PA 84.

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

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

Roger Kahn, M.D.
Chairperson

To Report Out:

Yeas: Senators Kahn, Moolenaar, Jansen, Pappageorge, Booher, Caswell, Colbeck, Green, Proos, Walker, Gregory and Hopgood

Nays: None

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

COMMITTEE ATTENDANCE REPORT

The Committee on Appropriations submitted the following:

Meeting held on Wednesday, February 22, 2012, at 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building
Present: Senators Kahn (C), Moolenaar, Jansen, Pappageorge, Booher, Caswell, Colbeck, Green, Proos, Schuitmaker, Walker, Anderson, Gregory, Hood, Hopgood and Johnson

COMMITTEE ATTENDANCE REPORT

The Committee on Banking and Financial Institutions submitted the following:

Meeting held on Thursday, February 23, 2012, at 1:30 p.m., Room 100, Farnum Building
Present: Senators Booher (C), Nofs, Green, Marleau and Rocca
Excused: Senators Hunter and Smith

Scheduled Meetings

Appropriations -

Subcommittees -

Community Colleges - Wednesdays, February 29 and March 28, 12:00 noon, Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Community Health Department - Thursdays, March 1, March 8 and March 15, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

General Government - Tuesdays, March 6, March 13, March 20, and March 27, 2:30 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Human Services Department - Tuesdays, March 6 and March 27, 2:00 p.m., Room 210, Farnum Building (373-2768)

K-12, School Aid, Education - Wednesdays, February 29 and March 7, 9:00 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Licensing and Regulatory Affairs Department - Thursday, March 1, 1:30 p.m., Rooms 402 and 403, Capitol Building (373-2768)

Transportation - Wednesday, February 29, 3:00 p.m. or later immediately following Appropriations meeting, Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Economic Development - Wednesday, February 29, 1:30 p.m., Room 110, Farnum Building (373-5323)

Families, Seniors and Human Services - Wednesday, February 29, 3:00 p.m., Room 210, Farnum Building (373-5324)

Finance - Wednesday, February 29, 12:30 p.m., Room 210, Farnum Building (373-5307)

Health Policy - Thursday, March 1, 1:30 p.m., Senate Hearing Room, Ground Floor, Boji Tower (373-5314)

Outdoor Recreation and Tourism - Thursday, March 1, 12:30 p.m., Room 210, Farnum Building (373-5323)

Reforms, Restructuring and Reinventing - Monday, March 12, 10:00 a.m., Gibraltar Community Center, 29340 South Gibraltar Road, Gibraltar (373-5307)

Senator Meekhof moved that the Senate adjourn.
The motion prevailed, the time being 10:16 a.m.

The President, Lieutenant Governor Calley, declared the Senate adjourned until Wednesday, February 29, 2012, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

