

No. 1
STATE OF MICHIGAN
Journal of the Senate
95th Legislature
REGULAR SESSION OF 2010

Senate Chamber, Lansing, Wednesday, January 13, 2010.

12:00 noon.

In conformity with the requirements of the Constitution of the state of Michigan, the Senators of the 95th Legislature of the state of Michigan assembled in the Senate Chamber in the Capitol at Lansing this day (being the second Wednesday of January 2010), at twelve o'clock noon, and were called to order by the President, Lieutenant Governor John D. Cherry, Jr.

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

District	Name	District	Name
1st	Hansen Clarke	20th	Thomas M. George
2nd	Martha G. Scott	21st	Ron Jelinek
3rd	Irma Clark-Coleman	22nd	Valde Garcia
4th	Samuel Buzz Thomas III	23rd	Gretchen Whitmer
5th	Tupac A. Hunter	24th	Patricia L. Birkholz
6th	Glenn S. Anderson	25th	Judson S. Gilbert II
7th	Bruce Patterson	26th	Deborah Cherry
8th	Raymond E. Basham	27th	John J. Gleason
9th	Dennis Olshove	28th	Mark C. Jansen
10th	Michael Switalski	29th	Bill Hardiman
11th	Alan Sanborn	30th	Wayne Kuipers
12th	Michael D. Bishop	31st	James A. Barcia
13th	John Pappageorge	32nd	Roger Kahn, M.D.
14th	Gilda Z. Jacobs	33rd	Alan L. Cropsey
15th	Nancy Cassis	34th	Gerald Van Woerkom
16th	Cameron Brown	35th	Michelle McManus
17th	Randy Richardville	36th	Tony Stamas
18th	Liz Brater—excused	37th	Jason E. Allen
19th	Michael L. Nofs	38th	Michael A. Prusi

Senator Bill Hardiman of the 29th District offered the following invocation:

Heavenly Father, we thank You, Lord, for another year, another day, and even another hour to come together. May we use it to do Your will. We thank You for Your many blessings. We thank You for this opportunity to serve once again.

Father, even as we come to You in thanksgiving, we realize that our state, the people of this state, are in troubled times—difficult economic times—which seem to last beyond our ability to handle sometimes. Father, we have tried this and that, and we have tried to do our best, but we come to You now to ask for Your blessing on our efforts. Father, give us clear vision; give us wisdom and insight into the issues of the day. Help us to be bold, strong, and courageous in making wise decisions to bless the people of this state.

Father, we ask not only for Your blessing on government, but we ask for Your blessing on the people in our communities. Father, in homes, families, marriages, and relationships—between children and parents and in-laws—may You strengthen and build them up, and may there be love, tenderness, forgiveness, and perseverance.

Father, we understand that You have called us to love people and to use money. Sometimes, we confess, we have used people and loved money. Forgive us, O God. But now turn us to Your ways, and steer Your heart within our hearts. We know that the outcome will be better.

So bless us this year. Bless this august body. Help us to make wise decisions in accordance with Your will, that we might live in peace and prosper and that this state will turn toward the better. We thank You for this opportunity, and we thank You for Your love for us.

I ask these things in the precious name of Jesus Christ. Amen.

The President, Lieutenant Governor Cherry, led the members of the Senate in recital of the *Pledge of Allegiance* and the *Pledge of Allegiance to the Flag of Michigan*.

Motions and Communications

The following communications were received and read:

Office of the Auditor General

December 29, 2009

Enclosed is a copy of the following audit report:

Financial audit of the Michigan Economic Development Corporation (MEDC), a discretely presented component unit of the State of Michigan, for the period October 1, 2007 through September 30, 2009.

December 30, 2009

Enclosed is a copy of the following audit report:

Financial audit of the State of Michigan 401K Plan for the period October 1, 2008 through September 30, 2009.

December 30, 2009

Enclosed is a copy of the following audit report:

Financial audit of the State of Michigan 457 Plan for the period October 1, 2008 through September 30, 2009.

December 30, 2009

Enclosed is a copy of the following audit report:

Financial audit of the Michigan Higher Education Assistance Authority, a discretely presented component unit of the State of Michigan, for the period October 1, 2008 through September 30, 2009.

December 30, 2009

Enclosed is a copy of the following audit report:

Financial audit of the Michigan Higher Education Assistance Authority - Michigan Guaranty Agency for the period October 1, 2008 through September 30, 2009.

December 30, 2009

Enclosed is a copy of the following audit report:

Financial audit of the Michigan Higher Education Student Loan Authority, a discretely presented component unit of the State of Michigan, for the period October 1, 2008 through September 30, 2009.

December 30, 2009

Enclosed is a copy of the following audit report:

Financial audit of the Michigan Municipal Bond Authority, a discretely presented component unit of the State of Michigan, for the period October 1, 2008 through September 30, 2009.

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

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

The following communication was received:

Department of State Police

December 15, 2009

I am pleased to submit the 2008-2009 Concealed Pistol License Annual Report as required by Public Act 372 of 1927, as amended. This report details the concealed pistol license activity between July 1, 2008 and June 30, 2009.

The revised laws regarding concealed pistol licensure went into effect on July 1, 2001. Below is a summary of the activity since that date.

Year	Applications Received	Total Approved	# of Criminal Violations
2001-2002	62,902	53,000	92
2002-2003	29,914	27,499	221
2003-2004	35,585	31,121	398
2004-2005	58,366	54,677	403
2005-2006	40,238	36,754	548
2006-2007	22,403	23,790	938
2007-2008	33,411	26,578	1,319
2008-2009	73,105	66,446	1,292

Sincerely,
Peter C. Munoz
Director

The communication was referred to the Secretary for record.

The following communications were received:

Office of the State Budget

December 28, 2009

Enclosed are preliminary unaudited financial statements of the General Fund and School Aid Fund for the fiscal year ended September 30, 2009, as required by Section 18.1493 of the Michigan Compiled Laws. Final, audited financial statements will be included in the *State of Michigan Comprehensive Annual Financial Report (SOMCAFR)*, which is scheduled to be available in March 2010.

These preliminary unaudited financial statements report unreserved fund balance of \$176.7 million for the General fund and reserved fund balance of \$229.1 million for the School Aid Stabilization Fund as of September 30, 2009.

For fiscal year 2008-2009, the preliminary net lapse of spending by State departments and agencies, described in Note 3, totals \$114.4 million. When combined with the legislative and judicial branches, net General Fund lapses for the state total \$114.6 million.

If you have questions regarding the enclosed report, please contact Mike Moody, Director, Office of Financial Management, at (517) 373-1010.

January 11, 2010

As you know, on October 22, 2009, I received an official notice from the State Treasurer that he had determined that the amount appropriated for the State School Aid Fund under 2009 PA 121 exceeded the amount available for expenditure from the State School Aid Fund for the fiscal year ending September 30, 2010. At that time, revenues were projected to be insufficient by \$212 million, causing a proration of approximately \$127 per pupil, as well as reducing other payments, as provided for under section 11 of The State School Aid Act of 1979.

On December 10, the State Treasurer and I notified the Governor that preliminary book-closing figures for fiscal year 2009 indicated lapses might be larger than expected and that taxable values reported by county treasurers were higher than anticipated. As a result, we recommended to her that the reduction in state school aid payments, scheduled to occur on December 20, be delayed until book-closing was more complete and updated expenditure and revenue data became available as part of the January consensus conference.

I have notified school districts today that the preliminary unaudited financial statements of the State School Aid Fund for fiscal year 2009 were issued on December 28, 2009 and indicate a fund balance of \$229.1 million, approximately

\$134 million more than anticipated on October 22. In addition, fiscal year 2010 expenditure estimates have been revised downward by \$108 million. As a result of these changes and others, the proration of fiscal year 2010 school aid payments by the Department of Education will not be necessary at this time. As you know, the difficult decisions that districts face in the current year as a result of the \$165 per pupil and other reductions contained in the fiscal year 2010 budget remain.

Sincerely,
Robert L. Emerson
State Budget Director

The communications were referred to the Secretary for record.

The following communication was received:
Legislative Commission on Statutory Mandates

December 31, 2009

We are pleased to submit to you, with unanimous support, the Final Report of the Legislative Commission on Statutory Mandates. The Commission was charged, in 2007, under Act 98, Michigan Public Acts of 2007, as amended, to identify and investigate, the cost of complying with funded and unfunded mandates imposed by the State on local units of government, and to make determinations and recommendations relating to those mandates. Our findings paint a stark picture of non-compliance with Article 9, § 29 of the Michigan Constitution of 1963, as amended. While the non-compliance stretches back 31 years, the Commission focused its attention on the current state of underfunding by the State which we have determined to be **in excess of \$2.2 billion for 2009** just for a selected group of mandates. Given the State's financial condition; the penchant of the State to continue to shift the burdens of government to the local level, while cutting revenue sharing, and the accelerating reductions in local government services and employment associated with the economy, the Commission has developed a number of recommendations to improve the discourse between State and local officials and reform the process under which mandated services and activities are imposed and funded. We believe implementation of these recommendations, for which we have provided draft legislation and court rule amendments, will foster a new era of constructive, thoughtful and collaborative government in Michigan. These recommendations are not necessarily a plea for more funding, and the question is not whether certain mandates are good or bad. We have instead focused on the process under which mandates are imposed.

The Commission could not have completed its work without the volunteer assistance of many individuals and organizations. We would like to thank the Citizens Research Council of Michigan for its report on mandates legislation around the country; the Michigan Association of Counties, the Michigan Municipal League, the Michigan Townships Association, the Michigan School Business Officials, the County Road Association of Michigan, and the Michigan Community College Association for their assistance in identifying and costing compliance with significant mandates; Thrun Law Firm for assistance in evaluating what identified activities and services constituted mandates; and Michigan State University's State and Local Government Program Department of Agricultural, Food and Resource Economics, for circulating and compiling survey results as to the cost of compliance with the final list of mandates. We also want to thank Representative Phil LaJoy for sponsoring the legislation which created the Commission, and representatives of the Legislative Council, particularly Susan Cavanagh, for their insights and support.

Finally, after 24 Commission meetings, and countless additional hours of meetings, analysis, debate and complete consensus, the Commission's greatest fear is that the State will miss the opportunity, in this time of fiscal crisis, to change course from 30 years of disregard for this key provision of the Headlee amendment.

Implementation of our recommendations, will not only encourage compliance with the Headlee amendment prohibition on unfunded mandates, but will also foster more efficient government and greater, and badly needed, collaboration between the State and local units of government.

Now that our assignment is complete, each Commissioner remains committed to work with the State to implement these recommendations in the near future.

Respectfully submitted,
Robert J. Daddow
Co-Chair

Amanda Van Dusen
Co-Chair

Dennis R. Pollard
Commissioner

Louis H. Schimmel
Commissioner

J. Dallas Winegarden, Jr.
Commissioner

The communication was referred to the Secretary for record.

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

Senator Cropsey moved that the following bill, now on the order of Third Reading of Bills, be referred to the Committee on Judiciary:

House Bill No. 5458, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 507 and 550 (MCL 600.507 and 600.550), section 507 as amended by 2006 PA 607 and section 550 as amended by 1990 PA 54.

The motion prevailed.

Senator Cropsey moved that the following bills, now on the order of General Orders, be referred to the Committee on Education:

Senate Bill No. 636, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 5, 1204a, 1230, 1230a, 1230b, 1230c, 1230d, 1230e, 1233, 1233b, 1246, 1277, 1278, 1280, and 1311 (MCL 380.5, 380.1204a, 380.1230, 380.1230a, 380.1230b, 380.1230c, 380.1230d, 380.1230e, 380.1233, 380.1233b, 380.1246, 380.1277, 380.1278, 380.1280, and 380.1311), section 5 as amended by 2005 PA 61, section 1204a as amended by 1996 PA 159, sections 1230 and 1230a as amended by 2008 PA 583, section 1230b as added by 1996 PA 189, sections 1230c and 1230d as amended and section 1230e as added by 2006 PA 680, section 1233 as amended by 2000 PA 288, section 1233b as amended by 1995 PA 289, section 1246 as amended by 2004 PA 148, section 1277 as amended by 1997 PA 179, section 1278 as amended by 2004 PA 596, section 1280 as amended by 2006 PA 123, and section 1311 as amended 2008 PA 1, and by adding part 6D and section 1701b.

Senate Bill No. 637, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 3, 6, 8b, 18, 18b, 18c, 20, 31a, 51a, 101, 169, and 169b (MCL 388.1603, 388.1606, 388.1608b, 388.1618, 388.1618b, 388.1618c, 388.1620, 388.1631a, 388.1651a, 388.1701, 388.1769, and 388.1769b), sections 3, 6, 18, 18b, 31a, and 51a as amended by 2008 PA 268, section 8b as amended by 2007 PA 92, section 18c as added by 2000 PA 297, section 20 as amended by 2008 PA 561, section 101 as amended by 2006 PA 342, and sections 169 and 169b as added by 1996 PA 300, and by adding section 9.

Senate Bill No. 639, entitled

A bill to amend 1947 PA 336, entitled "An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; and to prescribe means of enforcement and penalties for the violation of the provisions of this act," by amending sections 1 and 15 (MCL 423.201 and 423.215), section 1 as amended by 1999 PA 204 and section 15 as amended by 1994 PA 112.

The motion prevailed.

The President pro tempore, Senator Richardville, assumed the Chair.

Senator Cropsey moved that consideration of the motion to discharge the Committee on Government Operations and Reform from further consideration of the following bills be postponed until Friday, December 31:

House Bill No. 4316

House Bill No. 4317

House Bill No. 4318

The motion prevailed.

Senator Thomas requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The motion prevailed, a majority of the members voting therefor, as follows:

Roll Call No. 1

Yeas—21

Allen
Birkholz

Garcia
George

Jelinek
Kahn

Pappageorge
Richardville

Bishop
Brown
Cassis
Cropsey

Gilbert
Hardiman
Jansen

Kuipers
McManus
Nofs

Sanborn
Stamas
Van Woerkom

Nays—16

Anderson
Barcia
Basham
Cherry

Clark-Coleman
Clarke
Gleason
Hunter

Jacobs
Olshove
Patterson
Prusi

Scott
Switalski
Thomas
Whitmer

Excused—1

Brater

Not Voting—0

In The Chair: Richardville

Protest

Senator Whitmer, under her constitutional right of protest (Art. 4, Sec. 18), protested against the motion to postpone until December 31 the motion to discharge the Committee on Government Operations and Reform from further consideration of House Bill Nos. 4316, 4317, and 4318 and moved that the statement she made during the discussion of the motion be printed as her reasons for voting “no.”

The motion prevailed.

Senator Whitmer’s statement is as follows:

This is yet another attempt to avoid a vote on an important issue—an issue that deserves our attention now and an issue of urgency to the people of our state. It is a new year, and we have a new opportunity to start things fresh in the Legislature and tackle the needs of the people of the state of Michigan with renewed vigor. Unfortunately, it looks like the Senate Republican leadership intends to offer up more of the same obstructionism. The House did their job months ago passing legislation to repeal Michigan’s archaic, one-in-the-nation drug immunity law back in March of 2009.

This move to postpone for another 12 months is just another way to delay justice for the people of the state. Senate Republicans have had almost a year to protect Michigan consumers and stand up for the rights of the people we are elected to represent. Acting on behalf of special interests and delaying justice for Michigan residents now is wrong. Every time our motion to discharge that legislation and bring it before the full Senate for consideration gets passed, Senate Republicans are choosing to act on behalf of special interests instead of justice for our people.

This should not be a partisan issue. These are rights that people in 49 other states have, and we need to have them for our citizens now. This is an urgent matter.

In the Senate Republican’s list of legislative accomplishments for 2009, you included many issues that were initially driven by our side of the aisle, including Hire Michigan First and smoke-free workplace legislation. While you were a little slow to act on behalf of public opinion and the public will, you eventually did the right thing and enacted some legislation that the people of Michigan deserve. We should not be treated as second-class citizens anymore.

Now, urgently, repealing drug immunity is no different. I call on the Senate Republicans to not only hear me today, but to listen to the people of the state—your constituents—and the victims of faulty and deadly drugs and their families. Repeal drug immunity now, not just hide for another 12 months. If you want to kill the legislation, have a vote on it and do that. Stand up and put your money where your mouth is. Do the right thing and take a stand today.

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

The motion prevailed.

Senator Cropsey's statement is as follows:

As a lawyer, I am trained to keep the facts in context and represent truth. So I rise to oppose the discharge based on the comments made previously about the justice system and using FDA-approved drugs as a reason to discharge the bills now.

According to a recent CDC report, almost all of the drug deaths are due to overdosing on illegal narcotics. It's FDA-approved or illegally-obtained, not prescribed pain killers and taking multiple drugs that are specifically not meant to be taken together. It is not the drugs; it is the user.

So I support postponing a discharge to allow the sponsors to get better information on pharmaceutical abuse. Based on that CDC report, there are a few reasons as to why a discharge at this time is inappropriate:

1. People age 45 to 54 died at a rate of almost 500 percent greater than seniors age 65 years or older. Why?
2. White males died at twice the rate of African Americans and triple the rate of Hispanics. The question is why?
3. The male death rate is 75 percent higher than that of females. The question is why?
4. The death rate for certain pain killers has increased by several hundred percent in the past few years in spite of no change in the chemistry of the drugs. Why?
5. Using the same pharmaceuticals, people in Kentucky die at far higher rates than people in Michigan, while the people of Indiana die at significantly lower rates than in Michigan. Why?

I appreciate the passion of the previous speakers, but because they are trying to discharge the committee, we don't have answers to these questions. Until we hear more about substance abuse of pharmaceuticals, a discharge at this point is inappropriate. These bills shouldn't be discharged now because the CDC report is very clear that the issue isn't pharmaceuticals. It is criminal and reckless behavior. I have been attempting to address this type of behavior in my Michigan Department of Corrections budget committee, and so these bills should not be discharged at this time. Clearly, a discharge now would prevent the Senate from having information it needs to cast an informed vote.

So, Mr. President, the reason I oppose a discharge at this time is that the clear research shows uninformed debate will not make Michigan safer, and lawsuits demanding payment for criminal behavior will not reduce the cost of health care. I urge a "yes" vote on postponing the motions.

Senator Cropsey moved that reconsideration of the motion to discharge the Committee on Government Operations and Reform from further consideration of the following resolution be postponed until Wednesday, November 3:

Senate Resolution No. 15

The motion prevailed.

Senator Thomas requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The motion prevailed, a majority of the members voting therefor, as follows:

Roll Call No. 2

Yeas—22

Allen	Garcia	Kahn	Patterson
Birkholz	George	Kuipers	Richardville
Bishop	Gilbert	McManus	Sanborn
Brown	Hardiman	Nofs	Stamas
Cassis	Jansen	Pappageorge	Van Woerkom
Cropsey	Jelinek		

Nays—15

Anderson	Clark-Coleman	Jacobs	Switalski
Barcia	Clarke	Olshove	Thomas
Basham	Gleason	Prusi	Whitmer
Cherry	Hunter	Scott	

Excused—1

Brater

Not Voting—0

In The Chair: Richardville

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

The motion prevailed.

Senator Whitmer's statement is as follows:

Senate Resolution No. 15 is about an effort to equalize office budgets; to equalize the \$100,000 difference between the Senate Republican and Democrat budgets. It is an urgent matter that all of our constituents be treated equally today, not just after the next election when, maybe, control of this body might change, and you want to keep your options open for finally doing the right thing. We should do the right thing today. It is an urgent matter and an opportunity to tighten our belts, lead by example, and not be hypocrites asking everyone else to make cuts when this body has yet to make any.

The time for reform is now. The time for reform should start here in the Legislature. Not only should we level out the office budgets today, but we should have done it a long time ago. We should have gotten rid of taxpayer-funded, lifetime benefits a long time ago. This is an urgent matter. The people of Michigan deserve better, and they deserve to be treated equally in their representation in the Capitol, regardless of whether you have an "R" or "D" by your name. It shouldn't depend on the outcome of the next election as to whether or not this is good public policy. It is good public policy today, and we should vote on it today.

Senator Cropsey's first statement is as follows:

On some issues that come up, I am going to bite my tongue and keep to my prepared remarks. I think it is important to note what this resolution will actually do. I oppose discharging the resolution at this time because the sponsor of Resolution No. 15 has this resolution to apply to all Senate offices. By differentiating between Senate offices and member offices, the sponsor clearly means to fire all the nonpartisan staff except three. She laughs, but she knows that is what her resolution does.

Mr. President, I oppose a discharge at this time as the Constitution gives the Senate at least 19 bookkeeping and operational duties. We have to pass a balanced budget as well. Firing the Session Staff, the computer staff, the Human Resources staff—and it goes on and on—would prevent the Senate from passing a state budget.

Mr. President, in order to fulfill our constitutional duties, the motion to discharge must be postponed, and so I urge a "yes" vote on my motion.

Senator Cropsey's second statement is as follows:

It is rather interesting. I think the sponsor of this resolution has also sponsored another resolution that does more of what she said she would have it to do, but yet, she insists on discharging this one. I think those words fall very hollow in the rest of the body.

By the way, in this resolution that we are postponing, the sponsor uses yet another undefined term called "caucus staff." Now, as attorneys, we know that words have meaning and that words need definitions, but this term is found nowhere in Michigan law, in Senate rules, and nowhere in Senate policies. As a consequence, the current caucus central staffs, which do policy analysis, would all be limited to three salaries, and the shadowy Senate Democrat Caucus staff, which sounds like a covert political operation on the public payroll, would be the only sizable nonmember staff.

As a believer in open government and integrity in addressing issues before the Senate, firing most central staff personnel and replacing them with, apparently, purely political caucus staff would be an insult to my personal integrity and likely a violation of the state campaign finance act.

So, Mr. President, because I believe in public service and following the law, I intend to make sure and vote that this item be postponed until November 3.

Messages from the Governor

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

Senate Bill No. 254

Senate Bill No. 237

Senate Bill No. 243

Senate Bill No. 245**Senate Bill No. 248**

The motion prevailed.

The following message from the Governor was received and read:

January 12, 2010

Pursuant to Section 14 of Article V of the Michigan Constitution of 1963, I write to inform the Senate of the following commutations and pardons granted during 2009:

Mark Erickson—Sentenced on April 1, 2002 to a term of 15 years and nine months to 50 years imprisonment for the crime of armed robbery. The commutation was granted on January 5, 2009 for medical reasons and was based on the affirmative recommendation of the Michigan Parole and Commutation Board.

Robert Sweet—Sentenced on July 11, 2007 to a term of one year and 11 months to five years imprisonment for the crime of receiving and concealing stolen property. The commutation was granted on January 6, 2009 for medical reasons and was based on the affirmative recommendation of the Michigan Parole and Commutation Board.

Timothy Bradford—Sentenced on July 26, 1989 to a term of 30 to 45 years imprisonment for the crime of assault with intent to commit murder. The commutation was granted on January 9, 2009 for medical reasons and was based on the affirmative recommendation of the Michigan Parole and Commutation Board.

Michael Paladino—Sentenced on July 12, 2000 to a term of life imprisonment for the crime of possession of 650 grams or more of a controlled substance. The commutation was granted on January 27, 2009 and was based on the affirmative recommendation of the Michigan Parole and Commutation Board.

Ronald Verney—Sentenced on March 3, 2003 to a term of eight to 20 years imprisonment for the crime of delivery or manufacture of 50 to 224 grams of a controlled substance. The commutation was granted on January 27, 2009 for medical reasons and was based on the affirmative recommendation of the Michigan Parole and Commutation Board.

Susan Taormino—Sentenced on January 13, 2000 to a term of five to 30 years imprisonment for the crime of delivery or manufacture of 225 to 650 grams of a controlled substance. The commutation was granted on January 27, 2009 and was based on the affirmative recommendation of the Michigan Parole and Commutation Board.

Bernard Murphy—Sentenced on May 4, 1993 to a term of 15 to 40 years imprisonment for the crime of armed robbery (fourth offense). The commutation was granted on February 5, 2009 for medical reasons and was based on the affirmative recommendation of the Michigan Parole and Commutation Board.

Charles Parks—Sentenced on March 8, 1994 to two terms of life imprisonment for the crimes of possession with intent to deliver 650 grams or more of a controlled substance and conspiracy to deliver 650 grams or more of a controlled substance. The commutation was granted on February 13, 2009 and was based on the affirmative recommendation of the Michigan Parole and Commutation Board.

Jose Palacios-Montiel—Sentenced on August 7, 2002 to a term of 20 to 30 years imprisonment for the crime of delivery or manufacture of 650 grams or more of a controlled substance. The commutation was granted on February 13, 2009 and was based on the affirmative recommendation of the Michigan Parole and Commutation Board.

Demetrius Titus—Sentenced on November 4, 1998 to three terms of ten to 20 years imprisonment for the crimes of delivery of 50 to 224 grams of a controlled substance (two counts), and conspiracy to deliver 50 to 224 grams of a controlled substance. The commutation was granted on February 13, 2009 and was based on the affirmative recommendation of the Michigan Parole and Commutation Board.

Maria Martinez—Sentenced on June 23, 2003 to a term of 20 to 40 years imprisonment for the crime of possession with intent to deliver 650 grams or more of a controlled substance. The commutation was granted on February 13, 2009 and was based on the affirmative recommendation of the Michigan Parole and Commutation Board.

Charles Williams—Sentenced on May 13, 1982 to a term of 40 to 65 years imprisonment for the crime of armed robbery. The commutation was granted on February 13, 2009 and was based on the affirmative recommendation of the Michigan Parole and Commutation Board.

Ronald Ross—Sentenced on April 1, 1999 to two terms of life imprisonment for the crime of safe breaking (fourth offense) (two counts). The commutation was granted on February 13, 2009 and was based on the affirmative recommendation of the Michigan Parole and Commutation Board.

Frank Flanders—Sentenced on December 16, 1994 to three terms of five to 20 years imprisonment for the crimes of conspiracy to deliver 50 to 224 grams of a controlled substance (two counts), and delivery or manufacture of 50 to 224 grams of a controlled substance. The commutation was granted on February 24, 2009 and was based on the affirmative recommendation of the Michigan Parole and Commutation Board.

Adolfo Tavira—Sentenced on September 2, 2004 to terms of ten years and six months to 20 years imprisonment for the crime of delivery or manufacture of 50 to 449 grams of a controlled substance, and ten years and six months to 30 years imprisonment for the crime of delivery or manufacture of 450 to 999 grams of a controlled substance. The commutation was granted on March 6, 2009 and was based on the affirmative recommendation of the Michigan Parole and Commutation Board.

Barry Hathcock—Sentenced on December 17, 1970 to a term of life imprisonment for the crime of first degree murder. The commutation was granted on March 6, 2009 for medical reasons and was based on the affirmative recommendation of the Michigan Parole and Commutation Board.

Betty Jean Dennis—Sentenced on February 21, 1995 to terms of life imprisonment for the crime of conspiracy to commit first degree murder, 20 to 50 years imprisonment for the crime of assault with intent to commit murder, and 20 to 50 years imprisonment for the crime of soliciting first degree murder. The commutation was granted on March 6, 2009 and was based on the affirmative recommendation of the Michigan Parole and Commutation Board.

Allen White—Sentenced on April 17, 1987 to a term of 35 to 70 years imprisonment for the crime of breaking and entering a building with intent. The commutation was granted on March 17, 2009 and was based on the affirmative recommendation of the Michigan Parole and Commutation Board.

Thomas Ross—Sentenced on June 21, 1974 to a term of life imprisonment for the crime of armed robbery. The commutation was granted on March 26, 2009 for medical reasons and was based on the affirmative recommendation of the Michigan Parole and Commutation Board.

Brian Hurst—Sentenced on May 20, 1980 to a term of life imprisonment for the crime of first degree murder. The commutation was granted on April 2, 2009 and was based on the affirmative recommendation of the Michigan Parole and Commutation Board.

Jose Loera—Sentenced on September 17, 2004 to a term of five to 20 years imprisonment for the crime of delivery or manufacture of 50 to 224 grams of a controlled substance. The commutation was granted on April 2, 2009 for medical reasons and was based on the affirmative recommendation of the Michigan Parole and Commutation Board.

Melvin Dove—Sentenced on October 9, 2006 to terms of five to 20 years imprisonment for the crime of delivery or manufacture of methamphetamine, five to 20 years imprisonment for the crime of operating or maintaining a laboratory involving hazardous waste, and one to five years imprisonment for the crime of possession of a firearm by a felon. The commutation was granted on April 9, 2009 for medical reasons and was based on the affirmative recommendation of the Michigan Parole and Commutation Board.

Felipe Gonzalez—Sentenced on December 4, 1998 to a term of 20 to 30 years and ten months imprisonment for the crime of delivery or manufacture of 650 grams or more of a controlled substance. The commutation was granted on April 14, 2009 and was based on the affirmative recommendation of the Michigan Parole and Commutation Board.

Kazeem Adisa—Sentenced on July 20, 2004 to a term of six to 30 years for the crime of delivery or manufacture of 450 to 999 grams of a controlled substance. The commutation was granted on April 14, 2009 and was based on the deportability of the inmate.

Andre Junior—Sentenced on April 20, 2005 to a term of six to 20 years imprisonment for the crime of unarmed robbery. The commutation was granted on April 27, 2009 for medical reasons and was based on the affirmative recommendation of the Michigan Parole and Commutation Board.

Lonnie Hawkins—Sentenced on November 28, 1967 to a term of life imprisonment for the crime of armed robbery. The commutation was granted on May 29, 2009 and was based on the affirmative recommendation of the Michigan Parole and Commutation Board.

Jose Topete—Sentenced on December 10, 1996 to a term of life imprisonment for the crime of delivery or manufacture of 650 grams or more of a controlled substance. The commutation was granted on May 29, 2009 and was based on the affirmative recommendation of the Michigan Parole and Commutation Board.

Eugene Boyce—Sentenced on December 17, 1993 to a term of 20 to 40 years imprisonment for the crime of second degree murder. The commutation was granted on May 29, 2009 for medical reasons and was based on the affirmative recommendation of the Michigan Parole and Commutation Board.

Hollis Jackson—Sentenced on June 5, 1970 to a term of life imprisonment for the crime of first degree murder. The commutation was granted on May 29, 2009 and was based on the affirmative recommendation of the Michigan Parole and Commutation Board.

Linda Hamilton—Sentenced on June 28, 1979 and March 27, 1998 to terms of life imprisonment for the crime of first degree murder, and nine months to two years imprisonment for the crime of attempted larceny in a building. The commutation was granted on June 17, 2009 and was based on the affirmative recommendation of the Michigan Parole and Commutation Board.

William Gulley—Sentenced on July 15, 2008 to terms of two years and six months to 20 years imprisonment for the crime of delivery or manufacture of less than 50 grams of a controlled substance, and one year and eight months to five years imprisonment for the crime of carrying a weapon with unlawful intent. The commutation was granted on July 9, 2009 for medical reasons and was based on the affirmative recommendation of the Michigan Parole and Commutation Board.

Joseph Powell—Sentenced on November 4, 1998 to three terms of ten to 20 years imprisonment for the crimes of delivery or manufacture of 50 to 224 grams of a controlled substance (two counts), and conspiracy to deliver or manufacture 50 to 224 grams of a controlled substance. The commutation was granted on July 16, 2009 and was based on the affirmative recommendation of the Michigan Parole and Commutation Board.

Aruonyeani Agbo—Sentenced on February 10, 2003 to a term of 20 to 30 years imprisonment for the crime of delivery or manufacture of 225 to 649 grams of a controlled substance. The commutation was granted on August 26, 2009 and was based on the affirmative recommendation of the Michigan Parole and Commutation Board.

Rogelio Arzola Vazquez—Sentenced on September 5, 1990 to three terms of life imprisonment for the crimes of possession with intent to deliver 650 grams or more of a controlled substance, possession of 650 grams or more of a controlled substance, and conspiracy to possess 650 grams or more of a controlled substance. The commutation was granted on August 26, 2009 and was based on the affirmative recommendation of the Michigan Parole and Commutation Board.

Ahmed Sharrieff—Sentenced on November 7, 2000 to a term of 18 to 35 years imprisonment for the crime of second degree murder. The commutation was granted on August 26, 2009 for medical reasons and was based on the affirmative recommendation of the Michigan Parole and Commutation Board.

Allen Smith—Sentenced on December 19, 1953 and May 4, 1983 to terms of life imprisonment for the crime of first degree murder, and six months to five years imprisonment for the crime of prison escape. The commutation was granted on August 26, 2009 for medical reasons and was based on the affirmative recommendation of the Michigan Parole and Commutation Board.

Robert Peterson—Sentenced on May 20, 1980 to a term of life imprisonment for the crime of first degree murder. The commutation was granted on September 8, 2009 and was based on the affirmative recommendation of the Michigan Parole and Commutation Board.

Willie Jimmerson—Sentenced on August 18, 1981 to two terms of life imprisonment for the crime of first degree murder (two counts). The commutation was granted on September 28, 2009 for medical reasons and was based on the affirmative recommendation of the Michigan Parole and Commutation Board.

Robert Bransford—Sentenced on February 1, 1973 to two terms of life imprisonment for the crimes of first degree murder and armed robbery. The commutation was granted on October 14, 2009 and was based on the affirmative recommendation of the Michigan Parole and Commutation Board.

Zef Lulgjura—Sentenced on June 22, 1977 to four terms of life imprisonment for the crimes of first degree murder (three counts) and assault with intent to commit murder. The commutation was granted on October 26, 2009 and was based on the affirmative recommendation of the Michigan Parole and Commutation Board.

John Cosgriff—Sentenced on January 3, 1989 and June 11, 1998 to terms of life imprisonment for the crime of possession of 650 grams or more of a controlled substance, and ten to 30 years imprisonment for the crime of conspiracy to deliver or manufacture 225 to 549 grams of a controlled substance. The commutation was granted on October 26, 2009 and was based on the affirmative recommendation of the Michigan Parole and Commutation Board.

Donald Logan—Sentenced on March 8, 1973 to two terms of life imprisonment for the crimes of first degree murder and conspiracy to commit first degree murder. The commutation was granted on October 26, 2009 and was based on the affirmative recommendation of the Michigan Parole and Commutation Board.

Roosevelt Moore—Sentenced on July 8, 1971 to a term of life imprisonment for the crime of first degree murder. The commutation was granted on October 29, 2009 and was based on the affirmative recommendation of the Michigan Parole and Commutation Board.

Anne Brown—Sentenced on January 31, 1986 to a term of life imprisonment for the crime of first degree murder. The commutation was granted on October 29, 2009 and was based on the affirmative recommendation of the Michigan Parole and Commutation Board.

Leonard Stafford—Sentenced on December 7, 1998 to a term of life imprisonment for the crime of delivery or manufacture of 650 grams or more of a controlled substance. The commutation was granted on November 12, 2009 and was based on the affirmative recommendation of the Michigan Parole and Commutation Board.

Lamond Alston—Sentenced on June 6, 1995 to a term of life imprisonment for the crime of conspiracy to deliver or manufacture 650 grams or more of a controlled substance. The commutation was granted on November 16, 2009 and was based on the affirmative recommendation of the Michigan Parole and Commutation Board.

Lee Rogers Newman, Jr.—Sentenced on October 22, 1980 and December 30, 1987 to terms of life imprisonment for the crime of first degree murder, 35 to 65 years imprisonment for the crime of assault with intent to murder, and one to five years imprisonment for the crime of inmate in possession of marijuana. The commutation was granted on November 30, 2009 for medical reasons and was based on the affirmative recommendation of the Michigan Parole and Commutation Board.

Levonne Roberts—Sentenced on March 13, 1985 to a term of life imprisonment for the crime of first degree murder. The commutation was granted on December 4, 2009 and was based on the affirmative recommendation of the Michigan Parole and Commutation Board.

John Coulter—Sentenced on July 16, 1962 to a term of life imprisonment for the crime of first degree murder. The commutation was granted on December 4, 2009 and was based on the affirmative recommendation of the Michigan Parole and Commutation Board.

Dean Korth—Sentenced on September 2, 2008 to a term of ten to 25 years imprisonment for the crime of armed robbery (fourth offense). The commutation was granted on December 9, 2009 for medical reasons and was based on the affirmative recommendation of the Michigan Parole and Commutation Board.

Luis Fernando Montealban—Sentenced on January 8, 2002 to a term of ten to 50 years imprisonment for the crime of conspiracy to possess with intent to deliver 650 grams or more of a controlled substance. The commutation was granted on December 9, 2009 and was based on the affirmative recommendation of the Michigan Parole and Commutation Board.

David Walters—Sentenced on April 27, 1992 and August 3, 1994 to terms of life imprisonment for the crime of conspiracy to deliver or manufacture 650 grams or more of a controlled substance, life imprisonment for the crime of delivery or manufacture of 650 grams or more of a controlled substance, and 12 to 20 years imprisonment for the crime of possession with intent to deliver 50 to 225 grams of a controlled substance. The commutation was granted on December 9, 2009 and was based on the affirmative recommendation of the Michigan Parole and Commutation Board.

Joanne Schmid—Sentenced on January 5, 1984 to a term of life imprisonment for the crime of first degree murder. The commutation was granted on December 9, 2009 and was based on the affirmative recommendation of the Michigan Parole and Commutation Board.

Scott Barber—Sentenced on April 24, 1997 to a term of 20 to 40 years imprisonment for the crime of carrying a concealed weapon (fourth offense). The commutation was granted on December 9, 2009 and was based on the affirmative recommendation of the Michigan Parole and Commutation Board.

Domingo Sierra—Sentenced on June 23, 1999 to a term of life imprisonment for the crime of delivery or manufacture of 650 grams or more of a controlled substance. The commutation was granted on December 14, 2009 and was based on the affirmative recommendation of the Michigan Parole and Commutation Board.

James Watroba—Sentenced on May 19, 2004 to a term of six years and six months to 20 years imprisonment for the crime of first degree home invasion. The commutation was granted on December 17, 2009 for medical reasons and was based on the affirmative recommendation of the Michigan Parole and Commutation Board.

Hugo Ochoa—Sentenced on November 7, 1997 to a term of ten to 20 years imprisonment for the crime of delivery or manufacture of 225 to 649 grams of a controlled substance. The commutation was granted on December 22, 2009 and was based on the affirmative recommendation of the Michigan Parole and Commutation Board.

Aaron Cadorette—Sentenced on April 14, 1993 to terms of 30 days in jail, 24 months probation, and \$896 in costs for the crime of larceny over \$100. The pardon was granted on March 6, 2009 and was based on the affirmative recommendation of the Michigan Parole and Commutation Board.

Sondra Faggion—Sentenced on May 13, 1987 to terms of 30 days in jail, three years probation, \$450 in costs, substance abuse counseling, community service, random drug testing, and mandatory full time employment for the crimes of attempted possession with intent to deliver a controlled substance, and attempted possession with intent to deliver less than 50 grams of a controlled substance. The pardon was granted on April 14, 2009 and was based on the affirmative recommendation of the Michigan Parole and Commutation Board.

Joan Purkey—Sentenced on August 1, 2000 to terms of five years probation and \$3,499 in fees, costs and restitution for the crime of felony assault with a dangerous weapon. The pardon was granted on October 29, 2009 and was based on the affirmative recommendation of the Michigan Parole and Commutation Board.

Respectfully,
Jennifer M. Granholm
Governor

The following message from the Governor was received on December 30, 2009, and read:

EXECUTIVE ORDER
No. 2009-55

**Department of Information Technology
Department of Management and Budget**

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

WHEREAS, the Department of Information Technology was created as a principal department of state government by Executive Order 2001-3, MCL 18.41;

WHEREAS, the Department of Information Technology is focused on promoting a unified approach to information technology management for departments and agencies in the executive branch of state government;

WHEREAS, the Department of Management and Budget was created as a principal department of state government under Section 121 of The Management and Budget Act, 1984 PA 431, MCL 18.1121;

WHEREAS, the Department of Management and Budget is focused on providing centralized administration of services for state departments and agencies including audit services, budgeting, employee resources, financial services, fleet management, mail, printing, property management, purchasing services, records management, and retirement services;

WHEREAS, improvements in the organization of state government and reductions in the number of principal state departments are necessary to provide Michigan residents and job providers with improved delivery of state services using fewer resources;

WHEREAS, it is necessary in the interests of efficient administration and effectiveness of government to change the organization of the executive branch of state government;

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

I. DEFINITIONS

As used in this Order:

A. "Chief Information Officer for the State of Michigan" or "State CIO" means the individual within the Department of Technology, Management, and Budget designated by the Governor under Section III.B.1 as the Chief Information Officer for the State of Michigan.

B. "Civil Service Commission" means the commission required under Section 5 of Article XI of the Michigan Constitution of 1963 and includes the State Personnel Director.

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

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

E. "Department of Technology, Management, and Budget" or "Department" means the principal department of state government created by Section 121 of The Management and Budget Act, 1984 PA 431, MCL 18.1121, and renamed the Department of Technology, Management, and Budget under this Order.

F. "Information technology services" means services involving all aspects of managing and processing information including, but not limited to, all of the following:

1. Application development and maintenance.
2. Desktop computer support and management.
3. Mainframe computer support and management.
4. Server support and management.
5. Local area network support and management, including, but not limited to, wireless networking.
6. Information technology project management.
7. Information technology planning and budget management.
8. Telecommunication services, security, infrastructure, and support.

G. "Office of the State Budget Director" means the office created within the Department of Management and Budget under Section 321 of The Management and Budget Act, 1984 PA 431, MCL 18.1321.

H. "Office of the State Employer" means the autonomous office created within the Department of Management and Budget by Executive Order 1979-5, whose duties include, but are not limited to, those assigned by Executive Orders 1979-5, 1981-3, 1988-6, 2002-18, 2004-31, 2007-30, and 2008-22.

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

J. "State Personnel Director" means the administrative and principal executive officer of the Civil Service Commission provided for under Section 5 of Article XI of the Michigan Constitution of 1963 and Section 204 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.304.

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

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

II. DEPARTMENT OF MANAGEMENT AND BUDGET

A. The Department of Management and Budget is renamed the Department of Technology, Management, and Budget.

B. Any and all statutory and other legal references to the Department of Management and Budget shall be deemed references to the Department of Technology, Management, and Budget.

III. DEPARTMENT OF TECHNOLOGY, MANAGEMENT, AND BUDGET

A. Transfers to the Department of Technology, Management, and Budget

1. Except as otherwise provided in this Order, any and all of the authority, powers, duties, functions, responsibilities, records, rule-making authority, records, personnel, real property, personal property, equipment, unexpended balances

of appropriations, allocations, or other funds of the Department of Information Technology are transferred by Type III transfer to the Department of Technology, Management, and Budget, including, but not limited to, authority, powers, duties, functions, responsibilities, rule-making authority, records, personnel, real property, personal property, equipment, unexpended balances of appropriations, allocations, or other funds under all of the following:

- a. Executive Order 2001-3, MCL 18.41.
 - b. Executive Order 2005-2, MCL 18.42.
 - c. Executive Order 2006-19, MCL 18.43.
 - d. Executive Order 2002-14, MCL 18.62.
 - e. Section 4 of the Records Reproduction Act, 1992 PA 116, MCL 24.404.
 - f. Section 2 of the C.J.I.S. Policy Council Act, 1974 PA 163, MCL 28.212.
 - g. Executive Order 2002-19, MCL 38.1173.
 - h. Executive Order 2004-2, MCL 211.281.
 - i. Section 59 of the Driver Education Provider and Instructor Act, 2006 PA 384, MCL 256.679.
 - j. Section 134a of the Mental Health Code, 1974 PA 258, MCL 330.1134a.
 - k. Section 2505 of the Public Health Code, 1978 PA 368, MCL 333.2505.
 - l. Section 20173a of the Public Health Code, 1978 PA 368, MCL 333.20173a.
 - m. Sections 1230d and 1230f of The Revised School Code of 1976, 1976 PA 451, MCL 380.1230d and 380.1230f.
 - n. Sections 1535a and 1539b of The Revised School Code of 1976, 1976 PA 451, MCL 380.1535a and 380.1539b.
 - o. Executive Order 2003-20, MCL 388.997.
 - p. Executive Order 2009-36, MCL 399.752.
 - q. Section 34b of the Adult Foster Care Facility Licensing Act, 1979 PA 218, MCL 400.734b.
 - r. Executive Order 2008-20, MCL 445.2025.
 - s. Section 8 of The Children's Ombudsman Act, 1994 PA 204, MCL 722.928.
 - t. Executive Order 2009-18.
2. The Information Privacy Protection Council created by Executive Order 2009-18 is transferred by Type II transfer from the Department of Information Technology to the Department of Technology, Management, and Budget.
3. The position of the Director of the Department of Information Technology or his or her designee as a member of the Health Information Technology Commission created under Section 2503 of the Public Health Code, 1978 PA 368, MCL 333.2503, is transferred to the Director of the Department of Technology, Management, and Budget, or his or her designee from within the Department.

B. Chief Information Officer for the State of Michigan

1. The Governor shall designate an individual within the Department of Technology, Management, Budget, including, but not limited to, the Director of the Department, to serve as the Chief Information Officer for the State of Michigan. The Director of the Department may serve concurrently as the State CIO. The State CIO shall report to and advise the Governor on matters relating to information technology services and related technology. The individual designated as the State CIO also shall serve as a member of the Governor's Cabinet. Under direction and guidance of the State CIO, the Department shall continue to do all of the following related to information technology services:

- a. Lead state efforts to reengineer the information technology infrastructure of this state to achieve the use of common technology across the executive branch of state government.
- b. Coordinate a unified executive branch strategic information technology plan, identify best practices from executive branch agencies and other public and private sector entities, and develop and implement processes to replicate information technology best practices and standards throughout the executive branch of state government.
- c. Oversee the expanded use and implementation of project management principles related to information technology services within the executive branch of state government. Funded projects within all executive branch departments and agencies shall continue to use project management methodologies specified by the Chief Information Officer for the State of Michigan.
- d. Serve as a general contractor between information technology users within the executive branch and private-sector providers of information technology products and services while working to build stronger partnering relationships with providers.
- e. Develop and periodically update service-level agreements with executive branch departments and agencies to ensure quality information technology services are delivered on schedule and within budget.
- f. Develop standards for application development including, but not limited to, a standard methodology and cost-benefit analysis that all executive branch departments and agencies shall utilize for application development activities.
- g. Determine and implement statewide efforts to standardize data elements, formats, and standards and determine data and information ownership or control issues among departments and agencies in the executive branch of state government with the full cooperation of executive branch departments and agencies.
- h. Develop systems and methodologies to review, evaluate, and prioritize existing information technology services projects within the executive branch of state government.

i. Assist the Office of the State Budget Director with the development of information technology services budgets for the executive branch of state government. All information technology budget requests from the executive branch must continue to be submitted to the Office of the State Budget Director and the State CIO. The Office of the State Budget Director and the State CIO will continue to jointly review and recommend for funding consideration only those proposals that fit into the overall strategic information technology management plan of this state and that provide a reasonable return on investment, subject to available resources.

2. The State CIO shall continue to have the full cooperation of executive branch departments and agencies in developing and implementing the sharing of data and information throughout the executive branch. The State CIO shall continue to determine and implement statewide efforts to standardize data elements and shall continue to determine data ownership assignments among executive branch departments and agencies.

C. Office of the State Budget Director

1. The Office of the State Budget Director is renamed the State Budget Office. Any and all statutory and other legal references to the Office of the State Budget Director or the Office of the State Budget shall be deemed references to the State Budget Office.

2. The authority, powers, duties, functions, and responsibilities of the Department of Technology, Management, and Budget under any of the following are transferred to the State Budget Office:

- a. Subdivisions (a), (d), and (e) of Section 141 of The Management and Budget Act, 1984 PA 431, MCL 18.1141.
- b. Subsections (3), (5), and (7) of Section 242 of The Management and Budget Act, 1984 PA 431, MCL 18.1242.
- c. Sections 283 and 283a of The Management and Budget Act, 1984 PA 431, MCL 18.1283 and 18.1283a.
- d. Sections 350 to 350e of The Management and Budget Act, 1984 PA 431, MCL 18.1350 to 1350e.
- e. Subsection (1) of Section 384 of The Management and Budget Act, 1984 PA 431, MCL 18.1384.
- f. Section 395 of The Management and Budget Act, 1984 PA 431, MCL 18.1395.
- g. Article 4 of The Management and Budget Act, 1984 PA 431, MCL 18.1401 to 18.1499.

3. The authority, powers, duties, functions, and responsibilities of the Director of the Department of Technology, Management, and Budget, under any of the following are transferred to the State Budget Director:

- a. Section 246 of The Management and Budget Act, 1984 PA 431, MCL 18.1246.
- b. Section 363 of The Management and Budget Act, 1984 PA 431, MCL 18.1363.
- c. Section 371 of The Management and Budget Act, 1984 PA 431, MCL 18.1371.
- d. Section 391 of The Management and Budget Act, 1984 PA 431, MCL 18.1391.
- e. Article 4 of The Management and Budget Act, 1984 PA 431, MCL 18.1401 to 18.1499.

4. Unless the State Budget Director serves concurrently as the Director of the Department of Technology, Management, and Budget as provided under Section 321 of The Management and Budget Act, 1984 PA 431, MCL 18.1321, the State Budget Office shall exercise its prescribed authority, powers, duties, functions, and responsibilities independently of the Director of the Department of Technology, Management, and Budget. The authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations, and other funds of the State Budget Office, including, but not limited to, budgeting, procurement, personnel, and related management functions, shall be retained by the State Budget Office, and the State Budget Office shall be an autonomous entity within the Department in the same manner as the Michigan Employment Security Commission was designated an autonomous entity within the Department of Labor under Section 379 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.479.

5. The State Budget Director may establish administrative units within the State Budget Office.

6. The Director of the State Budget Office shall provide executive direction and supervision for the implementation of all transfers to the State Budget Office under this Section III.C.

7. The Director of the State Budget Office shall immediately initiate coordination with affected departments and agencies to facilitate the transfers to the State Budget Office under this Section III.C and shall develop and issue a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved prior to the transfers to the State Budget Office under this Section III.C.

8. The Director of the State Budget Office shall administer the assigned functions transferred under this Section III.C in such ways as to promote efficient administration and shall make internal organizational changes within the State Budget Office as may be administratively necessary to complete the realignment of responsibilities under this Section III.C.

9. State departments, agencies, and officers shall fully and actively cooperate with and assist the Director of the State Budget Office in the implementation of this Section III.C. The Director of the State Budget Office may request the assistance of other state departments, agencies, and officers with respect to personnel, budgeting, procurement, telecommunications, information systems, legal services, and other management-related functions, and the departments, agencies, and officers shall provide such assistance.

10. The Director of the State Budget Office may delegate within the State Budget Office a duty or power conferred on the Director of the State Budget Office, and the individual to whom the duty or power is delegated may perform the duty or exercise the power at the time and to the extent that the power is delegated by the Director of the State Budget Office.

11. All records, property, grants, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available or to be made available to any entity for the authority, activities, powers, duties, functions, and responsibilities transferred under this Section III.C to the State Budget Office are transferred to the State Budget Office.

D. Office of the State Employer

1. The Office of the State Employer is continued as an autonomous entity within the Department of Technology, Management, and Budget. The Director of the Office of the State Employer shall continue to be the head of the Office of the State Employer.

2. Except as otherwise provided in this Section III.D, all of the authority, powers, duties, functions, responsibilities, records, personnel, property, unexpended balances of appropriations, allocations, and other funds of the principal departments of the executive branch of state government related to the performance of labor relations functions on behalf of the State of Michigan as an employer, including, but not limited to, Civil Service Commission staff, are transferred to the Office of the State Employer.

3. The duties of the Office of the State Employer, shall include, without limitation, all of the following:

a. Performing the obligations and exercising the rights of the Office of the State Employer under the employee relations rules and regulations of the Civil Service Commission, including, but not limited to, all of the following:

i. Developing, directing, and coordinating the employee relations policy of the principal departments of the executive branch of state government as employer.

ii. Negotiating with exclusive representatives of employees of the principal departments of the executive branch of state government within the classified state civil service.

iii. Recommending to the Civil Service Commission, in consultation with the principal department heads and the Governor, a comprehensive plan for rates of compensation and other conditions of employment for non-exclusively represented employees of the principal departments of the executive branch of state government within the classified state civil service.

iv. Directing primary negotiations and coordinating secondary negotiations of collective bargaining agreements.

b. Formulating, executing, and administering on behalf of the principal departments of the executive branch of state government as employer, labor-management relations and employee and labor relations policies for employees of the principal departments of the executive branch of state government within the classified state civil service. The Office of the State Employer shall only represent the interests of the principal departments of the executive branch of state government as employer.

c. Representing the principal departments of the executive branch of state government before the Civil Service Coordinated Compensation Panel, or any successor entity established by the Civil Service Commission to address issues for non-exclusively represented employees.

d. Determining the policy of the principal departments of the executive branch of state government as employer with respect to matters subject to the collective bargaining negotiations.

e. Representing the principal departments of the executive branch of state government as employer in negotiations with exclusive representatives, with assistance to the Office of the State Employer provided by departmental bargaining team members nominated by the principal departments, subject to the approval of the Director of the Office of the State Employer.

f. Entering into collective bargaining agreements with exclusive representatives concerning negotiable matters.

g. Determining the issues that will be the subject of primary negotiations and those that will be the subject of secondary negotiations for the principal departments of the executive branch of state government as employer.

h. Participating in secondary negotiations at the departmental level and approving all secondary collective bargaining agreements.

i. Representing the principal departments of the executive branch of state government as employer in dispute resolution conferences and mediation.

j. Initiating requests for modifications in the employee relations policies, rules, and regulations of the Civil Service Commission.

k. Coordinating responses of the principal departments of the executive branch of state government as employer to personnel policy, rule, or regulation changes considered by the Civil Service Commission.

l. Initiating, or approving the initiation of, prohibited practice charges against employees or employee organizations and responding to and representing the principal departments of the executive branch of state government as employer with respect to prohibited practice charges filed by employees or employee organizations.

m. Exercising final authority for administration of collective bargaining agreements and grievance settlements on behalf of the principal departments of state government as employer and approving all collective bargaining agreement interpretation documents and letters of understanding.

n. Making management determinations on behalf of the principal departments of state government as employer regarding which grievance cases should go to arbitration or be afforded a hearing by the Civil Service Commission after consultation with the affected principal department; and approving the management advocate on behalf of the principal

departments of state government as employer in the presentation of all arbitrations and grievance hearings under the rules or regulations of the Civil Service Commission.

o. Supervising the training of all management personnel involved in the labor relations process for the principal departments of the executive branch of state government as employer with the full cooperation and training of affected principal departments.

p. Performing duties vested in the Office of the State Employer under Executive Order 2004-31.

q. Serving as a member of the State Equal Opportunity and Diversity Council created by Executive Order 2008-22, or any successor entity.

r. Appointing and supervising clerical and professional staff as the Director of the Office of the State Employer deems necessary.

s. Entering into consulting contracts for personal and professional services related to the functions of the Office of State Employer as the Director of the Office of the State Employer deems necessary in accordance with the relevant statutes, and procedures, rules, and regulations of the Civil Service Commission and the Department.

t. Doing such other things as are necessary for the principal departments of the executive branch of state government as employer to meet responsibilities to recognized employee organizations and foster responsible labor-management relations.

4. The duties of the Office of the State Employer include employee and labor relations matters affecting state classified civil service employees of principal departments within the executive branch of state government covered by employee relations policies, rules, and regulations of the Civil Service Commission, as well as matters affecting Michigan State Police troopers and sergeants who exercise collective bargaining rights under Section 5 of Article XI of the Michigan Constitution of 1963.

5. Nothing in this Section III.D shall be construed to diminish or limit the power of the Civil Service Commission to exercise authority granted to the Commission under Section 5 of Article XI of the Michigan Constitution of 1963. Consistent with Civil Service Commission Rule 6-3.7, the Office of the State Employer shall participate as an advocate on behalf of management in the collective bargaining process as the State Personnel Director and other employees of the Civil Service Commission are prohibited from participating as advocates on behalf of either management or employees in the collective bargaining process.

6. In performing duties relating to collective bargaining and labor relations functions under this Section III.D, the Office of the State Employer shall consult with the Governor and the elected heads of principal departments of the executive branch of state government.

7. The Director of the Office of the State Employer shall provide executive direction and supervision for the implementation of all transfers to the Office of the State Employer under this Section III.D.

8. The Director of the Office of the State Employer shall immediately initiate coordination with affected departments and agencies to facilitate the transfers to the Office of the State Employer under this Section III.D and shall develop and issue a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved prior to the transfers to the Office of the State Employer under this Section III.D.

9. The Director of the Office of the State Employer shall administer the assigned functions transferred under this Section III.D in such ways as to promote efficient administration and shall make internal organizational changes within the Office of the State Employer as may be administratively necessary to complete the realignment of responsibilities under this Section III.D.

10. State departments, agencies, and officers shall fully and actively cooperate with and assist the Director of the Office of the State Employer in the implementation of this Section III.D. The Director of the Office of the State Employer may request the assistance of other state departments, agencies, and officers with respect to personnel, budgeting, procurement, telecommunications, information systems, legal services, and other management-related functions, and the departments, agencies, and officers shall provide such assistance.

11. The Director of the Office of the State Employer may delegate within the Office of the State Employer a duty or power conferred on the Director of the Office of the State Employer, and the individual to whom the duty or power is delegated may perform the duty or exercise the power at the time and to the extent that the power is delegated by the Director of the Office of the State Employer.

12. All records, property, grants, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available or to be made available to any entity for the authority, activities, powers, duties, functions, and responsibilities transferred under this Section III.D to the Office of the State Employer are transferred to the Office of the State Employer.

E. Michigan Public Safety Communications System Advisory Board

1. The Michigan Public Safety Communications System Advisory Board created by Executive Order 2005-8 is transferred by Type II transfer from the Department of Information Technology to the Department of Technology, Management, and Budget.

2. The Michigan Public Safety Communications System Advisory Board is renamed the Public Safety Communications Interoperability Board.

3. The Public Safety Communications Interoperability Board shall consist of 16 members, including 9 members appointed by the Governor as provided under Section II.B.1 of Executive Order 2005-8 and the following voting ex officio members:

a. The employee within the Department of Technology, Management, and Budget with principal administrative responsibilities for the Michigan Public Safety Communications System, as designated by the Director of the Department.

b. The officer or employee within the Department of State Police with principal responsibility for this state's emergency management operations, as designated by the Director of the Department of State Police.

c. The State Fire Marshal.

d. The Director of the Department of Community Health, or his or her designee from within the Department of Community Health.

e. The Adjutant General or his or her designee from within the Department of Military and Veterans Affairs.

f. The Director of the Department of Natural Resources and Environment, or his or her designee from within the Department of Natural Resources and Environment.

g. The Director of the Department of Transportation, or his or her designee from within the Department of Transportation.

4. The Public Safety Communications Interoperability Board may establish advisory workgroups or task forces composed of persons representing law enforcement or other governmental or tribal public safety agencies or organizations that operate or utilize public safety communications systems in this state, including, but not limited to, a task force on communications interoperability. The Interoperability Board also may invite the participation of federal homeland security, law enforcement, emergency management, or communications agency officials and personnel, including, but not limited to, federal officials or personnel serving as liaisons to the Interoperability Board. The Interoperability Board may adopt, reject, or modify any recommendations proposed by an advisory workgroup or task force.

5. The Public Safety Communications Interoperability Board may serve as the regional public safety frequency coordination committee to the extent required for this state's compliance with rules or regulations of the Federal Communications Commission or other federal agency.

6. The Public Safety Communications Interoperability Board also may recommend best practices and oversight mechanisms for the implementation of public safety communications systems interoperability and standards in this state.

IV. DEPARTMENT OF INFORMATION TECHNOLOGY

A. The position of the Director of the Department of Information Technology as a member of the advisory committee under Section II of Executive Order 2002-19, MCL 38.1173, is abolished.

B. The position of the Director of the Department of Information Technology, or his or her authorized representative, as a member of the Interagency Council on Spanish-Speaking Affairs under Section III.E.1 of Executive Order 2003-18, MCL 445.2011, and Executive Order 2009-45, is abolished.

C. The position of Director of Department of Information Technology is abolished.

D. The Department of Information Technology is abolished.

V. IMPLEMENTATION OF TRANSFERS TO DEPARTMENT OF TECHNOLOGY, MANAGEMENT, AND BUDGET

A. Except as otherwise provided in this Order, the Director of the Department of Information Technology shall provide executive direction and supervision for the implementation of all transfers to the Department of Technology, Management, and Budget under this Order.

B. The Director of the Department of Information Technology shall immediately initiate coordination with the Department of Management and Budget to facilitate the transfers to the Department of Technology, Management, and Budget under this Order and shall develop and issue a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Department of Information Technology prior to the transfers under this Order.

C. The Director of the Department of Technology, Management, and Budget may establish administrative units within the Department.

D. State departments, agencies, and state officers shall fully and actively cooperate with and assist the Director of the Department of Technology, Management, and Budget in the implementation of this Order. The Director of the Department may request the assistance of other state departments, agencies, and officers with respect to personnel, budgeting, procurement, telecommunications, information systems, legal services, and other management-related functions, and the departments, agencies, and officers shall provide such assistance.

E. The Director of the Department of Technology, Management, and Budget may hire or retain such contractors, sub-contractors, advisors, consultants and agents as the Director of the Department may deem advisable and necessary, in accordance with the relevant statutes and procedures, rules, and regulations of the Civil Service Commission and the Department and may make and enter into contracts necessary or incidental to the exercise of the powers and performance of the duties of the Department and the Director of the Department. Under this provision, the Director of the Department specifically may hire or retain such contractors, sub-contractors, advisors, consultants, and agents as the Director of the

Department may deem advisable and necessary to provide legal advice or legal services, to provide for research and development activity, or to provide strategic planning services.

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

G. The Director of the Department of Technology, Management, and Budget may delegate within the Department a duty or power conferred on the Director of the Department by this Order or by other law, and the individual to whom the duty or power is delegated may perform the duty or exercise the power at the time and to the extent that the power is delegated by the Director of the Department.

H. All records, property, grants, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available or to be made available to any entity for the authority, activities, powers, duties, functions, and responsibilities transferred under this Order to the Department of Technology, Management, and Budget are transferred to the Department of Technology, Management, and Budget.

VI. 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 March 21, 2010 at 12:01 a.m.

[SEAL]

Given under my hand this 30th day of December, in the year of our Lord, two thousand and nine.

Jennifer M. Granholm
Governor

By the Governor:
Terri L. Land
Secretary of State

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

The following message from the Governor was received and read:

January 6, 2010

I respectfully submit to the Senate, pursuant to Section 6 of Article 5 of the Michigan Constitution of 1963, the following appointment to office under Section 91 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.191:

Investment Advisory Committee

Mr. Roger D. Robinson of 14880 Truwood Court, Southgate, Michigan 48195, county of Wayne, succeeding James B. Jacobs, whose term has expired, is appointed to represent the general public, for a term commencing January 6, 2010 and expiring December 15, 2012.

Sincerely,
Jennifer M. Granholm
Governor

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

Messages from the House

The following message was received and read:

January 13, 2010

I hereby notify you that the House of Representatives has convened pursuant to the requirements of the Constitution and is ready to proceed with the business of the session.

Very respectfully,
Richard J. Brown, Clerk
House of Representatives

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

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

Senate Bill No. 939

Senate Bill No. 887

The motion prevailed.

The following bill was read a third time:

Senate Bill No. 939, entitled

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by repealing part 433 (MCL 324.43301 to 324.43303).

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. 3

Yeas—37

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

Nays—0

Excused—1

Brater

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

The following bill was read a third time:

Senate Bill No. 887, entitled

A bill to amend 1893 PA 206, entitled “The general property tax act,” by amending section 7d (MCL 211.7d), as amended by 2008 PA 585.

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. 4**Yeas—37**

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

Nays—0**Excused—1**

Brater

Not Voting—0

In The Chair: Richardville

The Senate agreed to the title of the bill.

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 Scott 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 with a substitute therefor, the following bill:

Senate Bill No. 38, entitled

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending section 261 (MCL 206.261), as amended by 2008 PA 207.

Substitute (S-1).

The following is the amendment to the substitute recommended by the Committee of the Whole:

1. Amend page 6, line 25, after "TO" by striking out the balance of the subparagraph and inserting "**PROVIDING ASSISTANCE TO STUDENTS AND TEACHERS IN THE SCHOOLS OF THIS STATE INCLUDING SCHOOL DISTRICTS, PUBLIC SCHOOL ACADEMIES, AND SCHOOLS DESCRIBED UNDER 1921 PA 302, MCL 388.551 TO 388.558, FOR NONESSENTIAL SUPPLIES AND ASSISTANCE.**".

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

Resolutions

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

Senate Resolution No. 41

Senate Resolution No. 75

Senate Resolution No. 88

Senate Concurrent Resolution No. 24

The motion prevailed.

House Concurrent Resolution No. 28.

A concurrent resolution to memorialize the United States Congress to appropriate \$475 million for a Great Lakes Restoration Initiative.

Whereas, The Great Lakes contain more than 18 percent of the world's, and more than 90 percent of North America's, fresh surface water and provide drinking water to more than 9 million Michigan residents; and

Whereas, Michigan and its economy are defined by the Great Lakes and depend on its abundance of freshwater for manufacturing, tourism, fishing, public water supplies, agriculture, and numerous other uses. The Great Lakes provide Michigan with 823,000 jobs that represent nearly 25 percent of Michigan's payroll; and

Whereas, The health of the Great Lakes is jeopardized by threats such as toxic contamination, wetlands degradation, sewage overflows, and invasive species. Inaction or delay in confronting these threats will make the problems worse and the solutions more costly; and

Whereas, Regional and state restoration plans are ready for implementation to address these threats. The Great Lakes Regional Collaboration proposed a multi-year strategy of implementable solutions to restore and protect the Great Lakes and to overcome the hurdles facing them. The Michigan Great Lakes Plan provides a framework for protecting, restoring, and sustaining Michigan's Great Lakes; and

Whereas, There is bipartisan support for dedicating \$475 million in federal money to initiate a multi-year effort to protect and restore our Great Lakes, consistent with the Great Lakes Regional Collaboration Strategy's recommendations. The proposed Great Lakes Restoration Initiative will fund on-the-ground work to cleanup toxic hotspots, restore habitat, and combat invasive species; and

Whereas, A substantial investment in the Great Lakes system's health will create jobs and improve Michigan's quality of life. In 2008, Michigan Sea Grant determined that a \$25 billion investment in the Great Lakes Regional Collaboration Strategy would create \$7 billion to \$13 billion in short-term economic gains for Michigan from increases in tourism, the fishing industry, and recreational activity, reduced costs to municipalities, and increased property values in coastal areas; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize Congress to appropriate the \$475 million called for in President Obama's FY 2010 budget for a Great Lakes Restoration Initiative that will provide the economic investment and revitalization that the Great Lakes need; and be it further

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

The House of Representatives has adopted the concurrent resolution.

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

Senator Cropsey moved that the rule be suspended.

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

The question being on the adoption of the concurrent resolution,

Senator Cropsey moved that the concurrent resolution be referred to the Committee on Natural Resources and Environmental Affairs.

The motion prevailed.

Senators Anderson, Basham and Switalski were named co-sponsors of the concurrent resolution.

Senator Cropsey offered the following concurrent resolution:

Senate Concurrent Resolution No. 31.

A concurrent resolution prescribing the legislative schedule.

Resolved by the Senate (the House of Representatives concurring), That when the Legislature adjourns on Saturday, December 19, 2009, it stands adjourned until Wednesday, December 30, 2009, at 11:30 a.m.; and be it further

Resolved, That when the Legislature adjourns on Wednesday, December 30, 2009, it stands adjourned without day.

Pursuant to rule 3.204, the concurrent resolution was referred to the Committee on Government Operations and Reform.

Senators Jansen, Pappageorge and Switalski were named co-sponsors of the concurrent resolution.

Introduction and Referral of Bills

Senator Cropsey introduced

Senate Bill No. 1056, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8251 (MCL 600.8251), as amended by 2003 PA 7.

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

Senator Birkholz introduced
Senate Bill No. 1057, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 74101, 74102, 74102a, 74116, 74117, 74120, and 74122 (MCL 324.74101, 324.74102, 324.74102a, 324.74116, 324.74117, 324.74120, and 324.74122), sections 74101 and 74122 as amended by 2004 PA 587, sections 74102, 74116, and 74120 as added by 1995 PA 58, section 74102a as amended by 2006 PA 307, and section 74117 as amended by 2009 PA 197; and to repeal acts and parts of acts.

The bill was read a first and second time by title and referred to the Committee on Natural Resources and Environmental Affairs.

House Bill No. 5346, entitled

A bill to encourage the creation of next Michigan development corporations by interlocal agreement and to prescribe their powers and duties; to foster economic opportunities in this state and prevent conditions of unemployment and under-employment and to promote economic growth; to provide for the designation of next Michigan development districts and next Michigan development businesses; and to prescribe the powers and duties of certain state and local departments, entities, and officials.

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

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

House Bill No. 5347, entitled

A bill to amend 1986 PA 281, entitled "The local development financing act," by amending sections 2, 3, 4, 5, and 12 (MCL 125.2152, 125.2153, 125.2154, 125.2155, and 125.2162), section 2 as amended by 2007 PA 200, sections 3 and 12 as amended by 2000 PA 248, and section 4 as amended by 2005 PA 15, and by adding sections 12c and 12d.

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

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

House Bill No. 5348, entitled

A bill to amend 1974 PA 198, entitled "An act to provide for the establishment of plant rehabilitation districts and industrial development districts in local governmental units; to provide for the exemption from certain taxes; to levy and collect a specific tax upon the owners of certain facilities; to impose and provide for the disposition of an administrative fee; to provide for the disposition of the tax; to provide for the obtaining and transferring of an exemption certificate and to prescribe the contents of those certificates; to prescribe the powers and duties of the state tax commission and certain officers of local governmental units; and to provide penalties," by amending sections 2 and 22 (MCL 207.552 and 207.572), section 2 as amended by 2008 PA 581 and section 22 as amended by 1994 PA 266.

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

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

House Bill No. 5349, entitled

A bill to amend 1996 PA 376, entitled "Michigan renaissance zone act," by amending sections 3 and 10 (MCL 125.2683 and 125.2690), section 3 as amended by 2008 PA 217 and section 10 as amended by 2008 PA 242, and by adding section 8g.

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

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

House Bill No. 5350, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 9f (MCL 211.9f), as amended by 2008 PA 573.

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

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

House Bill No. 5351, entitled

A bill to amend 1995 PA 24, entitled "Michigan economic growth authority act," by amending section 3 (MCL 207.803), as amended by 2008 PA 257.

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

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

Statements

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

The motion prevailed.

Senator Garcia's statement is as follows:

On December 10, I missed two votes, Roll Call Nos. 694 and 695, and I would have voted "no" on both of them. On December 17, I was gone for military reasons, and I would have voted "yes" on Roll Nos. 696 through 725; I would have voted "no" on Roll Call Nos. 726 and 727; and I would have voted "yes" on Roll Call Nos. 729 through 746. On December 19, I was again absent for military reasons and would have voted "yes" on Roll Call Nos. 747 through 756.

Senator Scott's statement is as follows:

The Reverend Dr. Martin Luther King, Jr., once said, "Change does not roll in on the wheels of inevitability, but comes through continued struggle." Many of us here in the Senate and many across the rotunda in the House have been working for years to change our auto insurance system so that it treats everyone fairly based on their driving record. That is an issue that cuts across all kinds of lines. It affects all of us, and you and I have all heard the stories and felt the pain of our constituents.

A new year has begun and our constituents will continue to struggle with insurance premiums that vary wildly, depending on a person's address, education, credit score, and any number of other things that don't really pertain to a person's driving record. I hope that this year—2010—is the year that our struggle finally leads us to a solution. I hope that this is the year that we work together and create fair and affordable auto insurance for our constituents.

Committee Reports

COMMITTEE ATTENDANCE REPORT

The Conference Committee on Identifying and Restructuring Failing Schools (HB 4787) submitted the following:

Meeting held on Saturday, December 19, 2009, at 2:20 a.m., Room 426, Capitol Building

Present: Senators Kuipers and Van Woerkom

Absent: Senator Thomas

COMMITTEE ATTENDANCE REPORT

The Conference Committee on Flexibility in Failing Schools (HB 4788) submitted the following:

Meeting held on Saturday, December 19, 2009, at 2:25 a.m., Room 426, Capitol Building

Present: Senators Kuipers and Van Woerkom

Absent: Senator Thomas

COMMITTEE ATTENDANCE REPORT

The Committee on Commerce and Tourism submitted the following:

Meeting held on Monday, January 4, 2010, at 10:00 a.m., Motor City Blight Busters, 17405 Lahser Road, Detroit

Present: Senators Allen (C), Clarke and Hunter

Excused: Senators Nofs and Stamas

Scheduled Meetings

Appropriations -

Subcommittee -

General Government - Wednesday, January 27, 1:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2768)

Finance - Thursday, January 14, 11:00 a.m., Room 110, Farnum Building (373-1758)

Judiciary - Tuesday, January 19, 1:00 p.m., Room 210, Farnum Building (373-6920)

Natural Resources and Environmental Affairs and House Great Lakes and Environment - Thursday, January 14, 8:00 a.m., Senate Hearing Room, Ground Floor, Boji Tower (373-3447)

Transportation - Tuesday, January 19, 1:00 p.m., Room 110, Farnum Building (373-7708)

Senator Cropsey moved that the Senate adjourn.
The motion prevailed, the time being 12:51 p.m.

The President pro tempore, Senator Richardville, declared the Senate adjourned until Thursday, January 14, 2010, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate

