

No. 17
STATE OF MICHIGAN
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House of Representatives
96th Legislature
REGULAR SESSION OF 2011

House Chamber, Lansing, Wednesday, February 23, 2011.

1:30 p.m.

The House was called to order by the Speaker.

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

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

e/d/s = entered during session

Rep. Frank Foster, from the 107th District, offered the following invocation:

“**Gracious** Lord,

We pray today that You will bless this body, the Michigan House of Representatives.

As we strive today and in the many ensuing weeks and months to tackle tough challenges, ...help us keep the concerns of Michigan’s citizens our utmost priority.

May You provide us with patience, understanding, and wisdom, and be our companion in this journey, ...so that we may rise above all pettiness and be true to the noble spirit that You have breathed in us.

Hear us, we pray in Christ’s name. Amen.”

Rep. Segal moved that Rep. Womack be excused from today’s session.
The motion prevailed.

Motions and Resolutions

Reps. Tlaib, Lindberg, Liss and Slavens offered the following resolution:

House Resolution No. 32.

A resolution to urge the city of Detroit and the Detroit Fire Department to increase the operational effectiveness of the Detroit Emergency Medical Services Division.

Whereas, As Detroit grapples with its serious financial problems to build a future, there is virtually unanimous agreement that public safety must be at the core of reforms that are needed. Until people feel safe, all other efforts will be inadequate in reshaping the community; and

Whereas, A key component of the public safety network for any city is the emergency medical services available. For the people of Detroit, the viability of this network has been seriously diminished through the deterioration of the capacity of the Detroit Emergency Medical Services Division (EMS) of the Detroit Fire Department to meet the needs of the people; and

Whereas, The Detroit EMS has been decimated by cuts and a lack of vision over several years. The unit’s loss of effectiveness has been well documented on numerous occasions, including in 2006 and 2007 audits. Detroit EMS technician positions have been cut dramatically; lengthy response times put people at risk; critical equipment has been decommissioned; fleet vehicles are plagued by a lack of maintenance; training, especially to develop cohesiveness with other public safety entities, is deficient; grant opportunities have been ignored; safety steps for EMS are not followed; emergency cardiac care services are significantly inadequate; dispatch capabilities through the 911 system are a failure; and the lack administrative effectiveness and leadership are making the financial situation even worse; and

Whereas, The erosion of the effectiveness of the Detroit EMS is the result of much more than finances alone. Better decision making, more farsighted leadership, and higher standards of administrative conduct could go a long way toward maximizing resources and increasing the level of public safety the people of Michigan’s largest city expect and clearly deserve; now, therefore, be it

Resolved by the House of Representatives, That we urge the city of Detroit and the Detroit Fire Department to increase the operational effectiveness of the Detroit Emergency Medical Services Division; and be it further

Resolved, That copies of this resolution be transmitted to the Mayor and the City Council of Detroit.

The resolution was referred to the Committee on Local, Intergovernmental, and Regional Affairs.

Messages from the Senate

Senate Concurrent Resolution No. 8.

A concurrent resolution to revise the project costs of the Western Michigan University Sangren Hall Replacement project.

Whereas, The Western Michigan University Sangren Hall Replacement project was authorized in 2008 PA 278 and 2010 PA 111, which set the total project cost at \$60,000,000; and

Whereas, Pursuant to section 246 of 1984 PA 431, as amended, being MCL § 18.1246, the authorized cost of projects shall only be established or revised by specific reference in a budget act, by concurrent resolution adopted by both houses of the Legislature, or inferred by the total amount of any appropriations made to complete plans and construction; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Michigan Legislature revises the Western Michigan University share and the State Building Authority share of the total authorized cost for the Western Michigan University Sangren Hall Replacement project, with the total project cost remaining the same at \$60,000,000 and the State Building Authority share revised to \$29,999,800, the Western Michigan University share revised to \$30,000,000, and the State General Fund/General Purpose share remaining at \$200. The Legislature intends to continue to appropriate funds for construction subject to the limitations herein stated, in amounts not to exceed the authorized cost, subject to the ordinary vicissitudes of the legislative process; and be it further

Resolved, That copies of this resolution be transmitted to the State Budget Director, the director of the Department of Technology, Management, and Budget, and the Western Michigan University Board of Trustees.

The Senate has adopted the concurrent resolution.

The question being on the adoption of the concurrent resolution,

Rep. Stamas moved that consideration of the concurrent resolution be postponed for the day.

The motion prevailed.

The Speaker called the Speaker Pro Tempore to the Chair.

Third Reading of Bills

House Bill No. 4214, entitled

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

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

Roll Call No. 16

Yeas—62

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

Nays—47

Ananich	Durhal	Lindberg	Segal
Barnett	Geiss	Lipton	Slavens
Bauer	Hammel	Liss	Smiley
Bledsoe	Haugh	McCann	Stallworth
Brown	Hobbs	Meadows	Stanley
Brunner	Hovey-Wright	Melton	Stapleton
Byrum	Howze	Nathan	Switalski
Cavanagh	Irwin	Oakes	Talabi
Clemente	Jackson	Olumba	Tlaib
Constan	Kandrevas	Rutledge	Townsend
Darany	Lane	Santana	Zorn
Dillon	LeBlanc	Schmidt, R.	

In The Chair: Walsh

The question being on agreeing to the title of the bill,

Rep. Stamas moved to amend the title to read as follows:

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

The motion prevailed.

The House agreed to the title as amended.

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

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

Rep. Zorn, having reserved the right to explain his protest against the passage of the bill, made the following statement:
“Mr. Speaker and members of the House:

I voted against House Bills 4214-18 and HB 4246, the package to expand the powers of emergency managers, because it gives these appointed managers total control over local boards who are elected by the people. I believe local elected officials, such as city or village council members and school board members, deserve a voice in the process. It is the local elected official, and not an appointed manager with no connection to the community, who knows what is best for their home town or school district.

Largely due to this issue, I cannot vote in favor of this legislation as it is currently written.”

Rep. Segal, having reserved the right to explain her protest against the passage of the bill, made the following statement:
“Mr. Speaker and members of the House:

No Vote Explanation for Rep Kate Segal on HB4214 2/23/11

I voted against HB the emergency financial managers act today for many reasons. I am concerned with many aspects about this legislation.

One is that this legislation is being rushed through without a proper understanding of all of the issues surrounding it. A number of very suitable amendment were turned down in committee and on the floor without an actual vote. To my

knowledge, there are few, if any, examples in Michigan that this concept has really worked to any degree of satisfaction. It may sound like a good idea to some people without a further examination of the facts, but where are the data to back it up?

Another aspect of this is that, at the same time the current administration is rushing this legislation through, it is also on a parallel track of drastically cutting revenue sharing to cities, counties, and other municipalities at the same time they are cutting \$470 per pupil from schools. Both of these actions will further serve to push additional school districts and municipalities already on the brink into receivership and be subject to these ‘emergency’ financial managers. It would seem they are artificially creating the ‘emergency.’

Another disturbing aspect of this legislation is that it not only allows for a person from outside a given jurisdiction to become an emergency financial manager but it also allows a ‘firm’ to do it as well. This firm could be paid an unlimited amount of money during its tenure as the ‘manager.’ This person or firm has no accountability to the local community whatsoever. Elected officials would have no say and collective bargaining agreements could be ripped up at a moment’s notice.

Proponents of this bill have argued for years that more big government is the wrong path to economic recovery. This legislation paves the way for big state government to come in and completely usurp local democratically elected governmental functions. This is the wrong way to pursue fiscal responsibility.”

House Bill No. 4215, entitled

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

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

Roll Call No. 17

Yeas—62

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

Nays—47

Ananich	Durhal	Lindberg	Segal
Barnett	Geiss	Lipton	Slavens
Bauer	Hammel	Liss	Smiley
Bledsoe	Haugh	McCann	Stallworth
Brown	Hobbs	Meadows	Stanley
Brunner	Hovey-Wright	Melton	Stapleton
Byrum	Howze	Nathan	Switalski
Cavanagh	Irwin	Oakes	Talabi
Clemente	Jackson	Olumba	Tlaib
Constan	Kandrevas	Rutledge	Townsend

Darany
Dillon

Lane
LeBlanc

Santana
Schmidt, R.

Zorn

In The Chair: Walsh

The House agreed to the title of the bill.

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

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

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

“Mr. Speaker and members of the House:

I voted against House Bills 4214-18 and HB 4246, the package to expand the powers of emergency managers, because it gives these appointed managers total control over local boards who are elected by the people. I believe local elected officials, such as city or village council members and school board members, deserve a voice in the process. It is the local elected official, and not an appointed manager with no connection to the community, who knows what is best for their home town or school district.

Largely due to this issue, I cannot vote in favor of this legislation as it is currently written.”

House Bill No. 4216, entitled

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

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

Roll Call No. 18

Yeas—62

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

Nays—47

Ananich	Durhal	Lindberg	Segal
Barnett	Geiss	Lipton	Slavens
Bauer	Hammel	Liss	Smiley

Bledsoe	Haugh	McCann	Stallworth
Brown	Hobbs	Meadows	Stanley
Brunner	Hovey-Wright	Melton	Stapleton
Byrum	Howze	Nathan	Switalski
Cavanagh	Irwin	Oakes	Talabi
Clemente	Jackson	Olumba	Tlaib
Constan	Kandrevas	Rutledge	Townsend
Darany	Lane	Santana	Zorn
Dillon	LeBlanc	Schmidt, R.	

In The Chair: Walsh

The House agreed to the title of the bill.

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

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

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

“Mr. Speaker and members of the House:

I voted against House Bills 4214-18 and HB 4246, the package to expand the powers of emergency managers, because it gives these appointed managers total control over local boards who are elected by the people. I believe local elected officials, such as city or village council members and school board members, deserve a voice in the process. It is the local elected official, and not an appointed manager with no connection to the community, who knows what is best for their home town or school district.

Largely due to this issue, I cannot vote in favor of this legislation as it is currently written.”

House Bill No. 4217, entitled

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

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

Roll Call No. 19

Yeas—62

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

Nays—47

Ananich	Durhal	Lindberg	Segal
Barnett	Geiss	Lipton	Slavens
Bauer	Hammel	Liss	Smiley
Bledsoe	Haugh	McCann	Stallworth
Brown	Hobbs	Meadows	Stanley
Brunner	Hovey-Wright	Melton	Stapleton
Byrum	Howze	Nathan	Switalski
Cavanagh	Irwin	Oakes	Talabi
Clemente	Jackson	Olumba	Tlaib
Constan	Kandrevas	Rutledge	Townsend
Darany	Lane	Santana	Zorn
Dillon	LeBlanc	Schmidt, R.	

In The Chair: Walsh

The House agreed to the title of the bill.

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

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

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

“Mr. Speaker and members of the House:

I voted against House Bills 4214-18 and HB 4246, the package to expand the powers of emergency managers, because it gives these appointed managers total control over local boards who are elected by the people. I believe local elected officials, such as city or village council members and school board members, deserve a voice in the process. It is the local elected official, and not an appointed manager with no connection to the community, who knows what is best for their home town or school district.

Largely due to this issue, I cannot vote in favor of this legislation as it is currently written.”

House Bill No. 4218, entitled

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

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

Roll Call No. 20

Yeas—62

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

Genetski	Kurtz	Outman	Walsh
Gilbert	LaFontaine	Pettalia	Yonker
Glardon	Lori		

Nays—47

Ananich	Durhal	Lindberg	Segal
Barnett	Geiss	Lipton	Slavens
Bauer	Hammel	Liss	Smiley
Bledsoe	Haugh	McCann	Stallworth
Brown	Hobbs	Meadows	Stanley
Brunner	Hovey-Wright	Melton	Stapleton
Byrum	Howze	Nathan	Switalski
Cavanagh	Irwin	Oakes	Talabi
Clemente	Jackson	Olumba	Tlaib
Constan	Kandrevas	Rutledge	Townsend
Darany	Lane	Santana	Zorn
Dillon	LeBlanc	Schmidt, R.	

In The Chair: Walsh

The House agreed to the title of the bill.
 Rep. Stamas moved that the bill be given immediate effect.
 The motion prevailed, 2/3 of the members serving voting therefor.

Rep. Zorn, having reserved the right to explain his protest against the passage of the bill, made the following statement:
 “Mr. Speaker and members of the House:

I voted against House Bills 4214-18 and HB 4246, the package to expand the powers of emergency managers, because it gives these appointed managers total control over local boards who are elected by the people. I believe local elected officials, such as city or village council members and school board members, deserve a voice in the process. It is the local elected official, and not an appointed manager with no connection to the community, who knows what is best for their home town or school district.

Largely due to this issue, I cannot vote in favor of this legislation as it is currently written.”

House Bill No. 4246, entitled

A bill to amend 1947 PA 336, entitled “An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; and to prescribe means of enforcement and penalties for the violation of the provisions of this act,” by amending the title and section 15 (MCL 423.215), section 15 as amended by 2009 PA 201, and by adding section 15a.

The bill was read a third time.

The question being on the passage of the bill,

Rep. Pscholka moved to amend the bill as follows:

1. Amend page 6, line 4, by striking out all of enacting section 1 and inserting:

“Enacting section 1. This amendatory act does not take effect unless House Bill No. 4214 of the 96th Legislature is enacted into law.”.

The motion was seconded and the amendment was adopted, a majority of the members serving voting therefor.

The question being on the passage of the bill,

The bill was then passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 21**Yeas—62**

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

Nays—47

Ananich	Durhal	Lindberg	Segal
Barnett	Geiss	Lipton	Slavens
Bauer	Hammel	Liss	Smiley
Bledsoe	Haugh	McCann	Stallworth
Brown	Hobbs	Meadows	Stanley
Brunner	Hovey-Wright	Melton	Stapleton
Byrum	Howze	Nathan	Switalski
Cavanagh	Irwin	Oakes	Talabi
Clemente	Jackson	Olumba	Tlaib
Constan	Kandrevas	Rutledge	Townsend
Darany	Lane	Santana	Zorn
Dillon	LeBlanc	Schmidt, R.	

In The Chair: Walsh

The House agreed to the title of the bill.

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

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

Rep. Zorn, having reserved the right to explain his protest against the passage of the bill, made the following statement:
 “Mr. Speaker and members of the House:

I voted against House Bills 4214-18 and HB 4246, the package to expand the powers of emergency managers, because it gives these appointed managers total control over local boards who are elected by the people. I believe local elected officials, such as city or village council members and school board members, deserve a voice in the process. It is the local elected official, and not an appointed manager with no connection to the community, who knows what is best for their home town or school district.

Largely due to this issue, I cannot vote in favor of this legislation as it is currently written.”

Second Reading of Bills

Senate Bill No. 20, entitled

A bill to amend 1974 PA 154, entitled “Michigan occupational safety and health act,” (MCL 408.1001 to 408.1094) by adding section 17.

Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Regulatory Reform,

The substitute (H-1) was adopted, a majority of the members serving voting therefor.

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

The motion prevailed.

House Bill No. 4129, entitled

A bill to amend 2001 PA 142, entitled “Michigan memorial highway act,” (MCL 250.1001 to 250.2080) by adding section 1078.

The bill was read a second time.

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

The motion prevailed.

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

By unanimous consent the House returned to the order of

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills and joint resolution had been printed and placed upon the files of the members on Wednesday, February 23:

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

The Clerk announced that the following Senate bill had been received on Wednesday, February 23:

Senate Bill No. 140

Reports of Standing Committees

The Committee on Appropriations, by Rep. Moss, Chair, reported

House Bill No. 4292, entitled

A bill to make, supplement, and adjust appropriations for certain capital outlay projects for the fiscal year ending September 30, 2011; to provide for the expenditure of the appropriations; to prescribe certain conditions for the appropriations; and to repeal acts and parts of acts.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Moss, Haveman, Agema, Genetski, Kowall, Lori, Rogers, Bumstead, Goike, Jenkins, MacGregor, MacMaster, Poleski, Pscholka, Potvin, LeBlanc, Ananich, Bauer, Dillon, Durhal, Jackson, Lindberg, Lipton, McCann and Tlaib

Nays: Reps. Cotter and Forlini

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Moss, Chair, of the Committee on Appropriations, was received and read:
Meeting held on: Wednesday, February 23, 2011

Present: Reps. Moss, Haveman, Agema, Genetski, Kowall, Lori, Rogers, Bumstead, Cotter, Forlini, Goike, Jenkins, MacGregor, MacMaster, Poleski, Pscholka, Potvin, LeBlanc, Ananich, Bauer, Dillon, Durhal, Jackson, Lindberg, Lipton, McCann and Tlaib

The Committee on Agriculture, by Rep. Daley, Chair, reported

Senate Bill No. 122, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 8801, 8802, 8805, 8806, and 8807 (MCL 324.8801, 324.8802, 324.8805, 324.8806, and 324.8807), as added by 1998 PA 287, and by adding section 3109d.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Daley, Denby, Kurtz, Tyler, Glardon, Johnson, LaFontaine, McBroom, Outman, Rendon, Santana, Brunner, Oakes, Talabi, Hovey-Wright and Segal

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Daley, Chair, of the Committee on Agriculture, was received and read:
Meeting held on: Wednesday, February 23, 2011

Present: Reps. Daley, Denby, Kurtz, Tyler, Glardon, Johnson, LaFontaine, McBroom, Outman, Rendon, Santana, Brunner, Oakes, Talabi, Hovey-Wright and Segal

The Committee on Regulatory Reform, by Rep. Crawford, Chair, reported

House Bill No. 4113, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 2506 (MCL 339.2506), as amended by 1988 PA 463.

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

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Crawford, Yonker, Opsommer, Daley, McMillin, Stamas, Shirkey, Franz, Rendon, Melton, Haugh and Slavens

Nays: Rep. Byrum

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Crawford, Chair, of the Committee on Regulatory Reform, was received and read:

Meeting held on: Wednesday, February 23, 2011

Present: Reps. Crawford, Yonker, Opsommer, Daley, McMillin, Stamas, Shirkey, Franz, McBroom, Rendon, Melton, Haugh, Byrum and Slavens

Absent: Rep. Womack

Excused: Rep. Womack

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Scott, Chair, of the Committee on Education, was received and read:

Meeting held on: Wednesday, February 23, 2011

Present: Reps. Scott, Hooker, Crawford, McMillin, Franz, Heise, Hughes, Nesbitt, O'Brien, Price, Shaughnessy, Yonker, Brown, Darany, Howze, Hobbs, Rutledge, Stallworth and Geiss

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Gilbert, Chair, of the Committee on Tax Policy, was received and read:

Meeting held on: Wednesday, February 23, 2011

Present: Reps. Gilbert, Walsh, Horn, Farrington, Foster, Lyons, Nesbitt, O'Brien, Olson, Ouimet, Constan, Barnett, Kandrevas, Meadows, Townsend and Hobbs

Absent: Rep. Cavanagh

Excused: Rep. Cavanagh

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Stamas, Chair, of the Committee on Government Operations, was received and read:

Meeting held on: Wednesday, February 23, 2011

Present: Reps. Stamas, Nesbitt, McMillin, Barnett and Kandrevas

Messages from the Senate

Senate Bill No. 140, entitled

A bill to make, supplement, and adjust appropriations for certain capital outlay projects for the fiscal year ending September 30, 2011; to provide for the expenditure of the appropriations; to prescribe certain conditions for the appropriations; and to repeal acts and parts of acts.

The Senate has passed the bill.

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

Messages from the Governor

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

**EXECUTIVE ORDER
2011 - 4**

**DEPARTMENT OF ENERGY, LABOR AND ECONOMIC GROWTH
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
DEPARTMENT OF COMMUNITY HEALTH
DEPARTMENT OF CIVIL RIGHTS
DEPARTMENT OF ENVIRONMENTAL QUALITY
DEPARTMENT OF EDUCATION
DEPARTMENT OF TECHNOLOGY, MANAGEMENT AND BUDGET
MICHIGAN STRATEGIC FUND
WORKFORCE DEVELOPMENT AGENCY
MICHIGAN ADMINISTRATIVE HEARING SYSTEM**

EXECUTIVE REORGANIZATION

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

WHEREAS, Section 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units which the Governor considers necessary for efficient administration; and

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

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

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

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

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

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

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

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

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

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

I. DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

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

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

C. The Director of the Department shall administer the assigned functions transferred by this Order in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

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

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

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

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

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

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

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

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

II. DEPARTMENT OF COMMUNITY HEALTH

A. Bureau of Health Professions

1. The Bureau of Health Professions is transferred from the Department of Community Health to the Department of Licensing and Regulatory Affairs. Any authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations or other funds, including the functions of budgeting and procurement, of the Bureau of Health

Professions of the Department of Community Health, including its Licensing Division, the Health Investigation Division, the Health Regulatory Division, the Administration Division, the Health Professional Recovery Program, and any board, commission, council, or similar entity within the Bureau of Health Professions, including the authority to regulate health professionals licensed, registered, or certified under Articles 1, 7, and 15 of the Michigan Public Health Code, 1978 PA 368, MCL 333.7101 to 333.7545, 333.16101 to 333.18838, are transferred from the Department of Community Health to the Department of Licensing and Regulatory Affairs.

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

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

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

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

B. Part 209 of the Michigan Public Health Code

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

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

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

C. Bureau of Health Systems

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

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

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

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

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

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

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

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

D. Controlled Substances Advisory Commission

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

III. DEPARTMENT OF CIVIL RIGHTS**A. Disability Concerns Commission**

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

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

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

C. Pacific American Affairs Commission

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

D. Hispanic/Latino Commission

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

E. Implementation of Transfers to Department of Civil Rights

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

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

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

4. The Director of the Department of Civil Rights shall administer any assigned functions in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

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

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

B. Implementation of Transfers to Department of Environmental Quality

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

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

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

4. The Director of the Department of Environmental Quality shall administer the assigned functions in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

V. DEPARTMENT OF EDUCATION

A. Youth Employment Act aspects of the Wage Hour Division

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

B. Implementation

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

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

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

4. The Superintendent of Public Instruction shall administer any assigned functions in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

VI. DEPARTMENT OF TECHNOLOGY, MANAGEMENT AND BUDGET

A. Labor Market Information and Strategies

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

B. State Unemployment Rate Certification

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

C. Implementation

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

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

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

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

VII. MICHIGAN STRATEGIC FUND

A. Prevailing Wages on State Projects Act

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

B. Energy Efficiency and Renewable Energy Revolving Loan Fund

The Energy Efficiency and Renewable Energy Revolving Loan Fund and any authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations or other funds, including the functions of budgeting and procurement, relative to administration of the Energy Efficiency and Renewable Energy Revolving Loan Fund created by 2009 PA 242, MCL 460.911 to 460.913, are transferred from the Department of Energy Labor and Economic Growth to the Michigan Strategic Fund.

C. Michigan Next Energy Authority

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

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

D. The Bureau of Energy Systems

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

E. Michigan Economic Growth Authority

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

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

F. The Michigan State Housing Development Authority

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

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

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

4. Nothing in this Order shall be construed to affect the status of moneys of the Michigan State Housing Development Authority. Moneys of the Michigan State Housing Development Authority are not moneys of this state, nor the Michigan Strategic Fund, and shall continue to be non-state funds. State funds appropriated to the Michigan State Housing Development

Authority lose their identity as state funds upon payment to the Michigan State Housing Development Authority and become public funds of the Michigan State Housing Development Authority under the control of the Michigan State Housing Development Authority. Funds established by or within the Michigan State Housing Development Authority are public trust funds administered by the Michigan State Housing Development Authority.

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

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

G. The State Land Bank Fast Track Authority

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

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

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

H. Implementation of Transfers to the Michigan Strategic Fund

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

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

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

4. The President of the Michigan Strategic Fund shall administer any assigned functions in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

VIII. WORKFORCE DEVELOPMENT AGENCY

A. Creation of the Workforce Development Agency

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

B. Workforce Transformation

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

C. Authority Retained by Department of Licensing and Regulatory Affairs

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

- a. Sections 1 through 5 of the Proprietary Schools Act, 1943 PA 148, MCL 395.101 to 395.104, regarding the permitting and licensing of proprietary schools;
- b. Sections 1 to 5 of the Private Trade Schools, Business Schools, Correspondence Schools, and Institutes Act, 1963 PA 40, MCL 395.121 to 395.125, regarding the permitting of solicitors;
- c. Sections 170 to 177 of the Michigan General Corporations Act, 1931 PA 327, MCL 450.170 to 177, regarding educational corporations and foundations.

D. Center for Educational Performance and Information Board

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

E. Michigan Merit Award Board

The position on the Michigan Merit Award Board designated for the Director of the Department of Career Development under Section 4 of the Michigan Merit Award Act, 1999 PA 94, MCL 390.1454, and transferred to the Director of the Department of Energy Labor and Economic Growth or his or her authorized representative under Executive Order 2003-18, MCL 445.2011, is transferred to the Director of the Workforce Development Agency, or his or her authorized representative.

F. Council for Labor and Economic Growth

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

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

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

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

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

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

G. Implementation of Transfers

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

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

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

4. The Director of the Workforce Development Agency shall supervise and administer the functions transferred to the Michigan Strategic Fund under Section VIII of this Order in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities under this Order.

IX. MICHIGAN ADMINISTRATIVE HEARING SYSTEM**A. Creation of the Michigan Administrative Hearing System**

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

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

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

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

Michigan Administrative Hearing System shall be performed under the direction and supervision of the Director of the Department of Licensing and Regulatory Affairs.

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

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

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

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

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

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

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

C. Michigan Tax Tribunal

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

D. Michigan Employment Security Board of Review

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

E. Workers' Compensation Appellate Commission

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

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

F. Qualifications Advisory Committee

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

G. Worker's Compensation Board of Magistrates

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

H. Implementation of Transfers

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

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

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

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

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

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

X. MISCELLANEOUS

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

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

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

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

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

[SEAL]

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

Richard D. Snyder

Governor

By the Governor:

Ruth Johnson

Secretary of State

The message was referred to the Clerk.

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

**EXECUTIVE ORDER
2011 - 5**

**EXECUTIVE OFFICE
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
OFFICE OF REGULATORY REINVENTION**

EXECUTIVE REORGANIZATION

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

WHEREAS, Section 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units which he considers necessary for efficient administration; and

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

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

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

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

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

I. CREATION

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

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

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

II. AUTHORITY OF THE OFFICE OF REGULATORY REINVENTION

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

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

III. SYSTEMATIC REVIEW OF MICHIGAN RULES AND RULE MAKING

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

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

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

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

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

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

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

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

H. In addition to the systematic review described above, the Office of Regulatory Reinvention is granted authority to direct additional, targeted reviews of selected rule areas utilizing new Advisory Rules Committees or such other processes

as the Office of Regulatory Reinvention deems necessary or appropriate, and may submit its findings and recommendations to the Governor.

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

IV. OVERSIGHT OF NON-RULE REGULATORY ACTIONS

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

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

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

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

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

V. BEST REGULATORY MANAGEMENT PRACTICES

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

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

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

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

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

VI. MISCELLANEOUS

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

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

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

VII. IMPLEMENTATION

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

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

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

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

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

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

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

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

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

[SEAL]

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

Richard D. Snyder

Governor

By the Governor:

Ruth Johnson

Secretary of State

The message was referred to the Clerk.

Introduction of Bills

Reps. Huuki and McBroom introduced

House Bill No. 4316, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 705 (MCL 257.705), as amended by 2000 PA 214.

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

Reps. Callton and Poleski introduced

House Bill No. 4317, entitled

A bill to amend 1975 PA 197, entitled "An act to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials," by amending section 3 (MCL 125.1653), as amended by 2005 PA 115.

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

Rep. Callton introduced

House Bill No. 4318, entitled

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

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

Reps. Geiss and Haveman introduced

House Bill No. 4319, entitled

A bill to amend 1909 PA 279, entitled "The home rule city act," (MCL 117.1 to 117.38) by adding section 4t.

The bill was read a first time by its title and referred to the Committee on Local, Intergovernmental, and Regional Affairs.

Reps. Yonker, Price, Hooker, Haveman, Agema, Rendon, Opsommer, Rogers, MacGregor and Callton introduced
House Bill No. 4320, entitled

A bill to amend 1937 (Ex Sess) PA 4, entitled "An act relative to continuing tenure of office of certificated teachers in public educational institutions; to provide for probationary periods; to regulate discharges or demotions; to provide for resignations and leaves of absence; to create a state tenure commission and to prescribe the powers and duties thereof; and to prescribe penalties for violation of the provisions of this act," by amending section 3a of article II and section 3 of article III (MCL 38.83a and 38.93), as added by 1993 PA 59.

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

Reps. Hooker, Agema, MacGregor, Price, Yonker, Rogers, Bumstead, Hughes, Rendon and McMillin introduced
House Bill No. 4321, entitled

A bill to amend 1937 (Ex Sess) PA 4, entitled "An act relative to continuing tenure of office of certificated teachers in public educational institutions; to provide for probationary periods; to regulate discharges or demotions; to provide for resignations and leaves of absence; to create a state tenure commission and to prescribe the powers and duties thereof; and to prescribe penalties for violation of the provisions of this act," by amending section 3 of article IV (MCL 38.103), as amended by 2005 PA 124.

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

Reps. Tlaib, Nathan, Liss, Jackson, Bauer, Irwin, Constan, Durhal, Kandreas, Geiss, Meadows and Olumba introduced
House Bill No. 4322, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding sections 7, 8, 9, 10, and 11 to chapter III.

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

Reps. Oakes, Nathan, Shirkey, Kurtz, LeBlanc, Horn, MacMaster, Santana, Zorn, Slavens, Tlaib, Geiss, Dillon, Rutledge, Kandreas, Lane, Smiley, Brunner, Ananich, Irwin, Hobbs, Agema, Darany, Lindberg, Haugh, Bledsoe, Outman, Liss, Durhal, Haveman, Stanley, Roy Schmidt, Switalski, Potvin, Scott, Segal, Bumstead, Wayne Schmidt, Lyons, Rendon, Johnson, Gilbert, Hughes, Ouimet, Denby, Muxlow, Goike, LaFontaine, Shaughnessy, Poleski, Huuki, Tyler, Lund and Olumba introduced

House Bill No. 4323, entitled

A bill to amend 2001 PA 181, entitled "An act to authorize the board of a school district to award high school diplomas to World War II veterans and Korean conflict veterans under certain circumstances; and to prescribe duties and responsibilities of certain state officers and officials," by amending section 1 (MCL 35.341), as amended by 2003 PA 203.

The bill was read a first time by its title and referred to the Committee on Military and Veterans Affairs and Homeland Security.

Rep. Moss introduced

House Bill No. 4324, entitled

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

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

Rep. Moss introduced

House Bill No. 4325, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 1, 3, 6, 11a, 11j, 11k, 11m, 15, 18, 20, 20d, 22a, 22b, 24, 24a, 24c, 26a, 26b, 31a, 31d, 31f, 32b, 32d, 32j, 39, 39a, 40, 51a, 51c, 51d, 53a, 54, 56, 61a, 62, 74, 81, 94a, 98, 99, 101, 104, 107, 109, 147, and 152a (MCL 388.1601, 388.1603, 388.1606, 388.1611a, 388.1611g, 388.1611j, 388.1611k, 388.1611m, 388.1615, 388.1618, 388.1620, 388.1620d, 388.1622a, 388.1622b, 388.1624, 388.1624a, 388.1624c, 388.1626a, 388.1626b, 388.1631a, 388.1631d, 388.1631f, 388.1632b, 388.1632d, 388.1632j, 388.1639, 388.1639a, 388.1640, 388.1651a, 388.1651c, 388.1651d, 388.1653a, 388.1654, 388.1656, 388.1661a, 388.1662, 388.1674, 388.1681, 388.1694a, 388.1698, 388.1699, 388.1701, 388.1704, 388.1707, 388.1709, 388.1747, and 388.1752a), sections 11m, 22a, 51a, and 56 as amended by 2010 PA 217, sections 11j, 24c, 26a, 39a, 81, 94a,

and 104 as amended by 2010 PA 204, sections 3, 6, 11a, 11g, 11k, 15, 18, 20, 20d, 22b, 24, 24a, 26b, 31a, 31d, 31f, 32b, 32d, 32j, 39, 51c, 51d, 53a, 54, 61a, 62, 74, 98, 99, 101, 107, and 147 as amended by 2010 PA 110, section 40 as amended by 2000 PA 297, section 109 as amended by 1994 PA 283, section 152a as added by 2010 PA 217, and section 1 as added by 1979 PA 94; and by adding sections 173a, 173b, 173c, 174a, 174b, 175a, 175b, 176a, 176b, 176c, 176d, 176e, 176f, 176g, 181a, 181b, 181c, 181d, 181e, 182a, 182b, 182c, 182d, 182e, 183a, 183b, 183c, 183d, 183e, 183f, 183g, 184a, 184b, 184c, 184d, 184e, 184f, 184g, 185a, 185b, 185c, 186a, 186b, 191, 192, 193, 194, and 195; and to repeal acts and parts of acts.

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

Reps. Farrington, Lyons, Opsommer, Horn, Genetski, Somerville, MacMaster, McMillin, O'Brien, Muxlow, Zorn, Price and Walsh introduced

House Bill No. 4326, entitled

A bill to amend 1969 PA 306, entitled "Administrative procedures act of 1969," by amending section 32 (MCL 24.232).

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

Rep. Shaughnessy moved that the House adjourn.

The motion prevailed, the time being 3:25 p.m.

The Speaker Pro Tempore declared the House adjourned until Thursday, February 24, at 12:00 Noon.

GARY L. RANDALL
Clerk of the House of Representatives

