

No. 65
STATE OF MICHIGAN
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House of Representatives
92nd Legislature
REGULAR SESSION OF 2003

House Chamber, Lansing, Tuesday, September 23, 2003.

1:00 p.m.

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

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

Accavitti—present	Garfield—present	Meyer—present	Sheen—present
Acciavatti—present	Gieleghem—present	Middaugh—present	Sheltrown—present
Adamini—present	Gillard—present	Milosch—present	Shulman—present
Amos—present	Gleason—present	Minore—present	Smith—present
Anderson—present	Hager—present	Moolenaar—present	Spade—present
Bieda—present	Hardman—present	Mortimer—present	Stahl—present
Bisbee—present	Hart—present	Murphy—present	Stakoe—present
Bradstreet—present	Hood—present	Newell—present	Stallworth—present
Brandenburg—present	Hoogendyk—present	Nitz—present	Steil—present
Brown—present	Hopgood—present	Nofs—present	Stewart—present
Byrum—present	Howell—present	O’Neil—present	Tabor—present
Casperson—present	Huizenga—present	Paletko—present	Taub—present
Caswell—present	Hummel—present	Palmer—present	Tobocman—present
Caul—present	Hune—present	Palsrok—present	Vagnozzi—present
Cheeks—present	Hunter—present	Pappageorge—present	Van Regenmorter—present
Clack—present	Jamnick—present	Pastor—present	Vander Veen—present
Condino—present	Johnson, Rick—present	Phillips—present	Voorhees—present
Daniels—present	Johnson, Ruth—present	Plakas—present	Walker—present
Dennis—present	Julian—present	Pumford—present	Ward—present
DeRoche—present	Koetje—present	Reeves—present	Waters—present
DeRossett—present	Kolb—present	Richardville—present	Wenke—present
Drolet—present	Kooiman—present	Rivet—present	Whitmer—present
Ehardt—present	LaJoy—present	Robertson—present	Williams—present
Elkins—present	LaSata—present	Rocca—present	Wojno—present
Emmons—present	Law—present	Sak—present	Woodward—present
Farhat—present	Lipsey—present	Shackleton—present	Woronchak—present
Farrah—present	McConico—present	Shaffer—present	Zelenko—present
Gaffney—present	Meisner—present		

e/d/s = entered during session

Rep. David Palsrok, from the 101st District, offered the following invocation:

“Almighty God, You have called us to be Your servants in the service of others. Forgive us for falling short of Your call. We have been more ready to talk about You than to live in Your image. Cut through our evasions, Lord, increase our courage and renew our vision. Make us more nearly what You would have us be through Jesus Christ. Amen.”

Motions and Resolutions

Rep. Richardville moved that a letter be sent to the Senate agreeing with the request that the Governor return **Enrolled Senate Bill No. 393**.

The motion prevailed.

Announcements by the Clerk

September 23, 2003

Ms. Carol Morey Viventi
Secretary of the Senate
Capitol Building
Lansing, MI 48909

Dear Ms. Viventi:

This is to notify you that the House of Representatives has agreed with the request of the Senate that the Governor return Enrolled Senate Bill No. 393.

Very respectfully,
Gary L. Randall
Clerk of the House of Representatives

By unanimous consent the House returned to the order of
Second Reading of Bills

Pending the Second Reading of
House Bill No. 4258, entitled

A bill to amend 1995 PA 279, entitled “Horse racing law of 1995,” (MCL 431.301 to 431.336) by adding section 307a.

Rep. Richardville moved that the bill be referred to the Committee on Local Government and Urban Policy.

The motion prevailed.

Rep. Palmer moved that Rep. Nofs be excused temporarily from today’s session.
The motion prevailed.

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

House Bill No. 4737, entitled

A bill to amend 1961 PA 236, entitled “Revised judicature act of 1961,” by amending sections 2529, 5756, 8371, and 8731 (MCL 600.2529, 600.5756, 600.8371, and 600.8731), sections 2529, 5756, and 8371 as amended by 2003 PA 138 and section 8731 as amended by 2003 PA 95.

The Senate has substituted (S-1) the bill.

The Senate has passed the bill as substituted (S-1), ordered that it be given immediate effect and amended the title to read as follows:

A bill to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts," by amending sections 880b, 2529, 2538, 4805, 5756, 8371, and 8731 (MCL 600.880b, 600.2529, 600.2538, 600.4805, 600.5756, 600.8371, and 600.8731), sections 880b, 2529, 2538, 5756, and 8371 as amended by 2003 PA 138 and section 8731 as amended by 2003 PA 95.

The Speaker announced that pursuant to Rule 45, the bill was laid over one day.

Rep. Richardville moved that Rule 45 be suspended.

The motion prevailed, 3/5 of the members present voting therefor.

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

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

Roll Call No. 507**Yeas—109**

Accavitti	Garfield	Meisner	Sheen
Acciavatti	Gieleghem	Meyer	Sheltrown
Adamini	Gillard	Middaugh	Shulman
Amos	Gleason	Milosch	Smith
Anderson	Hager	Minore	Spade
Bieda	Hardman	Moolenaar	Stahl
Bisbee	Hart	Mortimer	Stakoe
Bradstreet	Hood	Murphy	Stallworth
Brandenburg	Hoogendyk	Newell	Steil
Brown	Hopgood	Nitz	Stewart
Byrum	Howell	O'Neil	Tabor
Casperson	Huizenga	Paletko	Taub
Caswell	Hummel	Palmer	Tobocman
Caul	Hune	Palsrok	Vagnozzi
Cheeks	Hunter	Pappageorge	Van Regenmorter
Clack	Jamnick	Pastor	Vander Veen
Condino	Johnson, Rick	Phillips	Voorhees
Daniels	Johnson, Ruth	Plakas	Walker
Dennis	Julian	Pumford	Ward
DeRoche	Koetje	Reeves	Waters
DeRossett	Kolb	Richardville	Wenke
Drolet	Kooiman	Rivet	Whitmer
Ehardt	LaJoy	Robertson	Williams
Elkins	LaSata	Rocca	Wojno
Emmons	Law	Sak	Woodward
Farhat	Lipsey	Shackleton	Woronchak
Farrah	McConico	Shaffer	Zelenko
Gaffney			

Nays—0

In The Chair: Julian

The House agreed to the title as amended.

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

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills and joint resolutions had been printed and placed upon the files of the members, Thursday, August 14:

House Bill Nos.	5010	5011	5012	5013	5014	5015	5016	5017	5018	5019	5020	5021	5022	5023
	5024	5025	5026	5027	5028	5029	5030	5031	5032	5033	5034	5035	5036	5037
	5038	5039	5040	5041	5042	5043	5044	5045	5046	5047	5048	5049		
House Joint Resolutions	K	L												

The Clerk announced the enrollment printing and presentation to the Governor on Friday, August 15, for her approval of the following bills:

Enrolled House Bill No. 4087 at 2:54 p.m.
Enrolled House Bill No. 4453 at 2:56 p.m.

The Clerk announced the enrollment printing and presentation to the Governor on Monday, August 18, for her approval of the following bills:

Enrolled House Bill No. 4627 at 9:51 a.m.
Enrolled House Bill No. 4630 at 9:53 a.m.
Enrolled House Bill No. 4631 at 9:55 a.m.

The Clerk announced that the following bills had been printed and placed upon the files of the members on Thursday, August 14:

Senate Bill Nos.	648	649	650	651	652	653	654	655	656	657	658	659	660	661
	662	663	664											

The Clerk announced that the following bill had been printed and placed upon the files of the members on Tuesday, September 16:

Senate Bill No. 701

The Clerk announced that the following bills had been printed and placed upon the files of the members on Wednesday, September 17:

Senate Bill Nos.	665	666	667	668	669	670	671	672	673	674	675	676	677	678
	679	680	681	682	683	684	685	686	687	688	689	690	691	692
	693	694	695	696	697	698	699	700						

The Clerk announced that the following Senate bill had been received on Tuesday, September 23:

Senate Bill No. 701

By unanimous consent the House returned to the order of

Reports of Standing Committees

The Committee on Local Government and Urban Policy, by Rep. Ward, Chair, reported

House Bill No. 5022, entitled

A bill to amend 1951 PA 33, entitled "An act to provide police and fire protection for townships and for certain areas in townships, certain incorporated villages, and cities under 15,000 population; to authorize contracting for fire and police protection; to authorize the purchase of fire and police equipment, and the maintenance and operation of the equipment; to provide for defraying the cost of the equipment; to authorize the creation of special assessment districts and the levying and collecting of special assessments; to authorize the issuance of special assessment bonds in anticipation of the collection of special assessments and the advancement of the amount necessary to pay such bonds, and to provide for reimbursement for such advances by reassessment if necessary; to authorize the collection of fees for certain emergency services in townships and other municipalities; to authorize the creation of administrative boards and to prescribe their powers and duties; to provide for the appointment of traffic officers and to prescribe their powers and duties; and to repeal certain acts and parts of acts," by amending section 12 (MCL 41.812), as added by 1989 PA 81.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills and laid over one day.

Favorable Roll Call

To Report Out:

Yeas: Reps. Ward, Robertson, DeRossett, Hager, Stakoe, Wenke, Jamnick, Hardman, Tobocman and Accavitti

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Ward, Chair of the Committee on Local Government and Urban Policy, was received and read:

Meeting held on: Tuesday, September 23, 2003, at 9:00 a.m.

Present: Reps. Ward, Robertson, DeRossett, Hager, Stakoe, Wenke, Jamnick, Hardman, Tobocman and Accavitti

Absent: Rep. Drolet

Excused: Rep. Drolet

The Committee on Judiciary, by Rep. Howell, Chair, reported

House Bill No. 5037, entitled

A bill to amend 1992 PA 234, entitled "The judges retirement act of 1992," by amending section 512 (MCL 38.2512), as added by 2002 PA 675.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills and laid over one day.

Favorable Roll Call

To Report Out:

Yeas: Reps. Howell, LaSata, Van Regenmorter, Bradstreet, Koetje, Pappageorge, Gaffney, Garfield, Wenke, Adamini, Bieda, Condino and Smith

Nays: None

The Committee on Judiciary, by Rep. Howell, Chair, reported

House Resolution No. 108.

A resolution to memorialize the United States Senate and Michigan's United States Senators to act to begin the confirmation hearings on the Michigan nominees to the United States 6th Circuit Court of Appeals.

(For text of resolution, see House Journal No. 62, p. 1552.)

With the recommendation that the resolution be adopted.

The Speaker announced that under Rule 77 the resolution would lie over one day.

Favorable Roll Call

To Report Out:

Yeas: Reps. Howell, LaSata, Van Regenmorter, Bradstreet, Koetje, Pappageorge, Voorhees, Gaffney, Garfield and Wenke

Nays: Reps. Adamini, Bieda, Condino and Smith

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, September 23, 2003, at 9:00 a.m.

Present: Reps. Howell, LaSata, Van Regenmorter, Bradstreet, Koetje, Pappageorge, Voorhees, Gaffney, Garfield, Wenke, Adamini, Bieda, Condino and Smith

Absent: Rep. Lipsey

Excused: Rep. Lipsey

The Committee on Health Policy, by Rep. Ehardt, Chair, reported

House Bill No. 4652, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 2690 (MCL 333.2690).

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 and laid over one day.

Favorable Roll Call

To Report Out:

Yeas: Reps. Ehardt, Vander Veen, Ruth Johnson, Rocca, Hart, Woronchak, Van Regenmorter, Robertson, Gaffney, Hune, Ward, Wojno, O'Neil, Gillard and Clack

Nays: None

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Tuesday, September 23, 2003, at 10:30 a.m.

Present: Reps. Ehardt, Vander Veen, Ruth Johnson, Rocca, Hart, Woronchak, Van Regenmorter, Robertson, Gaffney, Hune, Ward, Adamini, Wojno, Hardman, O'Neil, Gillard and Clack

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, September 17, 2003, at 10:30 a.m.

Present: Reps. Bisbee, DeRoche, Middaugh, Hune, Palsrok, Wenke, Rivet, O'Neil, Murphy, Tobocman and Accavitti

Absent: Reps. Howell, Koetje, Drolet, Palmer, Huizenga, Milosch, McConico and Lipsey

Excused: Reps. Howell, Koetje, Drolet, Palmer, Huizenga, Milosch, McConico and Lipsey

COMMITTEE ATTENDANCE REPORT

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

Meeting held on: Wednesday, September 17, 2003, at 1:00 p.m.

Present: Reps. Hummel, Meyer, Ruth Johnson, Tabor, Voorhees, Nofs, Stahl, Gielegem, Vagnozzi, Spade, Meisner and Clack

Absent: Reps. Palmer, Bradstreet, Hager, Hart, Vander Veen, Smith and Hopgood

Excused: Reps. Palmer, Bradstreet, Hager, Hart, Vander Veen, Smith and Hopgood

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Meyer, Chair of the Committee on Agriculture and Resource Management, was received and read:

Meeting held on: Tuesday, September 23, 2003, at 10:30 a.m.

Present: Reps. Meyer, Nitz, DeRossett, Hager, Caspersen, Stahl, Sheltrown, Rivet, Spade and Law

Absent: Rep. Hune

Excused: Rep. Hune

Messages from the Senate

House Bill No. 4764, entitled

A bill to amend 1972 PA 284, entitled "Business corporation act," by amending section 791 (MCL 450.1791), as amended by 1993 PA 91, and by adding section 798a.

The Senate has passed the bill, ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The House agreed to the full title.

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

Senate Bill No. 393, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending the title and sections 5, 501, 502, 503, 504, 504a, 506, and 507 (MCL 380.5, 380.501, 380.502, 380.503, 380.504, 380.504a, 380.506, and 380.507), the title and sections 501, 502, 503, 504a, and 507 as amended by 1995 PA 289, section 5 as amended by 1999 PA 23, section 504 as amended by 1994 PA 416, and section 506 as added by 1993 PA 362, and by adding sections 503b and 1320 and part 6c.

The Senate has nonconcurred in the House substitute (H-5) and appointed Senators Kuipers, Sikkema and Thomas as conferees.

The Speaker appointed as conferees, on the part of the House of Representatives, Reps. Palmer, Rick Johnson, and Gielegem.

The message was referred to the Clerk for record.

Senate Bill No. 701, entitled

A bill to amend 1999 PA 94, entitled "Michigan merit award scholarship act," by amending section 8 (MCL 390.1458), as amended by 2002 PA 736.

The Senate has passed the bill.

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

Messages from the Governor

The following message from the Governor was received August 15, 2003 and read:

EXECUTIVE ORDER

No. 2003 - 10

**TEMPORARY SUSPENSION OF ADMINISTRATIVE RULES FOR
GASOLINE VAPOR PRESSURE**

WHEREAS, because significant portions of the State of Michigan have been experiencing the effects of a severe power outage, resulting in the loss of electrical power for countless Michigan residents, communities, and businesses, and causing serious hardship for the citizens of the State of Michigan, a state of emergency was declared by proclamation on August 15, 2003 in the counties of Macomb, Monroe, Oakland, Washtenaw, and Wayne ("State of Emergency");

WHEREAS, Section 5(1)(a) of the Emergency Management Act, 1976 PA 390, MCL 30.405, empowers the Governor to suspend a regulatory statute, order, or rule prescribing the procedures for the conduct of state business when strict compliance with the statute, order, or rule would prevent, hinder, or delay necessary action in coping with the disaster or emergency;

NOW, THEREFORE, I, JENNIFER M. GRANHOLM, Governor of the State of Michigan, pursuant to powers vested in me by the Michigan Constitution of 1963 and the provisions of the Emergency Management Act, 1976 PA 390, MCL 30.401 to 30.421, order:

1. Administrative rules promulgated by the Department of Agriculture, Laboratory Division, dealing with gasoline vapor pressure, entitled, "Regulation No. 561-Dispensing Facility Reid Vapor Pressure," 1997 AACCS, R 285.561.1 to 285.561.10, are suspended in the areas of the State of Michigan subject to the State of Emergency and the counties of St. Clair and Livingston for the duration of the State of Emergency.

This Order is effective immediately.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 15th day of August, 2003.

Jennifer M. Granholm
Governor

By the Governor:
Terri Land
Secretary of State

The message was referred to the Clerk.

The following message from the Governor was received August 21, 2003 and read:

**EXECUTIVE ORDER
No. 2003 - 11**

STATE OF ENERGY EMERGENCY

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

WHEREAS, Section 3 of 1982 PA 191, MCL 10.83, authorizes the Governor to declare a State of Energy Emergency upon notification of an impending energy emergency by the Energy Advisory Committee, or upon the Governor's own initiative if the Governor finds that an energy emergency exists or is imminent;

WHEREAS, on August 14, 2003, a widespread and unprecedented loss of electrical power affected significant portions of the State of Michigan;

WHEREAS, the power outage adversely impacted operations at eight petroleum refineries throughout the United States and Canada, and damaged Michigan's only refinery, which may be unable to meet demand for gasoline in the near future, resulting, without further action, in a lack of adequate available gasoline in parts of this state;

WHEREAS, on August 20, 2003, the Public Service Commission notified the Energy Advisory Committee of an impending and imminent energy emergency involving a dwindling supply of gasoline in Southeast Michigan due to the power outage and damage to the refinery;

WHEREAS, it is in the best interests of the State of Michigan that appropriate measures be taken in response to an imminent energy emergency to ensure that gasoline supplies will remain sufficient and to assure the health, safety, and welfare of Michigan residents and visitors;

NOW, THEREFORE, I, JENNIFER M. GRANHOLM, Governor of the State of Michigan, pursuant to powers vested in the Governor by the Michigan Constitution of 1963 and 1982 PA 191, MCL 10.81 to 10.87, order the following:

1. The State of Emergency proclaimed on August 15, 2003 for the counties of Macomb, Monroe, Oakland, Washtenaw, and Wayne is rescinded.

2. A State of Energy Emergency is declared. Pursuant to Section 3 of 1982 PA 191, MCL 10.83, the State of Energy Emergency is effective until the earlier of either of the following:

a. A finding by the Governor that the energy emergency no longer exists.

b. November 19, 2003.

This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 21st day of August, 2003.

Jennifer M. Granholm

Governor

By the Governor:

Terri Land

Secretary of State

The message was referred to the Clerk.

The following message from the Governor was received August 21, 2003 and read:

**EXECUTIVE ORDER
No. 2003 - 12**

TEMPORARY SUSPENSION OF RULES FOR GASOLINE VAPOR PRESSURE

WHEREAS, under 1982 PA 191, MCL 10.83, during an energy emergency the Governor may by executive order suspend a rule of a state agency if strict compliance with the rule will prevent, hinder, or delay necessary action in coping with the emergency;

WHEREAS, Executive Order 2003-11 declared a State of Energy Emergency beginning on August 21, 2003;

WHEREAS, appropriate measures must be taken in response to the energy emergency to ensure that gasoline supplies will remain sufficient and to assure the health, safety, and welfare of Michigan residents and visitors;

NOW, THEREFORE, I, JENNIFER M. GRANHOLM, Governor of the State of Michigan, pursuant to powers vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order that the Regulation No. 561, entitled, "Dispensing Facility Reid Vapor Pressure," promulgated by the Laboratory Division of the Department of Agriculture,

1997 AACRS, R 285.561.1 to 285.561.10, be suspended for the duration of the energy emergency declared in Executive Order 2003-11. Additionally, Executive Order 2003-10 is rescinded.

This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 21st day of August, 2003.

Jennifer M. Granholm

Governor

By the Governor:

Terri Land

Secretary of State

The message was referred to the Clerk.

The following message from the Governor was received September 17, 2003 and read:

**EXECUTIVE ORDER
No. 2003 - 13**

**GOVERNOR'S CHRONIC WASTING DISEASE TASK FORCE
AMENDMENT OF EXECUTIVE ORDER 2003-5**

WHEREAS, on February 28, 2003, the Governor's Chronic Wasting Disease Task Force ("Task Force") was established by Executive Order 2003-5;

WHEREAS, in conducting its work the Task Force continues to be presented with a wealth of information and testimony, including testimony from nationally-recognized experts on the prevention of Chronic Wasting Disease;

WHEREAS, the goals of the Task Force can best be achieved by changing the reporting deadline for the Task Force;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, pursuant to the powers vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order that Section II.B Executive Order 2003-5 be amended to read as follows:

"The Task Force shall complete its work and issue a final report and recommendations, including any proposed legislation, to the Governor by Wednesday, October 15, 2003."

This Order is effective upon filing.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 15th day of September, 2003.

Jennifer M. Granholm

Governor

By the Governor:

Terri Land

Secretary of State

The message was referred to the Clerk.

The following message from the Governor was received September 17, 2003 and read:

**EXECUTIVE ORDER
No. 2003 - 14**

**DEPARTMENT OF CAREER DEVELOPMENT
DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES
DEPARTMENT OF COMMUNITY HEALTH
DEPARTMENT OF ENVIRONMENTAL QUALITY
DEPARTMENT OF MANAGEMENT AND BUDGET
DEPARTMENT OF STATE POLICE
DEPARTMENT OF TRANSPORTATION
DEPARTMENT OF TREASURY
FAMILY INDEPENDENCE AGENCY**

DEPARTMENT OF LABOR AND ECONOMIC GROWTH

EXECUTIVE REORGANIZATION

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

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

WHEREAS, Article V, Section 8 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;

WHEREAS, the Department of Commerce was created as a principal department of state government under Section 225 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.325;

WHEREAS, the Department of Commerce was renamed the Department of Consumer and Industry Services under Executive Order 1996-2, MCL 445.2001;

WHEREAS, the Department of Labor was created as a principal department of state government under Section 375 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.475;

WHEREAS, certain authority, powers, duties, functions, and responsibilities of the Department of Labor were transferred to the Department of Consumer and Industry Services and the Department of Labor was abolished under Executive Order 1996-2, MCL 445.2001;

WHEREAS, reorganizing labor and economic development functions into one principal department will ensure more efficient use of taxpayer dollars and will allow the state to offer more streamlined services;

WHEREAS, because the development of cooperative economic alliances between business and labor will improve the lives of Michigan's working families and the vitality of Michigan's businesses, the State of Michigan should encourage such alliances;

WHEREAS, Michigan's already successful economic development programs will benefit from greater consolidation and linkage to workforce development programs;

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

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

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, pursuant to the power vested in the Governor by the Michigan Constitution of 1963 and the laws of the State of Michigan order:

I. DEFINITIONS

As used in this Order:

A. "Appellate Magistrate" means a member of the Worker's Compensation Board of Magistrates assigned to perform appellate functions pursuant to Section II.Q of this Order.

B. "Brownfield Redevelopment Board" means the board created within the Department of Environmental Quality under Section 20104a of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.20104a.

C. "Bureau of Health Services" means the organizational unit of the Department and Consumer and Industry Services designated as the Bureau of Health Services.

D. "Bureau of Health Systems" means the organizational unit of the Department of Consumer and Industry Services designated as the Bureau of Health Systems.

E. "Bureau of Worker's Compensation" means the bureau established within the Department of Labor under Section 201 of the Worker's Disability Compensation Act of 1969, 1969 PA 317, MCL 418.201, transferred to the Department of Consumer and Industry Services under Executive Order 1996-2, MCL 445.2001, and then transferred to the Bureau of Worker's and Unemployment Compensation under Executive Order 2002-1, MCL 445.2004.

F. "Bureau of Worker's and Unemployment Compensation" means the bureau established within the Department of Consumer and Industry Services under Executive Order 2002-1, MCL 445.2004.

G. "Commission for the Blind" means the commission created in the Department of Labor under Section 2 of 1978 PA 260, MCL 393.352, and transferred to the Family Independence Agency under Executive Order 1996-2, MCL 445.2001.

H. "Department of Career Development" means the principal department of state government created under Executive Order 1999-1, MCL 408.40.

I. "Department of Consumer and Industry Services" means the principal department of state government created as the Department of Commerce under Section 225 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.325, and renamed the Department of Consumer and Industry Services under Executive Order 1996-2, MCL 445.2001.

J. "Department of Labor and Economic Growth" means the principal department of state government formerly known as the Department of Consumer and Industry Services and renamed the Department of Labor and Economic Growth under Section II.A of this Order.

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

L. "Director of Unemployment Insurance" means the director of the Unemployment Insurance Agency created under Section II.N.

M. "Director of Workers' Compensation" means the director of the Workers' Compensation Agency created under Section II.O.

N. "Eligible Members" mean the members of the Worker's Compensation Board of Magistrates eligible for assignment to serve as an Appellate Magistrate under Section II.Q.6.

O. "Family Independence Agency" means the principal department of state government created as the Department of Social Services under Section 450 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.550, and renamed the Family Independence Agency under Section 1 of the Social Welfare Act, 1939 PA 280, MCL 400.1.

P. "Former Wage and Hour Division" means the organizational unit created on January 31, 1992 within the Bureau of Safety and Regulation within the Department of Labor, the functions of which were transferred to the Department of Consumer and Industry Services under Executive Order 1996-2, MCL 445.2001, and then transferred to the Bureau of Worker's and Unemployment Compensation under Executive Order 2002-1, MCL 445.2004.

Q. "Michigan Broadband Development Authority" means the public body corporate and politic created under the Section 4 of the Michigan Broadband Development Authority Act, 2002 PA 49, MCL 484.3204.

R. "Michigan Economic Development Corporation" means the public body corporate created under Section 28 of Article VII of the Michigan Constitution of 1963 and the Urban Cooperation Act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512, by a contractual interlocal agreement effective April 5, 1999, and subsequently amended, between local participating economic development corporations formed under the Economic Development Corporations Act, 1974 PA 338, MCL 125.1601 to 125.1636, and the Michigan Strategic Fund.

S. "Michigan Economic Growth Authority" means the authority created under the Michigan Economic Growth Authority Act, 1995 PA 24, MCL 207.801 to 207.810, and transferred to the Michigan Strategic Fund under Executive Order 1999-1, MCL 408.40.

T. "Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority" means the authority created and established as an autonomous agency within the Department of Consumer and Industry Services under Section 3 of the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act, 2002 PA 48, MCL 484.3103.

U. "Michigan Next Energy Authority" means the public body corporate and politic created under Section 3 of the Michigan Next Energy Authority Act, 2002 PA 593, MCL 207.823.

V. "Michigan Strategic Fund" means the public body corporate and politic created under Section 5 of the Michigan Strategic Fund Act, 1984 PA 270, MCL 125.2005, and transferred to the Department of Management and Budget under Executive Order 1999-1, MCL 408.40, and includes the board of the Michigan Strategic Fund.

W. "Qualifications Advisory Committee" or "QAC" means the committee required under Section 209 of the Worker's Disability Compensation Act of 1969, 1969 PA 317, MCL 418.209. References in this Order to the "new Qualifications Advisory Committee" or "new QAC" mean the committee required under Section 209 of the Worker's Disability Compensation Act of 1969, 1969 PA 317, MCL 418.209, as modified under this Order.

X. "State Budget Director" means the director of the State Budget Office created under Section 321 of the Management and Budget Act, 1984 PA 431, MCL 18.1321.

Y. "Type I Transfer" means that type of transfer as defined in Section 3(a) of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.103(a).

Z. "Type II Agency" means an agency established consistent with Section 3(b) of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.103(b).

AA. "Type II Transfer" means that type of transfer as defined in Section 3(b) of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.103(b).

BB. "Type III Transfer" means that type of transfer as defined in Section 3(c) of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.103(c).

CC. "Type IV Transfer" means a basic type transfer where all statutory authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations, and other funds, including the functions of budgeting, procurement, personnel, and management-related functions are retained by the transferred entity and the transferred entity remains an autonomous entity, in the same manner as the Michigan Employment Security Commission was designated an autonomous entity within the Michigan Department of Labor under Section 379 of the Executive Organization Act, 1965 PA 380, MCL 16.479 and the Michigan Strategic Fund was transferred to the Michigan Department of Management and Budget under Executive Order 1999-1, MCL 408.40.

DD. "Unemployment Insurance Agency" means the organizational unit within the Department of Labor and Economic Growth created under Section II.N.

EE. "Wage and Hour Administrator" means the head of the new Wage and Hour Division created under Section II.L.

FF. "Wage and Hour Division" means the new Wage and Hour Division, an organizational unit within the Department of Labor and Economic Growth created under Section II.L.

GG. "Workers' Compensation Agency" means the organizational unit within the Department of Labor and Economic Growth created under Section II.O.

HH. "Worker's Compensation Appellate Commission" means the commission established under Section 274 of the Worker's Disability Compensation Act of 1969, 1969 PA 317, MCL 418.274, the functions of which are transferred to the Worker's Compensation Board of Magistrates under this Order.

II. "Worker's Compensation Board of Magistrates" or "Board of Magistrates" means the board established as an autonomous entity within the Department of Labor under Section 213 of Worker's Disability Compensation Act of 1969, 1969 PA 317, MCL 418.213, the functions of which were transferred to the Department of Consumer and Industry Services under Executive Order 1996-2, MCL 445.2001, and then transferred to the Bureau of Worker's and Unemployment Compensation under Executive Order 2002-1, MCL 445.2004.

II. DEPARTMENT OF LABOR AND ECONOMIC GROWTH

A. General

1. Consistent with Article V, Section 2 of the Michigan Constitution of 1963, which limits the number of principal departments to 20, the Department of Consumer and Industry Services is renamed the Department of Labor and Economic Growth and will continue as a principal department of the Executive Branch.

2. Any and all statutory references to the Department of Consumer and Industry Services not inconsistent with this Order shall be deemed references to the Department of Labor and Economic Growth.

3. The Director of the Department of Labor and Economic Growth shall provide executive direction and supervision for the implementation of all transfers to the Department of Labor and Economic Growth under this Section II. The functions transferred to the Department of Labor and Economic Growth under this Section II shall be administered under the direction and supervision of the Director of the Department of Labor and Economic Growth to the extent provided in this Order, including but not limited to all prescribed functions of rule-making, licensing, registration, and the prescription of rules, regulations, standards, and adjudications.

4. Any authority, duties, powers, functions, and responsibilities transferred in this Section II may in the future be reorganized to promote efficient administration by the Director of the Department of Labor and Economic Growth.

5. The Director of the Department of Labor and Economic Growth shall, in addition to the other duties and responsibilities given to the Director under this Order, or assigned or transferred to the Director as head of the Department of Labor and Economic Growth, be responsible for the oversight and supervision of the employees of the Department of Labor and Economic Growth and for the operations of the Department of Labor and Economic Growth. The Director shall also perform other duties and exercise other powers as the Governor may prescribe.

6. The Director of the Department of Labor and Economic Growth may perform a duty or exercise a power conferred by law or executive order upon the Director at the time and to the extent the duty or power is delegated to the Director by law or order.

7. The Director of the Department of Labor and Economic Growth may by written instrument delegate a duty or power conferred by law or order to an authorized representative and the person to whom the duty or power is delegated may perform the duty or exercise the power at the time and to the extent the duty or power is delegated by the Director of the Department of Labor and Economic Growth.

8. The Director of the Department of Labor and Economic Growth shall administer the assigned functions transferred under 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.

B. Advisory Council on Deaf and Hard of Hearing

1. The Advisory Council on Deaf and Hard of Hearing created as the Advisory Council on Deafness within the Department of Labor under the Division on Deafness Act, 1937 PA 72, MCL 408.201 to 408.210, transferred from the Department of Labor to the Family Independence Agency under Executive Order 1996-2, MCL 445.2001, and renamed under Executive Order 2002-10, MCL 445.1991, is transferred by Type II Transfer from the Family Independence Agency to the Department of Labor and Economic Growth.

2. Any records, personnel, property, unexpended balances of appropriations, allocations, or other funds used, held, employed, available, or to be made available to the Family Independence Agency for the activities, powers, duties, functions, and responsibilities transferred by this Section II.B are transferred to the Department of Labor and Economic Growth.

3. The Director of the Department of Labor and Economic Growth, after consultation with the Director of the Family Independence Agency, shall provide executive direction and supervision for the implementation of the transfer. The assigned functions shall be administered under the direction and supervision of the Director of the Department of Labor and Economic Growth.

4. The Directors of the Department of Labor and Economic Growth and the Family Independence Agency shall immediately initiate coordination to facilitate the transfers under this Section II.B 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 Family Independence Agency.

5. The Director of the Department of Labor and Economic Growth shall administer any assigned functions under this Section II.B 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.

C. Bureau of Construction Codes and Fire Safety

1. Any authority, powers, duties, functions, and responsibilities, including but not limited to the functions of budgeting, procurement, management-related functions, and functions under the Fire Prevention Code, 1941 PA 207,

MCL 29.1 to 29.34, of the Fire Marshal Division of the Department of State Police, except any authority, powers, duties, functions, and responsibilities previously transferred from the Department of State Police under Executive Order 1997-2, MCL 29.451, are transferred by Type II Transfer from the Department of State Police to the Department of Labor and Economic Growth, Bureau of Construction Codes and Fire Safety, except for the authority, powers, duties, functions, and responsibilities of the Department of State Police under any of the following:

- a. 1978 PA 170, MCL 28.71 to 28.72, relating to the state arson strike force unit.
- b. Section 6 of the Fire Prevention Code, 1941 PA 207, MCL 29.6 (fire investigations).
- c. Section 7 of the Fire Prevention Code, 1941 PA 207, MCL 29.7 (criminal enforcement).
- d. The Fire Investigator Training Program, including, but not limited to functions related to fire investigation training to locals under Section 109 of 2003 PA 149.

2. Any authority, powers, duties, functions, and responsibilities of the State Fire Marshal, and the authority powers, duties, functions, and responsibilities of the Director of the Department of State Police under the Fire Prevention Code, 1941 PA 207, MCL 29.1 to 29.34, except for any authority, powers, duties, functions, and responsibilities previously transferred from the State Fire Marshal or the Director of the Department of State Police under Executive Order 1997-2, MCL 29.451, and those retained within the Department of State Police under this Section II.C, are transferred by Type II Transfer to the Director of the Department of Labor and Economic Growth. The Director of the Department of Labor and Economic Growth may establish the position of State Fire Marshal within the Department of Labor and Economic Growth, Bureau of Construction Codes and Fire Safety.

3. Any authority, powers, duties, functions, and responsibilities of the State Fire Marshal under any of the following programs or provisions of Michigan law are transferred by Type II Transfer to the Department of Labor and Economic Growth, Bureau of Construction Codes and Fire Safety:

- a. Section 204 of the Aeronautics Code of the State of Michigan, 1945 PA 327, MCL 259.204.
- b. Section 77101 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.77101.
- c. Section 22210 of the Public Health Code, 1978 PA 368, MCL 333.22210.
- d. Section 1285a of the Revised School Code, 1976 PA 451, MCL 380.1285a.
- e. 1937 PA 306, MCL 388.851 to 388.855a.
- f. Section 58 of the Social Welfare Act, 1939 PA 280, MCL 400.58.
- g. The Adult Foster Care Facility Licensing Act, 1979 PA 218, MCL 400.701 to 400.737.
- h. Section 20 of 1967 PA 227, MCL 408.820.
- i. Section 1 of 1942 (1st Ex Sess) PA 9, MCL 419.201.
- j. Section 12 of the Motor Carrier Safety Act of 1963, 1963 PA 181, MCL 480.22.
- k. Section 16 of 1944 (1st Ex Sess) PA 52, MCL 561.16.
- l. 1973 PA 116, MCL 722.111 to 722.128.
- m. The Juvenile Firesetter Intervention Program.
- n. The Public Fire Education Program.

4. Any authority, powers, duties, functions, and responsibilities of the Office of Fire Safety and the State Fire Marshal under Section 3a of the Stille-DeRossett-Hale Single State Construction Code Act, 1972 PA 230, MCL 125.1503a, are transferred by Type II Transfer to the Director of the Department of Labor and Economic Growth.

5. Any authority, powers, duties, functions and responsibilities of the Director of the Department of State Police related to the functions transferred to the Department of Labor and Economic Growth by this Section II.C, are transferred by Type II Transfer from the Director of the Department of State Police to the Director of the Department of Labor and Economic Growth.

6. Any authority, powers, duties, functions, and responsibilities of the Fire Fighters Training Council under the Fire Fighters Training Council Act of 1966, 1966 PA 291, MCL 29.361 to 29.377, are transferred by Type I Transfer from the Department of State Police to the Department of Labor and Economic Growth. Any authority, powers, duties, functions, and responsibilities of the Department of State Police under the Fire Fighters Training Council Act of 1966, 1966 PA 291, MCL 29.361 to 29.377, are transferred by Type II Transfer from the Department of State Police to the Department of Labor and Economic Growth. Any authority, powers, duties, functions, and responsibilities of the Director of the Department of State Police under the Fire Fighters Training Council Act of 1966, 1966 PA 291, MCL 29.361 to 29.377, are transferred by Type II Transfer from the Director of the Department of State Police to the Director of the Department of Labor and Economic Growth.

7. The position as a member of the Fire Fighters Training Council designated under Section 3(1)(a) of the Fire Fighters Training Council Act of 1996, 1966 PA 291, MCL 29.363(1)(a), for the Director of the Department of State Police or his or her authorized representative is transferred to the Director of the Department of Labor and Economic Growth, or his or her authorized representative. All the statutory authority of the Firefighters Training Council to designate from among its members a Chairperson under Section 5 of the Fire Fighters Training Council Act of 1966, 1966 PA 291, MCL 29.365, is transferred to the Governor.

8. All the statutory authority of the Fire Safety Board, created under the Fire Prevention Code, 1941 PA 207, MCL 29.1 to 29.34, and transferred to the Department of Consumer and Industry Services under Executive Order 1997-2,

MCL 29.451, to designate one of its members as Chairperson of the Board pursuant to Section 3b(5) of the Fire Prevention Code, 1941 PA 207, MCL 29.3b(5), is transferred to the Governor.

9. The position of member of the Electrical Administrative Board consisting of a representative the Department of State Police, Fire Marshal Division, appointed by the Director of the Department of State Police under Section 2(1) of the Electrical Administrative Act, 1956 PA 217, MCL 338.882(1), is transferred to the Director of the Department of Labor and Economic Growth, or his or her authorized representative.

10. The position of member of the Board of Mechanical Rules designated for the State Fire Marshal or the State Fire Marshal's designee under Section 3 of the Forbes Mechanical Contractors Act, 1984 PA 192, MCL 338.973, is transferred to the Director of the Department of Labor and Economic Growth, or his or her authorized representative.

11. Any authority, powers, duties, functions, and responsibilities of the Department of State Police and the Director of the Department of State Police under 1931 PA 328, MCL 750.243a to 750.243e (fireworks), except any authority, power, duties, functions, and responsibilities of a peace officer of this state, or a political subdivision of this state, are transferred by Type II Transfer to the Director of the Department of Labor and Economic Growth.

12. All remaining authority, powers, duties, functions, and responsibilities of the Department of State Police, the Director of the Department of State Police, the Fire Marshal Division, and the State Fire Marshal not transferred under this Section II.C are vested in the Director of the Department of State Police. The Director of the Department of State Police may create and maintain a division or other organizational unit of the Department of State Police as he or she deems necessary, expedient, and efficient, and organize or reorganize the division or organizational unit, including the appointment of division or organizational unit heads, assistants, and employees, with titles, powers, and duties related to the administration and enforcement of the authority, powers, duties, functions, and responsibilities retained under this Section II.C.

13. Any authority, powers, duties, functions, and responsibilities of the State Fire Marshal as Commissioner of the Michigan State Police ex-officio under Section 5 of 1935 PA 59, MCL 28.5, are transferred to the Director of the Department of State Police.

14. Any authority, powers, duties, functions, and responsibilities of the State Fire Marshal relating to the promulgation of rules relating to the authority, powers, duties, functions, and responsibilities retained within the Department of State Police under this Section II.C are transferred to the Director of the Department of State Police. Any authority, powers, duties, functions, and responsibilities of the State Fire Marshal or the Director of the Department of State Police relating to the promulgation of rules relating to the authority, powers, duties, functions, and responsibilities transferred to the Department of Labor and Economic Growth under this Section II.C are transferred by to the Director of the Department of Labor and Economic Growth.

15. All records, personnel, property, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Fire Marshal Division for the activities transferred to the Department of Labor and Economic Growth under this Section II.C are transferred to the Department of Labor and Economic Growth.

16. The Director of the Department of Labor and Economic Growth shall provide executive direction and supervision for the implementation of the transfers to the Department of Labor and Economic Growth under this Section II.C. The functions assigned to the Department of Labor and Economic Growth shall be administered under the direction and supervision of the Director of the Department of Labor and Economic Growth.

17. The Director of the Department of State Police and the Director of the Department of Labor and Economic Growth shall immediately initiate coordination to facilitate the transfer and develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and State laws and regulations, or other obligations relating to the Fire Marshal Division and the transfers under this Section II.C to be resolved by the Department of State Police.

18. The Directors of the Departments of Labor and Economic Growth and State Police shall administer any assigned functions under this Section II.C 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. Commission for the Blind

1. Any authority, powers, duties, functions, and responsibilities of the Commission for the Blind are transferred by Type II Transfer from the Family Independence Agency to the Department of Labor and Economic Growth, including but not limited to the authority, powers, duties, functions, and responsibilities under all of the following:

- a. 1978 PA 260, MCL 393.351 to 393.369.
- b. Section 7a of 1913 PA 271, MCL 399.7a.
- c. Section 2 of 1941 PA 205, MCL 252.52.
- d. Section 4 of 1988 PA 112, MCL 450.794.
- e. Section 208 of the Michigan Museum Act, 1990 PA 325, MCL 399.508.

2. Any authority, powers, duties, functions, and responsibilities of the Director of the Family Independence Agency relating to the Commission for the Blind, including but not limited to the authority, powers, duties, functions, and

responsibilities assigned to the Director of the Department of Labor by 1978 PA 260, MCL 393.351 to 393.369, are transferred by Type II Transfer to the Director of the Department of Labor and Economic Growth.

3. All records, personnel, property, unexpended balances of appropriations, allocations, or other funds used, held, employed, available, or to be made available to the Family Independence Agency for the activities, powers, duties, functions, and responsibilities transferred by this Section II.D are transferred to the Department of Labor and Economic Growth.

4. The Director of the Department of Labor and Economic Growth, after consultation with the Director of the Family Independence Agency, shall provide executive direction and supervision for the implementation of the transfer. The assigned functions shall be administered under the direction and supervision of the Director of the Department of Labor and Economic Growth.

5. The Directors of the Department of Labor and Economic Growth and the Family Independence Agency shall immediately initiate coordination to facilitate the transfers under this Section II.D 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 Family Independence Agency.

6. The Director of the Department of Labor and Economic Growth shall administer any assigned functions under this Section II.D 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.

E. Commission on Disability Concerns

1. The Commission on Disability Concerns established within the Department of Labor under Executive Order 1995-11, MCL 395.351, and transferred to the Family Independence Agency under Executive Order 1996-2, MCL 445.2001, is transferred by Type II Transfer from the Family Independence Agency to the Department of Labor and Economic Growth.

2. All records, personnel, property, unexpended balances of appropriations, allocations, or other funds used, held, employed, available, or to be made available to the Family Independence Agency for the activities, powers, duties, functions, and responsibilities transferred by this Section II.E are transferred to the Department of Labor and Economic Growth.

3. The Director of the Department of Labor and Economic Growth, after consultation with the Director of the Family Independence Agency, shall provide executive direction and supervision for the implementation of the transfer. The assigned functions shall be administered under the direction and supervision of the Director of the Department of Labor and Economic Growth.

4. The Directors of the Department of Labor and Economic Growth and the Family Independence Agency shall immediately initiate coordination to facilitate the transfers under this Section II.E 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 Family Independence Agency.

5. The Director of the Department of Labor and Economic Growth shall administer any assigned functions under this Section II.E 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.

F. Department of Treasury

Brownfield Redevelopment Single Business Tax Credits

1. All of the following authority, powers, duties, functions, and responsibilities of the Department of Treasury or the State Treasurer related to brownfield redevelopment Single Business Tax credits for projects with a cost of \$10,000,000 or less are transferred by Type II Transfer from the Department of Treasury and the State Treasurer to the Director of the Department of Labor and Economic Growth:

a. Receipt and review of applications for approval of projects, approval of applications or projects, denial of applications or projects, issuance of preapproval letters, and assignment of project numbers under Section 38g(2) of the Single Business Tax Act, 1975 PA 228, MCL 208.38g(2).

b. Consideration of criteria reasonably applicable to a project under Section 38g(6) of the Single Business Tax Act, 1975 PA 228, MCL 208.38g(6).

c. Receipt of documentation of the market value of leased property under Section 38g(10) of the Single Business Tax Act, 1975 PA 228, MCL 208.38g(10).

2. Any records, personnel, property, unexpended balances of appropriations, allocations, or other funds used, held, employed, available, or to be made available to the Department of Treasury for the activities, powers, duties, functions, and responsibilities transferred under Section II.F.1 transferred pursuant to any memorandum of understanding between the Department of Treasury and the Department of Labor and Economic Growth implementing this Order are transferred to the Department of Labor and Economic Growth. This paragraph shall not be construed to require a transfer of records prohibited under Michigan law.

3. The Director of the Department of Labor and Economic Growth, after consultation with the State Treasurer, shall provide executive direction and supervision for the implementation of the transfer under Section II.F.1. The assigned functions shall be administered under the direction and supervision of the Director of the Department of Labor and Economic Growth.

4. The Director of the Department of Labor and Economic Growth and the State Treasurer shall immediately initiate coordination to facilitate the Type II Transfer under Section II.F.1 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 Treasury.

5. The Director of the Department of Labor and Economic Growth shall administer any assigned functions under Section II.F.1 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.

6. All of the following authority, powers, duties, functions, and responsibilities of the Department of Treasury or the State Treasurer related to brownfield redevelopment Single Business Tax credits for projects with a cost of \$10,000,000 or less are transferred without regard to the type of transfer from the Department of Treasury and the State Treasurer to the Michigan Economic Growth Authority:

a. Receipt and review of documentation for project completion, accounting of project costs, eligible investment activity, and property ownership or lease information; verification of project completion; and issuance of certificates of completion under Section 38g(8) of the Single Business Tax Act, 1975 PA 228, MCL 208.38g(8).

b. Prescription of forms and receipt of assignment forms under Section 38g(17) of the Single Business Tax Act, 1975 PA 225, MCL 208.38g(17).

c. Approval of an alternative method for assigning credits or portions of credits, prescription of forms, and receipt of assignment forms under Section 38g(18) of the Single Business Tax Act, 1975 PA 228, MCL 208.38g(18).

d. Preparation of annual reports to the House of Representatives and Senate committees responsible for tax policy and economic development issues under Section 38g(30) of the Single Business Tax Act, 1975 PA 228, MCL 208.38g(30).

e. Review and approval or denial of petitions for project amendments under Section 38g(31) of the Single Business Tax Act, 1975 PA 228, MCL 208.38g(31).

f. Receipt of documentation relating to multiphase projects and multiphase project components, verification of completion of multiphase project components, and issuance of component completion certificates under Section 38g(32) of the Single Business Tax Act, 1975 PA 228, MCL 208.38g(32).

7. All the authority, power, duties, functions, and responsibilities of the State Treasurer under Section 38g(3) of the Single Business Tax Act, 1975 PA 225, MCL 208.38g(3), to concur with the approval by the Michigan Economic Growth Authority of applications for projects with a cost of more than \$10,000,000, or to approve or deny applications for projects with a cost of more than \$10,000,000 shall remain with the State Treasurer and are not transferred under this Order.

8. Any records, personnel, property, unexpended balances of appropriations, allocations, or other funds used, held, employed, available, or to be made available to the Department of Treasury for the activities, powers, duties, functions, and responsibilities transferred under Section II.F.1 transferred pursuant to any memorandum of understanding between the Department of Treasury and the Michigan Economic Growth Authority implementing this Order are transferred to the Michigan Economic Growth Authority. This paragraph shall not be construed to require a transfer of records prohibited under Michigan law.

9. The Director of the Department of Labor and Economic Growth, after consultation with the State Treasurer, shall provide executive direction and supervision for the implementation of the transfer under Section II.F.6. The functions assigned to the Michigan Economic Growth Authority under Section II.F.6 shall be administered under the direction and supervision of the Director of the Department of Labor and Economic Growth.

10. The Michigan Economic Growth Authority, Director of the Department of Labor and Economic Growth, and the State Treasurer shall immediately initiate coordination to facilitate the transfers under Section II.F.6 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 Treasury.

11. The Michigan Economic Growth Authority shall administer any assigned functions under Section II.F.6 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.

G. Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority

1. The Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority created and established within the Department of Consumer and Industry Services under the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act, 2002 PA 48, MCL 484.3101 to 484.3120, is transferred without regard to the type of transfer to the Michigan Broadband Development Authority and shall remain an authority established under Article VII, Section 27 of the Michigan Constitution of 1963.

2. The powers, duties, functions, and responsibilities of the Director of the Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority under the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act, 2002 PA 48, MCL 484.3101 to 484.3120, are transferred without regard to the type of transfer to the Michigan Broadband Development Authority. The position of Director of the Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority established under Section 3 of the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act, 2002 PA 48, MCL 484.3103, is abolished.

3. All budget, procurement, and management-related functions of the Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority assigned to the Department of Consumer and Industry Services under Section 3 of the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act, 2002 PA 48, MCL 484.3103, shall be performed by the Michigan Broadband Development Authority under the direction and supervision of the Director of the Department of Labor and Economic Growth.

4. The requirement under Section 3 of the Metropolitan Extension Telecommunications Rights-of-Way Oversight Act, 2002 PA 48, MCL 484.3103, to provide the Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority with suitable offices, facilities, equipment, staff, and supplies for the authority is transferred from the Department of Consumer and Industry Services to the Michigan Broadband Development Authority.

5. 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 Consumer and Industry Services or the Department of Labor and Economic Growth for the activities, powers, duties, functions, and responsibilities transferred by this Section II.G are transferred to the Michigan Broadband Development Authority.

6. The Director of the Department of Labor and Economic Growth, after consultation with the President and Chief Executive Officer of the Michigan Broadband Development Authority, shall provide executive direction and supervision for the implementation of the transfer under this Section II.G.

7. The Director of the Department of Labor and Economic Growth, the President and Chief Executive Officer of the Michigan Broadband Development Authority, and the State Treasurer shall immediately initiate coordination to facilitate the transfer under this Section II.G 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 Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority.

8. The Michigan Broadband Development Authority and the Director of the Department of Labor and Economic Growth shall administer any assigned functions under this Section II.G 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.

H. Michigan Broadband Development Authority

1. Any authority, powers, duties, functions, responsibilities, personnel, property, unexpended balances of appropriations, allocations, or other funds of the Michigan Broadband Development Authority, including but not limited to those under the Michigan Broadband Development Authority Act, 2002 PA 49, MCL 484.3201 to 484.3225, are transferred by Type I Transfer from the Department of Treasury to the Department of Labor and Economic Growth.

2. The Michigan Broadband Development Authority shall exercise its prescribed powers, duties, functions, and responsibilities independently of the Director of the Department of Labor and Economic Growth. However, the budgeting, procurement, and related administrative or management functions of the Michigan Broadband Development Authority assigned to the State Treasurer under the Michigan Broadband Development Authority Act, 2002 PA 49, MCL 484.3205, are transferred to, and shall be performed under the direction and supervision of, the Director of the Department of Labor and Economic Growth. The Department of Labor and Economic Growth shall function as the appointing authority for any civil service employees of the Authority.

3. The position as a member of the Board of the Directors of the Michigan Broadband Authority designated for the President and Chief Executive Officer of the Michigan Economic Development Corporation under Section 6(2)(a) of the Michigan Broadband Development Authority Act, 2002 PA 49, MCL 484.3206(2)(a), is transferred to the Director of the Department of Labor and Economic Growth, or his or her authorized representative.

4. In the absence or incapacity of the President and Chief Executive Officer of the Michigan Broadband Development Authority, or in the event of a vacancy in the office of President and Chief Executive Officer of the Michigan Broadband Development Authority, the Vice President of the Michigan Broadband Development Authority may exercise all of the powers, duties, functions, and responsibilities of the President and Chief Executive Officer in a temporary capacity acting as President and Chief Executive Officer, including but not limited to any functions assigned to the President and Chief Executive Officer of the Michigan Broadband Development Authority under this Order.

5. The Type I Transfer of the Michigan Broadband Development Authority under this Section II.H includes but is not limited to bonds, notes, loans, grants, reserves, and trust funds, subject to any agreement with note and bond holders, borrowers, grant recipients, or contract holders.

6. 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 Treasury for the activities, powers, duties, functions, and responsibilities transferred by this Section II.H are transferred to the Department of Labor and Economic Growth.

7. The Director of the Department of Labor and Economic Growth, after consultation with the State Treasurer and the President and Chief Executive Officer of the Michigan Broadband Development Authority, shall provide executive direction and supervision for the implementation of the transfer. The functions assigned to the Department of Labor and Economic Growth shall be administered under the direction and supervision of the Director of the Department of Labor and Economic Growth.

8. The Director of the Department of Labor and Economic Growth, the President and Chief Executive Officer of the Michigan Broadband Development Authority, and the State Treasurer shall immediately initiate coordination to facilitate the Type I Transfer under this Section II.H 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 Broadband Development Authority.

9. The Director of the Department of Labor and Economic Growth shall administer any functions assigned to the Department of Labor and Economic Growth under this Section II.H 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.

I. Michigan Economic Growth Authority

1. The position as a member of the Michigan Economic Growth Authority designated for the Director of the Michigan Jobs Commission or his or her authorized representative under Section 4(2)(a) of the Michigan Economic Growth Authority Act, 1995 PA 24, MCL 207.804(2)(a), is transferred to the President and Chief Executive Officer of the Michigan Economic Development Corporation or his or her authorized representative. The President and Chief Executive Officer of the Michigan Economic Development Corporation or his or her authorized representative shall serve as a member of the Michigan Economic Growth Authority.

2. The position as a member of the Michigan Economic Growth Authority designated for the Director of the Department of Management and Budget or his or her authorized representative under Section 4(2)(c) of the Michigan Economic Growth Authority Act, 1995 PA 24, MCL 207.804(2)(c), is transferred to the Director of the Department of Labor and Economic Growth or his or her authorized representative.

3. The position as Chairperson of the Michigan Economic Growth Authority designated for the Director of the Michigan Jobs Commission or his or her authorized representative under Section 4(2)(a) of the Michigan Economic Growth Authority Act, 1995 PA 24, MCL 207.804(2)(a), is transferred to the Director of the Department of Labor and Economic Growth or his or her authorized representative serving as a member of the Michigan Economic Growth Authority.

J. Michigan Next Energy Authority

1. Any authority, powers, duties, functions, responsibilities, personnel, property, unexpended balances of appropriations, allocations, or other funds of the Michigan Next Energy Authority are transferred by Type I Transfer from the Department of Management and Budget to the Department of Labor and Economic Growth, including but not limited to those under all of the following:

- a. The Michigan Next Energy Authority Act, 2002 PA 593, MCL 207.821 to 207.827.
- b. Section 9i of the General Property Tax Act, 1893 PA 206, MCL 211.9i.

2. The Michigan Next Energy Authority shall exercise its prescribed powers, duties, functions, and responsibilities independently of the Director of the Department of Labor and Economic Growth. However, the budgeting, procurement, and related administrative or management functions of the Michigan Next Energy Authority assigned to the Director of the Department of Management and Budget under Section 3(2) of the Michigan Next Energy Authority Act, 2002 PA 593, MCL 207.823(2) shall be performed by the Director of the Department of Labor and Economic Growth. The Department of Labor and Economic Growth shall function as the appointing authority for any civil service employees of the Authority.

3. 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 Management and Budget for the activities, powers, duties, functions, and responsibilities transferred by this Section II.J are transferred to the Department of Labor and Economic Growth.

4. The Director of the Department of Labor and Economic Growth, after consultation with the Director of the Department of Management and Budget, shall provide executive direction and supervision for the implementation of the transfer. The functions assigned to the Department of Labor and Economic Growth shall be administered under the direction and supervision of the Director of the Department of Labor and Economic Growth.

5. The Directors of the Department of Labor and Economic Growth and the Department of Management and Budget shall immediately initiate coordination to facilitate the Type I Transfer under this Section II.J 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 Next Energy Authority.

6. The Director of the Department of Labor and Economic Growth and the Next Energy Authority shall administer any assigned functions under this Section II.J 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.

K. Michigan Strategic Fund

1. The Michigan Strategic Fund is transferred by Type IV Transfer from the Department of Management and Budget to the Department of Labor and Economic Growth. The transfer under this Section II.K includes but is not limited to authority, powers, duties, functions, and responsibilities under all of the following:

- a. The Michigan Strategic Fund Act, 1984 PA 270, MCL 125.2001 to 125.2093.
 - b. The Michigan Renaissance Zone Act, 1996 PA 376, MCL 125.2681 to 125.2696.
 - c. Section 9f of The General Property Tax Act, 1893 PA 206, MCL 211.9f.
2. All administrative or housekeeping functions including budgeting, procurement, personnel, and management-related functions of the Michigan Strategic Fund shall be performed under the direction and supervision of the President of the Michigan Strategic Fund. The President of the Michigan Strategic Fund shall be the appointing authority for the civil service employees of the Michigan Strategic Fund.
3. The board position designated in Section 2005(3) of the Michigan Strategic Fund Act, 1984 PA 270, MCL 125.2005(3), for the Director of the Department of Commerce, transferred under Executive Order 1994-26, MCL 408.48, to the Director of the Michigan Jobs Commission, and subsequently transferred under Executive Order 1999-1, MCL 408.40, to the Director of the Department of Management and Budget is transferred to the Director of the Department of Labor and Economic Growth, or his or her authorized representative from the Department of Labor and Economic Growth or the Michigan Economic Development Corporation.
4. The position of President of the Michigan Strategic Fund designated for one of two members of the board of the Michigan Strategic Fund serving at the pleasure of the Governor under Section 2005(4) of the Michigan Strategic Fund Act, 1984 PA 270, MCL 125.2005(4), is transferred to the Director of the Department of Labor and Economic Growth or his or her authorized representative from the Department of Labor and Economic Growth or the Michigan Economic Development Corporation. The Director of the Department of Labor and Economic Growth, or his or her authorized representative serving as a member of the board of the Michigan Strategic Fund, shall be the President of the Michigan Strategic Fund.
5. An authorized representative of the Director of the Department of Labor and Economic Growth under Sections II.K.3 or II.K.4 may serve as a member of the board of the Michigan Strategic Fund or as the President of the Michigan Strategic Fund irrespective of whether the Director of the Department of Labor and Economic Growth is absent.
6. The transfer of the Michigan Strategic Fund under this Section II.K includes but is not limited to bonds, notes, loans, grants, reserves, and trust funds, subject to any agreement with note and bond holders, borrowers, grant recipients, or contract holders.
7. Any records, personnel, property, unexpended balances of appropriations, allocations, or other funds used, held, employed, available, or to be made available to the Department of Management and Budget for the activities, powers, duties, functions, and responsibilities transferred by this Section II.K are transferred to the Department of Labor and Economic Growth.
8. The Director of the Department of Labor and Economic Growth, after consultation with the Director of the Department of Management and Budget, shall provide executive direction and supervision for the implementation of the transfer. The functions assigned to the Department of Labor and Economic Growth shall be administered under the direction and supervision of the Director of the Department of Labor and Economic Growth.
9. The Directors of the Department of Labor and Economic Growth and the Department of Management and Budget shall immediately initiate coordination to facilitate the transfers under this Section II.K 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.
10. The Department of Labor and Economic Growth shall administer any functions assigned to the Department of Labor and Economic Growth under this Section II.K 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.
- L. Wage and Hour Division
1. The new Wage and Hour Division is created as a Type II Agency within the Department of Labor and Economic Growth. The new Wage and Hour Division shall be headed by a Wage and Hour Administrator.
 2. Any authority, powers, functions, duties and responsibilities of the Former Wage and Hour Division of the Department of Consumer and Industry Services, transferred to the Bureau of Worker's and Unemployment Compensation under Executive Order 2002-1, MCL 445.2004, are transferred by Type II Transfer from the Bureau of Worker's and Unemployment Compensation to the new Wage and Hour Division within the Department of Labor and Economic Growth, including but not limited to any authority, powers, functions, duties, and responsibilities under each of the following:
 - a. The Minimum Wage Law of 1964, 1964 PA 154, MCL 408.381 to 408.398.
 - b. 1978 PA 390, MCL 408.471 to 408.490.
 - c. 1965 PA 166, MCL 408.551 to 408.558.
 - d. The Youth Employment Standards Act, 1978 PA 90, MCL 409.101 to 409.124.
 3. The Director of the Department of Labor and Economic Growth shall immediately initiate coordination with the Bureau of Worker's and Unemployment Compensation 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 new Wage and Hour Division.

4. All records, personnel, property, grants, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available or to be made available for the activities, power, duties, functions, and responsibilities transferred under this Section II.L are transferred to the new Wage and Hour Division.

5. All rules, orders, contracts, and agreements relating to the functions transferred to the new Wage and Hour Division under this Order lawfully adopted prior to the issuance of this Order shall continue to be effective until revised, amended, or rescinded.

M. Qualifications Advisory Committee

1. The Qualifications Advisory Committee established under Section 209 of the Worker's Disability Compensation Act of 1969, 1969 PA 317, MCL 418.209 is abolished.

2. The new Qualifications Advisory Committee is established within the Workers' Compensation Agency. The new Qualifications Advisory Committee shall have all of the powers, duties, and functions assigned to the Qualifications Advisory Committee under the Worker's Disability Compensation Act of 1969, 1969 PA 317, MCL 418.101 to 418.941, including but not limited to those powers and duties under Sections 210, 212, and 274 of the Worker's Disability Compensation Act of 1969, 1969 PA 317, MCL 418.210, 418.212, and 418.274.

3. Any and all statutory references to the Qualifications Advisory Committee not inconsistent with this Order shall be deemed references to the new Qualifications Advisory Committee created under this Section II.M.

4. The Governor shall appoint a 10-member new Qualifications Advisory Committee. The Committee shall consist of persons who have experience in the area of worker's compensation. Employer interests and employee interests shall be equally represented on the Committee. Members shall be appointed for terms of 4 years except as otherwise provided in this Order. Vacancies on the Committee shall be filled by the Governor so that employer and employee interests continue to be equally represented on the Committee and shall be for the remainder of the unexpired term.

5. Members of the Qualifications Advisory Committee abolished under this Order serving as a member of the Qualifications Advisory Committee on the day prior to the effective date of this Order shall serve as members of the new Qualifications Advisory Committee until the date on which their appointment as a member of the Qualifications Advisory Committee abolished under this Order would have expired. The Governor shall appoint an additional number of members to the new Qualifications Advisory Committee necessary to reach 10 members. Members appointed by the Governor under this Section II.M.4 shall be appointed to 4-year terms beginning on the effective date of this Order.

6. The Governor shall appoint a member of the new Qualifications Advisory Committee to serve as the Chairperson of the new QAC at the pleasure of the Governor.

7. A quorum of the new Qualifications Advisory Committee shall consist of half of the members of the new QAC appointed and serving. The business of the new QAC shall be conducted by not less than a quorum.

8. Members of the new Qualifications Advisory Committee shall serve without compensation but may be reimbursed for all necessary expenses in connection with the discharge of their official duties as members of the committee, subject to available appropriations.

9. Staff and offices shall be provided for the new Qualifications Advisory Committee by the Workers' Compensation Agency.

10. The Director of the Department of Labor and Economic Growth shall immediately initiate coordination with the Qualifications Advisory Committee 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 Qualifications Advisory Committee.

11. All records, personnel, property, grants, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available or to be made available for the activities, power, duties, functions, and responsibilities transferred under this Section II.M are transferred to the new Qualifications Advisory Committee.

12. All rules, orders, contracts, and agreements relating to the functions transferred to the new Qualifications Advisory Committee by this Section II.M lawfully adopted prior to the issuance of this Order shall continue to be effective until revised, amended, or rescinded.

N. Unemployment Insurance Agency

1. The Unemployment Insurance Agency is created as a Type II Agency within the Department of Labor and Economic Growth. The Unemployment Insurance Agency shall be headed by a Director of Unemployment Insurance.

2. Any authority, powers, functions, duties, and responsibilities of the Unemployment Agency transferred to the Bureau of Worker's and Unemployment Compensation under Executive Order No. 2002-1, MCL 445.2004, are transferred from the Bureau of Worker's and Unemployment Compensation to the Unemployment Insurance Agency.

3. All of the statutory powers, functions, duties, and responsibilities of the Director of the former Unemployment Agency created in Section 5 of the Michigan Employment Security Act, 1936 (Ex Sess) PA 1, MCL 421.5, defined as the Director of Employment Security in Executive Order 1997-12, MCL 421.94, and transferred to the Director of the Bureau of Worker's and Unemployment Compensation under Executive Order 2002-1, MCL 445.2004, are transferred from the Director of the Bureau of Worker's and Unemployment Compensation to the Director of Unemployment Insurance.

4. The Director of the Department of Labor and Economic Growth shall immediately initiate coordination with the Bureau of Worker's and Unemployment Compensation 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 Unemployment Insurance Agency.

5. All records, personnel, property, grants, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available or to be made available for the activities, power, duties, functions, and responsibilities transferred under this Section II.N are transferred to the Unemployment Insurance Agency.

6. All rules, orders, contracts, and agreements relating to the functions transferred to the Unemployment Insurance Agency by this Section II.N lawfully adopted prior to the issuance of this Order shall continue to be effective until revised, amended, or rescinded.

O. Workers' Compensation Agency

1. The Workers' Compensation Agency is created as a Type II Agency within the Department of Labor and Economic Growth. The Workers' Compensation Agency shall be headed by a Director of Workers' Compensation.

2. Any authority, powers, functions, duties and responsibilities of the Bureau of Worker's Compensation transferred to the Bureau of Worker's and Unemployment Compensation under Executive Order 2002-1, MCL 445.2004, are transferred from the Bureau of Worker's and Unemployment Compensation to the Workers' Compensation Agency.

3. Any authority, powers, functions, duties, and responsibilities of the Director of the Bureau of Worker's Compensation established in Chapter 2 of the Worker's Disability Compensation Act of 1969, 1969 PA 317, MCL 418.201 to 418.274, transferred to the Director of the Bureau of Worker's and Unemployment Compensation under Executive Order 2002-1, MCL 445.2004, are transferred from the Director of the Bureau of Worker's and Unemployment Compensation to the Director of Workers' Compensation.

4. The Worker's Compensation Board of Magistrates transferred to the Bureau of Worker's and Unemployment Compensation under Executive Order 2002-1, MCL 445.2004, shall be located within the Workers' Compensation Agency, but shall continue as an autonomous agency within the Department of Labor and Economic Growth.

5. All authority, powers, functions, duties, and responsibilities of the Assistant to the Director of the Bureau of Worker's Compensation with charge of an office under the fourth sentence of Section 205 of the Worker's Disability Compensation Act of 1969, 1969 PA 317, MCL 418.205, is transferred by Type III Transfer to the Director of Workers' Compensation. The position of Assistant to the Director of the Bureau of Worker's Compensation with charge of an office under the fourth sentence of Section 205 of the Worker's Disability Compensation Act of 1969, 1969 PA 317, MCL 418.205, is abolished.

6. Any remaining authority, powers, functions, duties, and responsibilities of the Bureau of Worker's and Unemployment Compensation or the Director of the Bureau of Worker's and Unemployment Compensation not otherwise transferred under this Order are transferred by Type II Transfer to the Director of the Department of Labor and Economic Growth.

7. The Bureau of Worker's and Unemployment Compensation and the position of Director of the Bureau of Worker's and Unemployment Compensation created under Executive Order 2002-1, MCL 445.2004, are abolished.

8. The Director of the Department of Labor and Economic Growth shall immediately initiate coordination with the Bureau of Worker's and Unemployment Compensation 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 Workers' Compensation Agency.

9. All records, personnel, property, grants, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available or to be made available for the activities, power, duties, functions, and responsibilities transferred under this Section II.O are transferred to the Workers' Compensation Agency, except as provided in Section II.O.6.

10. All rules, orders, contracts, and agreements relating to the functions transferred to the Workers' Compensation Agency under this Order lawfully adopted prior to the issuance of this Order shall continue to be effective until revised, amended, or rescinded.

P. Worker's Compensation Appellate Commission

1. Upon the initial assignment of 4 Appellate Magistrates under Section II.Q.2 and II.Q.3, all authority, powers, duties, functions, and responsibilities of the Worker's Compensation Appellate Commission under the Worker's Disability Compensation Act of 1969, 1969 PA 317, MCL 418.101 to 418.941, are transferred to the Worker's Compensation Board of Magistrates created under Section 213 of the Worker's Disability Compensation Act of 1969, 1969 PA 317, MCL 418.213.

2. All statutory substantive and procedural appellate requirements applicable under the Worker's Disability Compensation Act of 1969, 1969 PA 317, MCL 418.101 to 418.941, to the Worker's Compensation Appellate Commission not inconsistent with this Order are transferred to the Worker's Compensation Board of Magistrates. Reiteration of statutory substantive or procedural appellate requirements under Section II.Q shall not be deemed to constitute a comprehensive or exhaustive description of statutory substantive or procedural appellate provisions applicable to the Worker's Compensation Board of Magistrates or the Appellate Magistrates.

3. All records, property, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Worker's Compensation Appellate Commission for the activities, powers, duties, functions, and responsibilities transferred under this Section II.M are transferred to the Worker's Compensation Board of Magistrates.

4. Upon the initial assignment of Appellate Magistrates under Section II.Q.2 and II.Q.3, the Worker's Compensation Appellate Commission created under Section 274 of the Worker's Disability Compensation Act of 1969, 1969 PA 317, MCL 418.274, is abolished.

5. Any and all statutory references to the Worker's Compensation Appellate Commission not inconsistent with this Order shall be deemed references to the Appellate Magistrates provided for under Section II.Q.

Q. Worker's Compensation Board of Magistrates

1. As provided in this Section II.Q, the Chairperson of the Board of Magistrates shall assign members of the Board of Magistrates to serve as Appellate Magistrates to review the non-appellate orders of the Director of Workers' Compensation and the non-appellate orders and opinions of the Worker's Compensation Board of Magistrates. Appellate Magistrates shall perform all of the functions previously assigned to the Appellate Commission under the Worker's Disability and Compensation Act of 1969, 1969 PA 317, MCL 418.101 to 418.941. Appellate Magistrates shall defer to the factual findings of the Worker's Compensation Board of Magistrates if supported by competent, material, and substantial evidence on the whole record.

2. By January 26, 2004, members of the new Qualifications Advisory Committee appointed to represent the interests of employees shall recommend 4 Eligible Members of the Board of Magistrates to serve as Appellate Magistrates. Of the 4 members recommended, the Chairperson of the Board of Magistrates shall assign 2 members to serve as Appellate Magistrates to perform appellate functions for a period expiring on January 26, 2007.

3. By January 26, 2004, members of the new Qualifications Advisory Committee appointed to represent the interests of employers shall recommend 4 Eligible Members of the Board of Magistrates to serve as Appellate Magistrates. Of the 4 members recommended, the Chairperson of the Board of Magistrates shall assign 2 members to serve as Appellate Magistrates to perform appellate functions for a period expiring on January 26, 2006.

4. By November 15, 2004, and then annually by each following November 15th, the Chairperson of the Board of Magistrates shall evaluate the appellate caseload of the Appellate Magistrates and then determine and publicly announce an even number of Appellate Magistrates necessary in the opinion of the Chairperson to process appellate cases in a timely manner. If the Chairperson of the Board of Magistrates determines that a reduction in the number of Appellate Magistrates is necessitated, by the following December 31st, the Chairperson shall end the assignment to perform appellate functions of an even number of Appellate Magistrates effective the following January 26th. When ending assignments of Appellate Magistrates the Chairperson of the Board of Magistrates shall end the assignments of an equal number of Appellate Magistrates recommended by members of the new QAC appointed to represent employee interests and of those recommended by members of the new QAC appointed to represent employer interests.

5. If the Chairperson of the Board of Magistrates determines under Section II.Q.4 that an increase in the number of Appellate Magistrates is necessitated, by the following November 30th the Chairperson shall notify the new Qualifications Advisory Committee. By the following January 15th, the members of the new QAC appointed to represent the interests of employees shall recommend the number of members of the Board of Magistrates to serve as Appellate Magistrates equal to the number of additional Appellate Magistrates determined as necessary by the Chairperson of the Board of Magistrates under Section II.Q.4 and the members of the new QAC appointed to represent the interests of employers shall recommend the number of members of the Board of Magistrates to serve as Appellate Magistrates equal to the number of additional Appellate Magistrates determined as necessary by the Chairperson of the Board of Magistrates under Section II.Q.4. By the following January 26th, from the names recommended by the new QAC, the Chairperson of the Board of Magistrates shall assign to perform appellate functions as Appellate Magistrates for a three-year period beginning on January 26th, from the members of the Board of Magistrates recommended by members of the new QAC appointed to represent the interests of employees, a number of members of the Board of Magistrates equal to one-half of the number recommended, and from the members of the Board of Magistrates recommended by members of the new QAC appointed to represent the interests of employers, a number of members of the Board of Magistrates equal to one-half of the number recommended.

6. Except as provided in Section II.Q.7, after the initial assignment of magistrates under Section II.Q.4, a member of the Board of Magistrates shall not be eligible for recommendation and assignment to perform appellate functions as an Appellate Magistrate if the member does not have more than 2 years remaining before the expiration of his or her term as a member of the Board of Magistrates as of the effective date of the assignment.

7. In the event of a vacancy prior to the expiration of the assignment period for an Appellate Magistrate recommended by members of the new QAC appointed to represent the interests of employees, the members of the new QAC appointed to represent the interests of employees shall recommend 2 members of the Board of Magistrates to fill the vacancy. Of the 2 members recommended, the Chairperson of the Board of Magistrates shall assign one member to fill the vacancy for the remainder of the assignment period. In the event of a vacancy prior to the expiration of the assignment period for an Appellate Magistrate recommended by members of the new QAC appointed to represent the interests of employers, the members of the new QAC appointed to represent the interests of employers shall recommend 2 members of the Board of Magistrates to fill the vacancy. Of the 2 members recommended, the Chairperson of the Board of Magistrates shall assign one member to fill the vacancy for the remainder of the assignment period.

8. The Chairperson of the Board of Magistrates shall randomly assign matters for appellate review to a panel of 2 Appellate Magistrates for disposition, one of whom shall be an Appellate Magistrate recommended by members of the new QAC appointed to represent employer interests and the other recommended by members of the new QAC appointed to represent employee interests. The Chairperson of the Board of Magistrates may reassign a matter in order to ensure timely review and decision of that matter. A decision agreed to by both members of a 2-member panel shall be the decision in the case. In the event the two-member panel is deadlocked and cannot reach a decision, the Chairperson of the Board of Magistrates shall review the matter and cast a tie-breaking vote. A decision resolved by a tie-breaking vote cast by the Chairperson of the Board of Magistrates shall be the decision in the case.

9. The Chairperson of the Board of Magistrates shall not hear or decide non-appellate cases while serving as Chairperson. In the event the Chairperson of the Board of Magistrates is required under Section II.Q.8 to cast a tie-breaking vote in an appeal of an opinion or order issued by the Chairperson while serving as a member of the Board of Magistrates, the Chairperson shall not cast the tie-breaking vote, but instead shall assign an Appellate Magistrate, or if no Appellate Magistrate is available, a member of the Board of Magistrates to cast the tie-breaking vote.

10. Any matter assigned to a panel of Appellate Magistrates that may establish a precedent with regard to worker's compensation in this state as determined by the Chairperson of the Board of Magistrates, or any matter which 2 or more Appellate Magistrates request be reviewed by all Appellate Magistrates, shall be reviewed and decided by a panel consisting of all Appellate Magistrates and the Chairperson of the Board of Magistrates, which decision shall be adopted by at least a majority of those serving on the panel.

11. An Appellate Magistrate shall not hear or decide non-appellate cases while serving as an Appellate Magistrate. Appellate Magistrates shall devote full time to the functions under the Worker's Disability Compensation Act of 1969, 1969 PA 317, MCL 418.101 to 418.941, and this Order. Each Appellate Magistrate shall personally perform the duties of the office during the hours generally worked by officers and employees of the executive departments of this state. Appellate Magistrates may be assigned by the Chairperson of the Board of Magistrates to perform additional functions under the Worker's Disability Compensation Act of 1969, 1969 PA 317, MCL 418.101 to 418.941, not conflicting with the performance of appellate duties as an Appellate Magistrate.

12. Upon the initial assignment of Appellate Magistrates under Section II.Q.2 and II.Q.3, the Chairperson of the Board of Magistrates shall transfer each case previously pending before the Worker's Compensation Appellate Commission abolished under this Order to a panel of Appellate Magistrates.

13. Opinions issued by a panel of Appellate Magistrates shall be in writing and shall clearly define the legal principles being applied. The Board of Magistrates shall provide for the public dissemination of the opinions, including via the Internet.

14. The Chairperson of the Board of Magistrates may require members of the Worker's Compensation Board of Magistrates, as a condition of employment, to attend classes established under Section 207 of the Worker's Disability Compensation Act of 1969, 1969 PA 317, MCL 418.207, by Michigan law schools and universities, the State Bar of Michigan, and other legal associations for the purpose of establishing introductory and continuing legal education courses in worker's compensation.

15. As authorized under Section 213(3) of the Worker's Disability Compensation Act of 1969, 1969 PA 317, MCL 418.213(3), the Chairperson of the Board of Magistrates may establish productivity standards that are to be adhered to by Appellate Magistrates and any employees assigned to assist in the performance of appellate functions.

16. Pursuant to the authority provided under Section 212 of the Worker's Disability Compensation Act of 1969, 1969 PA 317, MCL 418.212, the new Qualifications Advisory Committee shall evaluate the performance of each Appellate Magistrate. The evaluation shall be based upon at least the following criteria:

- a. Productivity including reasonable time deadlines for disposing of cases.
- b. Manner in conducting any hearings.
- c. Knowledge of the law.
- d. Evidence of any demonstrable bias against particular defendants, claimants, or attorneys.
- e. Written surveys or comments of all interested parties.

17. Upon completing an evaluation under Section II.Q.16, the new Qualifications Advisory Committee shall submit a written report, including any supporting documentation to the Governor regarding that evaluation, which may include recommendations with regard to 1 or more of the following:

- a. Suspension.
- b. Removal.
- c. Additional training or education.

The Governor will respond in writing to the new Qualifications Advisory Committee regarding any action taken in response to a report of the new Qualifications Advisory Committee.

18. As authorized under Section 213(2) of the Worker's Disability Compensation Act of 1969, 1969 PA 317, MCL 418.213(2), an Appellate Magistrate may be removed as an Appellate Magistrate and from the Board of Magistrates by the Governor for good cause, including but not limited to, lack of productivity, or other neglect of duties.

19. On behalf of the Board of Magistrates, the Chairperson of the Board of Magistrates may promulgate rules on administrative appellate procedure for purposes consistent with this Order, the Worker's Disability Compensation Act

of 1969, 1969 PA 317, MCL 418.101 to 418.941, and the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

20. Functions transferred or assigned to the new QAC under Sections II.Q.2, II.Q.3, II.Q.5, and II.Q.7, shall not constitute the transaction of business of the new QAC for the purposes of Section II.M.7. Action required of the members of the new QAC appointed to represent the interests of employees under Sections II.Q.2, II.Q.3, II.Q.5, and II.Q.7 may be taken by a vote of the majority of the members the new QAC appointed to represent the interests of employees and serving. Action required of the members of the new QAC appointed to represent the interests of employers under Sections II.Q.2, II.Q.3, II.Q.5, and II.Q.7 may be taken by a vote of the majority of the members of the new QAC appointed to represent the interests of employers and serving.

21. The Director of the Department of Labor and Economic Growth, the Chairperson of the Worker's Compensation Appellate Commission, and the Chairperson of the Board of Magistrates shall immediately initiate coordination to facilitate the transfers under Sections II.P and II.Q of this Order, 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 Board of Magistrates.

22. All records, personnel, property, grants, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available or to be made available for the activities, functions, power, duties, and responsibilities transferred under Sections II.P and II.Q of this Order are transferred to the Board of Magistrates.

23. Consistent with the provisions of this Order, the Chairperson of the Board of Magistrates may by written instrument delegate a duty or power conferred by law or order to a member of the Board of Magistrates or a person employed by the Board of Magistrates or the Workers' Compensation Agency and the person to whom such duty or power is so delegated may perform such duty or exercise such power at the time and to the extent such duty or power is delegated by the Chairperson of the Board of Magistrates.

24. All rules, orders, contracts, and agreements relating to the functions of the Worker's Compensation Appellate Commission transferred to the Board of Magistrates under this Order lawfully adopted prior to the issuance of this Order shall continue to be effective until revised, amended, or rescinded.

III. DEPARTMENT OF CAREER DEVELOPMENT

A. Except as otherwise provided in this Section III, all authority, power, duties, functions, and responsibilities of the Department of Career Development, including but not limited to, any board, commission, council, or similar entity within the Department of Career Development, are transferred by Type II Transfer to the Director of the Department of Labor and Economic Growth, including but not limited to all of the following:

1. Any authority, powers, duties, functions, and responsibilities of the Governor's Workforce Commission, created under Section VII of Executive Order 1994-26, MCL 408.48. The position on the Governor's Workforce Commission designated for the Director of the Michigan Jobs Commission under Executive Order 1994-26, MCL 408.48, subsequently transferred to the Director of the Department of Career Development under Executive Order 1999-1, MCL 408.40, is transferred to the Director of the Department of Labor and Economic Growth, or his or her authorized representative.

2. Any authority, powers, duties, functions, and responsibilities of the Department of Career Development for Michigan Rehabilitative Services, pursuant to Executive Order 1999-1, MCL 408.40; the Rehabilitation Act of 1964, 1964 PA 232, MCL 395.81 to 395.90; 1952 PA 111, MCL 395.151 to 395.152; the Worker's Disability Compensation Act of 1969, 1969 PA 317, MCL 418.101 to 418.941; and the federal Rehabilitation Act of 1973, 29 USC 701 to 796l, transferred to the Michigan Jobs Commission under Executive Order 1994-26, MCL 408.48, and then to the Department of Career Development under Executive Order 1999-1, MCL 408.40.

3. Any authority, powers, duties, functions, and responsibilities of the Michigan Rehabilitation Advisory Council established within the Department of the Michigan Jobs Commission under Executive Order 1994-20 and then transferred to the Department of Career Development under Executive Order 1999-1, MCL 408.40.

4. Any authority, powers, duties, functions, and responsibilities of the Federal JOBS Program, Work First and Grant Diversion programs, transferred to the Department of the Michigan Jobs Commission under Executive Order 1994-26, MCL 408.48, and then transferred to the Department of Career Development under Executive Order 1999-1, MCL 408.40.

5. Any authority, powers, duties, functions, and responsibilities of the Michigan Community Service Commission, pursuant to 1994 PA 219, MCL 408.221 to 208.232, and Executive Order 1999-1, MCL 408.40.

6. Any remaining authority, powers, duties, functions, and responsibilities vested in the Department of Career Development or the Director of the Department Career Development relating to the Governor's Office for Job Training, transferred to the Department of the Michigan Jobs Commission under Executive Order 1994-26, MCL 408.48, and then transferred by Type III Transfer to the Department of Career Development under Executive Order 1999-1, MCL 408.40.

7. Any remaining authority, powers, duties, functions, and responsibilities vested in the Department of Career Development or the Director of the Department Career Development relating to the Displaced Homemaker Program transferred to the Department of the Michigan Jobs Commission under Executive Order 1994-26, MCL 408.48, and

then transferred by Type III Transfer to the Department of Career Development under Executive Order 1999-1, MCL 408.40.

8. Any remaining authority, powers, duties, functions, and responsibilities vested in the Department of Career Development or the Director of the Department Career Development relating to the Michigan Occupational Information Coordinating Committee, transferred to the Department of the Michigan Jobs Commission under Executive Order 1994-26, MCL 408.48, and then transferred by Type III Transfer to the Department of Career Development under Executive Order 1999-1, MCL 408.40.

9. Any remaining authority, powers, duties, functions, and responsibilities vested in the Department of Career Development or the Director of the Department Career Development relating to the Michigan Transition Initiative, including the functions of budgeting, procurement and management-related functions, transferred to the Department of the Michigan Jobs Commission under Executive Order 1994-26, MCL 408.48, and then transferred by Type III Transfer to the Department of Career Development under Executive Order 1999-1, MCL 408.40.

10. Any authority, powers, duties, functions, and responsibilities of the Michigan Occupational Information System transferred to the Michigan Jobs Commission under Executive Order 1994-26, MCL 408.48, and transferred to the Department of Career Development under Executive Order 1999-1, MCL 408.40.

11. Any authority, powers, duties, functions, and responsibilities vested in the Department of Career Development or the Director of the Department Career Development relating to the Department of Corrections Job Training Programs transferred to the Michigan Jobs Commission under Executive Order 1994-26, MCL 408.48, and then transferred by Type III Transfer to the Department of Career Development under Executive Order 1999-1, MCL 408.40.

12. Any authority, powers, duties, functions, and responsibilities of the Employment Service Agency not transferred to the Michigan Strategic Fund under Section III.A.6 of Executive Order 1999-1, MCL 408.40, and established pursuant to the Michigan Employment Security Act, 1936 (Ex Sess) PA 1, MCL 421.1 to 421.75, transferred to the Department of Career Development under Executive Order 1999-1, MCL 408.40.

13. Any authority, powers, duties, functions, and responsibilities of the Superintendent of Public Instruction to administer Adult Education Services transferred to the Department of Career Development under Executive Order 1999-12, MCL 388.995, including all of the following:

a. Section 1 of 1946 (1st Ex Sess) PA 18, MCL 388.531, regarding adult education programs by counties, except any policy-making authority retained by the State Board of Education.

b. Section 2 of 1946 (1st Ex Sess) PA 18, MCL 388.532, regarding training and approval of adult education instructors, except any policy-making authority retained by the State Board of Education.

14. Any remaining authority, powers, duties, functions, and responsibilities vested in the Department of Career Development or the Director of the Department Career Development relating to the authority, powers, duties, functions, and responsibilities of the State Board of Education under federal law regarding vocational education, transferred to the Department of Career Development under Executive Order 1999-12, MCL 388.995, except any authority, powers, duties, functions and responsibilities transferred to the State Administrative Board under Executive Order 2000-12, MCL 17.61, including but not limited to all of the following:

a. The School to Work Opportunities Act of 1994, 20 USC 6101 to 6251, or any successor statute, except any policy-making authority retained by the State Board of Education.

b. The Job Training Partnership Act, 29 USC 1501 to 1792b, or any successor statute, except any policy-making authority retained by the State Board of Education.

15. Any remaining authority, powers, duties, functions, and responsibilities vested in the Department of Career Development or the Director of the Department Career Development relating to the authority, powers, duties, functions, and responsibilities of the State Board of Education or Superintendent of Public Instruction, as applicable, regarding postsecondary services transferred to the Department of Career Development under Executive Order 1999-12, MCL 388.995, except any authority, powers, duties, functions and responsibilities transferred to the State Administrative Board under Executive Order 2000-12, MCL 17.61, including but not limited to all of the following:

a. Sections 1 to 3 of 1943 PA 148, MCL 395.101 to 395.103, regarding proprietary schools, except any policy-making authority retained by the State Board of Education.

b. Sections 1 to 5 of 1963 PA 40, MCL 395.121 to 395.125, regarding private trade schools or business schools, except any policy-making authority retained by the State Board of Education.

c. Sections 170 to 177 of the Michigan General Corporation Act, 1931 PA 327, MCL 450.170 to 177, and Section 10(c) of 1964 PA 287, MCL 388.1010(c), regarding educational corporations and foundations, except any policy-making authority retained by the State Board of Education.

d. Section 3 of the Revised School Code, 1976 PA 451, MCL 380.3, regarding the designation of service area boundaries for area vocational-technical programs, except any policy-making authority retained by the State Board of Education.

e. Section 105(4) of the Community Colleges Act of 1966, 1966 PA 331, MCL 389.105(4), regarding the designation of territory outside of a community college district to become part of its vocational-technical service area, except any policy-making authority retained by the State Board of Education.

f. Section 123(b) of the Community Colleges Act of 1966, 1966 PA 331, MCL 389.123(b), regarding the approval of tuition waivers in exchange for educational services rendered to community colleges, except any policy-making authority retained by the State Board of Education.

g. Section 124(a) of the Community Colleges Act of 1966, 1966 PA 331, MCL 389.124(a), regarding the education reports for a community college, except any policy-making authority retained by the State Board of Education.

h. Section 143 of the Community Colleges Act of 1966, 1966 PA 331, MCL 389.143, regarding the approval of the community college accounting system, the filing of audits, and the inspection of books, except any policy-making authority retained by the State Board of Education.

i. Section 2(d) of the Higher Education Loan Authority Act, 1975 PA 222, MCL 390.1152(d), regarding the designation of vocational schools eligible to receive student loans, except any policy-making authority retained by the State Board of Education.

j. Section 3(d) of 1986 PA 102, MCL 390.1283(d), regarding the designation of eligible postsecondary institutions for participation in the part-time, Independent Student Grant Program, except any policy-making authority retained by the State Board of Education.

k. Section 3 of 1986 PA 303, MCL 390.1323, regarding the designation of graduate and professional schools eligible to participate in the Michigan Graduate Work-Study Program, except any policy-making authority retained by the State Board of Education.

l. Section 3 of 1986 PA 288, MCL 390.1373, regarding the designation of postsecondary schools eligible for the Michigan Work Study Program, except any policy-making authority retained by the State Board of Education.

m. Section 3 of 1986 PA 273, MCL 390.1403, regarding the designation of postsecondary schools eligible for the Michigan Educational Opportunity Grant Program, except any policy-making authority retained by the State Board of Education.

n. 1964 PA 28, MCL 395.21, Sections 1 to 4 of 1964 PA 44, MCL 395.31 to 395.34, Sections 1 to 10 of 1919 PA 149, MCL 395.1 to 395.10, regarding the transfer of authority of the abolished State Board of Control for Vocational Education, that includes the authority to accept and disburse federal funds for specific federal grant programs, including, federal funds for vocational education under 20 USC 2301 to 2415, except any policy-making authority retained by the State Board of Education.

o. Administration of the Carl D. Perkins Vocational and Applied Technology Education Act, 20 USC 2301 et seq.

p. Administration of the King-Chavez-Parks Initiative, currently authorized in Sections 317, 318, and 321 of 2003 PA 169 and under Sections 118 and 501 to 507 of 2003 PA 144.

16. Any rule-making authority, powers, duties, functions, and responsibilities of the State Board of Education or the Superintendent of Public Instruction, as applicable, transferred to the Department of Career Development under Executive Order No. 1999-12, MCL 388.995, including but not limited to all of the following:

a. Section 61a of the State School Aid Act of 1979, 1979 PA 94, MCL 388.1661a, regarding administrative rules relating to vocational education consortiums for state aid purposes, except any policy-making authority retained by the State Board of Education.

17. Any remaining authority, powers, duties, functions, and responsibilities vested in the Department of Career Development or the Director of the Department Career Development relating to the authority, powers, duties, functions, and responsibilities under 1979 AC, R 395.231 to 395.362; 1988 AACCS, R 395.371; 1979 AC, R 395.372 to 395.375; and 1988 AACCS, R 395.376, regarding reimbursed programs of vocational-technical education, except any authority, powers, duties, functions and responsibilities transferred to the State Administrative Board under Executive Order 2000-12, MCL 17.61, and any policy-making authority retained by the State Board of Education.

18. Any authority, powers, duties, functions, and responsibilities of the Superintendent of Public Instruction regarding the administration of career preparation program transferred to the Department of Career Development under Executive Order 1999-12, MCL 388.995, including under Sections 67 and 68 of the State School Aid Act of 1979, 1979 PA 94, MCL 388.1667 and 388.1668, regarding the Advanced Career Academy and Michigan Career Preparation System grants, except any policy-making authority retained by the State Board of Education.

19. Any authority, powers, duties, functions, and responsibilities of the Department of Career Development under Section 38e of the Single Business Tax Act, 1975 PA 228, MCL 208.38e, regarding the apprenticeship tax credit.

20. Any authority, powers, duties, functions, and responsibilities of the Department of Career Development under Section 107 of the State School Aid Act of 1979, 1979 PA 94, MCL 388.1707, regarding allocation for adult education programs.

21. Any authority, powers, duties, functions, and responsibilities of the Department of Career Development under Section 108 of the State School Aid Act of 1979, 1979 PA 94, MCL 388.1708, regarding adult learning programs.

22. Any authority, powers, duties, functions, and responsibilities of the Department of Career Development under the Career and Technical Preparation Act, 2000 PA 258, MCL 388.1901 to 388.1913.

23. Any authority, powers, duties, functions, and responsibilities of the Department of Career Development to conduct with the Family Independence Agency joint orientation sessions for Family Independence Agency assistance applicants under Section 57d of The Social Welfare Act, 1939 PA 280, MCL 400.57d.

24. Any authority, powers, duties, functions, and responsibilities of the Department of Career Development under Section 57f of The Social Welfare Act, 1939 PA 280, MCL 400.57f, regarding the Work First Program.

25. All other authority, powers, duties, functions, and responsibilities of the Department of Career Development, including but not limited to the functions of budgeting, procurement, and management.

B. Any remaining authority, powers, duties, functions, and responsibilities vested in the Department of Career Development or the Director of the Department Career Development relating to the Council on Technical Excellence, created under Executive Order 2000-7, MCL 408.213 are transferred by Type III transfer to the Director of the Department of Labor and Economic Growth. The Council on Technical Excellence is abolished.

C. The Commission on Spanish-Speaking Affairs created under Section 2 of 1975 PA 164, MCL 18.302, transferred to the Director of the Department of Civil Rights under Executive Order 1991-29, MCL 37.111, and then transferred to the Department of Career Development under Executive Order 2000-5, MCL 18.311, is transferred by Type I Transfer to the Director of the Department of Labor and Economic Growth. The authority, powers, duties, functions, and responsibilities of the Department of Career Development relating to the Commission on Spanish-Speaking Affairs are transferred by Type II transfer to the Department of Labor and Economic Growth.

D. Any authority, powers, duties, functions, and responsibilities of the Michigan Workforce Investment Board created within the Department of Career Development under Executive Order 2002-5, MCL 408.101, is transferred by Type I Transfer to the Department of Labor and Economic Growth. The authority, powers, duties, functions, and responsibilities of the Department of Career Development relating to the Michigan Workforce Investment Board are transferred to the Department of Labor and Economic Growth.

E. Any authority, powers, duties, functions, and responsibilities of the Director of the Department of Career Development are transferred by Type II Transfer to the Director of the Department of Labor and Economic Growth, or his or her authorized representative, as applicable, including but not limited to all of the following:

1. Any remaining authority, powers, duties, functions, and responsibilities vested in the Department of Career Development or the Director of the Department Career Development relating to the Interagency Council on Spanish-Speaking Affairs under 1975 PA 164, MCL 18.301 to 18.308, transferred to the Director of the Department of Career Development by Type III Transfer under Executive Order 2000-5, MCL 18.311. Section 2 of Executive Order 2000-5, MCL 18.311 is rescinded and the Interagency Council on Spanish-Speaking Affairs is restored. The restored Interagency Council on Spanish-Speaking Affairs shall consist of all of the following members:

- a. The Director of the Department of Agriculture or his or her authorized representative.
- b. The Director of the Department of Civil Rights or his or her authorized representative.
- c. The Director of the Department of Civil Service or his or her authorized representative.
- d. The Director of the Department of Community Health or his or her authorized representative.
- e. The Director of the Department of Corrections or his or her authorized representative.
- f. The Director of the Department of Environmental Quality or his or her authorized representative.
- g. The Director of the Family Independence Agency or his or her authorized representative.
- h. The Director of the Department of Information Technology or his or her authorized representative.
- i. The Director of the Department of Labor and Economic Growth or his or her authorized representative.
- j. The Director of the Department of Management and Budget or his or her authorized representative.
- k. The Director of the Department of Natural Resources or his or her authorized representative.
- l. The State Treasurer or his or her authorized representative.
- m. The Superintendent of Public Instruction or his or her authorized representative.
- n. The Attorney General or his or her authorized representative.
- o. The Secretary of State or his or her authorized representative.
- p. The Executive Director of the Women's Commission or his or her authorized representative.
- q. The President and Chief Executive Officer of the Michigan Economic Development Corporation or his or her authorized representative.
- r. The Executive Director of the Michigan State Housing Development Authority or his or her authorized representative.

2. Any authority, powers, duties, functions, and responsibilities of the Director of the Department of Career Development under Section 353 of the Management and Budget Act, 1984 PA 431, MCL 18.1353, regarding certification of the seasonally adjusted state unemployment rate.

3. Any authority, powers, duties, functions, and responsibilities of the Director of the Department of Career Development, or his or her authorized representative, under the Career Development and Distance Learning Act, 2002 PA 36, MCL 390.1571 to 390.1579.

F. Any authority powers, duties, functions, and responsibilities related to the promulgation of rules by the Department of Career Development and any board, commission, council, or other similar entity within the Department of Career Development are transferred by Type II Transfer to the Director of the Department of Labor and Economic Growth.

G. 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, is transferred the Director of the Department of Labor and Economic Growth, or his or her authorized representative.

H. 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, is transferred to the Director of the Department of Labor and Economic Growth, or his or her authorized representative.

I. 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 Career Development for the activities, powers, duties, functions, and responsibilities transferred by this Section III are transferred to the Department of Labor and Economic Growth.

J. The Director of the Department of Labor and Economic Growth, after consultation with the Acting Director of the Department of Career Development, shall provide executive direction and supervision for the implementation of the transfer. The assigned functions shall be administered under the direction and supervision of the Director of the Department of Labor and Economic Growth.

K. The Acting Director of the Department of Career Development and the Director of the Department of Labor and Economic Growth shall immediately initiate coordination to facilitate the transfers under this Section III 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 Career Development.

L. The Director of the Department of Labor and Economic Growth shall administer any assigned functions under this Section III 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.

M. The Department of Career Development is abolished.

IV. DEPARTMENT OF COMMUNITY HEALTH

A. Bureau of Health Services

1. Any authority, powers, duties, functions, and responsibilities of the Bureau of Health Services of the Department of Consumer and Industry Services, its Licensing Division, the Compliant and Allegation Division, the Health Professional Recovery Program, and any board, commission, council, or similar entity within the Bureau of Health Services, including but not limited to any regulation by the Bureau of Health Services of health professionals in Michigan licensed, registered, or certified under Articles 7, 15 and 17 of the Michigan Public Health Code, 1978 PA 368, MCL 333.7101 to 333.7545, 333.16101 to 333.18838, and 333.20101 to 333.22260, are transferred by Type II Transfer from the Department of Consumer and Industry Services to the Department of Community Health, except that any licensing council, board, or task force shall retain all of its statutory authority, powers, duties, functions, and responsibilities in the same manner as health-related councils, boards, and task forces transferred to the Department of Commerce under Executive Order 1991-9, MCL 338.3501.

2. Any authority, powers, duties, functions, and responsibilities of management support within the Department of Consumer and Industry Services for programs or functions within the Bureau of Health Services being transferred to the Department of Community Health are transferred by Type II Transfer from the Department of Consumer and Industry Services to the Director of the Department of Community Health, except that any licensing councils, boards, and task forces shall retain all of their statutory authority, powers, duties, functions, and responsibilities in the same manner as health-related councils boards and task forces transferred to the Department of Commerce under Executive Order 1991-9, MCL 338.3501.

3. The Directors of the Departments of Community Health and Labor and Economic Growth shall negotiate regarding the transfer of the support and personnel for the programs being transferred from the Bureau of Health Services to the Department of Community Health such that the transfers occur in the most efficient manner possible.

4. Any authority powers, duties, functions, and responsibilities related to the promulgation of rules by the Department of Consumer and Industry Services related to the Bureau of Health Services and any board, commission, council, or other similar entity within the Bureau of Health Services are transferred to the Director of the Department of Community Health.

5. All records, personnel, property, unexpended balances of appropriations, allocations, or other funds used, held, employed, available, or to be made available to the Bureau of Health Services for the activities, powers, duties, functions, and responsibilities transferred by this Section IV.A are transferred to the Department of Community Health.

B. Bureau of Health Systems

1. Any authority, powers, duties, functions, and responsibilities of the Bureau of Health Systems of the Department of Consumer and Industry Services, including but not limited to the Division of Health and Facilities Services, the Division of Licensing and Certification, the Division of Nursing Home Monitoring, the Division of Operations, and any board, commission, council, or similar entity within the Bureau of Health Systems are transferred by Type II Transfer from the Department of Consumer and Industry Services to the Director of the Department of Community Health.

2. Any authority, powers, duties, functions, and responsibilities of management support within the Department of Consumer and Industry Services for programs or functions within the Bureau of Health Systems being transferred to the Department of Community Health are transferred by Type II Transfer from the Department of Consumer and Industry Services to the Director of the Department of Community Health.

3. The transfer under this Section IV.B includes but is not limited to authority, powers, duties, functions, and responsibilities of the Bureau of Health Systems under all of the following:

a. Any authority, powers, duties, functions, and responsibilities of the Bureau of Health Systems under Parts 201, 205, 208, 214, 215 and 217 of the Public Health Code, 1978 PA 368, MCL 333.20101 to 333.20211, 333.20501 to 333.20554, 333.20801 to 333.20821, 333.21401 to 333.21568, and 333.21701 to 333.21799e. The transfer under this paragraph includes any authority, powers, duties, functions, and responsibilities of the Bureau of Health Systems under Part 213 of the Public Health Code, 1978 PA 368, MCL 333.21301 to 31333, not transferred to the Family Independence Agency under Section VII.

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

c. The authority, powers, duties, functions, and responsibilities of the Division of Federal Support Services.

d. Any authority, powers, duties, functions, and responsibilities of the Bureau of Health Systems related to the Division of Emergency Medical Services under Part 209 of the Public Health Code, 1978 PA 368, MCL 333.20901 to 333.20979.

4. The Directors of the Departments of Community Health and Labor and Economic Growth shall negotiate regarding the transfer of the support and personnel for the programs being transferred from the Bureau of Health Systems to the Department of Community Health such that the transfers occur in the most efficient manner possible.

5. Any authority powers, duties, functions, and responsibilities related to the promulgation of rules by the Department of Consumer and Industry Services 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 Director of the Department of Community Health.

6. All records, personnel, 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 IV.B are transferred to the Department of Community Health.

C. Controlled Substances Advisory Commission

1. The Controlled Substances Advisory Commission created under Section 7111 of the Public Health Code, 1978 PA 368, MCL 333.7111, is transferred by Type II Transfer to the Department of Community Health.

D. Advisory Committee on Pain and Symptom Management

1. The Advisory Committee on Pain and Symptom Management created under Section 16204a of the Public Health Code, 1978 PA 368, MCL 333.16204a, is transferred by Type II Transfer to the Department of Community Health.

2. The position as member and Chairperson of the Advisory Committee on Pain and Symptom Management designated under Section 16204a(1)(k) of the Public Health Code, 1978 PA 368, MCL 333.16204a(1)(k), for the Director of the Department of Consumer and Industry Services or his or her authorized representative is transferred to the Director of Community Health or his or her authorized representative.

3. The position as member of the Advisory Committee on Pain and Symptom Management designated under Section 16204a(1)(l) of the Public Health Code, 1978 PA 368, MCL 333.16204a(1)(l), for the Director of the Department of Community Health or his or her authorized representative is transferred to an authorized representative of the Director of the Department of Community Health.

4. Per diem compensation for members of the Advisory Committee on Pain and Symptom Management provided under Section 16204a(2) of the Public Health Code, 1978 PA 368, MCL 333.16204a(2), is subject to available appropriations.

5. The requirement under Section 16204a(4)(f) of the Public Health Code, 1978 PA 368, MCL 333.16204a(4)(f), that the Advisory Committee on Pain and Symptom Management annually report to the Department of Consumer and Industry Services is abolished, but the requirement to annually report to the Director of the Department of Community Health continues.

6. The responsibilities of the Department of Consumer Industry Services related to the development, publication, and distribution of an informational booklet on pain under Section 16204d of the Public Health Code, 1978 PA 368, MCL 333.16204d, are transferred by Type II Transfer to the Director of the Department of Community Health.

E. Implementation of Transfers to Department of Community Health

1. The Director of the Department of Community Health, after consultation with the Director of the Department of Consumer and Industry Services, 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 Community Health.

2. The Directors of the Departments of Community Health and Labor and Economic Growth shall immediately initiate coordination to facilitate the transfers under this Section IV 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 Community Health.

3. The Director of the Department of Community Health shall administer any assigned functions under this Section IV 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 ENVIRONMENTAL QUALITY

Brownfield Redevelopment Board

A. The position on the Brownfield Redevelopment Board created under Section 20104a of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.20104a, designated for the Chief Executive Officer of the

Michigan Jobs Commission or his or her designee is transferred to the Director of the Department of Labor and Economic Growth or his or her authorized representative.

B. The Director of the Department of Labor and Economic Growth, or the authorized representative of the Director serving as a member of the Brownfield Development Board under Section V.A, shall serve as the Chairperson of the Brownfield Redevelopment Board.

VI. DEPARTMENT OF TRANSPORTATION

A. Detroit People Mover Oversight

1. Any authority, powers, duties, and functions of the Department of Consumer and Industry Services under Section 5330 of the Federal Transit Act, 49 USC 5330, related to required oversight of the safety and security of the Detroit People Mover are transferred by Type II Transfer to the Director of the Department of Transportation.

2. 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 Labor and Economic Growth for the activities, powers, duties, functions, and responsibilities transferred by this Section VI are transferred to the Department of Transportation.

3. The Director of the Department of Transportation, in cooperation with the Director of the Department of Labor and Economic Growth, shall provide executive direction and supervision for the implementation of the transfer. The assigned functions shall be administered under the direction and supervision of the Director of the Department of Transportation.

4. The Directors of the Department of Transportation and the Department of Labor and Economic Growth shall immediately initiate coordination to facilitate the Type II Transfer under this Section VI 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 Transportation.

5. The Director of the Department of Transportation shall administer any assigned functions under this Section VI 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.

6. The Director of the Department of Transportation shall notify the United States Secretary of Transportation of the transfers under this Section VI pursuant to federal law.

B. Trolley Line Service Oversight

1. Any authority, powers, duties, and functions of the Department of Consumer and Industry Services under Section 5330 of the Federal Transit Act, 49 USC 5330, relating to trolley line service oversight, are transferred by Type II Transfer to the Director of the Department of Transportation.

2. 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 Labor and Economic Growth for the activities, powers, duties, functions, and responsibilities transferred by this Section VI are transferred to the Department of Transportation.

3. The Director of the Department of Transportation, after consultation with the Director of the Department of Labor and Economic Growth, shall provide executive direction and supervision for the implementation of the transfer. The assigned functions shall be administered under the direction and supervision of the Director of the Department of Transportation.

4. The Directors of the Department of Transportation and the Department of Labor and Economic Growth shall immediately initiate coordination to facilitate the Type II Transfer under this Section VI 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 Transportation.

5. The Director of the Department of Transportation shall administer any assigned functions under this Section VI 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.

6. The Director of the Department of Transportation shall notify the United States Secretary of Transportation of the transfers under this Section VI pursuant to federal law.

VII. FAMILY INDEPENDENCE AGENCY

Office of Children and Adult Licensing

A. Any authority, powers, duties, functions, and responsibilities of the Bureau of Family Services are transferred by Type II Transfer from the Department of Consumer and Industry Services to the Family Independence Agency, including but not limited to all of the following:

1. Any authority, powers, duties, functions, and responsibilities of management support functions including but not limited to management information systems, facility support, and licensing hearings, except as provided in Section VII.D of this Order.

2. Any authority, powers, duties, functions, and responsibilities of adult foster care, adult foster care facility, adult foster care camp, adult camp, adult foster care family home, and adult foster care group home licensing and regulation

under the Adult Foster Care Licensing Act, 1979 PA 218, MCL 400.701 to 400.737, the Social Welfare Act, 1939 PA 280, MCL 400.1 to 400.122, and 1974 PA 381, MCL 338.41 to 338.47.

3. Any authority, powers, duties, functions, and responsibilities of child welfare, child care organization, child caring institution, child placing organization, children's camp, child care center, day care center, foster family home, foster family group home, family day care home, and group day care home licensing and regulation under 1973 PA 116, MCL 722.111 to 722.128, the Adult Foster Care Licensing Act, 1979 PA 218, MCL 400.701 to 400.737, and the Social Welfare Act, 1939 PA 280, MCL 400.1 to 400.122.

4. Any authority, powers, duties, functions, and responsibilities of licensing and regulation of homes for the aged under Article 17 of the Public Health Code, 1978 PA 368, MCL 333.20101 to 333.22260, and the Social Welfare Act, 1939 PA 280, MCL 400.1 to 400.122.

B. The Adult Foster Care Licensing Advisory Council and all of its authority, powers, duties, functions, and responsibilities of the Adult Foster Care Licensing Advisory Council under the Adult Foster Care Licensing Act, 1979 PA 218, MCL 400.701 to 400.737, and the Social Welfare Act, 1939 PA 280, MCL 400.1 to 400.122, are transferred by Type II Transfer to the Family Independence Agency.

C. The Director of the Family Independence Agency 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.

D. The Director of the Family Independence Agency, after consultation with the Director of the Department of Consumer and Industry Services, shall provide executive direction and supervision for the implementation of the transfer. The assigned functions shall be administered under the direction and supervision of the Director of the Family Independence Agency and all prescribed functions of rule-making, licensing, and registration, including but not limited to the prescription of rules, regulations, standards, and adjudications, under the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.201 to 24.328, shall be transferred to the Director of the Family Independence Agency. The Bureau of Hearings of the Department of Consumer and Industry Services may continue to conduct hearings for the Bureau of Family Services. The Department of Consumer and Industry Services and the Family Independence Agency shall enter into an interdepartmental agreement providing for the conduct of hearings for the Bureau of Family Services by the Bureau of Hearings.

E. All records, personnel, property, and unexpended balances of appropriations, allocations and other funds used, held, employed, available, or to be made available to the Department of Consumer and Industry Services for the activities, powers, duties, functions, and responsibilities transferred under this Order are transferred to the Family Independence Agency.

F. The Directors of the Family Independence Agency and the Department of Consumer and Industry Services shall immediately initiate coordination to facilitate the transfer 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 Family Independence Agency.

G. Upon transfer to the Family Independence Agency, the Bureau of Family Services is renamed the Office of Children and Adult Licensing.

VIII. MISCELLANEOUS

A. The State Budget Director shall determine and authorize the most efficient manner possible for handling financial transactions and records in the state's financial management system for the remainder of Fiscal Year 2003-2004.

B. 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.

C. Any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected under 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 under 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 Article V, Section 2 of the Michigan Constitution of 1963, the provisions of this Executive Order are effective 60 days from the filing this Order.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 17th day of September, 2003.

Jennifer M. Granholm

Governor

By the Governor:

Terri Land

Secretary of State

Date: August 14, 2003
Time: 1:40 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4945 (Public Act No. 174, I.E.), being

An act to amend 1936 (Ex Sess) PA 1, entitled “An act to protect the welfare of the people of this state through the establishment of an unemployment compensation fund, and to provide for the disbursement thereof; to create certain other funds; to create the Michigan employment security commission, and to prescribe its powers and duties; to provide for the protection of the people of this state from the hazards of unemployment; to levy and provide for contributions from employers; to provide for the collection of such contributions; to enter into reciprocal agreements and to cooperate with agencies of the United States and of other states charged with the administration of any unemployment insurance law; to furnish certain information to certain governmental agencies for use in administering public benefit and child support programs and investigating and prosecuting fraud; to provide for the payment of benefits; to provide for appeals from redeterminations, decisions and notices of assessments; and for referees and a board of review to hear and decide the issues arising from redeterminations, decisions and notices of assessment; to provide for the cooperation of this state and compliance with the provisions of the social security act and the Wagner-Peyser act passed by the Congress of the United States of America; to provide for the establishment and maintenance of free public employment offices; to provide for the transfer of funds; to make appropriations for carrying out the provisions of this act; to prescribe remedies and penalties for the violation of the provisions of this act; and to repeal all acts and parts of acts inconsistent with the provisions of this act,” by amending sections 3, 17, 20, and 64 (MCL 421.3, 421.17, 421.20, and 421.64), sections 3 and 20 as amended by 2002 PA 192, section 17 as amended by 1996 PA 535, and section 64 as amended by 1993 PA 275.

(Filed with the Secretary of State August 14, 2003, at 2:20 p.m.)

Date: August 22, 2003
Time: 8:50 a.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4453 (Public Act No. 175, I.E.), being

An act to amend 1980 PA 300, entitled “An act to provide a retirement system for the public school employees of this state; to create certain funds for this retirement system; to provide for the creation of a retirement board within the department of management and budget; to prescribe the powers and duties of the retirement board; to prescribe the powers and duties of certain state departments, agencies, officials, and employees; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending section 68 (MCL 38.1368).

(Filed with the Secretary of State August 22, 2003, at 9:15 a.m.)

Date: August 25, 2003
Time: 3:35 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4630 (Public Act No. 176, I.E.), being

An act to amend 1952 PA 214, entitled “An act authorizing the Mackinac bridge authority to acquire a bridge connecting the upper and lower peninsulas of Michigan, including causeways, tunnels, roads and all useful related equipment and facilities, including park, parking, recreation, lighting and terminal facilities; extending the corporate existence of the authority; authorizing such authority to enjoy and carry out all powers incident to its corporate objects; authorizing the appropriation and use of state funds for the preliminary purposes of the authority; providing for the payment of the cost of such bridge and in that connection authorizing the authority to issue revenue bonds payable solely from the revenues of the bridge; granting the right of condemnation to the authority; granting the use of state land and property to the authority; making provisions for the payment and security of such bonds and granting certain rights and remedies to the holders thereof; authorizing banks and trust companies to perform certain acts in connection therewith; authorizing the imposition of tolls and charges; authorizing the authority to secure the consent of the United States government to the construction of the bridge and to secure approval of plans, specifications and location of same; authorizing employment of engineers irrespective of whether such engineers have been previously employed to make preliminary inspections or reports with respect to the bridge; authorizing the state highway department to operate

and maintain such bridge or to contribute thereto and enter into leases and agreements in connection therewith; exempting such bonds and the property of the authority from taxation; prohibiting competing traffic facilities; authorizing the operation of ferries by the authority; providing for the construction and use of certain buildings; and making an appropriation,” by amending section 12 (MCL 254.322).

(Filed with the Secretary of State August 25, 2003, at 4:52 p.m.)

Date: August 28, 2003

Time: 5:45 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

Enrolled House Bill No. 4087 (Public Act No. 177, I.E.), being

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts,” (MCL 324.101 to 324.90106) by adding part 317.

(Filed with the Secretary of State August 29, 2003, at 10:03 a.m.)

Communications from State Officers

The following communications from the Secretary of State were received and read:

Notices of Filing Administrative Rules

August 5, 2003

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 3:00 P.M. this date, administrative rule (03-08-01) for the Department of Agriculture, Fairs, Exhibitions and Racing Division, entitled “*Regulation No. 88. Michigan Sire Stake Races*”, effective 7 days hereafter.

August 5, 2003

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 3:02 P.M. this date, administrative rule (03-08-02) for the Department of Agriculture, Pesticide and Plant Pest Management Division, entitled “*Regulation No. 642. On Farm Fertilizer Bulk Storage*”, effective 7 days hereafter.

August 5, 2003

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 3:04 P.M. this date, administrative rule (03-08-03) for the Department of Environmental Quality, Waste and Hazardous Materials Division, entitled “*Storage and Handling of Flammable and Combustible Liquids*”, effective 7 days hereafter.

August 11, 2003

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 2:32 P.M. this date, administrative rule (03-08-04) for the Department of Consumer and Industry Services, Director’s Office, entitled “*Occupational Health Standards – Part 700. Agriculture*”, effective 7 days hereafter.

September 3, 2003

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 2:13 P.M. this date, administrative rule (03-09-01) for the Department of Agriculture, Racing Commissioner, entitled "*Simulcast Purse Pool Distribution (General Rules)*", effective 7 days hereafter.

September 11, 2003

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 1:25 P.M. this date, administrative rule (03-09-02) for the Department of Consumer and Industry Services, Director's Office, entitled "*Barbers*", effective 7 days hereafter.

September 15, 2003

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 2:04 P.M. this date, administrative rule (03-09-03) for the Department of Consumer and Industry Services, Public Service Commission, entitled "*Electric Interconnection Standards*", effective 7 days hereafter.

September 16, 2003

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Office of Regulatory Reform, Legal Division filed at 10:20 A.M. this date, administrative rule (03-09-04) for the Department of State Police, Special Operations Division, entitled "*Tests for Breath Alcohol*", effective September 30, 2003.

Sincerely,
Terri Lynn Land
Secretary of State
Elena L. Beasley, Manager
Office of the Great Seal

The communications were referred to the Clerk.

The following communications from the Auditor General were received and read:

August 28, 2003

Enclosed is a copy of the following audit report and/or report summary:
Financial Audit Including the Provisions of the
Single Audit Act of the
Michigan Department of Career Development
October 1, 2000 through September 30, 2002

August 29, 2003

Enclosed is a copy of the following audit report and/or report summary:
Performance Audit of
Selected Training Related Programs
Michigan Economic Development Corporation
August 2003

September 11, 2003

Enclosed is a copy of the following audit report and/or report summary:
Performance Audit of
Bureau of Transportation Planning
Michigan Department of Transportation
September 2003

September 17, 2003

Enclosed is a copy of the following audit report and/or report summary:
Financial Audit of the
Michigan State Fair and Exposition Center
Department of Agriculture
October 1, 2001 through September 30, 2002

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

The communications were referred to the Clerk and the accompanying reports referred to the Committee on Government Operations.

The following communication from the Department of Consumer and Industry Services was received and read:

September 8, 2003

Pursuant to Section 314 of P.A. 527 of 2002, we are enclosing a copy of the following reports:

<u>Type of Report</u>	<u>Facility</u>	<u>Report #</u>	<u>License #</u>
Approval Study Report	Woodland Center		CS470245817

This report was performed in compliance with the requirements of P.A. 116 of 1973 as amended, and the Administrative Rules for Child Caring Institutions. The report may also be viewed on our website under "Inside CIS" at the following address: <http://www.michigan.gov/cis/>.

If you have any questions regarding this information, please feel free to contact me at 373-3892.

Sincerely,
Allan R. Pohl
Acting Director
Finance and Administrative Services

The communication was referred to the Clerk.

The following communication from the Department of State Police was received and read:

September 9, 2003

In accordance with MCL 28.273 Sec 3 (2), the Michigan State Police (MSP) is notifying the Secretary of the Senate and the Clerk of the House of Representatives that the report stating whether the fee increase provided under the amendatory act that added this subsection is sufficient to support the actual costs of fingerprinting.

This report has been posted on the web site listed below and titled: Fingerprint Cost Analysis

Link to report: http://www.michigan.gov/documents/ccw_lic_11315_7.pdf

Direct link to MSP's Appropriation Required Reports:

http://www.michigan.gov/msp/0,1607,7-123-1645_4607_4610---,00.html

If you have any questions please contact Ms. Jerri McClure, MSP Budget Director, at (517) 336-6433.

Thank you,
Pam Cruz
Executive Secretary
MSP – Office of the Budget
517-336-6692

The communication was referred to the Clerk.

The Speaker Pro Tempore called Associate Speaker Pro Tempore Vander Veen to the Chair.

By unanimous consent the House returned to the order of
Reports of Standing Committees

The Speaker laid before the House
House Resolution No. 14.

A resolution to encourage the International Trade Commission to study the effects of steel tariffs before the scheduled study in September 2003.

(For text of resolution, see House Journal No. 5, p. 75.)

(The resolution was reported by the Committee on Government Operations on February 19, consideration of which, under the rules, was postponed until February 20.)

The question being on the adoption of the resolution,

Rep. Richardville moved that the resolution be re-referred to the Committee on Government Operations.
The motion prevailed.

The Speaker laid before the House
House Resolution No. 20.

A resolution to express opposition to the University of Michigan's admissions policies that factor race, geography, or other non-meritorious factors into the evaluation of applicants and to urge the United States Supreme Court to rule against the University's policies in the pending case.

(For text of resolution, see House Journal No. 12, p. 134.)

(The resolution was reported by the Committee on Government Operations on February 20, with substitute (H-1), consideration of which, under the rules, was postponed until February 25.)

(For substitute, see House Journal No. 13, p. 165.)

The question being on the adoption of the proposed substitute (H-1) recommended by the Committee,

Rep. Richardville moved that the resolution be re-referred to the Committee on Government Operations.
The motion prevailed.

Third Reading of Bills

House Joint Resolution I, entitled

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 5 of article II, to permit county and township officers to be elected at other than the November general election.

(The joint resolution was read a third time and postponed for the day on June 19, see House Journal No. 54, p. 926.)

The question being on the adoption of the joint resolution,

Rep. Richardville moved that the joint resolution be re-referred to the Committee on Local Government and Urban Policy.
The motion prevailed.

Second Reading of Bills

Pending the Second Reading of
Senate Bill No. 240, entitled

A bill to amend 1913 PA 380, entitled "An act to regulate gifts of real and personal property to cities, villages, townships, and counties, and the use of the those gifts; and to validate all such gifts made before the enactment of this act," by amending the title and section 2 (MCL 123.872), the title as amended and section 2 as added by 1985 PA 9.

Rep. Richardville moved that the bill be re-referred to the Committee on Local Government and Urban Policy.

The motion prevailed.

Pending the Second Reading of
House Bill No. 4279, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," by amending sections 107, 201, 204, 206, 207, 211, 401, 502, 602, 608, 609, 610, 611, 612, 613, and 614 (MCL 550.1107, 550.1201, 550.1204,

550.1206, 550.1207, 550.1211, 550.1401, 550.1502, 550.1602, 550.1608, 550.1609, 550.1610, 550.1611, 550.1612, 550.1613, and 550.1614), section 207 as amended by 1999 PA 210, section 211 as amended by 1993 PA 127, section 401 as amended by 2000 PA 26, section 502 as amended by 1998 PA 446, section 608 as amended by 1991 PA 73, and section 609 as amended by 1991 PA 61, and by adding sections 204a, 205a, 422c, 608a, 608b, 608c, 608d, and 620; and to repeal acts and parts of acts.

Rep. Richardville moved that the bill be re-referred to the Committee on Health Policy.

The motion prevailed.

Pending the Second Reading of

House Bill No. 4553, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3406q (MCL 500.3406q), as added by 2002 PA 538, and by adding chapter 37.

Rep. Richardville moved that the bill be re-referred to the Committee on Health Policy.

The motion prevailed.

Pending the Second Reading of

House Bill No. 4829, entitled

A bill to amend 1966 PA 331, entitled "Community college act of 1966," by amending sections 2, 12, 14, 16, 17, 18, 21, 37, 38, 57, 58, 105, 107, 111, 122, 144, and 154 (MCL 389.2, 389.12, 389.14, 389.16, 389.17, 389.18, 389.21, 389.37, 389.38, 389.57, 389.58, 389.105, 389.107, 389.111, 389.122, 389.144, and 389.154), section 2 as added by 1998 PA 153, sections 14, 17, 21, 37, and 57 as amended by 2000 PA 488, section 111 as amended by 1997 PA 135, section 122 as amended by 2002 PA 72, section 144 as amended by 2002 PA 73, and section 154 as amended by 1984 PA 96.

Rep. Richardville moved that the bill be re-referred to the Committee on Local Government and Urban Policy.

The motion prevailed.

Pending the Second Reading of

House Bill No. 4830, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 3, 4, 5, 6, 616, 661, 662, 681, 701, 705, 856, 932, 1001, 1031, and 1229a (MCL 380.3, 380.4, 380.5, 380.6, 380.616, 380.661, 380.662, 380.681, 380.701, 380.705, 380.856, 380.932, 380.1001, 380.1031, and 380.1229a), sections 3 and 6 as amended and sections 1031 and 1229a as added by 1995 PA 289, section 5 as amended by 1999 PA 23, section 662 as amended by 1982 PA 369, and sections 681 and 705 as amended by 1994 PA 258; and to repeal acts and parts of acts.

Rep. Richardville moved that the bill be re-referred to the Committee on Local Government and Urban Policy.

The motion prevailed.

Pending the Second Reading of

House Bill No. 4831, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 641 (MCL 168.641).

Rep. Richardville moved that the bill be re-referred to the Committee on Local Government and Urban Policy.

The motion prevailed.

Pending the Second Reading of

House Bill No. 4832, entitled

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 2, 3, 4, 192, 193, 197, 200, 209, 223, 231, 239, 253, 258, 269, 282, 282a, 283, 286, 286a, 289, 321, 322, 345, 348, 358, 358a, 362, 370, 370a, 381, 382, 412, 416, 432, 467a, 498, 538, 570a, 616a, 635, 643, 644c, 644e, 646a, 697, and 699 (MCL 168.2, 168.3, 168.4, 168.192, 168.193, 168.197, 168.200, 168.209, 168.223, 168.231, 168.239, 168.253, 168.258, 168.269, 168.282, 168.282a, 168.283, 168.286, 168.286a, 168.289, 168.321, 168.322, 168.345, 168.348, 168.358, 168.358a, 168.362, 168.370, 168.370a, 168.381, 168.382, 168.412, 168.416, 168.432, 168.467a, 168.498, 168.538, 168.570a, 168.616a, 168.635, 168.643, 168.644c, 168.644e, 168.646a, 168.697, and 168.699), section 2 as amended by 2002 PA 163, sections 193 and 322 as amended by 1999 PA 218, sections 200 and 643 as amended by 1998 PA 364, sections 209, 239, and 269 as amended by 1990 PA 7, section 283 as amended by 1999 PA 216, section 321 as amended by 1994 PA 277, section 358 as amended by 1999 PA 16, section 358a as amended by 1990 PA 235, section 362 as amended by 1980

PA 112, sections 370 and 370a as amended by 1990 PA 83, section 381 as amended by 1991 PA 16, section 416 as amended by 1990 PA 32, section 467a as amended by 1981 PA 4, section 498 as amended by 1984 PA 89, section 616a as added by 1988 PA 275, and section 646a as amended by 2002 PA 431, and by adding sections 644 and 659; and to repeal acts and parts of acts.

Rep. Richardville moved that the bill be re-referred to the Committee on Local Government and Urban Policy.
The motion prevailed.

Pending the Second Reading of
Senate Bill No. 157, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 375 (MCL 380.375), as added by 1999 PA 10.

Rep. Richardville moved that the bill be re-referred to the Committee on Commerce.
The motion prevailed.

Pending the Second Reading of
House Bill No. 4508, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 375 (MCL 380.375), as added by 1999 PA 10.

Rep. Richardville moved that the bill be re-referred to the Committee on Commerce.
The motion prevailed.

Messages from the Governor

The following line items veto message from the Governor was received and read:

Executive Office, August 12, 2003

Michigan House of Representatives
State Capitol Building
Lansing, MI 48933

Ladies and Gentlemen:

Today I have signed **Enrolled House Bill 4393**, the fiscal year 2004 appropriations bill for the Department of Environmental Quality. I am, however, returning it to you because of two items of which I disapprove, pursuant to Article V, Section 19, of the Michigan Constitution. The specific vetoes are contained in the attached copy of the bill, which has been filed with the Secretary of State. My action today:

- Includes \$8.6 million in support of the National Pollutant Discharge Elimination System (NPDES) Program, including \$3.0 million of estimated new NPDES fees. I urge the Legislature to finish its work on Senate Bill 252 in order to implement the new fee structure.
- Includes \$1.9 million in support of the Septage Waste Program, which provides grants to local units of government to ensure that septage disposal is not detrimental to the environment.
- Includes \$1.0 million in support of a statewide groundwater inventory and map required in Enrolled Senate Bill 289. This inventory and map is the first step in improving groundwater management and is necessary for the state's comprehensive water management strategy.
- Includes \$1.7 million in new Groundwater Discharge Permit Fees in support of the Groundwater Discharge Program, previously supported by General Fund. Again, I urge the Legislature to finish its work on Senate Bill 540 in order to implement the new fee structure.
- Includes \$800,000 in support of the Aquifer Protection and Dispute Resolution and Aquifer Protection Revolving Fund Programs. House Bill 4087, which requires the Department to investigate and resolve groundwater withdrawal conflicts, is awaiting enrollment pending negotiations on an alternative-funding source with Representative Moolenaar. If successful, Representative Moolenaar will initiate action to adjust funding to reflect the final agreement.
- Replaced \$2.6 million General Fund support of the Solid Waste Management Program with new Solid Waste Fees. The proposed new fee structure includes fees for out-of-state waste in direct proportion to the amount of waste received in Michigan landfills.

- Includes \$2.5 million in support of the Stormwater Discharge Program, which will allow the Department to comply with Phase II of the Federal Storm Water Program. Once again, I urge the Legislature to finish its work on Senate Bill 510 in order to implement the new fee structure.
- Provides \$2.8 million in additional funding for Scrap Tire Grants.

My action today also vetoes two items with which I do not concur. I have vetoed portions of section 1104, which provides \$1,000,000 to operate a comprehensive monitoring program for the St. Clair River, Lake St. Clair, and the Clinton River watershed. The fiscal year 2003 appropriation for the Department of Environmental Quality contains \$2.5 million to implement a comprehensive monitoring plan, jointly developed by the Department and the Macomb County Health Department, for the Lake St. Clair watershed. This existing appropriation is adequate to fund water quality monitoring activities for the Lake St. Clair watershed through fiscal year 2005. I have also vetoed boilerplate section 901, which provides funding for the posting of beach signs at publicly owned beaches. I support the use of federal funding, available through grants to local health departments, for this purpose.

This bill supports the essential operations of the Department of Environmental Quality for fiscal year 2004. I commend the Legislature for its prompt action in finalizing this budget.

Sincerely,
Jennifer Granholm
Governor

The bill was signed by the Governor, August 12, 2003, at 2:30 p.m.

The bill was filed with the Secretary of State, August 13, 2003, at 2:26 p.m. and assigned Public Act No. 171, I.E.

The question being on the passage of the disapproved items, the objections of the Governor to the contrary notwithstanding,

Rep. Richardville moved that the bill be re-referred to the Committee on Appropriations.

The motion prevailed.

The following veto message from the Governor was received and read:

Executive Office, August 25, 2003

Michigan House of Representatives
State Capitol
Lansing, Michigan 48909-7514

Ladies and Gentlemen:

Today I return with my objections **Enrolled House Bill 4627**, in accordance with Section 33 of Article IV of the Michigan Constitution of 1963. This legislation is not in the best interests of Michigan taxpayers for two reasons:

1. The bill would forgive the Mackinac Bridge Authority's obligation to repay \$53.2 million in advances owed to the State of Michigan—advances paid by Michigan taxpayers.
2. Under current law, when all of the costs of the Mackinac Bridge, including advances to the Mackinac Bridge Authority funded by Michigan taxpayers, are repaid, the Mackinac Bridge and other rights and property of the Authority must be transferred to the State of Michigan. House Bill 4627 would eliminate this statutory requirement to the long-term detriment of the State of Michigan and Michigan taxpayers.

Accordingly, I return Enrolled House Bill 4627 without signature.

Respectfully,
Jennifer M. Granholm
Governor

The question being on the passage of the bill, the objections of the Governor to the contrary notwithstanding,

Rep. Richardville moved that the bill be re-referred to the Committee on Transportation.

The motion prevailed.

The following veto message from the Governor was received and read:

Executive Office, August 25, 2003

Michigan House of Representatives
State Capitol
Lansing, Michigan 48909-7514

Ladies and Gentlemen:

Today I return with my objections **Enrolled House Bill 4631**, in accordance with Section 33 of Article IV of the Michigan Constitution of 1963. In light of current budget conditions, this legislation is not fiscally responsible.

Fiscal constraints confronting the State of Michigan have forced the delay of transportation projects throughout Michigan. House Bill 4631 would further exacerbate the situation by diverting at least \$5.25 million annually to the Mackinac Bridge Authority, at the expense of road and bridge projects throughout Michigan. At this time it is inappropriate to shortchange local transportation needs by transferring road and bridge funding to the Mackinac Bridge Authority, which has the statutory power to levy tolls.

Accordingly, I return Enrolled House Bill 4631 without signature.

Respectfully,
Jennifer M. Granholm
Governor

The question being on the passage of the bill, the objections of the Governor to the contrary notwithstanding, Rep. Richardville moved that the bill be re-referred to the Committee on Transportation. The motion prevailed.

Rep. Richardville 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

Motions and Resolutions

Reps. Sak, Bieda, Paletko, Plakas, Stallworth, Byrum, Farrah, Spade, O'Neil, Rivet, Vagnozzi, Farhat, Elkins, Brown, Minore, Hardman, Law, Zelenko, Anderson, Woodward, Gillard, Whitmer, Tobocman, Daniels, Wojno, Gielegem, Brandenburg, Condino, Dennis, Richardville, Waters, Clack, Hager, Hopgood, Kolb, Murphy, Stewart, Adamini, Caul, DeRossett, Jamnick, Julian, Lipsey and Sheltroun offered the following resolution:

House Resolution No. 115.

A resolution offered to recognize Labor Day 2003 in honor of Michigan's men and women of labor.

Whereas, Michigan has a long-standing tradition of supporting the rights of working men and women and their right to organize and collectively bargain; and

Whereas, Michigan's economic success of the past and prospects for the future have been built on the backs of Michigan's hardworking men and women; and

Whereas, We thank the strength and solidarity of the labor movement of the 1950s that helped significantly increase the incomes of Michigan's working families; and

Whereas, We thank the vigor and dedication of the labor movement that helped establish health benefits for workers, improve worker's safety and stimulate local and regional economies; and

Whereas, We thank the vitality and devotion of the labor movement that helped build our public education, transportation and economic systems; and

Whereas, Today's workers and their unions help to maintain a high quality of living by keeping their wages respectable and improving their benefit packages for their families; and

Whereas, Today's workers and their unions also protect those who have historically been under-represented and more vulnerable to discrimination; and

Whereas, Men and women of labor have seen a career growth and have sought to continually learn how to utilize new technologies for work and safety and improvement in industries and technologies; and

Whereas, The working men and women of Michigan built the foundation for the economic success of today and for tomorrow; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body hereby honor the working men and women of Michigan as we celebrate Labor Day 2003.

The resolution was referred to the Committee on Employment Relations, Training and Safety.

Reps. Sak, Brown, Minore, Law, Zelenko, Anderson, Woodward, Gillard, Tobocman, Daniels, Wojno, Bieda, Condino, Dennis, Farrah, Shaffer, Cheeks, Hager, Kolb, Murphy, O'Neil, Stallworth, Adamini, DeRossett, Elkins, Farhat, Jamnick, Lipsey, Paletko, Rivet and Sheltroun offered the following resolution:

House Resolution No. 116.

A resolution to urge the United States Department of Education not to penalize Michigan for violating the No Child Left Behind Act.

Whereas, In 2001, Congress passed the No Child Left Behind Act (NCLBA) which, in part, requires states to implement statewide accountability systems covering all public schools and students. School districts and schools that

fail to make adequate yearly progress toward statewide proficiency standards will be subject to mandatory improvement, corrective action, and restructuring measures. Parents of children attending schools that repeatedly fail to meet these standards may transfer their children to better performing public schools, including charter schools. The act also ensures that parents be provided with annual student performance report cards that show which schools in their communities are succeeding and which are not. This public information not only helps to enhance student achievement, but provides an incentive for failing schools to improve; and

Whereas, The NCLBA requires Michigan to report annually to the United States Secretary of Education on its progress toward implementing the law. This report includes information about student performance on the Michigan Educational Assessment Program (MEAP) and schools in need of improvement. Although the state is not technically in violation of the law until the first day of the 2003 school year, the United States Department of Education may impose a fine on Michigan for noncompliance; and

Whereas, Michigan is in jeopardy of violating the NCLBA because it contracted with a Georgia-based company that has failed to make MEAP scores available. Though state elementary and middle school students took the assessment test in January, the results are almost three months late. As a result, parents with children attending 760 schools that have been previously identified as needing improvement do not know whether their schools have shown improvement or not. Moreover, the state faces the likelihood of being financially reprimanded by the federal government for failing to meet reporting deadlines; now, therefore, be it

Resolved by the House of Representatives, That we urge the United States Department of Education not to penalize Michigan for violating the No Child Left Behind Act; and be it further

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

The resolution was referred to the Committee on Education.

Reps. Tobocman, Byrum, Meisner, Bieda, Brown, Rivet, McConico, Elkins, Kolb, Lipsey, Condino, Cheeks, Reeves, Williams, Farrah, Sak, Minore, Anderson, Woodward, Wojno, Gielegem, Paletko, Plakas, Vagnozzi, Spade, Law, Zelenko, Phillips, Hardman, Dennis, Richardville, Waters, Clack, Hopgood, Murphy, O'Neil, Stallworth, Acciavatti, Adamini, Daniels, Farhat, Gillard, Jamnick and Sheltroun offered the following resolution:

House Resolution No. 117.

A resolution to memorialize the President and Congress of the United States to restore funding to the AmeriCorps program.

Whereas, In a move that contradicts a proposal in the 2002 State of the Union Address to expand and improve the AmeriCorps program, this versatile and effective service initiative is slated for a dramatic cut in next year's federal budget. For Michigan, the impact of the budget cut would be a reduction of approximately two-thirds of funding; and

Whereas, In Michigan, the AmeriCorps program has exerted a significant impact, especially in disadvantaged areas of our state. AmeriCorps workers devote themselves to a wide range of human service, education, public safety, and environmental activities. Whether tutoring students, promoting conflict resolution skills among young people, offering job training, working with victims of domestic violence, or encouraging practices that protect the environment, AmeriCorps workers are enriching our communities by meeting critical needs; and

Whereas, The AmeriCorps concept of instilling important skills in our people represents the best type of investment we can make. The success of this work, in strengthening communities and empowering people, especially our young, argues compellingly for a restoration of funding at the very least; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the President and Congress of the United States to restore funding to the AmeriCorps program; and be it further

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

The resolution was referred to the Committee on Appropriations.

Reps. Gleason, Minore, Zelenko, Dennis, Tobocman, Bieda, Brandenburg, Condino, Farrah, Koetje, Middaugh, Richardville, Sak, Spade, Voorhees, Waters, Cheeks, Emmons, Hager, Hopgood, Kolb, Law, Murphy, O'Neil, Stahl, Wojno, Adamini, Anderson, Brown, Caul, Daniels, DeRossett, Elkins, Farhat, Gielegem, Gillard, Jamnick, Julian, Lipsey, Paletko, Reeves, Rivet, Sheltroun, Shulman, Steil and Woodward offered the following resolution:

House Resolution No. 118.

A resolution honoring the P-51 Mustang Pilots Association and recognizing the North American P-51 Mustang fighter and the accomplishments they made during World War II and the Korean War.

Whereas, It is a great pleasure to join with the membership of the P-51 Mustang Pilots Association as they gather at the Kalamazoo Air Zoo from August 20-25, 2003, to celebrate and remember the great accomplishments of the association and the P-51 Mustang fighter in helping to win World War II and the Korean War; and

Whereas, The North American P-51 Mustang and the men who flew them found their niche in the European air war of World War II as the first successful long-range strategic fighter capable of escorting B-17 and B-24 bombers from bases in Great Britain and Italy to targets in Japan. The effectiveness of the Mustang and the men who flew them was shown on January 11, 1944, when a force of newly introduced P-51 Mustangs protected 220 American bombers, striking at critical targets in Germany without loss, while shooting down 15 enemy aircrafts. Their first big air battle in Europe was a success; and

Whereas, After World War II, the Mustang served in no less than 55 air forces worldwide, and although it was the supersonic jet age by then, small numbers were even produced in 1967 for various military purposes – further proof of what an excellent aircraft it was; and

Whereas, The P-51 Mustang Pilots Association has over 800 members, most of whom flew the P-51 during World War II or the Korean War. Notably, the P-51 Mustang was the aircraft flown by the Tuskegee Airmen, several of whom are members of the association. Other notables who flew the P-51 Mustang were retired U.S. Air Force General Robert L. Scott and pilot and ace Chuck Yeager; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body honor and recognize the many accomplishments of the P-51 Mustang Pilots Association and the North American P-51 Mustang fighter; and be it further

Resolved, That a copy of this resolution be transmitted to the P-51 Mustang Pilots Association as a token of our esteem.

Pending the reference of the resolution to a committee,

Rep. Richardville moved that Rule 77 be suspended and the resolution be considered at this time.

The motion prevailed, 3/5 of the members present voting therefor.

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Dennis, Spade, Vagnozzi, Farrah, O’Neil, Stallworth, McConico, Gielegem, Woodward, Zelenko, Daniels, Minore, Jamnick, Williams, Whitmer, Byrum, Brown, Adamini, Anderson, Bieda, Kolb, Lipsey, Gleason, Law, Meisner, Tobocman, Wojno, Elkins, Hopgood, Paletko, Cheeks, Accavitti, Hood, Hunter, Condino, Sak, Smith, Reeves, Waters, Phillips, Sheltroun, Hardman, Clack, Murphy, Gillard and Rivet offered the following resolution:

House Resolution No. 119.

A resolution to memorialize the President and the Congress of the United States to refrain from enacting changes to the Fair Labor Standards Act that would permit compensatory time to replace overtime pay.

Whereas, Overtime pay is a vital component of the economic planning and stability of millions of workers and their families across this country. Since the enactment of the 1938 Fair Labor Standards Act to require time and one-half pay for overtime worked, our nation has benefited in several ways from this law, through the extra economic activity of people spending this money and through the stability that derives from a secure middle class of citizens; and

Whereas, Legislation presently being discussed in Washington would provide a major shift in how employees are compensated for working overtime. Under the proposed Family Time Flexibility Act and related bills, mandatory overtime pay could be supplanted by comp time instead. While the wording provides that such an arrangement would be voluntary, the realities of the work place would bring a different situation, one that seriously damages the economic strength of many American families; and

Whereas, Replacing mandatory overtime pay for a large segment of the work force could open the door to practices that could prove very harmful to families, not only in terms of finances, but also in how compensatory time off could be handled. The Fair Labor Standards Act’s provisions on overtime have proven to strengthen our country by ensuring fairness for workers; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the President and the Congress of the United States to refrain from enacting changes to the Fair Labor Standards Act that would permit compensatory time to replace overtime pay; and be it further

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

The resolution was referred to the Committee on Employment Relations, Training and Safety.

Reps. Vander Veen, Pastor, Voorhees, Bieda, Brandenburg, Condino, Dennis, Farrah, Koetje, Meyer, Middaugh, Richardville, Sak, Shaffer, Spade, Waters, Emmons, Hager, Hopgood, Kolb, Kooiman, Law, Murphy, O’Neil, Stahl, Stallworth, Tobocman, Wojno, Adamini, Anderson, Brown, Caswell, Caul, Daniels, DeRossett, Elkins, Farhat,

Gielegem, Gillard, Jamnick, Julian, Lipsey, Nitz, Paletko, Sheltroun, Shulman, Steil, Tabor, Woodward and Zelenko offered the following resolution:

House Resolution No. 120.

A resolution recognizing the 80th anniversary of the Michigan Dental Hygienists' Association.

Whereas, The Michigan Dental Hygienists' Association was established in 1923, and is now celebrating its 80th anniversary; and

Whereas, The organization began with nine members and now is the largest professional dental hygiene organization in Michigan, where 9,123 dental hygienists are licensed; and

Whereas, The Michigan Dental Hygienists' Association is dedicated to the public's total health through the practice of the highest standards of dental hygiene education; and

Whereas, Dr. Alfred Fones is known as the "Father of Dental Hygiene." He practiced dentistry in Bridgeport, Connecticut and in 1906 began teaching his office assistant, Irene Newman, to perform preventative oral hygiene services; and

Whereas, By 1913, Dr. Fones had launched his training program in practical labs based in his home. Twenty-seven dental hygienists graduated from the first program on June 6, 1914; and

Whereas, Russell W. Bunting, DDS, Dean of the School of Dentistry at the University of Michigan, initiated dental hygiene education at that institution in 1921. For his staunch support, he became known as the "Father of the Michigan Dental Hygiene Movement." Michigan now boasts 12 accredited dental hygiene programs; and

Whereas, The first licensure act for dental hygiene education was passed in 1923, with enforcement and administrative rules determined by the Board of Dentistry, consisting of all dentist members; and

Whereas, Following a court ruling which established dental hygiene as a profession, the membership of the Board of Dentistry was expanded in 1978 to include two dental hygiene representatives, Sally Deck, RDH and Carol Short, RDH; and

Whereas, The Michigan Dental Hygienists' Association continues to seek a more fair regulatory structure over the practice of dental hygiene as a means of ensuring the safety and welfare of the public; and

Whereas, Michigan Dental Hygienists' Association has supported changes in public policy to improve access to, and the quality of, preventative oral health care services. These have included: Public Act 58 of 1991, which permits alternative practice arrangements to facilitate the provision of dental hygiene services in public health settings; passage of administrative rules in 1991, requiring continuing education for dental hygiene re-licensure and MI CHILD - an insurance program for uninsured, low-income children, which includes oral health care services; Public Act 160 of 2000, which allowed the addition of two registered dental hygienists to the Michigan Board of Dentistry; Public Act 423 of 2002, which provides for the licensing and regulation of dentists, dental assistants, and dental hygienists, to prescribe certain educational requirements for dental hygienists; and to allow dental hygienists to administer intraoral block and infiltration anesthesia when particular requirements are met; Public Act 35 of 2003, which expanded their scope of practice to allow a dental hygienist or registered dental assistant to perform certain procedures under the direction or supervision of a dentist; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body recognize the 80th anniversary of the Michigan Dental Hygienists' Association and commend the members for their valuable contribution to accessible, high quality oral health care for the people of Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to the members of the association as a reflection of our esteem.

Pending the reference of the resolution to a committee,

Rep. Richardville moved that Rule 77 be suspended and the resolution be considered at this time.

The motion prevailed, 3/5 of the members present voting therefor.

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Cheeks, Pastor, Voorhees, Bieda, Brandenburg, Condino, Dennis, Farrah, Richardville, Sak, Spade, Waters, Emmons, Hager, Hopgood, Kolb, Kooiman, Law, Murphy, O'Neil, Stahl, Stallworth, Tobocman, Wojno, Adami, Anderson, Brown, Caswell, Caul, Daniels, DeRossett, Elkins, Farhat, Gielegem, Gillard, Jamnick, Julian, Lipsey, Nitz, Paletko, Reeves, Rivet, Sheltroun, Shulman, Smith, Woodward and Zelenko offered the following resolution:

House Resolution No. 121.

A resolution honoring the Detroit Shock Basketball Team and Head Coach Bill Laimbeer upon winning their first Women's National Basketball Association Championship.

Whereas, With no starting players older than 28 and no player older than 29, the Detroit Shock are now among the WNBA elite as they defeated their rivals the New York Liberty and the Charlotte Sting to win the Eastern Conference Championship. The Shock became the first Eastern Conference team to finish the regular season with the best overall

record and the first Eastern Conference team to win the title. Their play was based on teamwork, citizenship, dedication and unselfishness. The Shock set a league record with a 16-victory improvement over 2002; and

Whereas, A WNBA record-crowd of more than 22,000 saw the Shock defeat the two-time defending champion Los Angeles Sparks by a score of 83-78 in the third and final game of the finals at the Palace of Auburn Hills. This accomplishment was the first time in professional sports a team won the title after having the worst record in the league the previous season; and

Whereas, Detroit Shock Head Coach Bill Laimbeer was voted WNBA's Coach of the Year. He led the Shock to a league-best 25-9 record this season and worked tirelessly to instill energy and enthusiasm in the team; and

Whereas, Shock forward Cheryl Ford was selected WNBA Rookie of the Year. Ms. Ford became only the sixth player, and first rookie, in WNBA history to average a double double, 10.8 points and 10.4 rebounds, for a season; and

Whereas, Center Ruth Riley scored a career-high 27 points and was named Most Valuable Player of the Finals; and

Whereas, Deanna Nolan, a Flint native, Swin Cash and Cheryl Ford represented the Shock at the WNBA All-Star Game in July as a trio, a first for the team; and

Whereas, Coach Laimbeer's leadership, vision and integrity have earned him widespread acclaim and our deepest appreciation for leading the team to the title; now, therefore, be it;

Resolved by the House of Representatives, That the members of this legislative body honor and commend the Detroit Shock players, Coach Bill Laimbeer, staff and Detroit Shock management for their memorable accomplishments and winning their first Women's National Basketball Association Championship. We sincerely wish them continued success in all endeavors; and be it further

Resolved, That a copy of this resolution be transmitted to the Detroit Shock organization as a token of our esteem.

Pending the reference of the resolution to a committee,

Rep. Richardville moved that Rule 77 be suspended and the resolution be considered at this time.

The motion prevailed, 3/5 of the members present voting therefor.

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Bisbee, Pastor, Voorhees, Brandenburg, Koetje, Meyer, Middaugh, DeRoche, Emmons, Hager, Kooiman, Julian, Palmer, Shulman, Steil and Tabor offered the following concurrent resolution:

House Concurrent Resolution No. 27.

A concurrent resolution to disapprove Executive Order No. 2003-14, setting forth changes in the organization of the executive branch.

Whereas, Article 5, Section 2 of the Constitution of the State of Michigan provides that the governor may make changes in the organization of the executive branch or in the assignment of functions within the executive units. Where these changes require the force of law, they must be set forth in executive orders that are submitted to the legislature. The legislature shall have 60 calendar days of a regular session to disapprove each executive order by a resolution concurrent in by a majority of the members elected and serving in each house of the legislature; and

Whereas, Governor Granholm has issued an executive order proposing the reorganization of numerous components of the executive branch and the creation of the Department of Labor and Economic Growth. Executive Order No. 2003-14 was signed on September 17, 2003. This reorganization would bring sweeping changes to state government, as it impacts 9 of the executive departments. Several of the proposed changes to governmental operations could have significant consequences within Michigan; now, therefore, be it

Resolved by the House of Representatives, That we hereby disapprove Executive Order No. 2003-14, issued September 17, 2003, and proposing the reorganization of the executive branch of government and the creation of the Department of Labor and Economic Growth; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the Governor.

The concurrent resolution was referred to the Committee on Commerce.

Notices

Pursuant to Rule 44, the Speaker has made the following reassignments:

House Bill No. 5033 referred to the Committee on Criminal Justice.

House Bill No. 5034 referred to the Committee on Local Government and Urban Policy.

House Bill No. 5035 referred to the Committee on Local Government and Urban Policy.

House Bill No. 5036 referred to the Committee on Local Government and Urban Policy.

Introduction of Bills

Rep. Robertson introduced

House Bill No. 5050, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 4072 (MCL 500.4072), as amended by 2002 PA 635.

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

Rep. Stewart introduced

House Bill No. 5051, entitled

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 17016 and 17516 (MCL 333.17016 and 333.17516), as added by 1996 PA 273.

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

Rep. Shulman introduced

House Bill No. 5052, entitled

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 109h.

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

Reps. Amos, Stahl, Voorhees, Vander Veen, Pastor, Casperson, Nofs, LaJoy, Moolenaar, Pappageorge, Meyer, Pumford, Stewart, Hune, Taub and Garfield introduced

House Bill No. 5053, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by adding section 636a.

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

Rep. Ward introduced

House Bill No. 5054, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 1117 (MCL 339.1117), as amended by 1984 PA 25.

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

Rep. Ward introduced

House Bill No. 5055, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 9105, 9106, and 9112 (MCL 324.9105, 324.9106, and 324.9112), as amended by 2000 PA 504.

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

Rep. Jamnick introduced

House Bill No. 5056, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 539d (MCL 750.539d).

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

Rep. Jamnick introduced

House Bill No. 5057, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16z of chapter XVII (MCL 777.16z), as amended by 2002 PA 271.

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

Rep. Condino introduced

House Bill No. 5058, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending section 20 (MCL 388.1620), as amended by 2003 PA 158.

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

Rep. Ward introduced

House Bill No. 5059, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding section 1171.

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

Rep. Ward introduced

House Bill No. 5060, entitled

A bill to amend 1976 PA 331, entitled "Michigan consumer protection act," by amending section 3 (MCL 445.903), as amended by 2002 PA 613.

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

Rep. Ward introduced

House Bill No. 5061, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 4101 (MCL 324.4101) and by adding section 4108b.

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

Rep. Nitz moved that the House adjourn.

The motion prevailed, the time being 3:15 p.m.

Associate Speaker Pro Tempore Vander Veen declared the House adjourned until Wednesday, September 24, at 1:00 p.m.

GARY L. RANDALL

Clerk of the House of Representatives