

No. 90
STATE OF MICHIGAN
JOURNAL
OF THE
House of Representatives
95th Legislature
REGULAR SESSION OF 2010

House Chamber, Lansing, Thursday, November 4, 2010.

12:00 Noon.

The House was called to order by the Clerk.

The roll was called by the Clerk of the House of Representatives, who announced that a quorum was not present.

The Honorable Richard J. Brown, Clerk of the House, offered the following invocation:

“Heavenly Father, we come to You today expressing thanks for the many blessings You have bestowed upon those of us who are fortunate enough to live in this great state of Michigan. May we always be mindful of what a special treasure we have with our Great Lakes and unique peninsulas. Lord, we pray, that with Your guidance and Your will that this chamber will always be fraught with wisdom and compassion and free of selfish interest. Amen.”

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills had been printed and placed upon the files of the members on Thursday, October 28:

House Bill Nos. 6541 6542

The Clerk announced that the following bills had been printed and placed upon the files of the members on Wednesday, November 3:

Senate Bill Nos. 1561 1562 1563

The Clerk announced that the following bills had been printed and placed upon the files of the members on Thursday, November 4:

**Senate Bill Nos. 1536 1537 1538 1539 1540 1541 1542 1543 1544 1545 1546 1547 1548 1549
1550 1551 1552 1553 1554 1555 1556 1557 1558 1559 1560 1564 1565 1566
1567 1568 1569 1570 1571 1572 1573 1574 1575 1576 1577 1578 1579**

The Clerk announced that the following Senate bills had been received on Thursday, November 4:

Senate Bill Nos. 1142 1143 1269 1440 1509

Messages from the Senate

House Bill No. 4556, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 675d (MCL 257.675d), as amended by 2008 PA 171.

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.

Messages from the Governor

The following message from the Governor was received October 27, 2010 and read:

EXECUTIVE ORDER

No. 2010 – 19

EXECUTIVE OFFICE OF THE GOVERNOR DEPARTMENT OF TECHNOLOGY, MANAGEMENT, AND BUDGET

EXECUTIVE REORGANIZATION

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

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

WHEREAS, the Michigan Economic Recovery Office was created within the Executive Office of the Governor by Executive Order 2009-35;

WHEREAS, under the federal American Recovery and Reinvestment Act of 2009, Public Law 111-5, Michigan has received billions of dollars in federal assistance, which helps protect millions of residents impacted by the national recession and allows the state to move forward with its plans to grow the economy and create jobs;

WHEREAS, the majority of the American Recovery and Reinvestment Act funds have been allocated; however, there is a continuing need for the Office to assist with reporting responsibilities as required by law due to strict accountability, transparency and oversight requirements on all state and local recipients of funds;

WHEREAS, it is practicable and necessary in the interests of efficient administration and effectiveness of government to reorganize the executive branch of state government by transferring the Michigan Economic Recovery Office to the State Budget Office;

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

I. DEFINITIONS

As used in this Order:

A. "ARRA" means the federal American Recovery and Reinvestment Act of 2009, Public Law 111-5.

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

C. "Michigan Economic Recovery Office" or "Office" means the office created within the Executive Office of the Governor under Executive Order 2009-35.

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

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

II. TRANSFER

A. The "Michigan Economic Recovery Office" is transferred intact to the State Budget Office, together with all of the authority, powers, duties, functions, responsibilities, personnel, equipment, and budgetary resources of the Office, including, but not limited to, any authority, powers, duties, functions, and responsibilities of the Office under Executive Order 2009-35.

B. The authority, powers, duties, and functions of the Office, including, but not limited to, budgeting, procurement, and related management functions, shall be performed under the direction and supervision of the State Budget Director.

C. The Office includes a Director who shall continue to serve in the position and who shall report to the State Budget Director or his or her designee. In the event of a subsequent vacancy, the Director shall be appointed by the State Budget Director.

D. The Office may employ personnel as necessary to perform the duties and responsibilities of the Office, including, but not limited to, those duties and responsibilities required for compliance with the ARRA.

E. The Director of the State Budget Office shall give executive direction and supervision for the implementation of the transfer to the State Budget Office under this Order, and the Director of the State Budget Office shall make internal organizational changes as necessary to effectuate the transfer.

F. The authority, powers, duties, functions, and responsibilities transferred to the State Budget Office under this Order shall be administered in such ways as to promote efficient administration.

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

III. MISCELLANEOUS

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

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

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

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.

This Order is effective on December 27, 2010 at 12:01 a.m.

[SEAL]

Given under my hand and the Great Seal of the State of Michigan this 27th day of October in the year of our Lord, two thousand and ten.

Jennifer M. Granholm

Governor

By the Governor:

Terri L. Land

Secretary of State

The message was referred to the Clerk.

Communications from State Officers

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

October 29, 2010

In accordance with Section 3 (2) of Public Act 76 of 2004, MCL 28.273, the Michigan State Police (MSP) is notifying the Secretary of the Senate and the Clerk of the House of Representatives that the report regarding annual fingerprint fees is complete.

This report has been posted on the Web site below and is titled: "Report on Fingerprint Analysis, 9/30/2010".
http://www.michigan.gov/documents/msp/Boilerplate_Fingerprint_910_337225_7.pdf

The direct link to reports required by MSP's appropriation can be found on the following site:
http://w3.michigan.gov/msp/0,1607,7-123-1645_3501_49815---,00.html

If you have questions about this report, please contact Mr. Shawn Sible at (517) 241-1007 or SiblesS@Michigan.gov.

Thank you,

Angela Dale

Michigan State Police

Departmental Services Division

(517) 241-1001

DaleA@Michigan.gov

The communication was referred to the Clerk.

The following communication from the Department of Community Health was received and read:

October 29, 2010

Enclosed is a copy of the Bureau of Health Professions annual report required by Public Act 368 of 1978 [MCL333.16143(2)] and Public Act 79 of 1993 [MCL 333.16241(8)]. The data contained in the reports covers the time period of October 1, 2008 through September 30, 2009.

If you need additional copies of the reports, please contact Angela Awrey at 517-373-8068.

Sincerely,
Janet Olszewski
Director

The communication was referred to the Clerk.

Announcements by the Clerk

October 26, 2010

Received from the Auditor General a copy of the following audit report and/or report summary:

Follow-up of the performance audit of Network Application Server Controls, Department of Technology, Management & Budget, October 2010.

October 28, 2010

Received from the Auditor General a copy of the following audit report and/or report summary:

Performance audit of Project Management of the Bridges Integrated Automated Eligibility Determination System, Department of Human Services, Department of Community Health, and Department of Technology, Management & Budget, October 2010.

October 28, 2010

Received from the Auditor General a copy of the following audit report and/or report summary:

Performance audit of Selected Application Controls of the Bridges Integrated Automated Eligibility Determination System, Department of Human Services, Department of Community Health, and Department of Technology, Management & Budget, October 2010.

Richard J. Brown
Clerk of the House

The Clerk declared the House adjourned until Tuesday, November 9, at 1:30 p.m.

RICHARD J. BROWN
Clerk of the House of Representatives