

No. 74
STATE OF MICHIGAN
Journal of the Senate
92nd Legislature
REGULAR SESSION OF 2003

Senate Chamber, Lansing, Thursday, September 18, 2003.

10:00 a.m.

The Senate was called to order by the President, Lieutenant Governor John D. Cherry, Jr.

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

Allen—present
Barcia—present
Basham—present
Bernero—present
Birkholz—present
Bishop—present
Brater—present
Brown—present
Cassis—present
Cherry—present
Clark-Coleman—present
Clarke—present
Cropsey—present

Emerson—present
Garcia—present
George—present
Gilbert—present
Goschka—present
Hammerstrom—present
Hardiman—present
Jacobs—present
Jelinek—present
Johnson—present
Kuipers—present
Leland—present
McManus—present

Olshove—present
Patterson—present
Prusi—present
Sanborn—present
Schauer—present
Scott—present
Sikkema—present
Stamas—present
Switalski—present
Thomas—present
Toy—present
Van Woerkom—present

Senator Deborah Cherry of the 26th District offered the following invocation:

Father God, You are merciful and holy. You are wisdom and truth. Today we thank You for placing each of us here in the state of Michigan where we enjoy the beautiful and varied landscape that You have created, rich with resources and beauty. We thank You for the diverse people of this great state that we represent and for the tolerance of our diversity that Michigan and our nation, founded on Your Word, embodies.

We ask You today to guide us in each decision made not only legislatively, but in all of our dealings. Give us discernment to know which is pleasing to You in our actions, our words, and our judgments. Keep us mindful of the responsibility that we bear as we consider what is best for our state and its citizens. Keep us honest and humble, that we may bring honor to the office that we hold and glory to You.

Today we commit that which we accomplish here to You, for in Proverbs 16:3, You tell us to commit to the Lord whatever we do. We trust this promise for the good of those who have entrusted us to make legislative decisions. Bless us, the state of Michigan, its citizens, the decisions we make, our Governor, all those in a position of leadership in this state, our nation, and all its leaders.

We humbly bring these petitions before You, Holy Father, in the name of Jesus our Savior. Amen.

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

Motions and Communications

Senator Cropsey entered the Senate Chamber.

Senator Hammerstrom moved that Senator George be temporarily excused from today's session.
The motion prevailed.

Senator Schauer moved that Senator Bernero be temporarily excused from today's session.
The motion prevailed.

Senator George entered the Senate Chamber.

Senator Hammerstrom moved that a respectful message be sent to the Governor requesting the return of the following bill:

Senate Bill No. 393

The motion prevailed.

The Secretary announced that the following bills were available at the legislative Web site 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						

Messages from the Governor

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

Senate Bill No. 195

Senate Bill No. 364

Senate Bill No. 293

Senate Bill No. 265

Senate Bill No. 288

Senate Bill No. 540

Senate Bill No. 283

Senate Bill No. 464

Senate Bill No. 466

The motion prevailed.

The following message from the Governor was received on 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 L. Land

Secretary of State

The Executive Order was referred to the Secretary for record.

The following message from the Governor was received on 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 228, 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 228, 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 employee interests and the other recommended by members of the new QAC appointed

to represent employer 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 of 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, power, duties, functions, 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 AACS, R 395.371; 1979 AC, R 395.372 to 395.375; and 1988 AACS, 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 to 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 L. Land
Secretary of State

The Executive Order was referred to the Committee on Government Operations.

The following message from the Governor was received and read:

September 18, 2003

Pursuant to your request, today I return Enrolled Senate Bill 393.

Respectfully,
Jennifer M. Granholm
Governor

The communication was referred to the Secretary for record.

Senator Hammerstrom moved that the enrollment be vacated on the following bill:

Senate Bill No. 393, entitled

An act to amend 1976 PA 451, entitled "An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, and intermediate school districts; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, and intermediate school districts; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts," by amending the title and sections 5, 501, and 504a (MCL 380.5, 380.501, and 380.504a), the title and sections 501 and 504a as amended by 1995 PA 289 and section 5 as amended by 1999 PA 23, and by adding section 503b and part 6c.

The motion prevailed, and the bill was placed on the order of Messages from the House.

Messages from the House

Senator Bernero entered the Senate Chamber.

Senate Bill No. 393, entitled

A bill to amend 1976 PA 451, entitled "An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, and intermediate school districts; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, and intermediate school districts; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts," by amending the title and sections 5, 501, and 504a (MCL 380.5, 380.501, and 380.504a), the title and sections 501 and 504a as amended by 1995 PA 289 and section 5 as amended by 1999 PA 23, and by adding section 503b and part 6c.

Senator Hammerstrom moved that rule 3.311 be suspended to permit reconsideration of the vote by which the House substitute was concurred in.

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

Senator Hammerstrom moved to reconsider the vote by which the House substitute was concurred in.

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

The question being on concurring in the substitute made to the bill by the House,

The substitute was not concurred in, a majority of the members serving not voting therefor, as follows:

Roll Call No. 425

Yeas—0

Nays—38

Allen
Barcia

Clark-Coleman
Clarke

Jacobs
Jelinek

Sanborn
Schauer

Basham	Cropsey	Johnson	Scott
Bernero	Emerson	Kuipers	Sikkema
Birkholz	Garcia	Leland	Stamas
Bishop	George	McManus	Switalski
Brater	Gilbert	Olshove	Thomas
Brown	Goschka	Patterson	Toy
Cassis	Hammerstrom	Prusi	Van Woerkom
Cherry	Hardiman		

Excused—0

Not Voting—0

In The Chair: President

By unanimous consent the Senate proceeded to the order of
General Orders

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

The motion prevailed, and the President, Lieutenant Governor Cherry, designated Senator Brater as Chairperson.

After some time spent therein, the Committee arose; and, the President, Lieutenant Governor Cherry, having resumed the Chair, the Committee reported back to the Senate, favorably and without amendment, the following bill:

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 bill was placed on the order of Third Reading of Bills.

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

Senator Hammerstrom moved that the rules be suspended and that the following bill, now on the order of Third Reading of Bills, be placed on its immediate passage at the head of the Third Reading of Bills calendar:

House Bill No. 4764

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

The following bill was read a third time:

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 question being on the passage of the bill,

The bill was passed, a majority of the members serving voting therefor, as follows:

Roll Call No. 426

Yeas—24

Allen	Cropsey	Jacobs	Sanborn
Birkholz	Emerson	Jelinek	Schauer
Bishop	Garcia	Leland	Sikkema
Brown	Gilbert	McManus	Stamas

Cherry
Clark-Coleman

Goschka
Hardiman

Olshove
Prusi

Thomas
Toy

Nays—14

Barcia
Basham
Bernero
Brater

Cassis
Clarke
George
Hammerstrom

Johnson
Kuipers
Patterson

Scott
Switalski
Van Woerkom

Excused—0

Not Voting—0

In The Chair: President

The question being on concurring in the committee recommendation to give the bill immediate effect,

The recommendation was concurred in, 2/3 of the members serving voting therefor.

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to provide for the organization and regulation of corporations; to prescribe their duties, rights, powers, immunities and liabilities; to provide for the authorization of foreign corporations within this state; to prescribe the functions of the administrator of this act; to prescribe penalties for violations of this act; and to repeal certain acts and parts of acts;”.

The Senate agreed to the full title.

Protest

Senator Clarke, under his constitutional right of protest (Art. 4, Sec. 18), protested against the passage of House Bill No. 4764 and moved that the first statement he made during the discussion of the bill be printed as his reasons for voting “no.”

The motion prevailed.

Senator Clarke’s first statement is as follows:

House Bill No. 4764, otherwise known as the Taubman bill—what I’d like to do is briefly talk about the Taubman bill by first separating these two descriptive words. I’ve talked about the substance of this bill in public and in caucus. This bill, like virtually every other bill, has a context, and it has a political context. I’m going to be very forthright with you on what I view the politics to be here. I want to do that because I want to get this out on the table. These are concerns I heard from people opposing it. It’s about Taubman, number one, not about the bill—about Al Taubman and about the Taubman family—and I want to address it.

Some people had a concern that the Taubman family primarily makes political contributions to one caucus. I’m laying it all out right now. Other people had an issue because Mr. Al Taubman served time in prison. That was another issue that was raised. Now, I have my own deep, strong, personal feelings about Mr. Taubman and about the Taubman family. I want to share those with you because it really impacts how I am going to vote today.

Number one, the Detroit Institute of Arts, you know I’ve talked about that. It’s a great institution here in Michigan. Personally, it made a difference in my life. I was able to go to college because of the Detroit Institute of Arts—the scholarship I got at that institution. For over a half a century, Al Taubman has been a major, major supporter of the Detroit Institute of Arts and has helped make that institution as great as it is—one of the top five museums in the country.

Secondly, the reason why I got into politics is when I came home after being away in school for over seven years, there were all these broken down, closed, burnt-out, abandoned homes on my block. I wanted to do something about it. What Al Taubman did was build high rise apartment buildings on the Detroit riverfront, which was previously desolate. There was nothing there. He did that because of his relationship with Coleman Young and also, my belief, his commitment to Detroit’s real renaissance. That was 20 years ago. You know what? In spite of all the development that

has gone on in Detroit in the last decade or so, Al Taubman's riverfront tower has not been equaled at all in development in the city of Detroit.

Finally, I'll be really candid here in terms of the people who have supported me personally. Every single one of them is aligned on one side of this issue of House Bill No. 4764. They're all with the Taubman family. This is the context that I ask you to listen to in my analysis of the bill.

House Bill No. 4764 will make public companies registered in Michigan more vulnerable to takeover. You know what? It doesn't matter who's taking over the company, whether they're from the outside or whether it's a management-led effort from the inside, because either way, the voice of the disinterested shareholders is weakened, and their investments are likely to be devalued. That's why I believe this policy isn't good.

Absent that, I also believe that there's an issue with how this law applies. This law would apply retroactively, back in time, to 1988. For what reason? Only one, and that's to overturn a federal District Court judge's decision that's currently on an appeal and an expedited appeal with oral arguments already set. Look, I help people who support me. This Legislature does this, but this goes too far.

Look, I'm going to boil this all down to a couple issues. We can all argue as lawyers and split hairs on the control shares statute, but the layperson understands what's right and what's wrong. Two things are not in dispute. Number one is that the Taubman public corporation's major shareholder pulled out all their money. They sold their shares because they knew, because of this bill, it's likely that their investment is going to lose value. Their investment is folks' private retirement savings.

The other issue is this: Suppose I had Mr. Average Joe Michigan—average net worth, average income, average political connections. He comes to us and says, "Senator, I lost this case in court. I'm going to appeal it. It's going to be an expedited appeal, and in a couple of weeks, we're going to have oral arguments. It's already scheduled. But, Senator, I need you to do something. I need you to change the law to make right the very act that the court said was wrong. And I need you to apply that law back to 1988." Come on, we would say, "You've got to be crazy." We wouldn't do that. You know, if this bill was a criminal law, it would be barred by the United States Constitution as an ex post facto law because we would be changing the law back in time. That's not fair. Oral arguments are already set.

We want to help the Taubman family. I want to help the Taubman family, but not at the expense of weakening the rights of our shareholders and our family's retirement savings—most importantly, not at the expense of weakening the integrity of the Senate. Look, we help people who contribute to us, but we're not up for sale to this degree—that we're going to overturn a federal court decision in the middle of an appeal when oral arguments are going to be held in a couple of weeks. There's no need to do this. If we want to help the Taubman family, we can do that. They've got legal remedies available to them right now that will stop this takeover dead in its tracks. We don't need to change the law and make our public companies in Michigan more easily taken over by a group of people to do something that they otherwise couldn't do alone.

This is bad policy, and this bill is being offered and applied at the wrong time. I urge you to vote this down.

Senator Clarke's second statement is as follows:

I opposed House Bill No. 4764 because I believe it will weaken shareholders' voices in making decisions on companies they own. This bill would weaken the integrity of the Legislature by applying this law retroactively to 1988.

By unanimous consent the Senate returned to the order of

Motions and Communications

The following communication was received and read:

Office of the Senate Majority Leader

September 18, 2003

Pursuant to Joint Rule 3(a), I have made the following appointments to the Conference Committee on Senate Bill 393: Senator Wayne Kuipers, Senator Ken Sikkema and Senator Buzz Thomas

Respectfully yours,
Ken Sikkema
Senator Majority Leader

The communication was referred to the Secretary for record.

By unanimous consent the Senate proceeded to the order of

Resolutions

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

Senate Resolution No. 149

Senate Resolution No. 151

The resolution consent calendar was adopted.

Senators Van Woerkom, Gilbert, George, McManus, Bishop, Cropsey, Sikkema, Kuipers, Johnson, Hardiman, Allen, Cassis, Toy, Brown, Birkholz, Prusi, Barcia, offered the following resolution:

Senate Resolution No. 149.

A resolution recognizing the successes of the Michigan Pulp and Paper Pollution Prevention Program.

Whereas, The state of Michigan has declared September 15-21, 2003, as Pollution Prevention Week; and

Whereas, The Michigan Pulp and Paper Pollution Prevention Program has made significant progress over the past decade in reducing their impact on the environment through reductions in air, water, and solid waste emissions; and

Whereas, Annual pulp and paper production has increased by 25 percent since the late 1980s. The pulp and paper industry has experienced the following reductions: air and water discharges by 39 percent, hazardous waste generation by 76 percent, wastewater volume by 26 percent, total emissions to air by 34 percent, total discharges of substances in wastewater by 48 percent, and solid landfill waste by 49 percent; and

Whereas, As of December 2001, all of Michigan's kraft pulp mills have successfully eliminated elemental chlorine from their bleaching process, and all mills participating in the Pollution Prevention Program have now removed all polychlorinated biphenyl electrical transformers from their facilities; and

Whereas, All participants in the program remain committed to fostering pollution prevention through one of many avenues, such as increasing beneficial reuse of solid waste, expanding community recycling programs, installing state-of-the-art process control equipment, updating voluntary environmental management systems, participating in Sustainable Forestry Initiatives, and sponsoring wildlife habitat rehabilitation programs; now, therefore, be it

Resolved by the Senate, That the state recognizes the success of the Michigan Pulp and Paper Pollution Prevention Program and urges the continued support of the Michigan Department of Environmental Quality for this important program; and be it further

Resolved, That a copy of this resolution be transmitted to the Michigan Department of Environmental Quality and the Michigan Pulp and Paper Environmental Council as evidence of our support for their endeavors.

Senators Brater, Garcia, Goschka, Jacobs, Switalski and Thomas were named co-sponsors of the resolution.

Senator Brater offered the following resolution:

Senate Resolution No. 151.

A resolution observing September 15-21, 2003, as Pollution Prevention Week.

Whereas, Pollution prevention is promoted as a priority in achieving environmental quality in the state of Michigan in a week of observance, education, and outreach; and

Whereas, The people of Michigan are proud of our state's beauty, natural resources, and environment; and

Whereas, The presence of pollutants continue to pose a threat to our environment, public health, and safety; and

Whereas, Pollution prevention is a fundamental strategy to protect the environment and maintain the health and safety of workers in the workplace by stopping pollution before it occurs; and

Whereas, Pollution prevention can benefit businesses by increasing industrial efficiency through process and material waste reduction, thereby saving businesses time and money; and

Whereas, With a proactive approach to pollution prevention, Michigan can meet the challenges of having both a sustainable environment and healthy economy for its citizens and businesses; and

Whereas, The Senate supports pollution prevention as a means to promote environmental stewardship which improves our communities and protects our natural resources for future generations; and

Whereas, Pollution Prevention Week is an opportunity for the people of Michigan to join together for a clean and vibrant Michigan by taking action to promote the reduction of waste at its source, or where this is not feasible, identify opportunities to reuse and recycle; now, therefore, be it

Resolved by the Senate, That we observe September 15-21, 2003, as Pollution Prevention Week in Michigan, and we commend all businesses and community members who participate in local and regional celebratory and educational activities; and be it further

Resolved, That a copy of this resolution be transmitted to the organizers of this event as evidence of our respect and esteem.

Senators Basham, Birkholz, Clark-Coleman, Garcia, Goschka, Jacobs, Schauer, Switalski, Thomas, Toy and Van Woerkom were named co-sponsors of the resolution.

Senators Brown, Kuipers, Hardiman, McManus, Garcia and Birkholz offered the following resolution:

Senate Resolution No. 147.

A resolution to memorialize the Congress of the United States to invest in the nation's electricity transmission system.

Whereas, The August 14th power failure that blanketed northeastern portions of the United States has raised a strong reaction among state and federal policymakers and the entire energy industry. As investigations take place to determine

the exact cause of the blackout that affected 50 million people, it will be more important in the long run to focus attention on the future with regard to the electrical delivery system; and

Whereas, History shows that emergencies often hold opportunity as well. In this instance, making a stronger commitment to enhance the nation's electrical energy infrastructure may be easier now that people have witnessed the potentially devastating results of inaction. While the precise cause of the problems may be elusive, it seems clear that multiple factors converged to cause the power failure at such a massive proportion; and

Whereas, Congress has the potential, through policies that encourage greater investment and new approaches, to help shape an electricity supply structure that is better suited to the demands of the twenty-first century. This opportunity should not be squandered; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to invest in the nation's electricity transmission system to ensure a significant upgrade to the country's energy infrastructure; and be it further

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

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator Hammerstrom moved that the rule be suspended.

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

The question being on the adoption of the resolution,

Senator Hammerstrom moved that the resolution be referred to the Committee on Technology and Energy.

The motion prevailed.

Senators Allen, Brater, Gilbert, Goschka, Olshove, Schauer, Switalski, Toy and Van Woerkom were named co-sponsors of the resolution.

Senators Gilbert and Sanborn offered the following resolution:

Senate Resolution No. 148.

A resolution calling for environmental officials of Canada, the United States, Michigan, and Ontario to develop stronger safeguards for notifications when spills of toxic materials occur.

Whereas, Over the years, Michigan and Ontario have developed procedures to provide notification when spills of harmful material take place that could impact people living across the border. Recent events along the St. Clair River have called into serious question the effectiveness of those procedures; and

Whereas, During the August 14th electricity power failure, hundreds of pounds of vinyl chloride were accidentally released into the river by an Ontario plastics company. This highly dangerous substance, which causes liver and other cancers, was released over a three-day period. By the day after the power failure, August 15th, people in Michigan living along the river were already exhibiting significant symptoms of illness, apparently from drinking water contaminated by the vinyl chloride; and

Whereas, In spite of the notification procedures that were established to prevent such problems, notification to citizens in the affected area was not made until August 19th. Clearly, the system in place failed; and

Whereas, Concerns over how to deal with toxic spills have been articulated before. The Great Lakes Conservation Task Force specifically took note of inconsistencies within the Great Lakes basin and called for binational efforts to better coordinate approaches to contamination through the use of uniform thresholds, better detection technology, and a stronger partnership; and

Whereas, It is incumbent upon Michigan and Ontario environmental officials to reexamine policies that have proven to be ineffective and to modify procedures to ensure a better response to a spill of harmful materials; now, therefore, be it

Resolved by the Senate, That we urge the Canadian Minister of the Environment, the United States Environmental Protection Agency Administrator, the U.S. Coast Guard, and Michigan and Ontario environmental officials to develop stronger safeguards for notifications when spills of toxic materials occur; and be it further

Resolved, That copies of this resolution be transmitted to the Canadian Minister of the Environment, Administrator of the United States Environmental Protection Agency, U.S. Coast Guard, Michigan State Police Emergency Management Division, Office of the Great Lakes, Michigan Department of Environmental Quality, and Ontario Ministry of the Environment.

Pending the order that, under rule 3.204, the resolution be referred to the Committee on Government Operations, Senator Hammerstrom moved that the rule be suspended.

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

The question being on the adoption of the resolution,

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

The motion prevailed.

Senators Allen, Birkholz, Brater, Garcia, Goschka, Jacobs, Olshove, Switalski, Toy and Van Woerkom were named co-sponsors of the resolution.

Senators Brown, Patterson, Sanborn, Kuipers, Van Woerkom, Cropsey, Hardiman, McManus, Garcia, Birkholz, Jelinek, Stamas, Cassis, Goschka, Gilbert, Sikkema and Bishop offered the following resolution:

Senate Resolution No. 150.

A resolution to memorialize the Congress of the United States to adopt and submit to the states for ratification an amendment to the United States Constitution to provide that marriage shall only consist of the union between a man and a woman.

Whereas, Marriage is the cornerstone of our society. The stability and love that derive from a good marriage and nurturing family encourage values that are the ideals that the majority of Americans seek and treasure; and

Whereas, In recent years, several events, including some that have taken place in Canada, have caused concern that the legal definition of what constitutes a marriage could be changed to include relationships other than between a man and a woman. So called same-sex marriages and the notion of conferring the full legal status of marriage to unmarried couples or groups is an idea that many people feel threatens marriage; and

Whereas, While many states, including Michigan, have taken steps to adopt legislation to define marriage as being only between a man and a woman, full legal protections for the institution of marriage can only be assured through the ratification of an amendment to the highest law of the land—the United States Constitution. There is a measure before Congress, H.J. Res. 56, that proposes an amendment to clarify this key issue; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to adopt and submit to the states for ratification an amendment to the United States Constitution to provide that marriage shall only consist of the union between a man and a woman; and be it further

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

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

Senators Allen and Olshove were named co-sponsors of the resolution.

Senators Patterson, Olshove, Kuipers, Gilbert, Birkholz, Jelinek, Garcia, Van Woerkom, Cassis and Goschka offered the following resolution:

Senate Resolution No. 152.

A resolution to urge the Governor to ensure that Michigan does not recognize same-sex marriages.

Whereas, Marriage is the cornerstone of society. Our nation, like others throughout history, has recognized this fact in laws and customs. The family unit provides the foundation for future generations through the stability, nurturing, and example it offers; and

Whereas, The relationship between the well-being of the family and the well-being of individuals is firmly established. Children from stable families have far higher rates of success in school, health, work, and their own relationships; and

Whereas, In 1996, Michigan enacted measures to define marriage as a relationship that can only be between a man and a woman. One act, 1996 PA 324, amended several sections (MCL §§ 551.1-551.4) of Chapter 83 of the Revised Statutes of 1846 to define marriage as a civil contract between a man and a woman. Another act, 1996 PA 334, amended section 1 of 1939 PA 168 (MCL § 551.271), to authorize the state not to recognize same-sex marriages that may be legal in another state; and

Whereas, A recent court case in Canada and subsequent legislative actions have effectively paved the way for same-sex marriages in our neighboring country. This move has raised great concerns throughout the United States, as well as in other countries and among many Canadians; and

Whereas, The people of Michigan who feel same-sex marriage is an affront to our nation's values want measures taken to ensure that the central role of marriage and the family is affirmed and not jeopardized in any way; now, therefore, be it

Resolved by the Senate, That we urge the Governor to ensure that Michigan does not recognize same-sex marriages by enforcing Michigan and federal laws that define marriage as only being valid between a man and a woman; and be it further

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

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

Senators Patterson, Olshove, Kuipers, Gilbert, Hardiman, Birkholz, Jelinek, Garcia, Van Woerkom, Cassis and Goschka offered the following concurrent resolution:

Senate Concurrent Resolution No. 31.

A concurrent resolution to memorialize the Congress of the United States to adopt and submit to the states for ratification an amendment to the United States Constitution to define marriage as only being between a man and a woman.

Whereas, The union of a man and woman in marriage is a source of great strength for our country. The institution of marriage provides stability, support, and nurturing not only to those within a specific family, but also to the community at large and our entire society; and

Whereas, The breakdown of the family can be identified as being at the root of many of the problems facing our country and its citizens. Children born to strong families attain far higher success in education, in the work place, and in forming their own human relationships than those growing up in less stable settings; and

Whereas, A recent court case in Canada and subsequent legislative actions have effectively paved the way for same-sex marriages in our neighboring country. This move has raised great concern throughout the United States, as well as in other countries and among many Canadians; and

Whereas, Those who feel same-sex marriage is an affront to our nation's values want measures taken to ensure that no legal mechanism can be exploited to redefine marriage in the United States. Well over half of the states have already enacted laws to define marriage as only being between a man and a woman, and the federal government also enacted the Defense of Marriage Act in 1996. Michigan enacted similar measures the same year; and

Whereas, Congress is considering a proposed amendment to the United States Constitution that would define marriage as consisting only of the union between a man and a woman. This legislation, House Joint Resolution 56, would provide the appropriate protections for our country's most important values; now, therefore, be it

Resolved by the Senate (the House of Representatives), That we memorialize the Congress of the United States to adopt and submit to the states for ratification an amendment to the United States Constitution to define marriage as only being between a man and a woman; and be it further

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

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

Senators Patterson, Olshove, Kuipers, Gilbert, Hardiman, Birkholz, Jelinek, Garcia, Van Woerkom, Cassis and Goschka offered the following concurrent resolution:

Senate Concurrent Resolution No. 32.

A concurrent resolution to urge the Governor to ensure that Michigan does not recognize same-sex marriages.

Whereas, Marriage is the cornerstone of society. Our nation, like others throughout history, has recognized this fact in laws and customs. The family unit provides the foundation for future generations through the stability, nurturing, and example it offers; and

Whereas, The relationship between the well-being of the family and the well-being of individuals is firmly established. Children from stable families have far higher rates of success in school, health, work, and their own relationships; and

Whereas, In 1996, Michigan enacted measures to define marriage as a relationship that can only be between a man and a woman. One act, 1996 PA 324, amended several sections (MCL §§ 551.1-551.4) of Chapter 83 of the Revised Statutes of 1846 to define marriage as a civil contract between a man and a woman. Another act, 1996 PA 334, amended section 1 of 1939 PA 168 (MCL § 551.271), to authorize the state not to recognize same-sex marriages that may be legal in another state; and

Whereas, A recent court case in Canada and subsequent legislative actions have effectively paved the way for same-sex marriages in our neighboring country. This move has raised great concerns throughout the United States, as well as in other countries and among many Canadians; and

Whereas, The people of Michigan who feel same-sex marriage is an affront to our nation's values want measures taken to ensure that the central role of marriage and the family is affirmed and not jeopardized in any way; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we urge the Governor to ensure that Michigan does not recognize same-sex marriages by enforcing Michigan and federal laws that define marriage as only being valid between a man and a woman; and be it further

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

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

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

The motion prevailed.

Senator Hammerstrom's statement is as follows:

Colleagues, today is one of my staff member's last day on the floor. Marcia Hagenbarth has been, basically, controlling you, moving you around, telling you when to vote, and when to speak. You will be happy to know she is

going to leave. No, just kidding. Marcia is going to be working in the Speaker's office. We wish her all the best over there. We are going to miss her here, but this is a great opportunity for her to move forward in her career.

I would like all of you to join me in saying good-bye to Marcia and to offer her our best wishes for her future endeavors.

By unanimous consent the Senate proceeded to the order of
Statements

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

The motion prevailed.

Senator Van Woerkom's statement is as follows:

This week September 15-21 is Pollution Prevention Week. On the consent calendar, we approved a resolution that honors the pulp and paper industry because they have been especially mindful of pollution reduction in our state over the last seven years. A number of years ago, they adopted the Pulp and Paper Pollution Prevention Program, and this has reduced air, water, and solid waste pollution within our state. As a matter of fact, over that time, the industry has increased their production by 25 percent, and yet, during that time of increased production, they have reduced their air and water pollution by 39 percent, reduced their hazardous waste by 76 percent, their wastewater by 26 percent, and their landfill waste by 45 percent.

I think it's very appropriate that we honor the industry in this way, especially during this Pollution Prevention Week.

By unanimous consent the Senate returned to the order of
Introduction and Referral of Bills

Senators Brown and George introduced

Senate Bill No. 706, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 2212c.

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

Senator Garcia introduced

Senate Bill No. 707, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," (MCL 205.51 to 205.78) by adding section 4bb.

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

Senator Garcia introduced

Senate Bill No. 708, entitled

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 2a and 34c (MCL 211.2a and 211.34c), section 2a as amended by 1982 PA 539 and section 34c as amended by 2002 PA 620; and to repeal acts and parts of acts.

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

Senators Brater and Thomas introduced

Senate Bill No. 709, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 9 (MCL 208.9), as amended by 2001 PA 230.

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

Senators Johnson, Birkholz, Hammerstrom and Garcia introduced

Senate Bill No. 710, entitled

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 20 of chapter XII (MCL 712.20), as added by 2000 PA 235.

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

Senators Cherry, Jacobs, Schauer and Goschka introduced

Senate Bill No. 711, 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 bill was read a first and second time by title and referred to the Committee on Education.

Senators Cherry, Jacobs and Goschka introduced

Senate Bill No. 712, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 248e (MCL 257.248e), as added by 1993 PA 300.

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

Committee Reports

The Committee on Judiciary reported

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.

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

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

Alan L. Cropsey
Chairperson

To Report Out:

Yeas: Senators Cropsey, Bishop, Sanborn, Patterson, Schauer and Brater

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Judiciary submitted the following:

Meeting held on Tuesday, September 16, 2003, at 11:00 a.m., Room 210, Farnum Building

Present: Senators Cropsey (C), Bishop, Sanborn, Patterson, Schauer and Brater

Excused: Senator Bernero

COMMITTEE ATTENDANCE REPORT

The Committee on Agriculture, Forestry and Tourism submitted the following:

Joint meeting held on Wednesday, September 17, 2003, at 8:30 a.m., Room 100, Farnum Building

Present: Senators Van Woerkom (C), Gilbert, Jelinek and Brater

Excused: Senator Thomas

COMMITTEE ATTENDANCE REPORT

The Committee on Finance submitted the following:

Meeting held on Wednesday, September 17, 2003, at 1:08 p.m., Room 110, Farnum Building

Present: Senators Cassis (C), Garcia, McManus and Brater

Excused: Senator Thomas

Scheduled Meetings

Administrative Rules - Thursday, September 25, 1:00 p.m., Room 424, Capitol Building (373-2417)

Agriculture, Forestry and Tourism and House Agriculture and Resource Management Subcommittee on Forestry and Mineral Rights - Friday, September 19, 9:00 a.m., Bay de Noc Community College Auditorium, 2001 N. Lincoln, Escanaba; and Thursday, September 25, 6:00 p.m., Grayling City Hall, 1020 City Boulevard, Grayling (373-1635)

Appropriations - Tuesday, September 23, 2:00 p.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-2523)

Subcommittees -

Community Health Department and Health Policy - Wednesday, September 24, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (formerly Michigan National Tower) (373-3543)

Natural Resources Department - Thursday, September 25, 8:30 a.m., Senate Appropriations Room, 3rd Floor, Capitol Building (373-1725)

Gaming and Casino Oversight - Wednesday, September 24, 1:00 p.m., Room 210, Farnum Building (373-2413)

Government Operations - Tuesday, September 23, 1:00 p.m., Rooms 402 and 403, Capitol Building (373-0797)

Health Policy and Department of Community Health Appropriations Subcommittee - Wednesday, September 24, 1:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower (formerly Michigan National Tower) (373-3543)

Judiciary - Tuesday, September 23, 1:00 p.m., Room 210, Farnum Building (373-3760)

Legislative Retirement Board of Trustees - Wednesday, September 24, 3:00 p.m., Room H-252, 2nd Floor, Capitol Building (373-0575)

Local, Urban and State Affairs - Monday, September 22, 6:30 p.m., Macomb County Community College, Center Campus, 44575 Garfield Road, Clinton Township (373-1707)

Senior Citizens and Veterans Affairs - Wednesday, September 24, 1:00 p.m., Room 100, Farnum Building (373-1707)

Senator Hammerstrom moved that the Senate adjourn.
The motion prevailed, the time being 12:15 p.m.

The President, Lieutenant Governor Cherry, declared the Senate adjourned until Tuesday, September 23, 2003, at 10:00 a.m.

CAROL MOREY VIVENTI
Secretary of the Senate