

EXECUTIVE REORGANIZATION ORDER (EXCERPT)
E.R.O. No. 1999-1

408.40 Transfer of Michigan strategic fund as an autonomous entity in the department of management and budget; transfer of powers and duties of certain economic and development programs and functions to the Michigan strategic fund; provisions applicable to Michigan economic development corporation; creation and transfer of certain programs and functions to the department of career development.

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

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

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

WHEREAS, Michigan's already successful economic development programs will benefit from greater consolidation and can continue to improve its effectiveness and efficiency; and

WHEREAS, successful state economic development programs require long-term continuity, yet maximum flexibility to compete effectively in the national and international market place; and

WHEREAS, successful state economic development programs can further be improved by enhanced cooperation with local economic development programs; and

WHEREAS, the authority for the Michigan Strategic Fund to enter into interlocal agreements includes: Article VII, Section 28 of the Constitution of the state of Michigan of 1963, the Michigan Strategic Fund Act, Act No. 270 of the Public Acts of 1984, as amended, being Sections 125.2001 et seq. of the Michigan Compiled Laws, and the Urban Cooperation Act, Act No. 7 of the Public Acts of 1967, Ex. Sess., as amended, being Sections 124.501 et seq. of the Michigan Compiled Laws; and

WHEREAS, providing Michigan citizens with career development and training opportunities will allow them to succeed in life and will strengthen Michigan's reputation as the state with the most highly skilled people; and

WHEREAS, the state can effectively and efficiently carry out this function by establishing a new principal department, the Department of Career Development.

NOW, THEREFORE, I, John Engler, Governor of the state of Michigan, pursuant to the powers vested in me by the Constitution of the state of Michigan of 1963 and the laws of the state of Michigan, do hereby Order the following:

I. DEFINITIONS

As used herein:

A. The Michigan Jobs Commission means the temporary agency created under Executive Order 1993-2.

B. The Department of the Michigan Jobs Commission means the principal department created in Executive Order 1994-26.

C. The Michigan Strategic Fund means the entity created under Act 270 of 1984, as amended, being Section 125.2001 et seq. of the Michigan Compiled Laws and includes the Michigan Strategic Fund Board.

II. TRANSFER OF THE MICHIGAN STRATEGIC FUND TO THE DEPARTMENT OF MANAGEMENT AND BUDGET

A. The Michigan Strategic Fund, created pursuant to the Michigan Strategic Fund Act, Act No. 270 of the Public Acts of 1984, as amended, being Section 125.2001 et seq. of the Michigan Compiled Laws, with all its statutory authority, powers, duties, and functions, records, personnel, property, unexpended balances of appropriations, allocations or other funds, including the functions of budgeting, procurement, personnel and management related functions, as constituted by Section III of this Executive Order, is hereby transferred to and shall be an autonomous entity in the Department of Management and Budget, without qualification as to type in the same manner as the Michigan Employment Security Commission was designated an autonomous entity within the Michigan Department of Labor pursuant to the Executive Organization Act of 1965, Section 379 of Act No. 380 of the Public Acts of 1965, being Section 16.479 of the Michigan Compiled Laws. This transfer includes, but is not limited to, bond, note, loan, grant, reserve and trust funds, subject to any agreement with note and bond holders, borrowers, grant recipients, or contract holders.

B. All administrative or housekeeping functions, including budgeting, procurement, personnel and management related functions of the Michigan Strategic Fund as contained in the Michigan Strategic Fund

Act, Sections 6, 7 and 24 of Act No. 270 of the Public Acts of 1985, as amended, being Sections 125.2006, 125.2007 and 125.2024 of the Michigan Compiled Laws shall be performed under the direction and supervision of the president of the Michigan Strategic Fund. The Michigan Strategic Fund president shall be the appointing authority for employees of the Michigan Strategic Fund.

C. The director of the Department of the Michigan Jobs Commission shall develop and implement a plan to separate the functions transferred to the Strategic Fund by this Executive Order from the remaining functions of the department. The director of the Department of the Michigan Jobs Commission shall provide executive direction and supervision for implementation of the transfers contained in this Executive Order. The administrative unit of the Department of the Michigan Jobs Commission, including budget, personnel, information systems, internal audit, procurement, legislative, public affairs, executive office, finance and office services and other related administrative functions, shall be separated in a manner that the director deems best serves the ongoing need for these services by the Michigan Strategic Fund and the remainder of the Department of the Michigan Jobs Commission.

D. As of the effective date of this Executive Order, the Board position designated in Section 2005(3) of the Michigan Strategic Fund Act, Act No. 270 of 1984, as amended, being Section 125.2005(3) of the Michigan Compiled Laws, for the Director of the Department of Commerce, which was transferred to the Director of the Department of the Michigan Jobs Commission by Executive Order 1994-26 is hereby transferred to the Director of the Department of Management and Budget.

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 the Michigan Jobs Commission for the activities, powers, duties, functions and responsibilities transferred by this Order are hereby transferred to the Michigan Strategic Fund.

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

G. Any suit, action or other proceeding lawfully commenced by, against or before any entity affected by this Order shall not abate by reason of the taking effect of this Order.

III. CONSOLIDATION OF ECONOMIC DEVELOPMENT FUNCTIONS INTO THE MICHIGAN STRATEGIC FUND

A. Pursuant to Article V, Section 2 of the Constitution of the state of Michigan of 1963, all the statutory authority, powers, duties, and functions, records, personnel, property, unexpended balances of appropriations, allocations, grants or other funds, including the functions of budgeting, procurement, personnel and management related functions of the following enumerated programs and functions are transferred to and reorganized into the Michigan Strategic Fund.

1. Michigan Economic Growth Authority

The Michigan Economic Growth Authority, created pursuant to the Michigan Economic Growth Authority Act, Act No. 24 of the Public Acts of 1995, as amended, being Section 207.801 et seq. of the Michigan Compiled Laws, and all of its statutory authority, powers, duties, functions and responsibilities, including the functions of budgeting, procurement, personnel and management related functions, are transferred to the Michigan Strategic Fund. The Michigan Economic Growth Authority shall exercise the prescribed statutory powers, duties and functions including the prescription of rules and adjudication independently of the Michigan Strategic Fund.

2. Plant Rehabilitation and Industrial Development Districts

All the authority, powers, duties, functions and responsibilities, including the functions of budgeting, procurement, personnel and management related functions of the Department of Commerce under Act No. 198 of the Public Acts of 1974, being Sections 207.551 et seq. of the Michigan Compiled Laws, which were transferred to the Chief Executive Officer of the Michigan Jobs Commission by Executive Order 1994-14 and subsequently transferred by Executive Order 1994-26 to the Department of the Michigan Jobs Commission are hereby transferred to the president of the Michigan Strategic Fund.

3. State Education Tax Exclusion

All the authority, powers, duties, functions and responsibilities, including the functions of budgeting, procurement, personnel and management related functions of the State Treasurer to grant exclusions from the State Education Tax under Section 14a of Act No. 198 of the Public Acts of 1974, as amended, being Section 207.564a of the Michigan Compiled Laws, transferred to the Chief Executive Officer of the Michigan Jobs Commission under Executive Order 1995-2 are hereby transferred to the president of the Michigan Strategic Fund.

4. Personal Property Tax Exemption

All the authority, powers, duties, functions and responsibilities, including the functions of budgeting, procurement, personnel and management related functions of the Department of the Michigan Jobs Commission under Act No. 328 of the Public Acts of 1998, being Section 211.9f of the Michigan Compiled Laws, are hereby transferred to the president of the Michigan Strategic Fund.

5. Community Development Block Grants

All the authority, powers, duties, functions, grants and responsibilities, including the functions of budgeting, procurement, personnel and management related functions of the federal Community Block Grant program operated by the Department of Commerce pursuant to Title I of the Housing and Community Development Act of 1974, as amended, being 42 USC 5300 et seq., commonly known as the Michigan Community Development Block Grant Program, transferred by Executive Order 1994-26 to the Department of the Michigan Jobs Commission are hereby transferred to the Michigan Strategic Fund.

6. Economic Development Job Training

All the authority, powers, duties, functions, grants and responsibilities, including the functions of budgeting, procurement, personnel and management related functions of the Department of the Michigan Jobs Commission to review applications and award grants under the Economic Development Job Training program provided for in Act No. 306 of the Public Acts of 1998, Executive Order 1993-3 and Executive Order 1994-26 are hereby transferred to the Michigan Strategic Fund. The functions performed by the Office of Economic Development Job Training and the related staff and funding sources, including all workforce development and recruitment specialists positions and funding sources, including any Employment Service Agency staff assigned to this program, along with the federal funding for their positions, are hereby transferred to the Michigan Strategic Fund. The Chief Executive Officer of the Department of the Michigan Jobs Commission and the Director of the Employment Service Agency shall jointly determine the positions to be transferred.

7. Department of Economic Expansion

All the authority, powers, duties, functions and responsibilities, including the functions of budgeting, procurement, personnel and management related functions of the Department of Economic Expansion and the Economic Expansion Council created under Act No. 116 of the Public Acts of 1963, as amended, being Section 125.1201 et seq. of the Michigan Compiled Laws, transferred to the Department of Commerce pursuant to Section 332 of the Executive Organization Act of 1965, Act No. 380 of the Public Acts of 1965, as amended, being Section 16.332 of the Michigan Compiled Laws, transferred to the Chief Executive Officer of the Michigan Jobs Commission by Executive Order 1993-9, transferred to the Department of the Michigan Jobs Commission by Executive Order 1994-26 are hereby transferred to the Michigan Strategic Fund.

8. Michigan International Trade Authority

All the statutory authority, powers, duties, functions and responsibilities, including the functions of budgeting, procurement, personnel and management related functions of the Michigan International Trade Authority created as the Michigan Export Development Authority by the Michigan Export Development Authority Act, Act No. 157 of the Public Acts of 1986, as amended, being Section 447.151 et seq. of the Michigan Compiled Laws, renamed the Michigan International Trade Authority by Executive Order 1994-6 and as transferred from the Department of Commerce to the Department of the Michigan Jobs Commission in Executive Order 1994-26, transferred to the Michigan Jobs Commission Board by Executive Order 1995-22 are hereby transferred to the Michigan Strategic Fund.

9. Michigan Enterprise Zone Authority

All the statutory authority, powers, duties, functions and responsibilities, including the functions of budgeting, procurement, personnel and management related functions of the Michigan Enterprise Zone Authority created within the Department of Commerce under the Enterprise Zone Act, Act No. 224 of the Public Acts of 1985, as amended, being Section 125.2101 et seq. of the Michigan Compiled Laws, transferred by Executive Order 1994-14 to the Chief Executive Officer of the Michigan Jobs Commission, transferred by Executive Order 1994-26 to the Department of the Michigan Jobs Commission are hereby transferred to the Michigan Strategic Fund.

10. Neighborhood Enterprise Zones

All the statutory authority, powers, duties, functions and responsibilities, including the functions of budgeting, procurement, personnel and management related functions of the Michigan Enterprise Zone Authority under the Neighborhood Enterprise Zone Act, Act No. 147 of the Public Acts of 1992, as amended, being Section 207.771 et seq. of the Michigan Compiled Laws, transferred to the Chief Executive Officer of the Michigan Jobs Commission by Executive Order 1994-14, transferred to the Department of the Michigan Jobs Commission by Executive Order 1994-26 are hereby transferred to the Michigan Strategic Fund.

11. Michigan Urban Land Assembly Act

All the statutory authority, powers, duties, functions and responsibilities, including the functions of budgeting, procurement, personnel and management related functions of the Department of Commerce under the Michigan Urban Land Assembly Act, Act No. 171 of the Public Acts of 1981, being Section 125.1851 et seq. of the Michigan Compiled Laws, transferred to the Chief Executive Officer of the Michigan Jobs Commission by Executive Order 1994-14, transferred by Executive Order 1994-26 to the Department of the Michigan Jobs Commission are hereby transferred to the Michigan Strategic Fund.

12. Michigan Travel Commission

The Michigan Travel Commission, created pursuant to the Michigan Tourism Policy Act, Act No. 106 of the Public Acts of 1945, as amended, being Section 2.101 et seq. of the Michigan Compiled Laws, transferred from the Department of Commerce to the Department of the Michigan Jobs Commission by Executive Order 1994-26, is hereby transferred to the Michigan Strategic Fund as an advisory board to the president of the Michigan Strategic Fund.

13. Michigan Travel Bureau/ Travel Michigan

All the statutory authority, powers, duties, functions and responsibilities, including the functions of budgeting, procurement, personnel and management related functions of the Michigan Travel Bureau created pursuant to the Michigan Tourism Policy Act, Act No. 106 of the Public Acts of 1945, as amended, being Section 2.101 et seq. of the Michigan Compiled Laws, transferred from the Department of Commerce to the Department of the Michigan Jobs Commission by Executive Order 1994-26 and renamed Travel Michigan by Executive Order 1997-1, are hereby transferred to the Michigan Strategic Fund.

14. Office of the Michigan Business Ombudsman

All the statutory authority, powers, duties, functions and responsibilities, including the functions of budgeting, procurement, personnel and management related functions of the Office of the Michigan Business Ombudsman, created in the Department of Commerce by Executive Directive 1991-12, transferred to the Department of the Michigan Jobs Commission by Executive Order 1994-26, are hereby transferred to the Michigan Strategic Fund.

15. Office of the Small Business Clean Air Ombudsman

All the statutory authority, powers, duties, functions and responsibilities, including the functions of budgeting, procurement, personnel and management related functions of the Office of the Small Business Clean Air Ombudsman along with any related funds, created pursuant to the Natural Resources and Environmental Protection Act, Sections 5701 - 5708 of Act No. 451 of the Public Acts of 1994, being Sections 324.5701 - 324.5708 of the Michigan Compiled Laws, transferred from the Department of Commerce to the Department of the Michigan Jobs Commission by Executive Order 1995-2, are hereby transferred to the Michigan Strategic Fund.

16. Michigan Renaissance Zone Act

All the statutory authority, powers, duties, functions and responsibilities, including the functions of budgeting, procurement, personnel and management related functions of the Department of the Michigan Jobs Commission under the Michigan Renaissance Zone Act created pursuant to Act No. 376 of the Public Acts of 1996, being Section 125.2681 et seq. of the Michigan Compiled Laws, are hereby transferred to the Michigan Strategic Fund. The position on the Renaissance Zone Review Board designated for the Chief Executive Officer of the Department of the Michigan Jobs Commission is hereby transferred to the president of the Michigan Strategic Fund.

17. Michigan Business Incubation Act

All the statutory authority, powers, duties, functions and responsibilities, including the functions of budgeting, procurement, personnel and management related functions of the Department of Commerce under the Michigan Business Incubation Act, Act No. 198 of the Public Acts of 1984, as amended, being Section 125.1571 of the Michigan Compiled Laws, and transferred from the Department of Commerce to the Chief Executive Officer of the Michigan Jobs Commission by Executive Order 1996-2, are hereby transferred to the Michigan Strategic Fund.

18. Commercial Redevelopment Act

All the statutory authority, powers, duties, functions and responsibilities, including the functions of budgeting, procurement, personnel and management related functions of the Department of Commerce under the Commercial Redevelopment Act, Act No. 255 of the Public Acts of 1978, as amended, being Sections 207.651 et seq. of the Michigan Compiled Laws, transferred from the Department of Commerce to the Chief Executive Officer of the Michigan Jobs Commission by Executive Order 1996-2, are hereby transferred to the Michigan Strategic Fund.

19. Economic Development Corporations Act

All the statutory authority, powers, duties, functions and responsibilities, including the functions of

budgeting, procurement, personnel and management related functions, of the Department of Commerce under the Economic Development Corporations Act, Act No. 338 of the Public Acts of 1974, as amended, being Section 125.1601 et seq. of the Michigan Compiled Laws, transferred from the Department of Commerce to the Chief Executive Officer of the Michigan Jobs Commission by Executive Order 1996-2, are hereby transferred to the Michigan Strategic Fund.

20. Office of Film and Television Services

All the authority, powers, duties, functions and responsibilities, including the functions of budgeting, procurement, personnel and management related functions of the Office of Film and Television Services, created within the Department of Commerce by Executive Directive 1979-3, continued by Executive Order 1984-8 and transferred from the Department of Commerce to the Department of the Michigan Jobs Commission by Executive Order 1994-26, are hereby transferred to the Michigan Strategic Fund.

21. Economic Development Road Projects

a. All the statutory authority, powers, duties, functions and responsibilities of the State Transportation Commission to distribute grants and direct the office of economic development as to economic development road projects under Section 11(3)(a) of Act No. 231 of the Public Acts of 1987, as amended, being Section 247.911(3)(a) of the Michigan Compiled Laws, are hereby transferred to the Director of the Michigan Department of Transportation and to the President of the Michigan Strategic Fund, jointly.

b. All records, personnel, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to the Michigan Department of Transportation for the functions assigned by this Order shall remain with the Michigan Department of Transportation.

c. All rules, 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.

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

22. Other Programs

All the statutory authority, powers, duties, functions and responsibilities, including budgeting, procurement, personnel and management related functions of the following programs are hereby transferred to the Michigan Strategic Fund:

a. The Michigan Training Incentive Fund, transferred to the Department of the Michigan Jobs Commission by Executive Order 1994-26;

b. The Minority, Women and Small Business Services units, created pursuant to Act No. 165 of 1975, being Section 125.1221 et seq., of the Michigan Compiled Laws and transferred to the Department of the Michigan Jobs Commission by Executive Order 1994-26;

c. The Capital Resources Group, created pursuant to the Michigan Strategic Fund Act, Act No. 270 of the Public Acts of 1984, being Section 125.2001 et seq. of the Michigan Compiled Laws, transferred to the Department of the Michigan Jobs Commission by Executive Order 1994-26;

d. The Office of Business and Education Coordination and the Sales Unit of the Development Services Division transferred from the Department of Commerce to the Department of the Michigan Jobs Commission by Executive Order 1994-26;

e. The K. I. Sawyer Conversion Authority created by Executive Order 1993-16 and transferred from the Department of Commerce to the Department of the Michigan Jobs Commission by Executive Order 1994-26; and

f. The Wurtsmith Conversion Authority created by Executive Order 1991-37 and transferred from the Department of Commerce to the Department of the Michigan Jobs Commission by Executive Order 1994-26.

B. All records, personnel, property and unexpended balances of appropriations, allocations, grants and other funds used, held, employed, available or to be made available to the Department of the Michigan Jobs Commission for the activities, powers, duties, functions and responsibilities transferred by this Order are hereby transferred to the Michigan Strategic Fund.

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

D. Any suit, action or other proceeding lawfully commenced by, against or before any entity affected by this Order shall not abate by reason of the taking effect of this Order.

IV. MICHIGAN ECONOMIC DEVELOPMENT CORPORATION

A. The Michigan Strategic Fund may enter into an interlocal agreement with one or more local public agencies pursuant to the Urban Cooperation Act of 1967, Act No. 7 of 1967, Ex. Sess., as amended, being

Section 124.501 et seq., of the Michigan Compiled Laws, to provide for a public body corporate, to be called the Michigan Economic Development Corporation (the "Corporation").

A purpose of the Corporation shall include the joint exercise of shared power, privilege or authority of the Michigan Strategic Fund and the local public agencies to perform successful, effective and efficient economic development programs and functions. Shared powers shall include the coordination of complimentary, applicable state and local economic development programs and functions.

Pursuant to the joint exercise of shared power, privilege or authority, the interlocal agreement may provide for the Corporation to solicit and to accept grants, donations or transfers of personnel, services, facilities, property, franchises or funds from the United States, the state of Michigan, any political subdivision, department or agency of the state of Michigan, corporations, agencies, organizations, associations or any other person, either public or private.

The interlocal agreement may provide that the Michigan Strategic Fund contribute any such personnel, services, facilities, property, franchises, powers, responsibilities or funds to the Corporation as permitted by law and as are necessary to carry out the purposes of this Executive Order, with the exception of all taxable and tax exempt bond issuance authority. Whenever Michigan Strategic Fund personnel, services, facilities, property, franchises or funds contributed to the Corporation require annual appropriation, any obligation of the Michigan Strategic Fund created pursuant to the interlocal agreement shall be likewise conditioned upon annual appropriations. The interlocal agreement shall provide that state civil service employees detailed to the Corporation shall continue in the state classified service and in the state benefit system including wages, pension, seniority, sick leave, vacation, health, welfare and other benefits.

B. All departments, boards, commissions or officers of the state or of any political subdivision thereof shall give the Michigan Economic Development Corporation, or to any member or representative thereof, any necessary assistance required by the Michigan Economic Development Corporation or any member or representative thereof, in the performance of the functions, duties and responsibilities of the Michigan Economic Development Corporation.

V. CREATION OF THE DEPARTMENT OF CAREER DEVELOPMENT

A. The Department of Career Development is hereby created. All the remaining authority, powers, duties, functions, responsibilities and personnel of the Department of the Michigan Jobs Commission are transferred to the Department of Career Development. This department shall be headed by a Director who shall be appointed by and serve at the pleasure of the Governor.

B. The following programs and functions are hereby transferred from the Department of the Michigan Jobs Commission to the Department of Career Development:

1. All the authority, powers, duties, functions and responsibilities of the Council of Career Preparation Standards, created by Executive Order 1997-15 and funded under the State School Aid Act of 1979, Section 67 of Act No. 94 of the Public Acts of 1979, as amended, being Section 388.1667 of the Michigan Compiled Laws, are hereby transferred by a Type II transfer to the Department of Career Development.

2. All the authority, powers, duties, functions and responsibilities of the Governor's Workforce Commission, created by Executive Order 1994-26, Section VII, are hereby transferred by a Type II transfer to the Department of Career Development. The position on the Governor's Workforce Commission designated for the Michigan Jobs Commission Chief Executive Officer is transferred to the president of the Michigan Strategic Fund. The position on the Governor's Workforce Commission designated for the Vice President for Workforce Development is transferred to the Director of the Department of Career Development.

3. All the authority, powers, duties, functions and responsibilities of the State Board of Education for the Michigan Rehabilitative Services, pursuant to the Rehabilitation Act, Act No. 232 of the Public Acts of 1964, as amended, being Section 395.81 et seq. of the Michigan Compiled Laws; Act No. 111 of the Public Acts of 1952, as amended, being Section 395.151 et seq. of the Michigan Compiled Laws; the Worker's Disability Compensation Act of 1969, Act No. 317 of the Public Acts of 1969, as amended, being Section 418.101 et seq., of the Michigan Compiled Laws, and the federal Rehabilitation Act of 1973, 29 USC 701 et seq., transferred to the Michigan Jobs Commission by Executive Order 1994-26, are hereby transferred by a Type III transfer to the Department of Career Development.

4. All the authority, powers, duties, functions and responsibilities of the Michigan Rehabilitation Advisory Council established within the Department of the Michigan Jobs Commission by Executive Order 1994-20 are hereby transferred by a Type II transfer to the Department of Career Development.

5. All the 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 by Executive Order 1994-26, are hereby transferred by a Type III transfer to the Department of Career Development.

6. All the authority, powers, duties, functions and responsibilities of the Michigan Community Service

Commission, pursuant to Act No. 219 of the Public Acts of 1994, being Section 408.221 et seq., of the Michigan Compiled Laws, are hereby transferred by a Type II transfer to the Department of Career Development.

7. All the authority, powers, duties, functions and responsibilities of the Governor's Office for Job Training, transferred to the Department of the Michigan Jobs Commission by Executive Order 1994-26, are hereby transferred by a Type III transfer to the Department of Career Development.

8. All the authority, powers, duties, functions and responsibilities of the Displaced Homemaker Program transferred to the Department of the Michigan Jobs Commission by Executive Order 1994-26, are hereby transferred by a Type III transfer to the Department of Career Development.

9. All the authority, powers, duties, functions and responsibilities of the Michigan Occupational Information Coordinating Committee, transferred to the Department of the Michigan Jobs Commission by Executive Order 1994-26, are hereby transferred by a Type III transfer to the Director of the Department of Career Development.

10. All the authority, powers, duties, functions and responsibilities, including the functions of budgeting, procurement and management-related functions of the Michigan Transition Initiative, transferred to the Department of the Michigan Jobs Commission by Executive Order 1994-26, are hereby transferred by a Type III transfer to the Department of Career Development.

11. All the authority, powers, duties, functions and responsibilities of the Michigan Occupational Information System transferred to the Michigan Jobs Commission by Executive Order 1994-26, are hereby transferred by a Type II transfer to the Department of Career Development.

12. All the authority, powers, duties, functions and responsibilities of the Department of Corrections Job Training Programs transferred to the Michigan Jobs Commission by Executive Order 1994-26, are hereby transferred by a Type III transfer to the Department of Career Development.

13. All the authority, powers, duties, functions and responsibilities of the Employment Service Agency not transferred to the Michigan Strategic Fund as described in III.A.6, established pursuant to the Michigan Employment Security Act, Act No. 1 of the Public Acts of 1936, Ex. Sess., as amended, being Section 421.1 et seq. of the Michigan Compiled Laws, as modified by Executive Order 1997-12 and Executive Order 1997-18, are hereby transferred by a Type I transfer to the Department of Career Development. Finance, information technology and other general administrative employees of the Employment Service Agency and their funding shall transfer from the Employment Service Agency to the Department of Career Development. The Department of the Michigan Jobs Commission Chief Executive Officer and the Employment Service Agency Director shall jointly determine the positions to be transferred.

14. Any other authority, powers, duties, functions and responsibilities, including the functions of budgeting, procurement and management not transferred to the Michigan Strategic Fund or the president of the Michigan Strategic Fund by this Order or by statute, are hereby transferred to the Department of Career Development.

C. All records, personnel, property, grants and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to the Department of the Michigan Jobs Commission for the activities, powers, duties, functions and responsibilities transferred by Section V of this Order are hereby transferred to the Department of Career Development.

D. All rules, orders, contracts, grants and agreements relating to the functions transferred to the Department of Career Development lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended or repealed.

E. Any suit, action or other proceeding lawfully commenced by, against or before any entity affected by this Order shall not abate by reason of the taking effect of this Order.

VI. Miscellaneous

A. The position on the Brownfield Redevelopment Board created by the Natural Resources and Environmental Protection Act, Act No. 451 of the Public Acts of 1994, at Section 324.20104a of the Michigan Compiled Laws, designated for the Chief Executive Officer of the Department of the Michigan Jobs Commission is hereby transferred to the president of the Michigan Strategic Fund.

B. The Michigan Jobs Commission Board, the Department of the Michigan Jobs Commission, and the Michigan Jobs Commission are hereby abolished as of the effective date of this Executive Order.

C. The Department of Management and Budget shall determine and authorize the most efficient manner possible for handling financial transactions and records in the state's financial management system for the remainder of this fiscal year.

D. The invalidity of any portion of this Order shall not affect the validity of the remainder thereof.

This Executive Order shall become effective Monday, April 5, 1999.

History: 1999, E.R.O. No. 1999-1, Eff. Apr. 5, 1999;—Am. 1999, E.R.O. No. 1999-2, Eff. May 11, 1999.

Compiler's note: Section III.A.21 of E.R.O. No. 1999-1, compiled at MCL 408.40, was rescinded by E.R.O. No. 1999-2, Eff. May 11, 1999, and replaced with Section III.A.21.a through Section III.A.21.d.

For creation of Michigan workforce investment board within Michigan department of career development, see E.R.O. No. 2002-4, compiled at MCL 408.101 of the Michigan Compiled Laws.

For transfer of powers and duties of department of career development, including any board, commission, council, or similar entity within the department of career development, to the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of portion of administration of community development block grant program from Michigan strategic fund to Michigan state housing development authority, see E.R.O. No. 2023-1, compiled at MCL 125.1999.