

EXECUTIVE REORGANIZATION ORDER (EXCERPT)
E.R.O. No. 1995-1

408.49 Transfer of powers and duties of office of the small business clean air ombudsman from the department of commerce to the Michigan jobs commission by type II transfer; transfer of powers and duties of state treasurer relative to granting of exclusions from state education tax to the chief executive officer of the Michigan jobs commission by a type II transfer; transfer of powers and duties established under the Michigan economic and social opportunity act and established under the weatherization assistance for low income persons program from the Michigan jobs commission to the department of social services by type II transfer.

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

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

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. OFFICE OF THE SMALL BUSINESS CLEAN AIR OMBUDSMAN

1. All the authority, powers, duties, functions and responsibilities, including the functions of budgeting, procurement and management-related functions, of the Office of the Small Business Clean Air Ombudsman, created pursuant to Sections 5701-5708 of Act No. 451 of 1994, are hereby transferred from the Department of Commerce to the Michigan Jobs Commission by a Type II transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

2. The Chief Executive Officer of the Michigan Jobs Commission 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.

3. The Chief Executive Officer of the Michigan Jobs Commission 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 Chief Executive Officer of the Michigan Jobs Commission and all prescribed functions of rule-making, licensing and registration, including the prescription of rules, regulations, standards and adjudications, shall be transferred to the Chief Executive Officer of the Michigan Jobs Commission.

4. 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 Commerce for the activities transferred by this Order are hereby transferred to the Michigan Jobs Commission.

5. The Chief Executive Officer of the Michigan Jobs Commission and the Director of the Department of Commerce 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 Department of Commerce.

6. 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.

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

II. STATE EDUCATION TAX

1. All the authority, powers, duties, functions and responsibilities of the State Treasurer to grant exclusions from the State Education Tax under Section 14a of Act No. 198 of Public Acts of 1974, being Section 207.564a of the Michigan Compiled Laws, are hereby transferred to the Chief Executive Officer of the Michigan Jobs Commission by a Type II transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

2. The Chief Executive Officer of the Michigan Jobs Commission 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.

3. The Chief Executive Officer of the Michigan Jobs Commission 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 Chief Executive Officer of the Michigan Jobs Commission and all prescribed

functions of rule-making, licensing and registration, including the prescription of rules, regulations, standards and adjudications, shall be transferred to the Chief Executive Officer of the Michigan Jobs Commission.

4. 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 Treasury for the activities transferred by this Order are hereby transferred to the Michigan Jobs Commission.

5. The Chief Executive Officer of the Michigan Jobs Commission and the State Treasurer 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 Department of Treasury.

6. 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.

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

III. DEPARTMENT OF SOCIAL SERVICES

A. Michigan Economic and Social Opportunity Act

1. All the authority, powers, duties, functions and responsibilities established under the Michigan Economic and Social Opportunity Act, Act No. 230 of the Public Acts of 1981, being Section 400.1101 et seq. of the Michigan Compiled Laws, and transferred by Executive Order 1993-4 from the Department of Labor to the Michigan Jobs Commission and continued by Executive Order 1994-26 within the Michigan Jobs Commission, are hereby transferred to the Department of Social Services by a Type II transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

2. The Director of the Department of Social Services 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.

3. The Director of the Department of Social 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 Department of Social Services and all prescribed functions of rule-making, licensing and registration, including the prescription of rules, regulations, standards and adjudications, shall be transferred to the Director of the Department of Social Services.

4. 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 Jobs Commission for the activities transferred by this Order are hereby transferred to the Department of Social Services.

5. The Director of the Department of Social Services and the Chief Executive Officer of the Michigan Jobs Commission 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 Michigan Jobs Commission.

6. 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.

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

B. Community Service Block Grant

1. All the authority, powers, duties, functions and responsibilities established under the Community Services Block Grant program pursuant to 42 U.S.C. 9901 et seq., and transferred by Executive Order 1993-4 from the Department of Labor to the Michigan Jobs Commission and continued by Executive Order 1994-26 within the Michigan Jobs Commission, are hereby transferred to the Department of Social Services by a Type II transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

2. The Director of the Department of Social Services 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.

3. The Director of the Department of Social 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 Department of Social Services and all prescribed functions of rule-making, licensing and registration, including the prescription of rules, regulations, standards and adjudications, shall

be transferred to the Director of the Department of Social Services.

4. 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 Jobs Commission for the activities transferred by this Order are hereby transferred to the Department of Social Services.

5. The Director of the Department of Social Services and the Chief Executive Officer of the Michigan Jobs Commission 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 Michigan Jobs Commission.

6. 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.

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

C. Weatherization Assistance for Low Income Persons

1. All the authority, powers, duties, functions and responsibilities established under the Weatherization Assistance for Low Income Persons program pursuant to 42 U.S.C. 6861 et seq., and transferred by Executive Order 1993-4 from the Department of Labor to the Michigan Jobs Commission and continued by Executive Order 1994-26 within the Michigan Jobs Commission, are hereby transferred to the Department of Social Services by a Type II transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

2. The Director of the Department of Social Services 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.

3. The Director of the Department of Social 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 Department of Social Services and all prescribed functions of rule-making, licensing and registration, including the prescription of rules, regulations, standards and adjudications, shall be transferred to the Director of the Department of Social Services.

4. 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 Jobs Commission for the activities transferred by this Order are hereby transferred to the Department of Social Services.

5. The Director of the Department of Social Services and the Chief Executive Officer of the Michigan Jobs Commission 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 Michigan Jobs Commission.

6. 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.

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

In fulfillment of the requirement of Article V, Section 2, of the Constitution of the State of Michigan of 1963, the provisions of this Executive Order shall become effective 60 days after the filing of this Order.

History: 1995, E.R.O. No. 1995-1, Eff. Mar. 28, 1995.