

EXECUTIVE REORGANIZATION ORDER (EXCERPT)
E.R.O. No. 1995-4

408.50 Transfer of powers and duties of the Michigan strategic fund from the director of the Michigan jobs commission to the Michigan strategic fund housed within the Michigan jobs commission; rescission of sections III.B and III.C of E.R.O. No. 1994-10.

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:

1. Sections III.B and III.C of Executive Order 1994-26 are hereby rescinded.

2. All the statutory authority, powers, duties, functions and responsibilities, with the exception of those functions set forth in paragraph 5 of this Order, of the Michigan Strategic Fund created pursuant to Act No. 270 of 1984, as amended, being Section 125.2001 et seq. of the Michigan Compiled Laws, which powers currently reside with the Director of the Michigan Jobs Commission pursuant to Executive Order 1994-26, are hereby assigned to the Michigan Strategic Fund, which shall be housed within the Michigan Jobs Commission. The fund shall exercise, with the exception of those functions set forth in paragraph 5 of this Order, all of its statutory and otherwise legally prescribed authority, powers, duties and responsibilities independently of the Director of the Michigan Jobs Commission. In addition, this assignment 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.

3. The Director of the Michigan Jobs Commission shall replace the Director of the Department of Commerce as a member of the Michigan Strategic Fund Board.

4. The Director of the Michigan Jobs Commission shall administer the functions described in paragraph 5 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.

5. The Director of the Michigan Jobs Commission shall provide executive direction and supervision for the implementation of this assignment. All administrative functions, including budgeting, procurement and related management functions of the fund, shall be performed under the direction and supervision of the Director of the Michigan Jobs Commission. The Michigan Jobs Commission shall function as the appointing authority for the civil service employees of the fund.

6. 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 functions assigned by this Order are hereby transferred to the Michigan Jobs Commission.

7. 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.

8. 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 filing, or on such earlier date that a resolution of the legislature declining its right under Article V, Section 2 to disapprove this Order has been approved by both houses of the legislature by record roll call vote.

History: 1995, E.R.O. No. 1995-4, Eff. May 15, 1995.