

EXECUTIVE REORGANIZATION ORDER

E.R.O. No. 2009-28

445.2012 Establishment of disability concerns commission within department of energy, labor, and economic growth; transfer of powers and duties of commission on disability concerns to disability concerns commission; abolishment of commission on disability concerns.

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

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

WHEREAS, there is a continuing need to reorganize functions amongst state departments to ensure efficient administration and effectiveness of government;

WHEREAS, the functions, duties, and responsibilities of the Commission on Disability Concerns can be more effectively organized and carried out by the Disability Concerns Commission within the Department of Energy, Labor, and Economic Growth;

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

I. DEFINITIONS

As used in this Order:

A. "Commission on Disability Concerns" means the commission created under 1978 PA 58, MCL 395.301, which later was transferred to the Department of Labor by Executive Order 1995-11, MCL 395.351, to the Family Independence Agency by Executive Order 1996-2, MCL 445.2001, to the Department of Labor and Economic Growth by Executive Order 2003-18, MCL 445.2011, and to the Department of Energy, Labor, and Economic Growth by Executive Order 2008-20, MCL 445.2025.

B. "Department of Energy, Labor, and Economic Growth" or "Department" means the principal department of state government created under Section 225 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.325, and renamed by Executive Order 1996-2, MCL 445.2001; Executive Order 2003-18, MCL 445.2011; and Executive Order 2008-20, MCL 445.2025.

C. "Disability Concerns Commission" or "Commission" means the commission created under Section II of this Order.

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

II. CREATION OF THE DISABILITY CONCERNS COMMISSION

A. The Disability Concerns Commission is established within the Department of Energy, Labor, and Economic Growth.

B. The Disability Concerns Commission shall consist of 13 members appointed by the Governor. Members appointed by the Governor are subject to disapproval by the Michigan Senate as provided under Section 6 of Article V of the Michigan Constitution of 1963. Of the members initially appointed, 4 members shall be appointed for terms expiring on November 30, 2009, 3 members shall be appointed for terms expiring on November 30, 2010, 3 members shall be appointed for terms expiring on November 30, 2011, and 3 members shall be appointed for terms expiring on November 30, 2012. After the initial appointments, members of the new Commission shall be appointed to 4-year terms.

C. A vacancy on the Commission occurring other than by expiration of a term shall be filled in the same manner as the original appointment for the balance of the unexpired term.

D. The Governor shall designate a member of the Commission to serve as its Chairperson at the pleasure of the Governor. The Commission may elect other officers from its members as the Commission considers appropriate.

III. TRANSFER OF FUNCTIONS AND ABOLITION OF COMMISSION ON DISABILITY CONCERNS

A. All the statutory authority, powers, duties, functions, responsibilities, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds of the Commission on Disability Concerns are transferred to the Disability Concerns Commission created under Section II of this Order.

B. The Commission on Disability Concerns is abolished.

IV. CHARGE TO THE DISABILITY CONCERNS COMMISSION

A. The Disability Concerns Commission shall perform all of the duties, functions, and responsibilities vested in the Commission under 1978 PA 58, MCL 395.301, and under Executive Orders 1995-11, 1996-2, 2003-18, and 2008-20, and shall do all of the following:

1. Review and advise the Governor and the Department on the policies of this state concerning individuals with disabilities.

2. Review and advise the Governor and the Department of the nature, magnitude, and priorities of the issues facing individuals with disabilities.

3. Monitor, evaluate, investigate, and recommend programs for the betterment of individuals with disabilities in Michigan.

4. Make recommendations to the Governor and the Department regarding changes in state programs, statutes, regulations, and policies, including, but not limited to, the coordination of state programs serving individuals with disabilities.

5. Recommend policy and action plans to serve the needs of individuals with disabilities in Michigan.

6. Recognize the accomplishments and contributions of individuals with disabilities in Michigan.

7. Make recommendations to the Governor and the Department regarding methods of overcoming discrimination against individuals with disabilities.

8. Promote public awareness of disability issues.

9. Promote equal access to state services by individuals with disabilities.

10. Promote the involvement of individuals with disabilities in government at all levels.

B. In addition, the Commission shall issue reports that address issues described in Section IV.A of this Order and provide recommendations at times designated by the Governor or the Director of the Department.

V. OPERATIONS OF THE COMMISSION

A. The Commission shall be staffed and assisted by personnel from the Department, subject to available funding. Any budgeting, procurement, or related management functions of the Commission shall be performed under the direction and supervision of the Director of the Department.

B. The Commission shall adopt procedures consistent with Michigan law and this Order governing its organization and operations.

C. A majority of the members of the Commission serving constitutes a quorum for the transaction of the Commission's business. The Commission shall act by a majority vote of its serving members.

D. The Commission shall meet at the call of the Chairperson and as may be provided in procedures adopted by the Commission.

E. The Commission may establish advisory workgroups composed of representatives of entities participating in Commission activities or other members of the public as deemed necessary by the Commission to assist the Commission in performing its duties and responsibilities. The Commission may adopt, reject, or modify any recommendations proposed by an advisory workgroup.

F. The Commission may, as appropriate, make inquiries, studies, investigations, hold hearings, and receive comments from the public. The Commission may also consult with outside experts in order to perform its duties, including, but not limited to, experts in the private sector, organized labor, government agencies, and at institutions of higher education.

G. Members of the Commission shall serve without compensation. Members of the Commission may receive reimbursement for necessary travel and expenses consistent with relevant statutes and the rules and procedures of the Civil Service Commission and the Department of Management and Budget, subject to available funding.

H. The Commission may hire or retain contractors, sub-contractors, advisors, consultants, and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of the Commission and the performance of its duties as the Director of the Department deems advisable and necessary, in accordance with this Order, the relevant statutes, and the rules and procedures of the Civil Service Commission and the Department of Management and Budget.

I. The Commission may accept donations of labor, services, or other things of value from any public or private agency or person.

J. Members of the Commission shall refer all legal, legislative, and media contacts to the Department.

VI. IMPLEMENTATION OF TRANSFER

A. The Director of the Department of Energy, Labor, and Economic Growth shall provide executive direction

and supervision for the implementation of all transfers of functions under this Order and shall make internal organizational changes as necessary to complete the transfers under this Order.

B. The functions transferred under this Order shall be administered by the Director of the Department of Energy, Labor, and Economic Growth in such ways as to promote efficient administration.

C. All records, property, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Commission on Disability Concerns for the activities, powers, duties, functions, and responsibilities transferred under this Order are transferred to the Department of Energy, Labor, and Economic Growth.

D. 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 necessary for the implementation of this Order.

VII. MISCELLANEOUS

A. All departments, committees, commissioners, or officers of this state, or of any political subdivision of this state, shall give to the Commission or to any member or representative of the Commission, any necessary assistance required by the Commission or any member or representative of the Commission, in the performance of the duties of the Commission so far as is compatible with its, his, or her duties. Free access shall also be given to any books, records, or documents in its, his, or her custody, relating to matters within the scope of inquiry, study, or review of the Commission.

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

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

D. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

In fulfillment of the requirements under Section 2 of Article V of the Michigan Constitution of 1963, the provisions of this Order are effective October 1, 2009 at 12:01 a.m.

History: 2009, E.R.O. No. 2009-28, Eff. Oct. 1, 2009

Compiler's Notes: For transfer of powers and duties of disability concerns commission from department of licensing and regulatory affairs to department of civil rights, see E.R.O. No. 2011-4, compiled at MCL 445.2030.