GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

GARLIN GILCHRIST II
LT. GOVERNOR

EXECUTIVE ORDER

No. 2019-13

Department of Education
Department of Health and Human Services
Department of Licensing and Regulatory Affairs
Department of Talent and Economic Development
Department of Technology, Management and Budget
Department of Treasury

Department of Labor and Economic Opportunity

Executive Reorganization

Section 1 of article 5 of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the governor.

Section 2 of article 5 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.

A strong economy requires a concentration of talent. State government must ensure that every Michigander has opportunity through a path to skills that lead to a good job.

Michigan needs increased focus on providing resources and supporting efforts to increase the skill levels of Michigan workers as the skills needed to compete for well-paying jobs are rapidly changing.

As workplaces evolve, many Michiganders will need to acquire new skills to advance—or even just to keep their current jobs.

The talent development efforts of Michigan state government will benefit from greater coordination and a focus on achieving the statewide goal of increasing the number of Michigan residents between the ages of 16 and 64 with a post-secondary credential to 60 percent by 2030.

Successful talent development programs can be further improved and enhanced by close coordination with local workforce development boards.

Streamlining these programs and including services and programs that protect and promote our skilled and talented labor market will help to provide greater efficiencies and opportunities to engage with job providers and employees.

Strengthening and aligning economic development activities with talent development and training opportunities will assist in meeting the needs of Michigan's job providers and provide enhanced opportunities for Michigan workers.

Changing the organization of the executive branch of state government is necessary in the interests of efficient administration and effectiveness of government.

Acting pursuant to the Michigan Constitution of 1963 and Michigan law, I order the following:

1. Creating the Department of Labor and Economic Opportunity

(a) The Department of Talent and Economic Development is renamed as the Department of Labor and Economic Opportunity (the "Department").

(b) The Department shall exercise the authorities, powers, duties, functions, and responsibilities vested in the Department by this order and otherwise by law.

(c) After the effective date of this order, a reference to the former Department of Talent and Economic Development will be deemed to be a reference to the Department.

(d) After the effective date of this order, a reference to the director of the former Department of Talent and Economic Development will be deemed to be a reference to the director of the Department.

(e) The director of the Department shall coordinate efforts of the executive branch of state government to achieve a statewide goal of increasing the number of Michigan residents between the ages of 16 and 64 with a post-secondary credential to 60 percent by 2030.

(f) The director of the Department will continue to serve as a member of the governor's cabinet.

2. Department Transfers

(a) Michigan State Housing Development Authority

(1) The Michigan State Housing Development Authority created under section 21 of the State Housing Development Authority Act, 1966 PA 346, as amended, MCL 125.1421, is transferred by Type IV transfer to the Department.

(2) The Michigan State Housing Development Authority will be the appointing authority for employees of the Michigan State Housing Development Authority.

(3) The transfer of the Michigan State Housing Development Authority under section 2(a)(1) is subject to any agreement executed before the issuance of this order with note holders, bond holders, or issuers of instruments that are guaranteed.

(4) This order does not affect the status of money of the Michigan State Housing Development Authority. Money of the Michigan State Housing Development Authority is not money of this state and will continue to be non-state funds. State money appropriated to the Michigan State Housing Development Authority will continue to lose its status as state money upon payment to the Michigan State Housing Development Authority and become public money of the Michigan State Housing Development Authority under the control of the Michigan State Housing Development Authority. Funds established by or within the Michigan State Housing Development Authority will continue to be public trust funds administered by the Michigan State Housing Development Authority.

(5) This order does not impair the obligation of any bond or note issued by or on behalf of the Michigan State Housing Development Authority. Bonds and notes issued by or on behalf of the Michigan State Housing Development Authority are obligations of the Michigan State Housing Development Authority and not obligations of this state.

(6) The Michigan State Housing Development Authority shall continue to coordinate activities relating to investments of the Michigan State Housing Development Authority with the Department of Treasury when responsibilities relating to investments are vested in the state treasurer or the Department of Treasury under the State Housing Development Authority Act of 1966, 1966 PA 346, as amended, MCL 125.1401 to 125.1499c.

(7) One of the positions on the Michigan State Housing Development Authority for one of three heads of principal departments of the executive branch of state government under section 21 of the State Housing Development Authority Act of 1966, 1966 PA 346, as amended, MCL 125.1421, is transferred to the director of the Department. The director of the Department will serve as an *ex officio,* voting member of the Michigan State Housing Development Authority. The director of the Department may designate an individual from within the Department to serve on the director's behalf under this section 2(a)(7).

(8) The second of the positions on the Michigan State Housing Development Authority for one of three heads of principal departments of the executive branch of state government under section 21 of the State Housing Development Authority Act of 1966, 1966 PA 346, as amended, MCL 125.1421, is transferred to the state treasurer. The state treasurer will serve

as an *ex officio,* voting member of the Michigan State Housing Development Authority. The state treasurer may designate an individual from within the Department of Treasury to serve on the state treasurer's behalf under this section 2(a)(8).

(9) The third of the positions on the Michigan State Housing Development Authority for one of three heads of principal departments of the executive branch of state government under section 21 of the State Housing Development Authority Act of 1966, 1966 PA 346, as amended, MCL 125.1421, is transferred to the president of the Michigan Strategic Fund. The president of the Michigan Strategic Fund will serve as an *ex officio,* voting member of the Michigan State Housing Development Authority. The president of the Michigan Strategic Fund may designate an individual to serve on the president's behalf under this section 2(a)(9).

(10) The position of chairperson of the Michigan State Housing Development Authority under section 21(6) of the State Housing Development Authority Act of 1966, 1966 PA 346, as amended, MCL 125.1421(6), is transferred to the director of the Department or the director's designee serving as a member of the Michigan State Housing Development Authority under section 2(a)(7). The Michigan State Housing Development Authority will continue to elect its vice-chairperson.

(b) Michigan Strategic Fund

(1) The Michigan Strategic Fund is transferred by Type IV transfer to the Department.

(2) The board of directors of the Michigan Strategic Fund created under section V.A of Executive Order 2014-12, MCL 125.1995, is abolished and its powers, duties, functions, and responsibilities are transferred to a new board of directors of the Michigan Strategic Fund consisting of all of the following:

(A) The director of the Department or the director's designee from within the Department.

(B) The state treasurer, or the state treasurer's designee from within the Department of Treasury.

(C) The director of the Department of Transportation or the director's designee from within the Department of Transportation.

(D) The chief executive officer of the Michigan Economic Development Corporation, or the chief executive officer's designee.

(E) Seven residents of this state appointed by the governor, subject to advice and consent of the senate.

(3) At least six individuals appointed under section 2(b)(2)(E) must be from the private sector.

(4) One of the individuals appointed under section 2(b)(2)(E) must be appointed from a list of three or more nominees submitted to the governor by the senate majority leader representing individuals within the private sector with experience in private equity or venture capital investments, commercial lending, or commercialization of technology.

(5) One of the individuals appointed under section 2(b)(2)(E) must be appointed from a list of three or more nominees submitted to the governor by the speaker of the house of representatives representing individuals within the private sector with experience in private equity or venture capital investments, commercial lending, or commercialization of technology.

(6) At least two of the members of the new board of directors of the Michigan Strategic Fund must have experience in private equity or venture capital investments, at least one member must have experience in commercial lending, and at least one member must have experience in commercialization of technology.

(7) Consistent with the requirements of section 5 of the Michigan Strategic Fund Act, 1984 PA 270, as amended, MCL 125.2005, the membership of the new board of directors of the Michigan Strategic Fund must include minority, small business, and female representation.

(8) Of the members initially appointed by the governor under section 2(b)(2)(E), two must be appointed for a term expiring on July 31, 2023, two must be appointed for a term expiring on July 31, 2022, two must be appointed for a term expiring on July 31, 2021, and one must be appointed for a term expiring on July 31, 2020. After the initial appointments, members must be appointed for a term of four years. A member may continue to serve until a successor is appointed and qualified. A vacancy occurring before the expiration of a term will be filled in the same manner as the original appointment for the remainder of the term.

(9) The governor shall designate a member of the new board of directors of the Michigan Strategic Fund to serve as the president of the Michigan Strategic Fund, and that individual may be compensated for his or her service as president of the Michigan Strategic Fund. The president of the Michigan Strategic Fund is the chairperson and presiding officer of the new board of directors of the Michigan Strategic Fund. The authorities, powers, duties, functions, and responsibilities of the chairperson of the Michigan Strategic Fund and of the president of the Michigan Strategic Fund under the Michigan Strategic Fund Act, 1984 PA 270, as amended, MCL 125.2001 to 125.2094, and otherwise under Michigan law, are vested in the president of the Michigan Strategic Fund.

(10) The members of the new board of directors of the Michigan Strategic Fund shall elect a vice-chairperson from among the new members of the board of directors of the Michigan Strategic Fund.

(11) The president of the Michigan Strategic Fund will be the appointing authority for employees of the Michigan Strategic Fund.

(12) The president of the Michigan Strategic Fund also may serve as the chief executive officer of the Michigan Economic Development Corporation pursuant to the interlocal agreement entered creating the Michigan Economic Development Corporation. The authorization for the director of the Department to also serve as the chief executive officer of the Michigan Economic Development Corporation as provided in section II.B of Executive Order 2014-12, MCL 125.1995, is terminated. The director of the Department shall not be designated as the president of the Michigan Strategic Fund.

(13) The president of the Michigan Strategic Fund is designated as a member of the governor's cabinet.

(14) The authorities, powers, duties, functions, and responsibilities of the Department of Talent and Economic Development under both of the following are transferred to the Michigan Strategic Fund:

(A) Section 4ee of the General Sales Tax Act, 1933 PA 167, as amended, MCL 205.54ee.

(B) Section 4cc of the Use Tax Act, 1937 PA 94, as amended, MCL 205.94cc.

(15) As used in this section 2(b), "Department of Transportation" means the principal department of state government created by section 350 of the Executive Organization Act of 1965, 1965 PA 380, as amended, MCL 16.450.

(c) Michigan Talent Investment Agency

(1) The Michigan Talent Investment Agency created under section III of Executive Order 2014-12, MCL 125.1995, including the Workforce Development Agency within the Michigan Talent Investment Agency, is transferred by Type III transfer to the Department. The Michigan Talent Investment Agency, including its Workforce Development Agency, is abolished.

(2) The authorities, powers, duties, functions, and responsibilities transferred to the Department by this section 2(c) include the authorities, powers, duties, functions, and responsibilities of the Michigan Talent Investment Agency under all of the following:

(A) Sections 61b, 61c, 67, 203, 217, 222, and 276 to 282 of The State School Aid Act of 1979, 1979 PA 94, as amended, MCL 388.1661b, 388.1661c, 388.1803, 388.1817, 388.1822, and 388.1876 to 388.1882.

(B) Section 10 of the Michigan Employment Security Act, 1936 (Ex Sess) PA 1, as amended, MCL 421.10.

(C) Section 4 of the Michigan Civilian Conservation Corps Act, 1984 PA 22, as amended, MCL 409.304.

(3) The position under section II.B.3 of Executive Order 2010-15, as amended by Executive Order 2014-6, MCL 333.26253, on the P-20 Longitudinal Data System Advisory Council within the State Budget Office for one representative nominated by the Director of the Workforce Development Agency within the Michigan Strategic Fund and appointed by the State Budget Director is transferred to one resident of this state appointed by the director of the Department.

(d) State Historic Preservation Office

(1) The State Historic Preservation Office created by Executive Order 2007-53 and transferred to the Michigan State Housing Development Authority by Executive Order 2009-36, MCL 399.752, is transferred from the Michigan State Housing Development Authority to the Michigan Strategic Fund, including its authorities, powers, duties, functions, and responsibilities and those of the Michigan State Housing Development Authority under Executive Order 2007-53 and all of the following:

(A) Section 13(1)(o) of the Freedom of Information Act, 1976 PA 442, as amended, MCL 15.243(1)(o).

(B) Sections 90b to 90d of Michigan Strategic Fund Act, 1984 PA 270, as amended, MCL 125.2090b to 125.2090d.

(C) Sections 229, 326, and 626 of the Recodified Tax Increment Financing Act, 2018 PA 57, MCL 125.4229, 125.4326, and 125.4626.

(D) Section 266 of the Income Tax Act of 1967, 1967 PA 281, as amended, MCL 206.266.

(E) Sections 107 and 435 of the Michigan Business Tax Act, 2007 PA 36, as amended, MCL 208.1107 and 208.1435.

(F) Section 811k of the Michigan Vehicle Code, 1949 PA 300, as amended, MCL 257.811k.

(G) Sections 63523 to 63525 and 72117 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, MCL 324.63523 to 324.63525 and 324.72117, including any authority,

powers, duties, functions, and responsibilities of the state archaeologist under section 72117 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, MCL 324.72117.

(H) The Local Historic Districts Act, 1970 PA 169, as amended, MCL 399.201 to 399.215.

(2) The governor shall appoint and designate a state historic preservation officer to administer the State Historic Preservation Office and Michigan's historic preservation program in compliance with 36 CFR § 61.4, including the employment of a professionally qualified staff.

(e) State Historic Preservation Review Board

(1) The State Historic Preservation Review Board created by Executive Order 2007-53 and transferred to the Michigan State Housing Development Authority by Executive Order 2009-36, MCL 399.752, is transferred from the Michigan State Housing Development Authority to the Michigan Strategic Fund, including its authorities, powers, duties, functions, and responsibilities under Executive Order 2007-53.

(2) The budgeting, procurement, and related management functions of the State Historic Preservation Review Board will be performed under the direction and supervision of the president of the Michigan Strategic Fund.

(f) State Land Bank Fast Track Authority

(1) The board of directors of the State Land Bank Fast Track Authority created under section III.A of Executive Order 2016-23, MCL 125.1996, is abolished. The position of director of the State Land Bank Fast Track Authority is abolished.

(2) The State Land Bank Fast Track Authority is renamed as the State Land Bank Authority and is transferred by Type I transfer to the Department, including any power, duties, functions, and responsibilities of the State Land Bank Authority relating to revenue bonding transferred to the Michigan Strategic Fund by Executive Order 2014-12, MCL 125.1995, The State Land Bank Authority shall exercise its authorities, powers, duties, functions, and responsibilities independently of the director of the Department. The budgeting, procurement, and related management functions of the State Land Bank Authority will be performed under the direction and supervision of the director of the Department.

(3) The Michigan Finance Authority retains the authorities, powers, duties, functions, and responsibilities transferred to the Michigan Finance Authority by section IV.L of Executive Order 2010-2, MCL 12.194.

(4) The authorities, powers, duties, functions, and responsibilities of the State Land Bank Authority are vested in and will be exercised by a board of directors of the State Land Bank Authority. The board of directors will consist of the following members:

(A) The director of the Department, or the director's designee from within the Department.

(B) The president of the Michigan Strategic Fund, or the president's designee.

(C) The executive director of the Michigan State Housing Development Authority, or the executive director's designee from within the Michigan State Housing Development Authority.

(D) Four residents of this state appointed by the governor.

(5) Of the members initially appointed by the governor under section 2(f)(4)(D), one must be appointed for a term expiring on July 31, 2023, one must be appointed for a term expiring on July 31, 2022, one must be appointed for a term expiring on July 31, 2021, and one must be appointed for a term expiring on July 31, 2020. After the initial appointments, members must be appointed for a term of four years. A member may continue to serve until a successor is appointed and qualified. A vacancy occurring before the expiration of a term will be filled in the same manner as the original appointment for the remainder of the term.

(6) The governor shall designate a member of the new board of directors of the State Land Bank Authority to serve as its chairperson. The members of the new board of directors of the State Land Bank Authority shall elect a vice-chairperson from among the members of the board of directors of the State Land Bank Authority.

(7) The board of directors shall appoint an individual to serve as executive director of the State Land Bank Authority and to perform the authorities, powers, duties, functions, and responsibilities vested in the executive director under the Land Bank Fast Track Act, 2003 PA 258, MCL 124.751 to 124.774.

(8) As used in this section 2(f),

(A) "Michigan Finance Authority" means the public body corporate and politic created within the Department of Treasury under section II of Executive Order 2010-2, MCL 12.194.

(B) "State Land Bank Fast Track Authority" means the authority created as a public body corporate and politic under section 15 of the Land Bank Fast Track Act, 2003 PA 258, as amended, MCL 124.765, transferred to the Department of Treasury by Executive Order 2010-2, MCL 12.194, transferred to the Michigan Strategic Fund by Executive

Order 2011-4, MCL 445.2030, transferred to the Michigan State Housing Development Authority by Executive Order 2013-8, MCL 125.1393, and transferred to the director of the Department under Executive Order 2014-12, MCL 125.1995.

(g) Unemployment Insurance Agency

(1) The Unemployment Insurance Agency is transferred by Type II transfer to the Department. The transfer under this section 2(g)(1) includes all of the authorities, powers, duties, functions, and responsibilities of the Unemployment Insurance Agency created by section II.N of Executive Order 2003-18, MCL 445.2011, including the authorities, powers, duties, functions, and responsibilities of the director of the former Unemployment Insurance Agency under section 5 of the Michigan Employment Security Act, 1936 (Ex Sess) PA 1, as amended, MCL 421.5, defined as the "Director of Employment Security" in Executive Order 1997-12, MCL 421.94, transferred to the director of the former Bureau of Worker's and Unemployment Compensation under Executive Order 2002-1, MCL 445.2004, transferred to the Department of Licensing and Regulatory Affairs by Executive Order 2011-4, MCL 445.2030, and transferred from the Department of Licensing and Regulatory Affairs to the Michigan Talent Investment Agency by Executive Order 2014-12, MCL 125.1995.

(2) The Unemployment Insurance Agency will be headed by a Director of Unemployment Insurance with all of the functions and responsibilities vested in the Director of Unemployment Insurance under section II.N of Executive Order 2003-18, MCL 445.2011, and other authorities, powers, duties, functions, and responsibilities vested in the Director of Unemployment Insurance by this order and otherwise by law.

(3) A statutory reference to the former Unemployment Agency will be deemed a reference to the Unemployment Insurance Agency.

(4) As used in this section 2(g), "Unemployment Insurance Agency" means the agency created within the former Department of Labor and Economic Growth under section II.N of Executive Order 2003-18, MCL 445.2011, and transferred to the Michigan Talent Investment Agency by Executive Order 2014-12, MCL 125.1995.

(h) Other Transfers

(1) The authorities, powers, duties, functions, and responsibilities of the Department of Talent and Economic Development under sections 509(2), 511(2), and 527(1) of the Recodified Tax Increment Financing Act, 2018 PA 57, MCL 125.4509(2), 125.4511(2), and 125.4527(1), are transferred to the Department of Licensing and Regulatory Affairs.

3. Creating the Unemployment Insurance Appeals Commission

(a) The Unemployment Insurance Appeals Commission is created as a Type I agency within the Department. The Unemployment Insurance Appeals Commission will be located within the Unemployment Insurance Agency described in section 2(g), but, except as otherwise provided in this order, will exercise its prescribed statutory powers, duties, and functions of rule-making, licensing and registration, including the prescription of rules, rates, regulations and standards, and adjudication independently of the Director of Unemployment Insurance described in section 2(g) and the director of the Department.

(b) The Unemployment Insurance Appeals Commission includes seven members appointed by the governor with the advice and consent of the senate. Of the members of the Unemployment Insurance Appeals Commission initially appointed, two members will be appointed for a term expiring on July 31, 2023, two members will be appointed for a term expiring on July 31, 2022, two members will be appointed for a term expiring on July 31, 2021, and one member will be appointed for a term expiring on July 31, 2020. After the initial appointments, members must be appointed for a term of four years. A member may continue to serve until a successor is appointed and qualified. A vacancy occurring before the expiration of a term will be filled in the same manner as the original appointment for the remainder of the term.

(c) A member of the Unemployment Insurance Appeals Commission must be a member in good standing of the State Bar of Michigan who has been an attorney licensed to practice in Michigan courts for five years or more.

(d) The governor shall designate a member of the Unemployment Insurance Appeals Commission as its chairperson, to serve as chairperson at the pleasure of the governor.

(e) The chairperson of the Unemployment Insurance Appeals Commission shall assign a panel of three members of the Unemployment Insurance Appeals Commission to hear each matter to be heard by the Unemployment Insurance Appeals Commission. A decision reached by a panel will be the final decision of the Unemployment Insurance Appeals Commission, unless five members of the Unemployment Insurance Appeals Commission request that the matter be brought for a full review by the entire Commission. The request must be made within five business days after the decision of the panel.

(f) Each member of the Unemployment Insurance Appeals Commission must devote his or her full time to the functions and responsibilities of the Unemployment Insurance Appeals Commission and shall perform the functions and responsibilities of the office during the hours generally worked by officers and employees of the principal departments of state government. A member of the Unemployment Insurance Appeals Commission shall not participate in a case in which the member is an interested party. A member of the Unemployment Insurance Appeals Commission shall discharge his or her duties in a nonpartisan manner, with good faith, and with

the degree of diligence, care, and skill that an ordinarily prudent public officer would exercise under similar circumstances in a like position.

(g) Any matter before the Unemployment Insurance Appeals Commission that is a matter of first impression relating to unemployment insurance, as determined by the chairperson of the Unemployment Insurance Appeals Commission, or any matter that five or more members of the Unemployment Insurance Appeals Commission request be reviewed by the entire Unemployment Insurance Appeals Commission, must be reviewed and decided by the entire Unemployment Insurance Appeals Commission.

(h) Opinions issued by the Unemployment Insurance Appeals Commission must be in writing and clearly define the legal principles applied. The Unemployment Insurance Appeals Commission shall provide for public distribution of its opinions regarding unemployment insurance, including distribution by electronic means using the internet.

(i) In consultation with the chairperson of the Unemployment Insurance Appeals Commission, the Director of Unemployment Insurance described in section 2(g) has general supervisory control of, and is in charge of the assignment and scheduling of the work of, the Unemployment Insurance Appeals Commission. The Director of Unemployment Insurance, in consultation with the chairperson of the Unemployment Insurance Appeals Commission, also may establish productivity standards for the Unemployment Insurance Appeals Commission, its members, and its panels.

(j) In consultation with the chairperson of the Unemployment Insurance Appeals Commission, the Director of Unemployment Insurance shall evaluate annually the performance of each member of the Unemployment Insurance Appeals Commission. The evaluation must be based upon at least the following criteria:

(1) Productivity, including reasonable time deadlines for disposing of cases and adherence to productivity standards.

(2) Manner in conducting hearings.

(3) Knowledge of the rules of evidence as demonstrated by transcripts of proceedings in which the member of the Unemployment Insurance Appeals Commission participated.

(4) Knowledge of, and compliance with, the law.

(5) Evidence of any demonstrable bias against particular defendants, claimants, or attorneys.

(6) Written surveys or comments of one or more interested parties.

(k) After completing an evaluation under section 3(j), the Director of Unemployment Insurance shall submit a written report, including any supporting documentation, to

the director of the Department regarding that evaluation, which may include recommendations relating to commendation, retention, suspension, removal, or additional training or education.

(l) A member of the Unemployment Insurance Appeals Commission may be removed or suspended by the governor upon recommendation by the director of the Department, based upon recommendations under section 3(k) or other neglect of duties or misfeasance or malfeasance in office.

(m) The Department shall provide suitable office space for the Unemployment Insurance Appeals Commission and its activities. The Unemployment Insurance Agency described in section 2(g) shall provide the Unemployment Insurance Appeals Commission with staff necessary for the Unemployment Insurance Appeals Commission to perform its functions and responsibilities under the Michigan Employment Security Act, 1936 (Ex Sess) PA 1, as amended, MCL 421.1 to 421.75, and this order, which may include legal assistants for the purpose of legal research and otherwise assisting the Unemployment Insurance Appeals Commission and its members.

(n) The authorities, powers, duties, functions, and responsibilities of the Michigan Compensation Appellate Commission relating to the Michigan Employment Security Act, 1936 (Ex Sess) PA 1, as amended, MCL 421.1 to 421.75, and the authorities, powers, duties, functions, and responsibilities under I.B.2 of Executive Order 2011-6, MCL 445.2032, as amended, are transferred to the Unemployment Insurance Appeals Commission. The authorities, powers, duties, functions, and responsibilities of the Michigan Compensation Appellate Commission under all of the following are transferred to the Unemployment Insurance Appeals Commission:

(1) Section 5a of the Michigan Employment Security Act, 1936 (Ex Sess) PA 1, as amended, MCL 421.5a.

(2) Section 6a of the Michigan Employment Security Act, 1936 (Ex Sess) PA 1, as amended, MCL 421.6a.

(3) Section 15(b) of the Michigan Employment Security Act, 1936 (Ex Sess) PA 1, as amended, MCL 421.15(b).

(4) Section 33(2) of the Michigan Employment Security Act, 1936 (Ex Sess) PA 1, as amended, MCL 421.33(2).

(5) Section 34 of the Michigan Employment Security Act, 1936 (Ex Sess) PA 1, as amended, MCL 421.34.

(6) Section 37 of the Michigan Employment Security Act, 1936 (Ex Sess) PA 1, as amended, MCL 421.37.

(7) Section 38 of the Michigan Employment Security Act, 1936 (Ex Sess) PA 1, as amended, MCL 421.38.

(8) Section 54 of the Michigan Employment Security Act, 1936 (Ex Sess) PA 1, as amended, MCL 421.54.

(9) Section 62(g) of the Michigan Employment Security Act, 1936 (Ex Sess) PA 1, as amended, MCL 421.62(g).

(o) The Unemployment Insurance Agency described in section 2(g) must be a party to any judicial action involving an order or decision of the Unemployment Insurance Appeals Commission or an administrative law judge.

(p) A statutory reference to the former Michigan Employment Security Board of Review will be deemed a reference to the Unemployment Insurance Appeals Commission.

4. Creating the Workers' Disability Compensation Appeals Commission

(a) The Workers' Disability Compensation Appeals Commission is created as a Type I Agency within the Department. The Workers' Disability Compensation Appeals Commission will be located within the Workers' Disability Compensation Agency described in section 7(l), but, except as otherwise provided in this order, will exercise its prescribed statutory powers, duties, and functions of rule-making, licensing and registration, including the prescription of rules, rates, regulations and standards, and adjudication independently of the Director of Workers' Disability Compensation described in section 7(l) and the director of the Department.

(b) The Workers' Disability Compensation Appeals Commission will include three members appointed by the governor with the advice and consent of the senate. The Workers' Disability Compensation Appeals Commission shall act by the vote of two or more members. If the Workers' Disability Compensation Appeals Commission does not have the vote of two or more members to decide a case because a member does not participate in a case in accord with section 4(g), the chairperson of the Workers' Compensation Board of Magistrates shall participate in the case and cast a vote upon reviewing the record. Of the members of the Workers' Disability Compensation Appeals Commission initially appointed, one member will be appointed for a term expiring on July 31, 2023, one member will be appointed for a term expiring on July 31, 2022, and one member will be appointed for a term expiring on July 31, 2021. After the initial appointments, members must be appointed for a term of four years. A member may continue to serve until a successor is appointed and qualified. A vacancy occurring before the expiration of a term will be filled in the same manner as the original appointment for the remainder of the term.

(c) A member of the Workers' Disability Compensation Appeals Commission must satisfy of the following:

(1) The member is a member in good standing of the State Bar of Michigan.

(2) The member has been an attorney licensed to practice in Michigan courts for five years or more.

(3) The member has practiced in the field of workers' compensation law for five years or more or otherwise demonstrates proficiency in the field of workers' compensation law.

(d) The governor shall designate a member of the Workers' Disability Compensation Appeals Commission as its chairperson, to serve as chairperson at the pleasure of the governor.

(e) A decision reached by the Workers' Disability Compensation Appeals Commission will be the final decision.

(f) Each member of the Workers' Disability Compensation Appeals Commission must devote his or her full time to the functions and responsibilities of the Workers' Disability Compensation Appeals Commission and shall perform the functions and responsibilities of the office during the hours generally worked by officers and employees of the principal departments of state government. A member of the Workers' Disability Compensation Appeals Commission shall discharge his or her duties in a nonpartisan manner, with good faith, and with the degree of diligence, care, and skill that an ordinarily prudent public officer would exercise under similar circumstances in a like position.

(g) A member of the Workers' Disability Compensation Appeals Commission shall not participate in a case in which the member is an interested party.

(h) Opinions issued by the Workers' Disability Compensation Appeals Commission must be in writing and clearly define the legal principles applied. The Workers' Disability Compensation Appeals Commission shall provide for public distribution of its opinions regarding workers' disability compensation, including distribution by electronic means using the internet.

(i) In consultation with the chairperson of the Workers' Disability Compensation Appeals Commission, the Director of Workers' Disability Compensation described in section 7(l) has general supervisory control of, and is in charge of the assignment and scheduling of the work of, the Workers' Disability Compensation Appeals Commission. The Director of Workers' Disability Compensation, in consultation with the chairperson of the Workers' Disability Compensation Appeals Commission, also may establish productivity standards for the Workers' Disability Compensation Appeals Commission and its members.

(j) In consultation with the chairperson of the Workers' Disability Appeals Commission, the Director of Workers' Disability Compensation described in section 7(l) shall evaluate annually the performance of each member of the Workers' Disability Compensation Appeals Commission. The evaluation must be based upon at least the following criteria:

(1) Productivity, including reasonable time deadlines for disposing of cases and adherence to productivity standards.

(2) Manner of conducting hearings.

(3) Knowledge of the rules of evidence as demonstrated by transcripts of proceedings in which the member of the Workers' Disability Compensation Appeals Commission participated.

(4) Knowledge of, and compliance with, the law.

(5) Evidence of any demonstrable bias against particular defendants, claimants, or attorneys.

(6) Written surveys or comments of one or more interested parties.

(k) After completing an evaluation under section 4(j), the Director of Workers' Disability Compensation described in section 7(l) shall submit a written report, including any supporting documentation, to the director of the Department regarding that evaluation, which may include recommendations relating to commendation, retention, suspension, removal, or additional training or education.

(l) A member of the Workers' Disability Compensation Appeals Commission may be removed or suspended by the governor upon recommendation by the director of the Department, based upon recommendations under section 4(k) or other neglect of duties or misfeasance or malfeasance in office.

(m) The Department shall provide suitable office space for the Workers' Disability Compensation Appeals Commission and its activities. The Workers' Disability Compensation Agency described in section 7(l), shall provide the Workers' Disability Compensation Appeals Commission with staff necessary for the Workers' Disability Compensation Appeals Commission to perform its functions and responsibilities under the Worker's Disability Compensation Act of 1969, 1969 PA 317, as amended, MCL 418.101 to 418.941, and this order, which may include legal assistants for the purpose of legal research and otherwise assisting the Workers' Disability Compensation Appeals Commission and its members.

(n) The authorities, powers, duties, functions, and responsibilities transferred to the Michigan Compensation Appellate Commission under I.B.1 of Executive Order 2011-6, MCL 445.2032, as amended, are transferred to the Workers' Disability Compensation Appeals Commission. The authorities, powers, duties, functions, and responsibilities of the Michigan Compensation Appellate Commission under all of the following are transferred to the Workers' Disability Compensation Appeals Commission:

(1) Section 212(1)(a) of the Worker's Disability Compensation Act of 1969, 1969 PA 317, as amended, MCL 418.212(1)(a).

(2) Section 274 of the Worker's Disability Compensation Act of 1969, 1969 PA 317, as amended, MCL 418.274.

(3) Section 319(2) of the Worker's Disability Compensation Act of 1969, 1969 PA 317, as amended, MCL 418.319(2).

(4) Section 611(6) of the Worker's Disability Compensation Act of 1969, 1969 PA 317, as amended, MCL 418.611(6).

(5) Section 835(5) of the Worker's Disability Compensation Act of 1969, 1969 PA 317, as amended, MCL 418.835(5).

(6) Section 853 of the Worker's Disability Compensation Act of 1969, 1969 PA 317, as amended, MCL 418.853.

(o) The authorities, powers, duties, functions, and responsibilities of the executive director of the former Michigan Administrative Hearing System under section 212 of the Worker's Disability Compensation Act of 1969, 1969 PA 317, as amended, MCL 418.212, are transferred to the Director of Workers' Disability Compensation described in section 7(l).

(p) A statutory reference to the former Worker's Compensation Appellate Commission or the former Workers' Compensation Appellate Commission will be deemed a reference to the Workers' Disability Compensation Appeals Commission.

(q) The Michigan Compensation Appellate Commission is abolished.

5. Transfers from Department of Education

(a) Subject to section 5(d), all of the authorities, powers, duties, functions, and responsibilities of the Department of Education under Article V of The State School Aid Act of 1979, 1979 PA 94, as amended, MCL 388.1897 to 1897*l*, are transferred by Type II transfer from the Department of Education to the Department.

(b) Subject to section 5(d), the authorities, powers, duties, functions, and responsibilities transferred to the Department of Education under section V.A of Executive Order 2011-4, MCL 445.2030, relating to the Youth Employment Standards Act, 1978 PA 90, as amended, MCL 409.101 to 409.124, are transferred by Type II transfer from the Department of Education to the Department.

(c) The Michigan Council on Educational Opportunity for Military Children required by article 8 of section 1 of 2008 PA 160, MCL 3.1041, is transferred by Type II transfer from the Department of Education to the Department.

(d) The authorities, powers, duties, functions, and responsibilities transferred by this section 5 are subject to the leadership and general supervision of the State Board of Education under section 3 of article 8 of the Michigan Constitution of 1963 and will remain subject to that leadership and general supervision to the extent provided by section 3 of article 8 of the Michigan Constitution of 1963.

6. Transfers from Department of Health and Human Services

(a) Michigan Council for Rehabilitation Services

(1) The Michigan Council for Rehabilitation Services is transferred by Type II transfer from the Department of Health and Human Services to the Department.

(2) The authorities, powers, duties, functions, and responsibilities of the Department of Health and Human Services and its director and of the Department of Licensing and Regulatory Affairs and its director under section V of Executive Order 2012-10, MCL 445.2033, are transferred from the Department of Health and Human Services to the Department and its director.

(3) The position as a member of the Michigan Council for Rehabilitation Services under section V.B.1.g of Executive Order 2012-10, MCL 445.2033, is transferred to one individual representing the Michigan Future Talent Council.

(4) The Michigan Council for Rehabilitation Services shall continue to be the single state rehabilitation council pursuant to 29 USC 721(a)(21)(B) for authorities, powers, duties, functions, and responsibilities transferred to the Department under sections 6(b) and 7(c).

(5) As used in this section 6(a):

(A) "Michigan Council for Rehabilitation Services" means the council created under section V of Executive Order 2012-10, MCL 445.2033.

(B) "Michigan Future Talent Council" means the state workforce development board required by section 101 of the Workforce Innovation and Opportunity Act, Public Law 113-128, 29 USC 3111, and established by Executive Order 2015-11, as amended by Executive Order 2018-13.

(b) Michigan Rehabilitation Services

(1) The authorities, powers, duties, functions, and responsibilities of Michigan Rehabilitation Services, including those transferred under section III of Executive Order 2012-10, MCL 445.2033, are transferred by Type II transfer from the Department of Health and Human Services to the Department.

(2) The Department shall serve as a "designated state agency" as defined under the Rehabilitation Act of 1973, Public Law 93-112, as amended, 29 USC 701 *et seq.*

(3) The authorities, powers, duties, functions, and responsibilities of the Department of Health and Human Services under the Rehabilitation Act of

1964, 1964 PA 232, as amended, MCL 395.81 to 395.90, are transferred by Type II transfer from the Department of Health and Human Services to the Department.

(c) Michigan Community Service Commission

(1) The Michigan Community Service Commission is transferred by Type II transfer from the Department of Health and Human Services to the Department.

(2) As used in this section 6(c), "Michigan Community Service Commission" means the commission provided for by 1994 PA 219, MCL 408.221 to 408.232, transferred to the former Department of Labor and Economic Growth by Executive Order 2003-18, MCL 445.2011, and transferred to the former Department of Human Services by Executive Order 2006-21, MCL 209.91.

7. Transfers from Department of Licensing and Regulatory Affairs

(a) Asian Pacific American Affairs Commission

(1) The Asian Pacific American Affairs Commission is transferred by Type II transfer from the Department of Licensing and Regulatory Affairs to the Department.

(2) After the effective date of this order, the executive director of the Office of Global Michigan and the director of the Department of Civil Rights shall serve as the only *ex officio*, non-voting members of the Asian Pacific American Affairs Commission.

(3) The Office of Asian Pacific American Affairs is transferred by Type III transfer from the Department of Licensing and Regulatory Affairs to the Department. The Office of Asian Pacific American Affairs and the position of director of that office are both abolished.

(4) As used in this section 7(a):

(A) "Asian Pacific American Affairs Commission" means the commission created by Executive Order 2009-21, MCL 445.1992, transferred to the Department of Civil Rights by Executive Order 2011-4, MCL 445.2030, and transferred to the Department of Licensing and Regulatory Affairs by Executive Order 2016-3, MCL 445.1993.

(B) "Office of Asian Pacific American Affairs" means the office created within the former Department of Energy, Labor, and Economic Growth under section 13 of the Asian Pacific American Affairs Commission Act, 2008 PA 536, MCL 37.133, transferred to the Department of Civil Rights by Executive Order 2011-4, MCL

445.2030, and transferred to the Department of Licensing and Regulatory Affairs by Executive Order 2016-3, MCL 445.1993.

(b) Board of Health Safety and Compliance and Appeals

(1) The Board of Health Safety and Compliance and Appeals is transferred by Type I transfer from the Department of Licensing and Regulatory Affairs to the Department.

(2) As used in this section 7(b), "Board of Health Safety and Compliance and Appeals" means the board created under section 46 of the Michigan Occupational Safety and Health Act, 1974 PA 154, as amended, MCL 408.1046, as modified by Executive Order 2010-10, MCL 408.991.

(c) Bureau of Services for Blind Persons

(1) The Bureau of Services for Blind Persons created under section I of Executive Order 2012-10, MCL 445.2033, is transferred by Type II transfer from the Department of Licensing and Regulatory Affairs to the Department.

(2) The authorities, powers, duties, functions, and responsibilities transferred to the director of the Department of Licensing and Regulatory Affairs under section I of Executive Order 2012-10, MCL 445.2033, are transferred from the Department of Licensing and Regulatory Affairs to the director of the Department.

(3) The authorities, powers, duties, functions, and responsibilities of the Department of Licensing and Regulatory Affairs under 1978 PA 260, as amended, MCL 393.351 to 393.369, are transferred by Type II transfer from the Department of Licensing and Regulatory Affairs to the Department.

(4) The Bureau of Services for Blind Persons shall continue to serve as the "state licensing agency" under Public Law 74-432, as amended, 20 USC 107 to 107f.

(d) Commission for Blind Persons

(1) The Commission for Blind Persons created under section II of Executive Order 2012-10, MCL 445.2033, is transferred by Type II transfer from the Department of Licensing and Regulatory Affairs to the Department.

(2) The authorities, powers, duties, functions, and responsibilities of the Department of Licensing and Regulatory Affairs and its director under section II of Executive Order 2012-10, MCL 445.2033, are transferred from the Department of Licensing and Regulatory Affairs to the Department and its director.

(e) Commission on Middle Eastern American Affairs

(1) The Commission on Middle Eastern American Affairs is transferred by Type II transfer from the Department of Licensing and Regulatory Affairs to the Department.

(2) After the effective date of this order, the executive director of the Office of Global Michigan and the director of the Department of Civil Rights, shall serve as the only *ex officio*, non-voting members of the Commission on Middle Eastern American Affairs.

(3) As used in this section 7(b), "Commission on Middle Eastern American Affairs" means the commission created within the former Department of Civil Rights and transferred from the Department of Civil Rights to the Department of Licensing and Regulatory Affairs and renamed as the Commission on Middle Eastern American Affairs by Executive Order 2016-3, MCL 445.1993.

(f) Employment Relations Commission

(1) The Employment Relations Commission created under section 3 of 1939 PA 176, as amended, MCL 423.3, is transferred by Type I transfer from the Department of Licensing and Regulatory Affairs to the Department.

(g) Hispanic/Latino Commission of Michigan

(1) The Hispanic/Latino Commission of Michigan is transferred by Type II transfer from the Department of Licensing and Regulatory Affairs to the Department.

(2) After the effective date of this order, the executive director of the Office of Global Michigan and the director of the Department of Civil Rights, shall serve as the only *ex officio*, non-voting members of the Hispanic/Latino Commission of Michigan.

(3) The Office of Hispanic/Latino Affairs is transferred by Type III transfer from the Department of Licensing and Regulatory Affairs to the Department. The Office of Hispanic/Latino Affairs and the position of director of that office are both abolished.

(4) As used in this section 7(g):

(A) "Hispanic/Latino Commission" means the commission created under section 2 of 1975 PA 164, as amended, MCL 18.302, transferred to the Department of Civil Rights by Executive Order 2011-4, MCL 445.2030, and transferred to the Department of Licensing and Regulatory Affairs by Executive Order 2016-3, MCL 445.1993.

(B) "Office of Hispanic/Latino Affairs" means the office created within the former Department of Energy, Labor, and Economic Growth under section 4 of 1975 PA 164, as amended, MCL 18.304, transferred to the Department of Civil Rights by Executive Order 2011-4, MCL 445.2030, and transferred to the Department of Licensing and Regulatory Affairs by Executive Order 2016-3, MCL 445.1993.

(h) Michigan Occupational Safety and Health Administration

(1) The Michigan Occupational Safety and Health Administration is transferred by Type II transfer from the Department of Licensing and Regulatory Affairs to the Department.

(2) The authorities, powers, duties, functions, and responsibilities of the Department of Licensing and Regulatory Affairs under the Michigan Occupational Safety and Health Act, 1974 PA 154, as amended, MCL 408.1001 to 408.1094, are transferred by Type II transfer from the Department of Licensing and Regulatory Affairs to the Department.

(3) As used in this section 7(h), "Michigan Occupational Safety and Health Administration" means the organizational unit within the Department of Licensing and Regulatory Affairs that exercises the authorities, powers, duties, functions, and responsibilities transferred to the director of the former Department of Consumer and Industry Services under IV.3.h of Executive Order 1996-2, MCL 445.2001, and the authorities, powers, duties, functions, and responsibilities previously vested in the former General Industry Safety Standards Commission abolished by 2012 PA 416, the former Construction Safety Standards Commission abolished by 2012 PA 448, and the former Occupational Health Standards Commission abolished by 2012 PA 447.

(i) Michigan Office for New Americans

(1) The Michigan Office for New Americans is transferred by Type II transfer from the Department of Licensing and Regulatory Affairs to the Department, including the authorities, powers, duties, functions, and responsibilities of the Michigan Office for New Americans under all of the following:

(A) Executive Order 2014-2.

(B) Executive Order 2018-7, MCL 125.1997.

(2) The transfer under section 7(i)(1) includes the transfer of the Chairpersons Council created as an advisory body under section II of Executive Order 2018-7, MCL 125.1997. The Chairpersons Council is renamed as the Chairpersons' Council on Opportunities.

(3) The position of director of the Michigan Office for New Americans is abolished.

(4) The Michigan Office for New Americans is renamed as the Office of Global Michigan.

(5) The position of executive director of the Office of Global Michigan is created within the Office of Global Michigan. The governor shall appoint the executive director of the Office of Global Michigan, who will serve at the pleasure of the governor. The executive director of the Office of Global Michigan will be the head of the Office of Global Michigan and shall advise the governor on matters relating to new Americans, immigration policy, enforcement of federal immigration laws in Michigan, and on other matters, as requested by the governor. The executive director of the Office of Global Michigan is designated as a member of the governor's cabinet.

(6) The membership of the Chairpersons' Council on Opportunities is expanded to include the executive director of the Office of Global Michigan, who will serve as the chairperson and presiding officer of the Chairpersons' Council on Opportunities.

(7) The authority to convene meetings of the Chairpersons' Council on Opportunities is transferred to the executive director of the Office of Global Michigan. The Chairperson's Council on Opportunities shall meet not less than four times per year and must meet in a manner that complies with the requirements of the Open Meetings Act, 1976 PA 267, as amended, MCL 15.261 to 15.275.

(8) Subject to the approval of the Office of Global Michigan and available funding, members of the Chairpersons' Council on Opportunities may receive reimbursement for necessary travel and expenses according to applicable law and procedures of the Department.

(j) Nonincorporated Private Educational Institutions

(1) The authorities, powers, duties, functions, and responsibilities of the Department of Licensing and Regulatory Affairs transferred to the Department of Licensing and Regulatory Affairs by section II.B of Executive Order 2012-9, MCL 125.1994, are transferred from the Department of Licensing and Regulatory Affairs to the Department, including the authorities, powers, duties, functions, and responsibilities under 1964 PA 142, as amended, MCL 390.771 to 390.772.

(k) Wage and Hour Division

(1) The authorities, powers, duties, functions, and responsibilities of the Wage and Hour Division under section II.L of Executive Order 2003-18, MCL 445.2011, are transferred by Type II transfer from the Department of Licensing and Regulatory Affairs to the Department.

(2) The authority, powers, duties, functions, and responsibilities of the Department of Licensing and Regulatory Affairs under all of the following are

transferred by Type II transfer from the Department of Licensing and Regulatory Affairs to the Department:

(A) 1978 PA 390, as amended, MCL 408.471 to 408.490.

(B) The Earned Sick Time Act, 2018 PA 338, as amended, MCL 408.961 to 408.974.

(C) The Improved Workforce Opportunity Wage Act, 2018 PA 337, as amended, MCL 408.931 to 408.945.

(l) Workers' Compensation Agency

(1) The Workers' Compensation Agency is transferred by Type II transfer from the Department of Licensing and Regulatory Affairs to the Department and renamed as the Workers' Disability Compensation Agency.

(2) The Workers' Disability Compensation Agency will be headed by a Director of Workers' Disability Compensation possessing all of the powers vested in the office of the Director of Workers' Compensation under section II.O of Executive Order 2003-18, MCL 445.2011, this order, and otherwise provided by law. The Director of Workers' Disability Compensation described in section 7(l) shall comply with the requirements applicable to the director under section 205 of the Worker's Disability Compensation Act of 1969, 1969 PA 317, as amended, MCL 418.205.

(3) The authorities, powers, duties, functions, and responsibilities of the executive director of the former Michigan Administrative Hearing System under sections 212 and 213 of the Worker's Disability Compensation Act of 1969, 1969 PA 317, as amended, MCL 418.212 and 418.213, are transferred to the Director of Workers' Disability Compensation described in this section 7(l).

(4) The authorities, powers, duties, functions, and responsibilities of the former Michigan Administrative Hearing System sections 213(7) and 213(8) of the Worker's Disability Compensation Act of 1969, 1969 PA 317, as amended, MCL 418.213(7) and 418.213(8), are transferred from the Department of Licensing and Regulatory Affairs to the Workers' Disability Compensation Agency.

(5) The authorities, powers, duties, functions, and responsibilities of the former Michigan Administrative Hearing System under section 847 of the Worker's Disability Compensation Act of 1969, 1969 PA 317, as amended, MCL 418.847, are transferred from the Department of Licensing and Regulatory Affairs to the Director of Workers' Disability Compensation described in this section 7(l).

(6) The authorities, powers, duties, functions, and responsibilities of the Department of Licensing and Regulatory Affairs under section 274(5) of the

Worker's Disability Compensation Act of 1969, 1969 PA 317, as amended, MCL 418.274(5), are transferred from the Department of Licensing and Regulatory Affairs to the Department.

(7) As used in this section 7(l) and section 7(m), "Workers' Compensation Agency" means the agency created within the former Department of Labor and Economic Growth under section II.O of Executive Order 2003-18, MCL 445.2011.

(m) Workers' Compensation Board of Magistrates

(1) The Workers' Compensation Board of Magistrates is transferred by Type I transfer from the Department of Licensing and Regulatory Affairs to the Department. The Workers' Compensation Board of Magistrates will be located within the Workers' Disability Compensation Agency, but, except as otherwise provided in this order, will exercise its prescribed statutory powers, duties, and functions of rule-making, licensing and registration, including the prescription of rules, rates, regulations and standards, and adjudication independently of the Director of Workers' Disability Compensation described in section 7(l) and the director of the Department.

(2) A member of the Workers' Compensation Board of Magistrates must be a member in good standing of the State Bar of Michigan who has been an attorney licensed to practice in Michigan courts for five years or more.

(3) The authorities, powers, duties, functions, and responsibilities of the director of the Department of Licensing and Regulatory Affairs under 212 of the Worker's Disability Compensation Act of 1969, 1969 PA 317, as amended, MCL 418.212, are transferred from the Department of Licensing and Regulatory Affairs to the director of the Department.

(4) The authorities, powers, duties, functions, and responsibilities of the Department of Licensing and Regulatory Affairs under 213 of the Worker's Disability Compensation Act of 1969, 1969 PA 317, as amended, MCL 418.213, are transferred from the Department of Licensing and Regulatory Affairs to the Department.

(5) As used in this section 7(m), "Workers' Compensation Board of Magistrates" means the board established under section 213 of the Worker's Disability Compensation Act of 1969, 1969 PA 317, as amended, MCL 418.213, as amended by Executive Order 2003-18, MCL 445.2011, and Executive Order 2009-53, MCL 445.2011, and transferred to the former Michigan Administrative Hearing System within the Department of Licensing and Regulatory Affairs under section IX.G of Executive Order 2011-4, MCL 445.2030.

(n) Other Transfers

(1) The authorities, powers, duties, functions, and responsibilities of the Department of Licensing and Regulatory Affairs under all of the following are transferred by Type II transfer from the Department of Licensing and Regulatory Affairs transfer to the Department:

(A) 1972 PA 251, as amended, MCL 390.501 to 390.506.

(B) The Higher Education Authorization and Distance Education Reciprocal Exchange Act, 2015 PA 45, as amended, MCL 390.1691 to 390.1697.

(C) The Proprietary Schools Act, 1943 PA 148, as amended, MCL 395.101 to 395.103.

(D) Section 177 of 1931 PA 327, as amended, MCL 450.177.

(E) The Employment Security Financing Act, 2011 PA 267, MCL 12.271, to 12.294.

(2) The authorities, powers, duties, functions, and responsibilities of the director of the Department of Licensing and Regulatory Affairs under all of the following are transferred from the director of the Department of Licensing and Regulatory Affairs to the director of the Department:

(A) The Employment Security Financing Act, 2011 PA 267, MCL 12.271, to 12.294.

(B) The Improved Workforce Opportunity Wage Act, 2018 PA 337, as amended, MCL 408.931 to 408.945.

(C) The Michigan Occupational Safety and Health Act, 1974 PA 154, as amended, MCL 408.1001 to 408.1094.

(D) Section 26a of the Michigan Employment Security Act, 1936 (Ex Sess) PA 1, as amended, MCL 421.26a.

(E) Section 14 of 1939 PA 176, as amended, MCL 423.14.

8. Transfer from the Department of Technology, Management and Budget

(a) MiSTEM Advisory Council

(1) The MiSTEM Advisory Council created under section 99s of The State School Aid Act of 1979, 1979 PA 94, as amended, MCL 388.1699s, is transferred by Type III transfer to the Department and is abolished.

(2) The transfer under section 8(a)(1) includes the authorities, powers, duties, functions, and responsibilities of the MiSTEM Advisory Council under section 98(2)(a)(v) of The State School Aid Act of 1979, 1979 PA 94, as amended, MCL 388.1698(2)(a)(v).

(3) The position of executive director for the MiSTEM network referenced in section 99s of The State School Aid Act of 1979, 1979 PA 94, as amended, MCL 388.1699s, is abolished.

(4) The position of executive assistant for the MiSTEM network referenced in section 99s of The State School Aid Act of 1979, 1979 PA 94, as amended, MCL 388.1699s, is abolished.

(b) Creation of Michigan Science, Technology, Engineering, and Mathematics Education Advisory Council

(1) The Michigan Science, Technology, Engineering, and Mathematics Education Advisory Council is created as an advisory body within the Department and also may be known as the "MI-STEM Council." The MI-STEM Council includes the following members:

(A) The director of the Department or the director's designated representative from within the Department, who shall serve as an *ex officio*, voting member.

(B) The Superintendent of Public Instruction or a designated representative of the Superintendent of Public Instruction from within the Department of Education, who shall serve as an *ex officio*, voting member.

(C) Nine residents of this state appointed as voting members by the governor with experience with one or more of the following:

(i) Economic sectors of this state that rely upon a workforce with education in science, technology, engineering, and mathematics.

(ii) Nonprofit organizations that promote science, technology, engineering, and mathematics education.

(iii) K-12 and postsecondary educational institutions involved with science, technology, engineering, and mathematics career preparation or education.

(D) Two members of the Michigan Senate designated by its majority leader, including one member of the majority party and one member of the minority party, and two members of the Michigan House of Representatives designated by its speaker, including one member of the majority party and one member of the minority party, may

participate in meetings of the MI-STEM Council as non-voting members of MI-STEM Council.

(E) Of the MI-STEM Council members initially appointed under section 8(b)(1)(C), three members shall be appointed for a term ending on September 30, 2022, two members shall be appointed for a term ending on September 30, 2021, two members shall be appointed for a term ending on September 30, 2020, and two members shall be appointed for a term ending on September 30, 2019. After the initial appointments, a member of the MI-STEM Council appointed under section 8(b)(1)(C) shall be appointed for a term of four years.

(F) A vacancy on the MI-STEM Council created other than by the expiration of the term of a member of the MI-STEM Council shall be filled in the same manner as the original appointment, for the remainder of the unexpired term. A member of the MI-STEM Council may be reappointed for additional terms.

(G) The member of the MI-STEM Council serving under section 8(b)(1)(A) shall serve as the chairperson of the MI-STEM Council. The governor shall designate an individual appointed under section 8(b)(1)(C) as the vice-chairperson, to serve as vice-chairperson at the pleasure of the governor.

(2) The MI-STEM Council shall perform the authorities, powers, duties, functions, and responsibilities transferred to the Department under section 8(a) and all of the following:

(A) Recommending measures to ensure effective communications, collaboration, and joint objectives among state departments and agencies with responsibilities relating to science, technology, engineering, and mathematics education.

(B) Providing other information, advice, or assistance as requested by the director of the Department.

(C) Other authorities, powers, duties, functions, and responsibilities vested in the MI-STEM Advisory Council by law.

(3) The Department shall assist the MI-STEM Advisory Council in the performance of its authorities, powers, duties, functions, and responsibilities and shall provide personnel to staff the MI-STEM Advisory Council. The budgeting, procurement, and related management functions of the MI-STEM Advisory Council will be performed under the direction and supervision of the director of the Department.

(4) The MI-STEM Advisory Council shall adopt procedures consistent with Michigan law and this order governing its organization and operations.

(5) The MI-STEM Advisory Council shall comply with the Freedom of Information Act, 1976 PA 442, as amended, MCL 15.231 to 15.246.

(6) The MI-STEM Advisory Council shall comply with the Open Meetings Act, 1976 PA 267, as amended, MCL 15.261 to 15.275.

(7) A majority of the voting members of the MI-STEM Advisory Council serving constitutes a quorum for the transaction of the business of the MI-STEM Advisory Council. The MI-STEM Advisory Council shall act by a majority vote of its serving voting members. The MI-STEM Advisory Council shall meet at the call of its chairperson and as otherwise provided in procedures adopted by the MI-STEM Advisory Council.

(8) The MI-STEM Advisory Council may establish advisory workgroups composed of individuals or entities participating in MI-STEM Council activities or other members of the public as deemed necessary by the MI-STEM Advisory Council to assist the MI-STEM Advisory Council in performing its authorities, powers, duties, functions, and responsibilities. The MI-STEM Advisory Council may adopt, reject, or modify any recommendations proposed by an advisory workgroup.

(9) The MI-STEM Advisory Council may, as appropriate, make inquiries, studies, investigations, hold hearings, and receive comments from the public. The MI-STEM Advisory Council also may consult with outside experts in order to perform its authorities, powers, duties, functions, and responsibilities, including experts in the private sector, organized labor, government agencies, and at institutions of higher education.

(10) Members of the MI-STEM Advisory Council will serve without compensation. Members of the MI-STEM Advisory Council may receive reimbursement for necessary travel and expenses consistent with applicable law, rules, and procedures, subject to available funding.

(11) The Department 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 authorities and powers of the MI-STEM Advisory Council and the performance of its duties, functions, and responsibilities as the director of the Department deems advisable and necessary, in accordance with this order and applicable law, rules, and procedures, subject to available funding.

(12) Members of the MI-STEM Advisory Council shall refer all legal, legislative, and media contacts to the Department.

(13) All departments, committees, commissioners, or officers of this state, or of any political subdivision of this state, shall give to the MI-STEM Council, or to any member or representative of the MI-STEM Council, any necessary assistance required by the MI-STEM Council, or any member or representative of the MI-STEM Council, in the performance of the

authorities, powers, duties, functions, and responsibilities of the MI-STEM Council so far as is compatible with its, his, or her duties. Free access also must 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 MI-STEM Council.

9. Transfers from the Department of Treasury

(a) The authorities, powers, duties, functions, and responsibilities of the Department of Treasury under Article V of The State School Aid Act of 1979, 1979 PA 94, as amended, MCL 388.1897 to 388.1897*l*, are transferred from the Department of Treasury to the Department.

10. Definitions

As used in this order:

(a) "Department of Civil Rights" means the principal department of state government created by section 475 of the Executive Organization Act of 1965, 1965 PA 380, as amended, MCL 16.575.

(b) "Department of Education" means the principal department of state government created by section 300 of the Executive Organization Act of 1965, 1965 PA 380, as amended, MCL 16.400.

(c) "Department of Health and Human Services" means the principal department of state government created by Executive Order 2015-4, MCL 400.227.

(d) "Department of Labor and Economic Opportunity" or "Department" means the principal department of state government created under section 1 of this order.

(e) "Department of Licensing and Regulatory Affairs" means the principal department of state government originally created as the Department of Commerce under section 225 of the Executive Organization Act of 1965, 1965 PA 380, as amended, MCL 16.325, renamed as the Department of Consumer and Industry Services by Executive Order 1996-2, MCL 445.2001, renamed as the Department of Labor and Economic Growth by Executive Order 2003-18, MCL 445.2011, renamed as the Department of Energy, Labor, and Economic Growth by Executive Order 2008-20, MCL 445.2025, and renamed as the Department of Licensing and Regulatory Affairs by Executive Order 2011-4, MCL 445.2030.

(f) "Department of Talent and Economic Development" means the principal department of state government created by Executive Order 2014-12, MCL 125.1995.

(g) "Department of Technology, Management and Budget" means the principal department of state government originally created as the Department of Management and Budget by Section 121 of the Management and Budget Act, 1984

PA 431, MCL 18.1121, and renamed as the Department of Technology, Management and Budget by Executive Order 2009-55, MCL 18.441.

(h) "Department of Treasury" means the principal department of state government created under section 75 of the Executive Organization Act of 1965, 1965 PA 380, as amended, MCL 16.175.

(i) "Michigan Administrative Hearing System" means the former entity within the Department of Licensing and Regulatory Affairs created under section IX of Executive Order 2011-4, MCL 445.2030, the authorities, powers, duties, functions, and responsibilities of which were transferred to the Michigan Office of Administrative Hearing and Rules by Executive Order 2019-6.

(j) "Michigan Compensation Appellate Commission" means the Commission created under section I of Executive Order 2011-6, MCL 445.2032, as amended by Executive Order 2014-6, MCL 333.26253.

(k) "Michigan Economic Development Corporation" means the public body corporate created pursuant to section 28 of article 7 of the Michigan Constitution of 1963 and the Urban Cooperation Act of 1967, 1967 (Ex Sess) PA 7, as amended, MCL 124.501 to 124.512, between the Michigan Strategic Fund and local participating economic development corporations formed under the Economic Development Corporations Act, 1974 PA 338, as amended, MCL 125.1601 to 125.1636, dated April 5, 1999, as amended and restated.

(l) "Michigan Office for New Americans" means the office created within the Executive Office of the Governor by Executive Order 2014-2 and transferred to the Department of Licensing and Regulatory Affairs by Executive Order 2014-12, MCL 125.1995.

(m) "Michigan State Housing Development Authority" means the public body corporate and politic created under section 21 of the State Housing Development Authority Act of 1966, 1966 PA 346, as amended, MCL 125.1421.

(n) "Michigan Strategic Fund" means the public body corporate and politic created within the Department of Treasury under section 5 of 1984 PA 270, as amended, MCL 125.2005, and transferred to the Department of Talent and Economic Development by Executive Order 2014-12, MCL 125.1995.

(o) "Michigan Talent Investment Agency" means the agency created under section III of Executive Order 2014-12, MCL 125.1995.

(p) "Office of Global Michigan" means the former Michigan Office for New Americans renamed as the Office of Global Michigan by section 7(i)(4) of this order.

(q) "State Budget Director" means the individual appointed by the governor under section 321 of The Management and Budget Act, 1984 PA 431, as amended, MCL 18.1321.

(r) "Superintendent of Public Instruction" means the principal executive officer of the Department of Education provided for by section 3 of article 8 of the Michigan Constitution of 1963.

(s) "Type I agency" means an agency established consistent with section 3(a) of the Executive Organization Act of 1965, 1965 PA 380, as amended, MCL 16.103.

(t) "Type I transfer" means that term as defined under section 3(a) of the Executive Organization Act of 1965, 1965 PA 380, as amended, MCL 16.103(a).

(u) "Type II transfer" means that term as defined under section 3(b) of the Executive Organization Act of 1965, 1965 PA 380, as amended, MCL 16.103(b).

(v) "Type III transfer" means that term as defined under section 3(c) of the Executive Organization Act of 1965, 1965 PA 380, as amended, MCL 16.103(c).

(w) "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 former Michigan Employment Security Commission was designated an autonomous entity within the former Department of Labor under section 379 of the Executive Organization Act, 1965 PA 380, MCL 16.479, the Michigan Strategic Fund was transferred to the former Michigan Department of Management and Budget under Executive Order 1999-1, MCL 408.40, and the Michigan Strategic Fund was transferred to the former Department of Labor and Economic Growth under Executive Order 2003-18, MCL 445.2001.

11. Implementation

(a) Except as otherwise provided in this order, the director of each applicable department shall provide executive direction and supervision for the implementation of all transfers to the director's department under this order. The president of the Michigan Strategic Fund shall provide executive direction and supervision for the implementation of all transfers to the Michigan Strategic Fund under this order.

(b) Except as otherwise provided in this order, the authorities, powers, duties, functions, and responsibilities transferred to a department under this order will be administered under the direction and supervision of the director of that department. The authorities, powers, duties, functions, and responsibilities transferred to the Michigan Strategic Fund under this order will be administered under the direction and supervision of the president of the Michigan Strategic Fund.

(c) Any records, personnel, property, and unexpended balances of appropriations, allocations, and other money used, held, employed, available, or to be made available to any entity for the authorities, powers, duties, functions, and responsibilities are transferred to the entity under this order.

(d) Except as otherwise provided in this order, the director of a department shall administer the authorities, powers, duties, functions and responsibilities transferred to the department under this order in such ways as to promote efficient administration and shall make internal organizational changes as administratively necessary to complete the realignment of responsibilities under this order. The president of the Michigan Strategic Fund shall administer the authorities, powers, duties, functions, and responsibilities transferred to the Michigan Strategic Fund under this order in such ways as to promote efficient administration and shall make internal organizational changes as administratively necessary to complete the realignment of responsibilities under this order.

(e) State departments, agencies, and state officers shall fully and actively cooperate with and assist each director of a department receiving functions or responsibilities under this order with implementation of functions or responsibilities under this order. The director of a department receiving authorities, powers, duties, functions, or responsibilities under this order may request the assistance of other state departments, agencies, and officers with respect to personnel, budgeting, procurement, telecommunications, information systems, legal services, and other management-related functions, and the departments, agencies, and officers shall provide that assistance. The president of the Michigan Strategic Fund may request the assistance of other state departments, agencies, and officers with respect to personnel, budgeting, procurement, telecommunications, information systems, legal services, and other management-related functions, and the departments, agencies, and officers shall provide that assistance.

(f) The State Budget Director shall determine and authorize the most efficient manner possible for handling financial transactions and records in this state's financial management system necessary to implement this order.

(g) A rule, regulation, order, contract, or agreements relating to an authority, power, duty, function, or responsibility transferred under this order lawfully adopted before the effective date of this order will continue to be effective until revised, amended, repealed, or rescinded.

(h) This order does not abate any criminal action commenced by this state before the effective date of this order.

(i) This order is not intended to abate a proceeding commenced by, against, or before an officer or entity affected by this order. A proceeding may be maintained by, against, or before the successor of any officer or entity affected under this order.

(j) If any portion of this order is found to be unenforceable, the unenforceable provision should be disregarded and the rest of the order should remain in effect as issued.

(k) Consistent with section 2 of article 5 of the Michigan Constitution of 1963, this order is effective August 11, 2019 at 12:01 a.m.

Given under my hand and the great seal of the State of Michigan.

Date: June 6, 2019

GRETCHEN WHITMER
GOVERNOR

By the Governor:

SECRETARY OF STATE

2019 JUN -6 P 2:46

SECRETARY
OF THE SENATE

FILED WITH SECRETARY OF STATE
ON 6/6/19 AT 2:24 P.M.