

EXECUTIVE REORGANIZATION ORDER

E.R.O. No. 2009-16

445.1992 Establishment of new Asian Pacific American affairs commission in department of energy, labor, and economic growth; transfer of powers and duties of advisory council on Asian Pacific American affairs to new Asian Pacific American affairs commission; abolishment of advisory council on Asian Pacific American Affairs.

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, the Advisory Council on Asian Pacific American Affairs was established in the Department of Civil Rights under Executive Order 2005-10;

WHEREAS, Section 5 of the Pacific American Affairs Commission Act, 2008 PA 536, MCL 37.125, created the Asian Pacific American Affairs Commission in the Department of Energy, Labor, and Economic Growth;

WHEREAS, merging the functions of the Advisory Council on Asian Pacific American Affairs and the Asian Pacific American Affairs Commission will eliminate duplication and contribute to a smaller and more efficient state government;

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

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. "Advisory Council on Asian Pacific American Affairs" or "Council" means the council established within the Department of Civil Rights under Executive Order 2005-10.

B. "Department of Civil Rights" means the principal department of state government created under Section 475 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.575.

C. "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.

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 NEW ASIAN PACIFIC AMERICAN AFFAIRS COMMISSION

A. The new Asian Pacific American Affairs Commission is established in the Department of Energy, Labor, and Economic Growth.

B. The new Asian Pacific American Affairs Commission shall consist of 21 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, 6 members shall be appointed for terms expiring on November 30, 2009, 5 members shall be appointed for terms expiring on November 30, 2010, 5 members shall be appointed for terms expiring on November 30, 2011, and 5 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. Members of the new Commission shall be individuals who have a particular interest or expertise in Asian or Pacific American concerns.

D. A vacancy on the new 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.

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

F. The new Commission shall be administered under the supervision of the Department. The new Commission shall exercise its prescribed powers, duties, and functions independently of the Director of the Department. All budgeting, procurement, and related management functions of the new Commission shall be performed under the direction and supervision of the Director of the Department.

III. TRANSFERS

A. The authority, powers, duties, functions, responsibilities, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds of the Advisory Council on Asian Pacific American Affairs are transferred to the new Asian Pacific American Affairs Commission created under Section II of this Order.

B. The Advisory Council on Asian Pacific American Affairs is abolished.

C. The authority, powers, duties, functions, responsibilities, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds of the Asian Pacific American Affairs Commission created within the Department of Energy, Labor, and Economic Growth under Section 5 of 2008 PA 536, MCL 37.125, are transferred to the new Asian Pacific American Affairs Commission created under Section II of this Order.

D. The Asian Pacific American Affairs Commission created within the Department of Energy, Labor, and Economic Growth under Section 5 of 2008 PA 536, MCL 37.125, is abolished.

IV. IMPLEMENTATION OF TRANSFERS

A. The Director of the Department shall provide executive direction and supervision for the implementation of all transfers under this Order and shall make internal organizational changes as necessary to complete the transfers under this Order.

B. All records, personnel, property, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Advisory Council or to the Asian Pacific American Affairs Commission created within the Department of Energy, Labor, and Economic Growth under Section 5 of 2008 PA 536, MCL 37.125, for the activities, powers, duties, functions, and responsibilities transferred under this Order are transferred to the Department.

C. 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.

V. MISCELLANEOUS

A. 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.

B. 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.

C. 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 June 14, 2009 at 12:01 a.m.

History: 2009, E.R.O. No. 2009-16, Eff. June 14, 2009

Compiler's Notes: For transfer of powers and duties of new Pacific American affairs commission and office of Asian Pacific American affairs from department of licensing and regulatory affairs to department of civil rights, see E.R.O. No. 2011-4, compiled at MCL 445.2030. For transfer of Asian Pacific American affairs commission and office of Asian Pacific American affairs from department of civil rights to department of licensing and regulatory affairs, see E. R.O. No. 2016-1, compiled at MCL 445.1993.