

EXECUTIVE REORGANIZATION ORDER (EXCERPT)
E.R.O. No. 2020-1

257.929 Transfer of Michigan council on future mobility from department of transportation to the department of labor and economic opportunity by type III transfer; abolishment of Michigan council on future mobility; creation of the Michigan council on future mobility and electrification as advisory body within department of labor and economic opportunity; composition; powers, duties, and functions; implementation and transfer of powers, duties, and functions.

Michigan has long been the hub of mobility, and for over 100 years, the economic fortunes of its businesses, communities, and families have been closely tied to that sector of industry.

Today, the mobility sector is undergoing a period of unprecedented change. To secure its future prosperity, and to remain the global leader in this sector, Michigan must keep pace with this change. This will require a concerted, coordinated, and sustained effort across state government, as well as productive partnerships with stakeholders in the public and private sectors.

The Department of Labor and Economic Opportunity, with its focus on aligning and strengthening this state's economic and workforce development activities, is well suited to serve as the locus of this effort.

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.

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

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

1. Transfer from the Department of Transportation

(a) The Michigan Council on Future Mobility created by section 665 of the Michigan Vehicle Code, 1949 PA 300, as amended, MCL 257.665(6)-(8), is transferred by Type III transfer to the Department of Labor and Economic Opportunity ("Department").

(b) The Michigan Council on Future Mobility is abolished.

2. Creation of the Michigan Council on Future Mobility and Electrification

(a) The Michigan Council on Future Mobility and Electrification ("Council") is created as an advisory body within the Department.

(b) The Council includes the following voting members:

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

(2) The director of the Department of Environment, Great Lakes, and Energy, or the director's designee from within that department.

(3) The director of the Department of Insurance and Financial Services, or the director's designee from within that department.

(4) The director of the Department of State Police, or the director's designee from within that department.

(5) The director of the Department of Transportation, or the director's designee from within that department.

(6) The director of the Department of Treasury, or the director's designee from within that department.

(7) The chairperson of the Michigan Public Service Commission, or the chairperson's designee from within that agency.

(8) Nine individuals appointed by the governor who represent the interests of local government or are business, policy, research, or technological leaders in future mobility; and one individual appointed by the governor who is representative of insurance interests.

(c) A member of the Michigan Senate designated by its majority leader, a member of the Michigan Senate designated by its minority leader, a member of the Michigan House of Representatives designated by its speaker, and a member of the Michigan House of Representatives designated by its minority leader may participate as non-voting ex officio members of the Council.

(d) Of the Council members initially appointed under section 2(b)(8), three members must be appointed for a term of four years, three members must be appointed for a term of three years, two members must be appointed for a term of two years, and two members must be appointed for a term of one year. After the initial appointments, a member of the Council appointed under section 2(b)(8) must be appointed for a term of four years.

(e) Council members appointed under section 2(b)(1)-(7) are ex officio members and serve at the pleasure of the governor.

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

(g) The governor must designate 1 or more voting members of the Council to serve as chairperson of the Council at the pleasure of the governor.

3. Charge to the Council

(a) The Council must act in an advisory capacity and must perform the authorities, powers, duties, functions, and responsibilities transferred to the Department under section 1(a) and all of the following:

(1) Providing to the director of the Department, the governor, and the legislature recommendations regarding changes in state policy to ensure Michigan continues to be the world leader in future mobility and electrification, including autonomous and connected vehicle technology, electric powertrain technology and charging infrastructure, and diverse mobility such as shared and transit. The Council must submit such recommendations on an annual basis, with the first submission due within a year of the effective date of this order.

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

(3) Other authorities, powers, duties, functions, and responsibilities vested in the Council by law.

4. Operations of the Council

(a) The Department must assist the Council in the performance of its authorities, powers, duties, functions, and responsibilities and must provide personnel to staff the Council. The budgeting, procurement, and related management functions of the Council must be performed under the direction and supervision of the director of the Department.

(b) The Council must adopt procedures, consistent with this order and applicable law, governing its organization and operations.

(c) The Council must comply with the Freedom of Information Act, 1976 PA 442, as amended, MCL 15.231 to 15.246.

(d) The Council must meet at the call of its chairperson and as otherwise provided in the procedures adopted by the Council.

(e) A majority of the members of the Council serving constitutes a quorum for the transaction of the business of the Council. The Council must act by a majority vote of its members.

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

(g) The Council may, as appropriate, make inquiries, studies, and investigations, hold hearings, and receive comments from the public. The 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, and government agencies, and at institutions of higher education.

(h) The Council 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 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.

(i) The Council may accept donations of labor, services, or other things of value from any public or private agency or person. Any donations must be received and used in accordance with law.

(j) Members of the Council must serve without compensation. Members of the Council may receive reimbursement for necessary travel and expenses consistent with applicable law, rules, and procedures, subject to available funding.

(k) Members of the Council must refer all legal, legislative, and media contacts to the Department.

(l) All departments, agencies, committees, commissioners, and officers of this state must give to the Council, or to any member or representative of the Council, any necessary assistance required by the Council, or any member or representative of the Council, in the performance of the duties of the Council so far as is compatible with their duties and consistent with this order and applicable law. Free access also must be given to any books, records, or documents in their custody relating to matters within the scope of inquiry, study, or review of the Council, consistent with applicable law.

5. Implementation

(a) Except as otherwise provided in this order, the director of the Department must provide executive direction and supervision for the implementation of all transfers to the Department under this order.

(b) Except as otherwise provided in this order, the authorities, powers, duties, functions, and responsibilities transferred to the Department under this order will be administered under the direction and supervision of the director of the Department.

(c) Any records, personnel, property, and unexpended balances of appropriations for the Michigan Council on Future Mobility are transferred to the Council.

(d) Except as otherwise provided in this order, the director of the Department must administer the authorities, powers, duties, functions and responsibilities transferred to the Department under this order in such ways as to promote efficient administration and must make internal organizational changes as administratively necessary to

complete the realignment of responsibilities under this order.

(e) State departments, agencies, and officers must fully and actively cooperate with and assist the director of the Department receiving functions or responsibilities under this order with implementation of functions or responsibilities under this order. The director of the 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 must provide that assistance.

(f) The State Budget Director must 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 agreement 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 rest of the order remains in effect.

(k) Consistent with section 2 of article 5 of the Michigan Constitution of 1963, this order is effective April 27, 2020, at 12:01 a.m.

6. Definitions

As used in this order:

(a) "Department of Environment, Great Lakes, and Energy" means the principal department of state government created by Executive Order 2019-6, MCL 324.99923.

(b) "Department of Insurance and Financial Services" means the principal department of state government created by Executive Order 2013-1, MCL 550.991.

(c) "Department of Labor and Economic Opportunity" or "Department" means the principal department of state government created by Executive Order 2019-13, MCL 125.1998.

(d) "Department of State Police" means the principal department of state government created by section 150 of the Executive Organization Act of 1965, 1965 PA 380, as amended, MCL 16.250, and section 2 of 1935 PA 59, as amended, MCL 28.2.

(e) "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.

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

(g) "Michigan Public Service Commission" means the commission created by section 1 of the Michigan Public Service Commission Act of 1939, 1939 PA 3, as amended, MCL 460.1.

(h) "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.

(i) "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).

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

History: 2020, E.R.O. No. 2020-1, Eff. Apr. 27, 2020

Compiler's Notes: Executive Reorganization Order No. 2020-1 was promulgated February 25, 2020, as Executive Order No. 2020-2, Eff. Apr. 27, 2020.