

EXECUTIVE REORGANIZATION ORDER

E.R.O. No. 1999-4

285.291 Transfer of powers and duties of conservation species advisory panel to the director of the department of agriculture by Type III transfer.

WHEREAS, Article V, Section 2, of the Constitution of the state of Michigan of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units which he considers necessary for efficient administration; and

WHEREAS, the Conservation Species Advisory Panel was created by Section 9304a of Act No. 463 of the Public Acts of 1998, being Section 324.9304a of the Michigan Compiled Laws; and

WHEREAS, the Conservation Species Advisory Panel was created within the Department of Agriculture, and empowered to establish a list of conservation species by December 1 of each year for the following calendar year that may be propagated, planted, harvested, sold, or rescued as part of a plant rescue operation; and

WHEREAS, the list of conservation species will impact Conservation Districts which engage in plant rescue operations and propagate, plant, harvest, and sell conservation species; and

WHEREAS, Conservation District programs are currently administered by the Department of Agriculture; and

WHEREAS, the functions, duties and responsibilities assigned to the Conservation Species Advisory Panel can be more effectively organized and carried out by the Director of the Department of Agriculture; and

WHEREAS, it is necessary in the interest of efficient administration and effectiveness of government to effect changes in the organization of the Executive Branch of government.

NOW, THEREFORE, I, John Engler, Governor of the state of Michigan, pursuant to the powers vested in me by the Constitution of the state of Michigan of 1963 and the laws of the state of Michigan, do hereby order the following:

1. All the statutory authority, powers, duties, functions, and responsibilities of the Conservation Species Advisory Panel, as set forth in Section 9304a of Act No. 463 of the Public Acts of 1998, being Section 324.9304a of the Michigan Compiled Laws, are hereby transferred to the Director of the Department of Agriculture, by a Type III transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

2. The Director of the Department of Agriculture shall provide executive direction and supervision for the implementation of the transfer. The Director of the Department of Agriculture shall administer the assigned functions.

3. The Director of the Department of Agriculture shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

4. All records, personnel, property, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available or to be made available to the Conservation Species Advisory Panel for the activities transferred herein are hereby transferred to the Director of the Department of Agriculture.

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

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

In fulfillment of the requirements of Article V, Section 2, of the Constitution of the state of Michigan of 1963, the provisions of this Executive Order shall become effective 60 days after filing.

History: 1999, E.R.O. No. 1999-4, Eff. Sept. 21, 1999

Compiler's Notes: In paragraph no. 1, the reference to "Michigan Compiled Laws" should evidently read "Michigan Compiled Laws."