

EXECUTIVE REORGANIZATION ORDER

E.R.O. No. 1991-11

447.211 Transfer of powers and duties of the foreign trade branch and world trade services division to the department of commerce; transfer of Michigan export development authority to department of commerce.

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 Foreign Trade Branch of the Marketing Section in the Department of Agriculture was created by Act No. 23 of the Public Acts of 1968, being Sections 447.121 to 447.123 of the Michigan Compiled Laws, within the Department of Agriculture; and

WHEREAS, the Michigan Export Development Authority was created by Act No. 157 of the Public Acts of 1986, as amended, being Sections 447.151 to 447.168 of the Michigan Compiled Laws, within the Department of Agriculture; and

WHEREAS, the World Trade Services Division in the Department of Agriculture performs certain functions relating to international trade; and

WHEREAS, the functions, duties, and responsibilities assigned to the Foreign Trade Branch, the World Trade Services Division, and the Michigan Export Development Authority can be more effectively organized and carried out under the supervision and direction of the head of the Department of Commerce; and

WHEREAS, it is necessary in the interests 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) Foreign Trade Branch; World Trade Services Division:

(a) All the statutory authority, powers, duties, functions, and responsibilities of the Foreign Trade Branch created under Act No. 23 of the Public Acts of 1968, being Sections 447.121 to 447.123 of the Michigan Compiled Laws, and all the authority, powers, duties, functions, and responsibilities of the World Trade Services Division are hereby transferred from the Department of Agriculture to the Department of Commerce by a Type II transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, being Section 16.103 of the Michigan Compiled Laws.

(b) The Director of the Department of Commerce may appoint the head of the Foreign Trade Branch and the World Trade Services Division or may administer the assigned functions in other ways to promote efficient administration.

(c) The Director of the Department of Commerce shall provide executive direction and supervision for the implementation of the transfers. The assigned functions shall be administered under the direction and supervision of the Director, and all prescribed functions of rule making, licensing, and registration, including the prescription of rules, regulations, standards, and adjudications, shall be transferred to the Director of the Department of Commerce.

(d) All records, personnel, property, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Foreign Trade Branch and the World Trade Services Division, for the activities transferred to the Department of Commerce by this Order, are hereby transferred to the Department of Commerce.

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

(f) The Director of the Department of Commerce and the Director of the Department of Agriculture shall immediately initiate coordination to facilitate the transfers and develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and State laws and regulations, or other obligations to be resolved by the Foreign Trade Branch and the World Trade Services Division.

(g) 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 repealed.

(h) 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.

(2) Michigan Export Development Authority:

(a) All the statutory authority, powers, duties, functions, and responsibilities of the Michigan Export Development Authority created by Act No. 157 of the Public Acts of 1986, as amended, being Sections 447.151 to 447.168 of the Michigan Compiled Laws, are hereby transferred to the Department of Commerce, by a Type I transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, being Section 16.103 of the Michigan Compiled Laws.

(b) The Director of the Department of Commerce shall provide executive direction and supervision for the implementation of the transfer. The Michigan Export Development Authority shall exercise its prescribed statutory power, duties, and functions of rule making, licensing, and registration including the prescription of rules, rates regulations, standards, and adjudications independently of the Director of the Department of Commerce. The budget, procurement, and related management functions of the Michigan Export Development authority shall be performed under the direction and supervision of the Director of the Department of Commerce as head of the Department of Commerce.

(c) All records, personnel, property, and unexpended balances of appropriations, allocations, and other funds (including, but not limited to, bond, note, reserve and trust funds) used, held, employed, available, or to be made available to the Michigan Economic Development Authority, for the activities transferred to the Department of Commerce by this Order, are hereby transferred to the Department of Commerce, subject to any agreement of the Michigan Economic Development Authority within its note and bond holders, or with the holders or issuers of instruments which the Michigan Export Development Authority may have guaranteed and subject to any other agreements entered into by the Michigan Export Development Authority.

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

(e) The Director of the Department of Commerce and the Director of the Department of Agriculture shall immediately initiate coordination to facilitate the transfers and develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and State laws and regulations, or other obligations to be resolved by the Michigan Export Development Authority.

(f) 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 repealed.

(g) 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 requirement of Article V, Section 2, of the Constitution of the State of Michigan of 1963, the provisions of this Executive Order shall become effective April 14, 1991, at 12:01 a.m.

History: 1991, E.R.O. No. 1991-11, Eff. Apr. 14, 1991