

EXECUTIVE REORGANIZATION ORDER

E.R.O. No. 1991-15

205.800 Transfer of tax tribunal to the department of commerce.

WHEREAS, Article V, Section 1, of the Constitution of the State of Michigan of 1963 vests the executive power in the Governor; and

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, Article V, Section 8, of the Constitution of the State of Michigan of 1963 provides that each principal department shall be under the supervision of the Governor unless otherwise provided by the Constitution; and

WHEREAS, the Tax Tribunal was created by Act No. 186 of the Public Acts of 1973, as amended, being Section 205.701 et seq. of the Michigan Compiled Laws, in the Department of Treasury; and

WHEREAS, there may be at least the appearance of conflicting objectives with respect to the current location of the Tax Tribunal in the Department of Treasury in that the Department of Treasury is also charged with the responsibility of collecting tax revenues for the State of Michigan; and

WHEREAS, the functions, duties, and responsibilities assigned to the Tax Tribunal can be more effectively organized and carried out in 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) All the statutory authority, powers, duties, functions, and responsibilities of the Tax Tribunal, created under Act No. 186 of the Public Acts of 1973, as amended, being Section 205.701 et seq. 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, as amended, being Section 16.103 of the Michigan Compiled Laws; provided, however, that:

(a) The functions of budget procurement and management-related functions of the Tax Tribunal are transferred to the Director of the Department of Commerce, as head of the Department of Commerce.

(b) Pursuant to Article V, Sections 1, 2 and 8, of the Constitution of the State of Michigan of 1963, the power to designate a member of the Tax Tribunal as chairperson is hereby vested in the Governor and such chairperson shall serve at the pleasure of the Governor.

(2) The Director of the Department of Commerce shall provide executive direction and supervision for the implementation of the transfers. The Tax Tribunal 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.

(3) All records, personnel, property, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Tax Tribunal for the activities transferred to the Department of Commerce by this Executive Order are hereby transferred to the Department of Commerce.

(4) The Chairperson of the Tax Tribunal, designated by the Governor, shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Executive Order.

(5) The Director of the Department of Commerce and the State Treasurer shall immediately initiate coordination to facilitate the transfer 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 Tax Tribunal.

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

(7) Any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected by this Executive Order shall not abate by reason of the taking effect of this Executive Order. Any suit, action, or other

proceeding may be maintained by, against, or before the appropriate successor of any entity affected by this Executive 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 60 days after the filing of this Executive Order.

History: 1991, E.R.O. No. 1991-15, Eff. Aug. 28, 1991