

EXECUTIVE REORGANIZATION ORDER

E.R.O. No. 1993-6

141.991 Transfer of powers and duties of the state budget director under the state revenue sharing act and the health and safety fund act from the department of management and budget to the department of treasury by a 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, certain functions were created by Act No. 140 of the Public Acts of 1971, being Section 141.901 et seq. of the Michigan Compiled Laws (the "State Revenue Sharing Act of 1971"), to be exercised by the State Budget Director in the Department of Management and Budget; and

WHEREAS, the certain functions were created by Act No. 264 of the Public Acts of 1987, being Section 141.471 et seq. of the Michigan Compiled Laws (the "Health and Safety Fund Act"), to be exercised by the State Budget Director in the Department of Management and Budget; and

WHEREAS, the functions, duties and responsibilities assigned to the State Budget Director under the State Revenue Sharing Act of 1971 and the Health and Safety Fund Act can be more effectively organized and carried out by the State Treasurer; 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 State Budget Director under the State Revenue Sharing Act of 1971 and the Health and Safety Fund Act are hereby transferred from the State Budget Director, within the Department of Management and Budget, to the State Treasurer, within the Department of Treasury, 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 State Treasurer shall administer the assigned functions in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

(3) The State Treasurer, as head of the Department of Treasury, 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 State Treasurer, as head of the Department of Treasury, and all prescribed functions of rule-making, licensing and registration, including the prescription of rules, regulations, standards and adjudications, shall be transferred to the State Treasurer as head of the Department of Treasury.

(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 Department of Management and Budget for the activities transferred to the Department of Treasury by this Order are hereby transferred to the Department of Treasury.

(5) The State Budget Director 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 Department of Management and Budget.

(6) 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.

(7) 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 60 days after filing.

History: 1993, E.R.O. No. 1993-6, Eff. Aug. 30, 1993