

EXECUTIVE REORGANIZATION ORDER

E.R.O. No. 1994-6

801.71 Transfer of powers and duties of former office of criminal justice under the county jail overcrowding act from department of management and budget to office of attorney general by a type II 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 County Jail Overcrowding Act (the "Act") was created by Act No. 325 of the Public Acts of 1982, being Section 801.51 et seq. of the Michigan Compiled Laws; and

WHEREAS, Section 10 of the Act, being Section 801.60 of the Michigan Compiled Laws, requires the Office of Criminal Justice in the Department of Management and Budget to develop a listing of violent or assaultive crimes, sex offenses, escape from prison or jail offenses, controlled substance offenses, and weapons offenses to be used by county sheriffs as a guideline on who may not be deferred from jail incarceration under the Act; and

WHEREAS, the statute creating the Office of Criminal Justice contained a sunset provision of March 30, 1987, and the Office no longer exists; and

WHEREAS, the responsibility outlined in this section requires legal expertise on criminal justice matters that no longer is available within the Department of Management and Budget; and

WHEREAS, the Office of the Attorney General has the legal expertise required to carry out the responsibilities contained in Section 10 of the Act.

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 authority, powers, duties, functions and responsibilities contained in Section 10 of Act No. 325 of the Public Acts of 1982, being Section 801.60 of the Michigan Compiled Laws, are hereby transferred from the Department of Management and Budget to the Office of the Attorney General, by a Type II 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 Office of Contract Management of the Department of Management and Budget shall provide executive direction and supervision for the implementation of the transfer. The assigned functions shall be administered under the direction and supervision of the Attorney General.

3. All records, 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 are hereby transferred to the Office of the Attorney General to the extent required to provide for efficient and effective operation.

4. The Director of the Office of Contract Management of the Department of Management and Budget and the Attorney General shall immediately initiate coordination to facilitate the transfer.

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 repealed.

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 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: 1994, E.R.O. No. 1994-6, Eff. June 12, 1994