

EXECUTIVE REORGANIZATION ORDER

E.R.O. No. 1995-13

35.615 Transfer of powers and duties of Michigan veterans' trust fund board of trustees to department of military affairs by type I 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 Michigan Veterans' Trust Fund Board of Trustees was created by Act No. 9 of the Public Acts of the First Extra Session of 1946, as amended, being Sections 35.601 et seq. of the Michigan Compiled Laws; and

WHEREAS, the Michigan Veterans' Trust Fund Board of Trustees was transferred to the Department of Management and Budget by Act No. 380 of the Public Acts of 1965, as amended, and the transferral was affirmed by Act No. 431 of the Public Acts of 1984, being Section 18.1145(3)(g) of the Michigan Compiled Laws; and

WHEREAS, the functions, duties and responsibilities assigned to the Michigan Veterans' Trust Fund Board of Trustees can be more effectively carried out under the supervision and direction of the Director of the Department of Military Affairs.

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 Michigan Veterans' Trust Fund Board of Trustees, except administrative and personnel functions, are hereby transferred to the Department of Military Affairs, 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.

2. All administrative and personnel functions of the Michigan Veterans' Trust Fund Board of Trustees are transferred to the Director of the Department of Military Affairs.

3. Thirty (30) days after the effective date of this Order, the position of Director of the Michigan Veterans' Trust Fund is transferred to the Director of the Department of Military Affairs by a Type III transfer. Thereafter, the Michigan Veterans' Trust Fund Board of Trustees may request the Director of the Department of Military Affairs to create a non-classified position of Executive Secretary of the Michigan Veterans' Trust Fund Board of Trustees.

4. The functions of rule-making, allocation of trust fund moneys, data collection and reporting shall be administered under the direction and supervision of the Director of the Department of Military Affairs.

5. The Director of the Department of Management and Budget shall provide executive direction and supervision for the implementation of the transfers.

6. All records, personnel, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to the Michigan Veterans Trust Fund Board of Trustees for the activities transferred are hereby transferred to the Department of Military Affairs to the extent required to provide for the efficient and effective operation of the Michigan Veterans Trust Fund Board of Trustees.

7. The Department of Military Affairs shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

8. The Director of the Department of Military Affairs and the Director of the Department of Management and Budget 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 obligations to be resolved by the Michigan Veterans' Trust Fund Board of Trustees.

9. 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.

10. 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: 1995 E.R.O. No. 1995-13, Eff. Sept. 5, 1995