

EXECUTIVE REORGANIZATION ORDER

E.R.O. No. 1997-9

780.921 Transfer of powers and duties of crime victim services commission from the department of management and budget to the department of community health by type II transfer.

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, Act No. 223 of the Public of 1976, as amended, created the Crime Victims Compensation Board within the Department of Management and Budget; and

WHEREAS, Act No. 196 of 1989, as amended, created the Criminal Assessments Commission within the Department of Management and Budget; and

WHEREAS, Act No. 519 of 1996, being Sections 18.351 et seq. of the Michigan Compiled Laws, renamed the former Crime Victims Compensation Board as the Crime Victim Services Commission, which is the successor agency of the board in all respects and for all purposes; and

WHEREAS, Act No. 520 of 1996, being Sections 780.901 et seq. of the Michigan Compiled Laws, abolished the former Criminal Assessments Commission, and further transferred its powers, duties, and jurisdiction to the Crime Victim Services Commission; and

WHEREAS, management of the Crime Victim Services Commission will be enhanced with increased coordination of efforts, collaboration and communication with other criminal justice related agencies and divisions within the Department of Community Health; and

WHEREAS, the Crime Victim Services Commission is responsible for duties and functions closely related to the duties and functions of divisions within the Michigan Department of Community Health, including, but not limited to, the Office of Drug Control Policy and the Division of Violence, Injury and Surveillance; and

WHEREAS, the Department of Community Health has a role in determining the Medicaid eligibility of applicants, which is a prerequisite for processing a claim for reimbursement for necessary medical expenses under Act No. 519 of 1996 and its constitutional and statutory counterparts; and

WHEREAS, mental health services to children and families provided by the Department of Community Health will serve to assist the counseling needs of crime victims; 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 Crime Victim Services Commission set forth in Act No. 519 and Act No. 520 of the Public Acts of 1996, as amended, are hereby transferred from the Department of Management and Budget to the Department of Community Health 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 Department of Community Health shall administer the assigned functions in such ways as to promote efficient administration and make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

3. The Director of the Department of Management and Budget shall immediately initiate coordination with the Director of the Department of Community Health 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, and other obligations to be resolved related to the Crime Victim Services Commission or its predecessor Commissions;

4. All records, personnel, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to any entity for the activities, powers, duties, functions and responsibilities transferred to the Department of Community Health by this Order are hereby transferred to the Department of Community Health.

5. The Department of Management and Budget shall determine and authorize the most efficient manner possible for handling the financial transactions and records related to this Order and the state's financial management system for the remainder of the fiscal year.

6. All rules, orders, contracts, declaratory rulings, agreements and other actions relating to the functions transferred to the Department of Community Health by this Order lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended or rescinded.

7. Any suit, action or other proceeding lawfully commenced by, against or before the Crime Victim Service Commission, or its predecessors, the Crime Victims Compensation Board or the Criminal Assessments Commission, shall not abate by reason of the taking effect of 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 sixty (60) days after filing.

History: 1997, E.R.O. No. 1997-9, Eff. Sept. 6, 1997

Compiler's Notes: In the third paragraph of this section, the phrase "Act No. 223 of the Public of 1976" evidently should read "Act No. 223 of the Public Acts of 1976." In the paragraph numbered "5.", the phrase "for the remainder of the fiscal year" evidently should read "for the remainder of the fiscal year."