

EXECUTIVE REORGANIZATION ORDER
E.R.O. No. 2018-6

722.110 Transfer of powers and duties of department of licensing and regulatory affairs relative to the licensing and regulation of child caring institutions, child placing agencies, foster family homes, foster family group homes, and court-operated facilities arising from the child care organizations act and the social welfare act to the department of health and human services.

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

WHEREAS, Section 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units that he considers necessary for efficient administration; and

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

WHEREAS, there is a continued need to reorganize functions among state departments to ensure efficient administration; and

WHEREAS, programs, agencies, and services should be placed among the principal departments on a consistent, logical basis in order to ensure the most efficient use of public dollars and more streamlined services.

NOW, THEREFORE, I, Richard D. Snyder, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

I. DEFINITIONS

As used in this Order:

A. "Department of Health and Human Services" means the principal department of state government created as the Department of Health and Human Services under Executive Order No. 2015-4, MCL 400.227.

B. "Department of Licensing and Regulatory Affairs" means the principal department of state government created as the Department of Commerce under Section 225 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.325, renamed the Department of Consumer and Industry Services under Executive Order 1996-2, MCL 445.2001, renamed the Department of Labor and Economic Growth under Executive Order 2003-18, MCL 445.2011, renamed the Department of Energy, Labor and Economic Growth under Executive Order 2008-20, MCL 445.2025, and renamed the Department of Licensing and Regulatory Affairs under Executive Order 2011-4, MCL 445.2030.

C. "State Budget Director" means the individual appointed by the Governor pursuant to Section 321 of the Management and Budget Act, 1984 PA 431, MCL 18.321.

II. TRANSFER OF CHILD WELFARE LICENSING AND REGULATION RESPONSIBILITIES TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES

A. Any authority, powers, duties, functions, and responsibilities of child welfare licensing and regulation of child caring institutions (including but not limited to children's therapeutic group homes), child placing agencies, foster family homes, foster family group homes, and court-operated facilities under the Child Care Organizations Act, 1973 PA 116, MCL 722.111 to 722.128, and the Social Welfare Act, 1939 PA 280, MCL 400.1 to 400.122 are transferred from the Department of Licensing and Regulatory Affairs to the Department of Health and Human Services.

B. All records, contracts, personnel, property, unexpended balances of appropriations, allocations, or other funds used, held, employed, available, or to be made available to the Department of Licensing and Regulatory Affairs for the authority, powers, duties, functions, and responsibilities transferred to the Department of Health and Human Services by this Order are transferred to the Department of Health and Human Services.

III. IMPLEMENTATION

A. The Director of the Department of Health and Human Services, after consultation with the Director of the Department of Licensing and Regulatory Affairs, 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 Director of the Health and Human Services.

B. The directors of the departments shall immediately initiate coordination to facilitate the transfers and shall, if necessary, 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 Health and Human Services.

C. The directors of the departments impacted by this Order shall administer the functions transferred 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 under this Order.

D. The State Budget Director shall determine and authorize the most efficient manner possible for the handling of financial transactions and records in the state's financial management system for the remainder of the current state fiscal year for transfers made under this Order.

IV. MISCELLANEOUS

A. All rules, orders, contracts, plans, and agreements relating to the functions transferred by this Order lawfully adopted prior to the effective date of this Order by the responsible state agency shall continue to be effective until revised, amended, or rescinded.

B. Any suit, action, or other proceeding lawfully commenced by, against, or before any entity transferred by this Order shall not abate by reason of the taking effect of this Order. Any lawfully commenced suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected by this Order.

C. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

In fulfillment of the requirements of Section 2 of Article V of the Michigan Constitution of 1963, this Order shall be effective 60 days after the filing of this Order.

History: History: 2018, E.R.O. No. 2018-6, Eff. Dec. 17, 2018.

Compiler's note: Executive Reorganization Order No. 2018-6 was promulgated October 17, 2018, as Executive Order No. 2018-11, Eff. Dec. 17, 2018.