

EXECUTIVE REORGANIZATION ORDER (EXCERPT)
E.R.O. No. 2002-11

399.751 Transfer of certain powers and duties relating to state records management program from department of management and budget to department of history, arts, and libraries, and its director, by type II transfer; transfer of powers and duties relating to certain statistical studies from state budget director to department of history, arts, and libraries by type II transfer; transfer of certain powers and duties of department of information technology, center for geographic information, to department of history, arts, and libraries by type II transfer.

WHEREAS, Article V, Section 1, of the Constitution of the state of Michigan of 1963 vests 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 and in the assignment of functions among its units, which he considers necessary for efficient administration; and

WHEREAS, the Department of History, Arts and Libraries was created in 2001 as the state's premier cultural institution with responsibility for preserving and managing historical resources and records, promoting film and the arts, and coordinating the activities of Michigan libraries; and

WHEREAS, the Department of History, Arts and Libraries currently administers the state records archival preservation program, including the State Archives of Michigan, local records management and archival preservation programs, and the Library of Michigan's communications programs, which afford Michigan residents and state agencies access to state documents and related information; and

WHEREAS, many, but not all, records-related programs and functions were transferred to the Department of History, Arts and Libraries when the department was created; and

WHEREAS, the Department of Management and Budget currently administers the state records management program, including the State Records Center; Office of the State Budget performs demographic and population projection functions; and the Department of Information Technology currently administers certain census information gathering and reporting functions amenable to administration by the Library of Michigan; and

WHEREAS, further consolidation of records management, information dissemination and communications programs of the state of Michigan in the Department of History, Arts and Libraries will promote a unified approach to and strengthen central policymaking and direction-setting in records management, archival records preservation and information dissemination; and

WHEREAS, it is necessary in the interests of efficient administration and the 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:

I. DEFINITIONS

As used herein:

A. The "Department of History, Arts and Libraries" means the principal department created by Section 3 of Act No. 63 of the Public Acts of 2001, being Section 399.703 of the Michigan Compiled Laws.

B. The "Department of Information Technology" means the principal department created by Executive Order 2001-3, being Section 18.41 of the Michigan Compiled Laws.

C. The "Department of Management and Budget" means the principal department created by Section 121 of Act No. 431 of the Public Acts of 1984, being Section 18.1121 of the Michigan Compiled Laws.

D. "Forms Management Program" means the program described in Section 205 of the Management and Budget Act, Act No. 431 of the Public Acts of 1984, as amended, being Section 18.1205 of the Michigan Compiled Laws.

II. DEPARTMENT OF MANAGEMENT AND BUDGET

A. Except as provided in paragraph II.C., all statutory authority, powers, duties, and functions of the Department of Management and Budget related to the state records management program, including but not limited to authority to operate a records center or centers and administer records services and microfilm funds, as set forth in Sections 284 to 292 of the Management and Budget Act, Act No. 431 of the Public Acts of 1984, as amended, being Sections 18.1284 to 18.1292 of the Michigan Compiled Laws, are hereby transferred to the Department of History, Arts and Libraries by a Type II transfer, as defined in Section 3 of the Executive Organization Act of 1965, Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

B. The power of the Director of the Department of Management and Budget to issue, alter or rescind administrative and procedural directives as determined necessary for the effective administration of the state records management program derived from Section 131 of the Management and Budget Act, Act No. 431 of the Public Acts of 1984, as amended, being Section 18.1131 of the Michigan Compiled Laws; and the power of the

Department of Management and Budget to promulgate administrative rules as necessary to implement the state records management program derived from Section 131 of the Management and Budget Act, Act No. 431 of the Public Acts of 1984, as amended, being Section 18.1131 of the Michigan Compiled Laws, are hereby transferred to the Director of the Department of History, Arts and Libraries by a Type II transfer, as defined in Section 3 of the Executive Organization Act of 1965, Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

C. Notwithstanding paragraph II.A., the Department of Management and Budget shall retain all statutory authority, powers, duties, and functions necessary for the development, implementation and coordination of the state's forms management program, as set forth in Section 287 of the Management and Budget Act, Act No. 431 of the Public Acts of 1984, as amended, being Section 18.1287 of the Michigan Compiled Laws.

D. All statutory authority, powers, duties, and functions of the State Budget Director with respect to conducting statistical studies, making estimates and projections of population relative to size and distribution, and engaging in other demographic assessment activities, as set forth in Section 343 of the Management and Budget Act, Act No. 431 of the Public Acts of 1984, being Section 18.1343 of the Michigan Compiled Laws, are hereby transferred to the Department of History, Arts and Libraries by a Type II transfer, as defined in Section 3 of the Executive Organization Act of 1965, Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

III. DEPARTMENT OF INFORMATION TECHNOLOGY

Such authority, powers, duties, and functions as are currently exercised by the Department of Information Technology, Center for Geographic Information (formerly the Michigan Information Center), under a cooperative initiative between the United States Bureau of the Census and the state of Michigan relative to census reporting, are hereby transferred to the Department of History, Arts and Libraries by a Type II transfer, as defined in Section 3 of the Executive Organization Act of 1965, Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

IV. MISCELLANEOUS

A. The Director of the Department of History, Arts and Libraries, in cooperation with the Directors of the Department of Management and Budget, the Office of the State Budget, and the Department of Information Technology shall provide executive direction and supervision for the implementation of the transfers and reassignments prescribed by this Order.

B. The Director of the Department of History, Arts and Libraries shall administer the transferred functions governed by this Order in such ways so as to promote efficient administration and shall make such internal organizational changes in the Department of History, Arts and Libraries as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

C. The Director of the Department of History, Arts and Libraries shall coordinate with the Directors of the Department of Management and Budget, the Office of the State Budget, and the Department of Information Technology to facilitate the transfers prescribed by this Order and may enter into cooperative agreements, letters of agreement, service level agreements, and other written agreements with each other deemed necessary to complete the transfers. Such agreements may identify any pending or existing settlements, issues of compliance with federal and state laws, or other obligations to be resolved related to the transferred authority.

D. All records, personnel, property, grants, leases, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available for the activities, powers, duties, functions, and responsibilities of the Department of Management and Budget, its Director, the Office of the State Budget, and the Department of Information Technology related to reassigned functions described above, are hereby transferred to the Department of History, Arts and Libraries.

E. The State Budget Director shall determine and authorize the most efficient manner possible for handling financial transactions and records in the state's financial management system for the remainder of the fiscal year.

F. All rules, orders, contracts, grants, agreements, and directives relating to the authority, powers, duties, functions, and responsibilities transferred to the Department of History, Arts and Libraries by this Order, lawfully adopted prior to the effective date of this Order, shall continue to be effective until revised, amended or rescinded.

G. 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.

H. The invalidity of any portion of this Order shall not affect the validity of the remainder thereof.

History: 2002, E.R.O. No. 2002-11, Eff. Dec. 20, 2002

Compiler's Notes: For transfer of powers and duties of department of history, arts, and libraries related to census reporting and conducting statistical studies and making estimates and projections of population relative to size and distribution to department of information technology, see E.R.O. No. 2009-26, compiled at MCL 399.752.