

EXECUTIVE REORGANIZATION ORDER (EXCERPT)
E.R.O. No. 1997-12

445.2002 Transfer of powers and duties of state survey and remonumentation commission, scientific advisory commission, and committees created by MCL 722.112(2) to the director of the department of consumer and industry services by type III transfer; transfer of authority of liquor control commission to designate member as chairperson to governor; transfer of powers and duties of state exposition and fairgrounds office from director of department of consumer and industry services to director of agriculture; transfer of state exposition and fairgrounds council to department of agriculture by type II transfer; renaming of mobile home commission as manufactured housing commission and transfer of powers and duties from department of consumer and industry services to manufactured housing commission.

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

WHEREAS, the reorganization of the state's licensing, permitting and registration functions into the Department of Consumer and Industry Services has resulted in better coordination between regulatory programs and a higher level of service to the Michigan public; and

WHEREAS, it is necessary to assure that the Director of the Department of Consumer and Industry Services has the authority to complete the process of restructuring the state's licensing, permitting and registration functions; and

WHEREAS, the Michigan State Fair is the nation's oldest state fair and continues its tradition of showcasing Michigan's agricultural community by providing information to its visitors about farm life and farm production; and

WHEREAS, there is a need for closer coordination between the Michigan State Fair, the Upper Peninsula State Fair and Michigan's county fairs; 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, Article V, Section 8, of the Constitution of the State of Michigan of 1963 provides that each principal department shall be under the supervision of the Governor, unless otherwise provided by the Constitution; 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:

A. Department of Consumer and Industry Services

1. All the statutory authority, powers, duties, functions and responsibilities of the State Survey and Remonumentation Commission created by Act No. 345 of the Public Acts of 1990, as amended, being Sections 54.261 et seq. of the Michigan Compiled Laws, are hereby transferred to the Director of the Department of Consumer and Industry Services by a Type III 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, and the commission is abolished.

4. All the statutory authority, powers, duties, functions and responsibilities of the Scientific Advisory Commission created by Section 7206 of the Public Health Code, Act No. 368 of the Public Acts of 1978, being Section 333.7206 of the Michigan Compiled Laws, are hereby transferred to the Director of the Department of Consumer and Industry Services by a Type III 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, and the commission is abolished.

5. All the statutory authority, powers, duties, functions and responsibilities of the ad hoc committees created by Section 2(2) of Act No. 116 of the Public Acts of 1973, being Section 722.112(2) et seq. of the Michigan Compiled Laws, are hereby transferred to the Director of the Department of Consumer and Industry Services by a Type III 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, and all ad hoc committees created pursuant to this provision are abolished. The Director may at his or her discretion establish advisory committees to review existing rules or proposed changes to rules affecting child care organizations covered by Act No. 116, as amended.

6. All the statutory authority of the Liquor Control Commission to designate one of its members as chairperson of the Commission pursuant to Section 5 of the Liquor Control Act, Act No. 8 of the Public Acts of 1933, Ex. Sess., being Section 436.5 of the Michigan Compiled Laws, is hereby transferred to the Governor.

7. The Director of the Department of Consumer and Industry Services shall provide executive direction and supervision for the implementation of the transfers.

8. The Director of the Department of Consumer and Industry Services shall administer the assigned functions 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 prescribed by this Order.

9. 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 by this Order are hereby transferred to the Director of the Department of Consumer and Industry Services.

10. The Director of the Department of Consumer and Industry Services may by written instrument delegate a duty or power conferred by law or this Order and the person to whom such duty or power is so delegated may perform such duty or exercise such power at the time and to the extent that such duty or power is delegated by the Director of the Department of Consumer and Industry Services.

11. All rules, orders, contracts, declaratory rulings, agreements and other actions relating to the functions transferred to the Department of Consumer and Industry Services 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.

12. Any suit, action or other proceeding lawfully commenced by, against or before any entity transferred to the Department of Consumer and Industry Services 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.

B. State Fair

1. All the statutory authority, powers, duties, functions and responsibilities of the State Exposition and Fairgrounds Office created under the Michigan Exposition and Fairgrounds Act, Act No. 361 of the Public Acts of 1978, being Sections 285.161 et seq. of the Michigan Compiled Laws, are hereby transferred from the Director of the Department of Consumer and Industry Services to the Director of the Department of Agriculture.

2. All the statutory authority, powers, duties, functions and responsibilities of the Director of the Department of Consumer and Industry Services and the Department of Consumer and Industry Services under the Michigan Exposition and Fairgrounds Act, Act No. 361 of the Public Acts of 1978, being Sections 285.161 et seq. of the Michigan Compiled Laws, and Executive Order 1993-25, are hereby transferred to the Director of the Department of Agriculture.

3. The State Exposition and Fairgrounds Council is hereby transferred to the Department of Agriculture 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.

4. The Director of the Department of Agriculture shall provide executive direction and supervision for the implementation of the transfers.

5. The Director of the Department of Agriculture shall administer the assigned functions in such ways as to promote efficient administration and shall make such internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

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 Department of Consumer and Industry Services for the functions transferred by this order are hereby transferred to the Department of Agriculture. The Departments of Consumer and Industry Services and Agriculture shall jointly develop a memorandum of understanding pertaining to the allocation of resources between the two agencies.

7. All rules, orders, contracts, declaratory rulings, agreements and other actions 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.

8. The directors of the Departments of Agriculture and Consumer and Industry Services shall immediately initiate coordination to facilitate the transfer and jointly develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal state laws and regulations, or other obligations to be resolved.

9. 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.

C. Mobile Home Commission

1. The Mobile Home Commission created by the Mobile Home Commission Act, Act No. 96 of the Public Acts of 1987, as amended, being Sections 125.2301 et seq. of the Michigan Compiled Laws, is renamed the Manufactured Housing Commission. All the statutory authority, powers, duties, functions and responsibilities of the Manufactured Housing Commission, which were transferred to the Director of the Department of Consumer and Industry Services by Executive Order 1996-2, are, with the exception of all authority for rulemaking contained in Act No. 96, transferred to the Manufactured Housing Commission.

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 in the state's financial management system for the remainder of the fiscal year in which this Order takes effect.

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. 1997-12, Eff. Oct. 15, 1997 ;-- Am. 1997, E.R.O. No. 1997-13, Eff. Dec. 13, 1997

Compiler's Notes: Paragraphs 2. and 3. of Part A of Executive Reorganization Order No. 1997-12, as originally enacted, were rescinded by Executive Reorganization Order No. 1997-13, Eff. Dec. 13, 1997, and read as follows: "2. All the statutory authority, powers, duties, functions and responsibilities of the Board of Physical Therapy created by Part 178 of the Public Health Code, Act No. 368 of the Public Acts of 1978, being Sections 333.17801 et seq. of the Michigan Compiled Laws, are hereby transferred to the Director of the Department of Consumer and Industry Services by a Type III transfer, as defined Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws, and the board is abolished." "3. All the statutory authority, powers, duties, functions and responsibilities of the Board of Occupational Therapists created by Part 183 of the Public Health Code, Act No. 368 of the Public Acts of 1978, being Sections 333.18301 et seq. of the Michigan Compiled Laws, are hereby transferred to the Director of the Department of Consumer and Industry Services by a Type III 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, and the board is abolished."