

EXECUTIVE REORGANIZATION ORDER

E.R.O. No. 1993-8

800.341 Transfer of powers and duties of the Michigan state industries advisory council to the Michigan state industries advisory board by a type III 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 State Industries Advisory Council was created by Act No. 245 of the Public Acts of 1980, as amended, being Section 800.324(f) of the Michigan Compiled Laws, in the Corrections Commission, now the Department of Corrections; and

WHEREAS, the functions, duties and responsibilities assigned to the Michigan State Industries Advisory Council can be more effectively carried out by the new Michigan State Industries Advisory Board; 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. There is hereby established a new Michigan State Industries Advisory Board (the "Board") within the Department of Corrections on the following terms and conditions:

(a) The Board shall consist of the following eleven members:

- i. Two representatives of labor unions;
- ii. One representative of a financial institution;
- iii. Two representatives of small business;
- iv. Two representatives of manufacturers;
- v. One public member;
- vi. The Director of the Department of Corrections or his/her designee;
- vii. The Business Ombudsman; and
- viii. One representative from the Department of Management and Budget.

(b) Each member of the Board shall be appointed by the Governor and shall serve for a term of three years, except that of the members first appointed, three shall be appointed for a term of one year, four shall be appointed for a term of two years and four shall be appointed for a term of three years. The Governor shall appoint one member of the Board as Chairperson and that member shall serve as Chairperson at the pleasure of the Governor.

(c) The Board shall make recommendations to the Governor and the Director of the Department of Corrections on ways to better integrate Michigan State Industries into the business community and foster its growth while ensuring that competition with the private sector is minimized.

(d) The duties of the Board shall be consistent with the above recommendations, including, but not limited to:

- i. Meet with Michigan State Industries management and the Director of the Department of Corrections to review operations;
- ii. Assist in making capital expenditure recommendations;
- iii. Review the annual report and operating statements;
- iv. Assist in developing Michigan State Industries' five-year plan;
- v. Assist in product development; and
- vi. Assist in developing marketing plans to advise the Director of the Department of Corrections on matters related to Michigan State Industries.

2. All the statutory authority, powers, duties, functions, and responsibilities of the Michigan State Industries Advisory Council are hereby transferred to the new Michigan State Industries Advisory Board created by Section 1 of this Order by a Type III transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, being Section 16.103 of the Michigan Compiled Laws, and the Michigan State Industries Advisory Council is hereby abolished. The transfer shall take place under the following conditions:

(a) The Director of the Department of Corrections shall provide executive direction and supervision for the implementation of the transfer.

(b) 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 State Industries Advisory Council for the activities transferred to the Michigan State Industries Advisory Board by this Order are hereby transferred to the new Michigan State Industries Advisory Board.

(c) 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.

(d) 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.

The provisions of the Order shall become effective immediately upon filing.

History: 1993, E.R.O. No. 1993-8, Eff. Oct. 9, 1993