

EXECUTIVE REORGANIZATION ORDER

E.R.O. No. 1993-9

460.20 Transfer of powers and duties of the utility consumer participation board from the department of management and budget to the department of commerce by a type II 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 Utility Consumer Participation Board was created within the Department of Management and Budget by Section 6l of Act No. 304 of the Public Acts of 1982, being Section 460.6l of the Michigan Compiled Laws; and

WHEREAS, the functions, duties and responsibilities assigned to the Utility Consumer Participation Board can be more effectively carried out under the supervision and direction of the head of the Department of Commerce.

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 Utility Consumer Participation Board are hereby transferred to the Department of Commerce, but not within the Public Service Commission, 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) Those activities with respect to the fund delegated by Section 6m of Act No. 304 of the Public Acts of 1982, being Section 460.6m of the Michigan Compiled Laws, to the state treasurer shall remain with and continue to be performed by the treasurer.

(3) The Director of the Office of Contract Management of the Department of Management and Budget 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 Department of Commerce, and all prescribed functions of rule making, grant awards, grant payments and revenue collection shall be transferred to the Department of Commerce.

(4) All records, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to the Utility Consumer Participation Board for the activities transferred are hereby transferred to the Department of Commerce to the extent required to provide for the efficient and effective operation of the Utility Consumer Participation Board.

(5) The Director of the Office of Contract Management of the Department of Management and Budget and the Director of the Department of Commerce shall immediately initiate coordination 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, or obligations to be resolved by the Utility Consumer Participation Board.

(6) 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.

(7) 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.

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 60 days after filing.

History: 1993 E.R.O. No. 1993-9, Eff. Nov. 17, 1993