

EXECUTIVE REORGANIZATION ORDER

E.R.O. No. 1992-4

35.1081 Transfer of powers and duties relating to property designated as Michigan veterans' memorial park from Michigan capitol park commission to Michigan veterans' memorial park commission created in department of military affairs.

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 Capitol Park Commission was created by Act No. 306 of the Public Acts of 1988, as amended, being Section 18.1298 et seq. of the Michigan Compiled Laws, in the Department of Management and Budget; and

WHEREAS, the Michigan Veterans' Memorial Park Commission was created by Executive Order 1992-11 in the Department of Military Affairs; and

WHEREAS, certain functions, duties and responsibilities assigned to the Michigan Capitol Park Commission can be more effectively organized and carried out by the Michigan Veterans' Memorial Park Commission; 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) The property described below, which is contained within the Michigan Capitol Park to be developed and operated by the Michigan Capitol Park Commission, is hereby designated as the Michigan Veterans' Memorial Park and is hereby transferred from the jurisdiction of the Michigan Capitol Park Commission to the Michigan Veterans' Memorial Park Commission;

Commencing at the E 1/4 corner of Section 17, T4N, R2W, City of Lansing, Ingham County, Michigan; thence westerly approximately 470 feet, on the E-W 1/4 line of said Section 17 to the point of beginning; thence southerly approximately 295 feet, to the right-of-way line of the proposed Capitol Loop; thence approximately 840 feet, on the arc of a curve to the right with a central angle of approximately 160 degrees and a radius of approximately 300 feet on said right-of-way; thence southerly approximately 295 feet, to the point of beginning, containing 2.5 acres, more or less. The described parcel is subject to any easements and/or rights of record as may pertain to said parcel.

(2) All the statutory authority, powers, duties, functions and responsibilities of the Michigan Capitol Park Commission relating to the property designated herein as the Michigan Veterans' Memorial Park are hereby transferred to the Michigan Veterans' Memorial Park Commission, 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; provided, however, that the Michigan Capitol Park Commission shall retain jurisdiction over the balance of the Michigan Capitol Park and shall continue to carry out all of its statutory authority, powers, duties, functions and responsibilities with respect to the balance of the Michigan Capitol Park.

(3) The Director of the Department of Military Affairs shall provide executive direction and supervision for the implementation of the transfer. The assigned functions shall be administered under the direction and supervision of the Director of the Department of Military Affairs.

(4) 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 Capitol Park Commission for the activities transferred to the Michigan Veterans' Memorial Park Commission by this Order are hereby transferred to the Michigan Veterans' Memorial Park Commission.

(5) The Director of the Department of Military Affairs shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

(6) The Director of the Department of Military Affairs and the Director of the Department of Management and Budget 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 other obligations to be resolved by the Michigan Capitol Park Commission.

(7) 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.

(8) 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 Order shall become effective 60 days after the filing of this Order.

History: 1992 E.R.O. No. 1992-4, Eff. July 1, 1992