

EXECUTIVE REORGANIZATION ORDER

E.R.O. No. 1995-14

791.601 Transfer of powers and duties of office of community alternatives to department of corrections by 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, Act No. 511 of the Public Acts of 1988 ("Act No. 511"), the Community Corrections Act, created an Office of Community Alternatives as an autonomous entity within the Department of Corrections; and

WHEREAS, the purpose of Act No. 511 is to fund qualifying community corrections alternative programs that reduce state prison commitments by encouraging participation of offenders likely to be sentenced to imprisonment in a state correctional facility or jail, who would not increase the risk to public safety, have not demonstrated a pattern of violent behavior, and do not have a criminal record that indicates a pattern of violent offenses; and

WHEREAS, Act No. 511 expressly requires that continued funding shall be contingent upon substantial compliance with this objective; and

WHEREAS, Sec. 1006 of Enrolled House Bill 4418, the FY 1996 appropriations bill for the Department of Corrections, for the first time affords the Office of Community Alternatives (Corrections) express authority to approve use of its funds for the construction of facilities, which are to be minimum security facilities; it is essential that such decisions be integrated into and coordinated with comprehensive facilities planning for the Department of Corrections; and

WHEREAS, this goal can be achieved only by coordination of corrections and corrections alternative policies; 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. All the statutory authority, powers, duties, functions and responsibilities, including the functions of budgeting, procurement and management-related functions, created under Act No. 511 of the Public Acts of 1988, are hereby transferred from the Office of Community Alternatives to the Department of Corrections by Type II 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.

2. The Director of the Department of Corrections may appoint the Executive Director of the Office of Community Alternatives or may administer the assigned functions in other ways to promote efficient administration.

3. The Director of the Department of Corrections 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, and all prescribed functions of rule-making, licensing and registration, including the prescription of rules, regulations, standards and adjudications, shall be transferred to the Director of the Department of Corrections.

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 Office of Community Alternatives for the activities transferred to the Department of Corrections by this Order are hereby transferred to the Department of Corrections.

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

6. The Executive Director of the Office of Community Alternatives and the Director of the Department of Corrections 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 Office of Community Alternatives.

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 or against 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 or against 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: 1995 E.R.O. No. 1995-14, Eff. Sept. 10, 1995