

EXECUTIVE REORGANIZATION ORDER

E.R.O. No. 2009-2

285.191 Transfer of position of manager of Michigan exposition and fairgrounds authority to department of management and budget by type III transfer; transfer of Michigan exposition and fairgrounds authority to department of management and budget by type III transfer; transfer of board of managers of Upper Peninsula state fair to department of management and budget by type III transfer.

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

WHEREAS, Section 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the executive branch of state government or in the assignment of functions among its units that the Governor considers necessary for efficient administration;

WHEREAS, there is a continuing need to reorganize functions amongst state departments to ensure efficient administration and effectiveness of government;

WHEREAS, reductions in state revenue and on-going fiscal constraints inhibit the ability to provide taxpayer-funded assistance to the state fairs operated in the Upper Peninsula and in the City of Detroit;

WHEREAS, with the end of state-support for the state fairs, the remaining legally mandated duties and functions relating to the state fairs can be performed by the Department of Management and Budget;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

I. DEFINITIONS

As used in this Order:

A. "Department of Agriculture" means the principal department of state government created under Section 1 of 1921 PA 13, MCL 285.1 and Section 175 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.275.

B. "Department of Management and Budget" means the principal department of state government created under Section 121 of The Management and Budget Act, 1984 PA 431, MCL 18.1121.

C. "Michigan Exposition and Fairgrounds Authority" means the public body created within the Department of Management and Budget under Section 4 of the Michigan Exposition and Fairgrounds Authority Act, 1978 PA 361, MCL 285.164.

D. "Board of Managers of the Upper Peninsula State Fair" means the board created under Section 1 of 1927 PA 89, MCL 285.141, and transferred to the Department of Agriculture under Section 186 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.286.

E. "State Budget Director" means the individual appointed by the Governor pursuant to Section 321 of The Management and Budget Act, 1984 PA 431, MCL 18.1321.

F. "Type III transfer" means that term as defined under Section 3 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.103.

II. TRANSFER OF FUNCTIONS OF MICHIGAN EXPOSITION AND FAIRGROUNDS AUTHORITY

A. The position of Manager of the Michigan Exposition and Fairgrounds Authority is transferred by Type III transfer to the Department of Management and Budget.

B. The position of Manager of the Michigan Exposition and Fairgrounds Authority is abolished.

C. The Michigan Exposition and Fairgrounds Authority is transferred by Type III transfer to the Department of Management and Budget.

D. The Michigan Exposition and Fairgrounds Authority is abolished.

III. TRANSFER OF FUNCTIONS OF BOARD OF MANAGERS OF UPPER PENINSULA STATE FAIR

A. The Board of Managers of the Upper Peninsula State Fair is transferred by Type III transfer to the

Department of Management and Budget.

B. The Board of Managers of the Upper Peninsula State Fair is abolished.

C. Any and all remaining authority, powers, duties, functions, responsibilities, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds of the Department of Agriculture under 1927 PA 89, MCL 285.141 to 285.145, are transferred to the Department of Management and Budget.

IV. IMPLEMENTATION OF TRANSFERS

A. The Director of the Department of Management and Budget shall provide executive direction and supervision for the implementation of the transfers under this Order and shall make internal organization changes as necessary to effectuate the transfers.

B. The authority, powers, duties, functions, and responsibilities transferred to the Department of Management and Budget under this Order shall be administered in such ways as to promote efficient administration.

C. All records, property, grants, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available for the activities, powers, duties, functions, and responsibilities transferred to the Department of Management and Budget under this Order are transferred to the Department of Management and Budget.

V. MISCELLANEOUS

A. The State Budget Director shall determine and authorize the most efficient manner possible for handling financial transactions and records in the state's financial management system necessary for the implementation of this Order.

B. All rules, orders, contracts, and agreements relating to the transfers under this Order lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended, repealed, or rescinded.

C. This Order shall not abate any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected under this Order. Any suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected under this Order.

D. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

In fulfillment of the requirements under Section 2 of Article V of the Michigan Constitution of 1963, the provisions of this Order are effective October 1, 2009 at 12:01 a.m.

History: 2009, E.R.O. No. 2009-2, Eff. Oct. 1, 2009