

EXECUTIVE REORGANIZATION ORDER

E.R.O. No. 2014-3

124.781 Transfer of powers and duties of board of directors and office of the executive director of state land bank fast track authority to office of executive director of Michigan state housing development authority; abolishment of board of directors and office of executive director of state land bank fast track authority.

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

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; and

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

WHEREAS, programs, agencies, and commissions should be placed among the principal departments on a consistent logical basis in order to ensure the most efficient use of public dollars and more streamlined services;

NOW, THEREFORE, I, Richard D. Snyder, 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. "Land Bank Fast Track Act" means 2003 PA 258.

B. "Michigan State Housing Development Authority" means the public body corporate and politic created under Section 21 of the State Housing Development Authority Act of 1966, 1966 PA 346, MCL 125.1421.

C. "State Land Bank Fast Track Authority" means the public body corporate and politic created under Section 15 of the Land Bank Fast Track Act, 2003 PA 258, MCL 124.765.

D. "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.

II. TRANSFER OF AUTHORITY

A. Except as provided in paragraph I of this section, any and all authority, powers, duties, responsibilities and functions of the Board of Directors of the State Land Bank Fast Track Authority, established by MCL 124.766, and the office of the executive director of the State Land Bank Fast Track Authority, established by MCL 124.767, are transferred to the office of the Executive Director of the Michigan State Housing Development Authority.

B. The Board of Directors of the State Land Bank Fast Track Authority is abolished.

C. The office of executive director of the State Land Bank Fast Track Authority is abolished.

D. The State Land Bank Fast Track Authority shall continue to exist as an autonomous entity within the Michigan State Housing Development Authority. The statutory powers, duties, and functions of the State Land Bank Fast Track Authority shall be exercised independently of the Michigan State Housing Development Authority.

E. Nothing in this Order shall be construed to affect the status of moneys of the State Land Bank Fast Track Authority or the Land Bank Fast Track Authority Fund established by Section 18 of the Land Bank Fast Track Act, 2003 PA 258, MCL 124.768. Funds of the State Land Bank Fast Track Authority remain funds of the State Land Bank Fast Track Authority and shall be accounted for separately from the funds of the Michigan State Housing Development Authority.

F. The Michigan State Housing Development Authority shall not be responsible for the financial or other obligations of the State Land Bank Fast Track Authority, nor shall it be liable for claims asserted against the State Land Bank Fast Track Authority.

G. Nothing in this Order shall be construed to affect the status of moneys of the Michigan State Housing Development Authority. Moneys of the Michigan State Housing Development Authority are not moneys of this state and shall continue to be non-state funds. State funds appropriated to the Michigan State Housing Development Authority lose their identity as state funds upon payment to the Michigan State Housing Development Authority and become public funds of the Michigan State Housing Development Authority under the control of the Michigan State Housing Development Authority. Funds established by or within the Michigan State Housing Development Authority are public trust funds administered by the Michigan State Housing Development Authority.

H. Nothing in this Order shall be construed to impair the obligation of any bond or note issued by or on behalf of the Michigan State Housing Development Authority. Bonds and notes issued by or on behalf of the Michigan State Housing Development Authority are obligations of the Michigan State Housing Development Authority and not obligations of this state.

I. The transfer of the authority, powers, duties, functions, responsibilities, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds of the State Land Bank Fast Track Authority with respect to issuance of bonds or notes to the Michigan Finance Authority pursuant to Section IV.L.1. of Executive Order 2010-2 is ratified and confirmed.

III. IMPLEMENTATION OF TRANSFERS

A. The Executive Director of the Michigan State Housing Development Authority shall provide executive direction and supervision for the implementation of all transfers of functions under this Order and shall make internal organizational changes as necessary to complete the transfers under this Order.

B. The functions transferred under this Order shall be administered by the Executive Director of the Michigan State Housing Development Authority in such ways as to promote efficient administration.

C. All rules, orders, contracts, plans, and agreements relating to the functions transferred by this Order lawfully adopted prior to the effective date of this Order by the responsible state agency shall continue to be effective until revised, amended, or rescinded.

D. 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 as necessary for the implementation of this Order.

E. Any suit, action, or other proceeding lawfully commenced by, against, or before any entity transferred by this Order shall not abate by reason of the taking effect of this Order. Any lawfully commenced suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected by this Order.

F. 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 shall be effective 60 days after the filing of this Order.

History: 2014, E.R.O. No. 2014-3, Eff. July 22, 2014

Compiler's Notes: Executive Reorganization Order No. 2014-3 was promulgated May 22, 2014 as Executive Order No. 2014-8, Eff. July 22, 2014. For reestablishment of board of directors of state land bank fast track authority, established by MCL 124.767, but abolished by MCL 124.781, see E.R.O. No. 2016-6, compiled at MCL 125.1996.

