

EXECUTIVE REORGANIZATION ORDER

E.R.O. No. 1991-12

791.302 Transfer of department of corrections to new department of corrections; transfer of powers and duties of Michigan corrections commission to new department of corrections.

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

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, Article V, Section 8, of the Constitution of the State of Michigan of 1963 provides that each principal department shall be under the supervision of the Governor, unless otherwise provided by the Constitution; and

WHEREAS, the Department of Corrections was created by Act No. 232 of the Public Acts of 1953, as amended, being Section 791.201 et seq. of the Michigan Compiled Laws; and

WHEREAS, the Michigan Corrections Commission was created by, and given certain functions, duties, and responsibilities in Act No. 232 of the Public Acts of 1953, as amended, being Section 791.201 et seq. of the Michigan Compiled Laws; and

WHEREAS, the functions, duties, and responsibilities assigned to the Michigan Corrections Commission can be more effectively carried out by the Director of Corrections and the Governor; 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 Article V, Section 1, Article V, Section 2, and Article V, Section 8 of the Constitution of the State of Michigan of 1963 and the laws of the State of Michigan, do hereby order the following:

(1) The Department of Corrections, created under Section 1 of Act No. 232 of the Public Acts of 1953, as amended, being Section 791.201 of the Michigan Compiled Laws, is transferred by a Type I 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, to a new Michigan Department of Corrections.

(2) All the statutory authority, powers, duties, functions, and responsibilities of the Michigan Corrections Commission are hereby transferred to the Director of the new Michigan Department of Corrections, as head of the Michigan Department of Corrections, by a Type III 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, except the power to appoint the Director of Corrections contained in Section 3 of Act No. 232 of the Public Acts of 1953, being Section 791.203 of the Michigan Compiled Laws.

(3) Pursuant to Article V, Section 1, Article V, Section 2, and Article V, Section 8 of the Constitution of the State of Michigan of 1963, the power to appoint the Director of the new Michigan Department of Corrections is hereby vested in the Governor.

(4) The Director of the new Michigan Department of Corrections shall provide executive direction and supervision for the implementation of the transfer. The assigned functions, except the power to appoint the Director, 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 new Michigan Department of Corrections.

(5) 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 Corrections Commission for the activities transferred to the new Michigan Department of Corrections by this Order are hereby transferred to the new Michigan Department of Corrections.

(6) The Director of the new Michigan Department of Corrections shall immediately 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 Corrections 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 Executive Order shall become effective 60 days after the filing of this Executive Order.

History: 1991, E.R.O. No. 1991-12, Eff. Apr. 23, 1991