

EXECUTIVE REORGANIZATION ORDER

E.R.O. No. 1999-6

16.721 Transfer of authority and duties of Indian affairs commission and its executive director to director of department of civil rights by Type III 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, the Indian Affairs Commission was created by Act No. 195 of the Public Acts of 1972, being Sections 16.711 et seq. of the Michigan Compiled Laws, and is currently located in the Department of Civil Rights pursuant to Executive Order 1991-29; and

WHEREAS, the state has numerous programs to address the needs of its Indian citizens which are administered by various departments, such as the Michigan Department of Transportation (Disadvantaged Business Enterprise program), the Michigan State Police Forensic Science Division (criminal laboratory services to tribal police), the Department of Community Health (Indian Health Program) and the Department of Consumer and Industry Services (Energy Resource Grants to Native American projects); and

WHEREAS, the powers, functions, duties and responsibilities of the Indian Affairs Commission and its Executive Director can be more effectively organized and carried out under the direction and supervision of the Director of the Department of Civil Rights; 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 of the Indian Affairs Commission, including but not limited to those set forth in Act No. 195 of the Public Acts of 1972, being Section 16.711 et seq. of the Michigan Compiled Laws, are hereby transferred to the Director of the Department of Civil Rights 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.

2. All the statutory authority, powers, duties, functions, and responsibilities of the Executive Director of the Indian Affairs Commission, including but not limited to those set forth in Act No. 195 of the Public Acts of 1972, being Section 16.711 et seq. of the Michigan Compiled Laws, are hereby transferred to the Director of the Department of Civil Rights 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.

3. The Director of the Department of Civil Rights shall provide executive direction and supervision for the implementation of the transfer.

4. The Executive Director of the Indian Affairs Commission and the Director of the Department of Civil Rights 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 Indian Affairs Commission.

5. The Director of the Department of Civil Rights shall administer the transferred powers, duties, functions and responsibilities in such ways as to promote effective administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of the responsibilities prescribed by this Order.

6. All records, personnel, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to the Indian Affairs Commission and the position of Executive Director of the Indian Affairs Commission for the activities, powers, duties, functions and responsibilities transferred by this Order are hereby transferred to the Director of the Department of Civil Rights.

7. All rules, orders, contracts and agreements related to the assigned functions that were 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 requirements 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: 1999, E.R.O. No. 1999-6, Eff. Oct. 20, 1999

Compiler's Notes: For the transfer of the authority, powers, duties, functions, and responsibilities related to the Michigan Indian tuition waiver in the department of civil rights to the department of lifelong, education, advancement, and potential, see E.R.O. No. 2024-1, compiled at MCL 16.734.