

EXECUTIVE REORGANIZATION ORDER

E.R.O. No. 2010-9

722.991 Transfer of powers and duties of foster care trust fund board to state child abuse and neglect prevention board; abolishment of foster care trust fund board.

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, merging the functions of the Foster Care Trust Fund Board and the State Child Abuse and Neglect Prevention Board will eliminate duplication and contribute to a smaller and more efficient state government;

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. "Foster Care Trust Fund Board" means the board created in the Department of Human Services under Section 4 of the Foster Care Trust Fund Act, 2008 PA 525, MCL 722.1024.

B. "Department of Human Services" or "Department" means the principal department of state government created as the Department of Social Services under Section 450 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.550, renamed the Family Independence Agency under 1995 PA 223, MCL 400.1, and renamed the Department of Human Services under Executive Order 2004-38, MCL 400.226.

C. "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.

D. "State Child Abuse and Neglect Prevention Board" means the board created in the Department of Technology, Management, and Budget under Section 3 of the Child Abuse and Neglect Prevention Act, 1982 PA 250, MCL 722.603, and subsequently transferred to the Department of Human Services by Executive Order 1992-5, MCL 722.620.

II. TRANSFERS

A. The authority, powers, duties, functions, responsibilities, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds of the Foster Care Trust Fund Board are transferred to the State Child Abuse and Neglect Prevention Board.

B. The Foster Care Trust Fund Board is abolished.

III. IMPLEMENTATION OF TRANSFERS

A. The Director of the Department shall provide executive direction and supervision for the implementation of all transfers under this Order and shall make internal organizational changes as necessary to complete the transfers under this Order.

B. All records, personnel, property, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Foster Care Trust Fund Board for the activities, powers, duties, functions, and responsibilities transferred under this Order are transferred to the State Child Abuse and Neglect Prevention Board.

C. Notwithstanding the activities, powers, duties, functions, and responsibilities transferred under this Order, the State Child Abuse and Neglect Prevention Board shall give first priority to fulfilling its duties and responsibilities under Section 6 of the Child Abuse and Neglect Prevention Act, 1982 PA 250, MCL 722.606.

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 necessary for the implementation of this Order.

IV. MISCELLANEOUS

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

rescinded.

B. 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.

C. 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 18, 2010 at 12:01 a.m.

History: 2010, E.R.O. No. 2010-9, Eff. Oct. 18, 2010