

EXECUTIVE REORGANIZATION ORDER

E.R.O. No. 2016-3

408.431 Transfer of powers and duties of wage deviation board to director of department of licensing and regulatory affairs by Type III transfer.

WHEREAS, Section 1, Article V of the Michigan Constitution of 1963 vests the executive power 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 or in the assignment of functions among its units which he considers necessary for efficient administration; and

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

WHEREAS, there is a continued need to reorganize functions among state departments to ensure efficient administration; and

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

NOW, THEREFORE, I, Richard D. Snyder, Governor of the State of Michigan, pursuant to the powers vested in me by the Michigan Constitution of 1963 and Michigan law order the following:

I. TRANSFER OF WAGE DEVIATION BOARD

A. All statutory authority, powers, duties, functions, and responsibilities of the Wage Deviation Board as provided in the Workforce Opportunity Wage Act, 2014 PA 138, MCL 408.411 to 408.424, are transferred to the Director of the Department of Licensing and Regulatory Affairs (the "Department") by a Type III transfer as defined by Section 3 of the Executive Organization Act, 1965 PA 380, MCL 16.103.

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 Wage Deviation Board are transferred to the Department.

II. IMPLEMENTATION

A. The Director of the Department shall provide executive direction and supervision for the implementation of this transfer. The Director shall administer the functions transferred in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities under this Order.

B. The Director of the Department shall immediately coordinate the transfer and develop a memorandum of record identifying any pending issues of compliance with applicable laws and regulations, or other obligations to be resolved by the Wage Deviation Board.

C. 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 rescinded.

D. 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.

E. 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.

F. The State Budget Director shall determine and authorize the most efficient manner possible for the handling of financial transactions and records in the state's financial management system for the remainder of the current state fiscal year for transfers made under this Order.

G. The Wage Deviation Board created in Section 5 of the Workforce Opportunity Wage Act, MCL 408.415 is abolished.

In fulfillment of the requirements of Section 2 of Article V of the Michigan Constitution of 1963, this Order shall be effective 60 days after the filing of this Order.

History: 2016, E.R.O. No. 2016-3, Eff. Aug. 8, 2016

Compiler's Notes: Executive Reorganization Order No. 2016-3 was promulgated June 8, 2016, as Executive Order No. 2016-13, Eff. Aug. 8, 2016.