

EXECUTIVE REORGANIZATION ORDER (EXCERPT)
E.R.O. No. 2006-3

400.561 Transfer of duties and responsibilities of community service commission from department of labor and economic growth to department of human services by type II transfer.

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, Michigan residents, beginning at an early age and continuing for a lifetime, meet community needs and find personal fulfillment through service-learning and volunteerism;

WHEREAS, the State of Michigan is an ideal place to live and is recognized nationally because its citizens believe so strongly in the value of service as a way of life;

WHEREAS, this administration continues to be committed to encouraging all residents, organizations, and institutions in Michigan to help in solving our most critical problems by volunteering their time, effort, energy, and service;

WHEREAS, the Michigan Community Service Commission, which was originally established by Executive Order 1991-25, has as its mission the building of a culture of service by providing vision and resources to strengthen communities through volunteerism;

WHEREAS, since 1991, the Michigan Community Service Commission has granted more than \$41 million in public and private funds to community organizations enabling them to engage thousands of Michigan citizens in volunteer service and leveraging more than \$34 million in additional local resources;

WHEREAS, the mission of the Michigan Community Service Commission and the ability to secure additional support for the Commission can be enhanced by locating the Commission within the Department of Human Services;

WHEREAS, there is a continuing need to reorganize functions amongst state departments to ensure efficient administration and effectiveness of 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:

I. DEFINITIONS

As used in this Order:

A. "Community Service Commission" or "Commission" means the Michigan Community Service Commission created under 1994 PA 219, MCL 408.221 to 408.232, which was subsequently transferred to the Department of Career Development by Executive Order 1999-1, as amended, MCL 408.40, and then transferred to the Department of Labor and Economic Growth by Executive Order 2003-18, MCL 445.2011.

B. "Department of Human Services" 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. "Department of Labor and Economic Growth" means the principal department of state government created as the Department of Commerce under Section 225 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.325, renamed the Department of Consumer and Industry Services under Executive Order 1996-2, MCL 445.2001, and renamed the Department of Labor and Economic Growth under Executive Order 2003-18, MCL 445.2011.

D. "State Budget Director" means the Director of the State Budget Office created under Section 321 of The Management and Budget Act, 1984 PA 431, MCL 18.1321.

E. "Type II Transfer" means that type of transfer as defined in Section 3(b) of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.103(b).

II. TRANSFER OF AUTHORITY

A. All of the authority, powers, duties, functions, and responsibilities of the Community Service Commission are transferred by Type II Transfer from the Department of Labor and Economic Growth to the Department of Human Services.

III. IMPLEMENTATION OF TRANSFERS

A. The Director of the Department of Human Services 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. The functions transferred under this Order shall be administered by the Director of the Department of Human Services in such ways as to promote efficient administration.

C. All rule-making, licensing, and registration functions related to the functions of the Commission transferred under this Order, including, but not limited to, the prescription of rules, regulations, standards, and adjudications, under the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.201 to 24.328, are transferred to the Director of the Department of Human Services.

D. The Director of the Department of Human Services may delegate within the Department of Human Services a duty or power conferred on the Director of the Department of Human Services by this Order or by other law or order, and the individual to whom the duty or power is delegated may perform the duty or exercise the power at the time and to the extent that the power is delegated by the Director of the Department of Human Services.

E. All records, property, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Department of Labor and Economic Growth or the Commission for the activities, powers, duties, functions, and responsibilities transferred under this Order are transferred to the Department of Human Services.

F. The Director of the Department of Human Services and the Director of the Department of Labor and Economic Growth shall develop a memorandum of record identifying any pending settlements, issues of compliance with any applicable state or federal laws or regulations, or other obligations to be resolved by the Department of Labor and Economic Growth.

G. The Director of the Department of Human Services and the Director of the Department of Labor and Economic Growth shall identify the program positions, administrative function positions, and personnel that will be transferred to the Department of Human Services under this Order. The Director of the Department of Human Services and the Director of the Department of Labor and Economic Growth shall enter into a memorandum of understanding identifying the positions and personnel transferred.

H. 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 to implement this Order for Fiscal Year 2006-2007.

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.

History: 2006, E.R.O. No. 2006-3, Eff. Oct. 22, 2006