

EXECUTIVE REORGANIZATION ORDER (EXCERPT)
E.R.O. No. 2018-4

125.1997 Transfer of powers and duties for administration of refugee services undertaken by office of refugee services within department of health and human services to Michigan office for new Americans within department of licensing and regulatory affairs.

WHEREAS, Section 1 of 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 that the Governor 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, the Department of Health and Human Services has established an Office of Refugee Services to coordinate and administer the provision of social services and other services to refugees in Michigan; and

WHEREAS, the Michigan Office for New Americans, created within the Executive Office of the Governor by Executive Order 2014-2, and transferred to the Department of Licensing and Regulatory Affairs by Executive Order 2014-12, MCL 125.1995, is charged with the responsibility for coordinating all executive branch programs related to the provision of services for immigrants, including the provision of services to refugees;

NOW, THEREFORE, I, Richard D. Snyder, Governor of the state of Michigan, by virtue of the powers and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

I. TRANSFER OF REFUGEE SERVICES FUNCTIONS

A. Except as otherwise provided in this order, all authority, powers, duties, functions, and responsibilities for the administration of refugee services undertaken by the Office of Refugee Services within the Department of Health and Human Services are transferred to the Michigan Office for New Americans within the Department of Licensing and Regulatory Affairs.

B. The administrative functions transferred to the Michigan Office for New Americans as provided in this Order include, but are not limited to, the following:

- Administration of Refugee Social Services;
- Administration of contracts with Refugee Service Agencies for the Unaccompanied Refugee Minors Program;
- Administration of federal funding for refugee services not otherwise listed;
- Coordination of services to refugees provided by other entities;
- Training state employees in the provision of refugee services;
- Federal reporting and outcome analysis; and
- Preparation and submission of the State Plan for Refugee Services.

C. The following responsibilities shall remain with the Department of Health and Human Services:

- Administration of Refugee Cash Assistance;
- Administration of Refugee Medical Assistance & other health programming; and
- Administration of the Repatriation Program.

D. The authority, powers, duties, functions, and responsibilities transferred to the Michigan Office for New Americans as provided in this Order are administrative in nature and do not include the direct service delivery functions performed by employees of the Michigan Department of Health and Human Services assigned to local field offices.

E. All records, personnel, property, unexpended balances of appropriations, allocations, or other funds used, held, employed, available, or to be made available to the Department of Health and Human Services necessary for the activities, powers, duties, functions, and responsibilities transferred by this Order are transferred to the Department of Licensing and Regulatory Affairs.

F. All personnel necessary for performance of the administrative functions transferred by this Order are transferred from the Department of Health and Human Services to the Department of Licensing and Regulatory Affairs.

II. CREATION OF THE CHAIRPERSONS COUNCIL

A. The Chairpersons Council is created within the Office for New Americans as an advisory body charged with providing advice and counsel to the Office for New Americans regarding its mission and services.

B. The Chairpersons Council shall consist of the Chairperson of the Asian Pacific American Affairs Commission, the Chairperson of the Hispanic/Latino Commission of Michigan, and the Chairperson of the Commission on Middle Eastern American Affairs.

C. The Chairpersons Council shall meet at the call of any of its members, and not less than four times per year.

D. The Chairpersons Council shall be staffed and assisted as necessary by personnel from the Office for New Americans as directed by the Office for New Americans.

E. Members of the Chairpersons Council shall serve without compensation. Subject to the approval of the Office for New Americans and available funding, members of the Chairpersons Council may receive reimbursement for necessary travel and expenses according to relevant statutes and the rules and procedures of the Department of Licensing and Regulatory Affairs.

III. IMPLEMENTATION

A. The Director of the Department of Licensing and Regulatory Affairs, after consultation with the Director of the Department of Health and Human Services, shall provide executive direction and supervision for the implementation of the transfer. The Director of the Department of Licensing and Regulatory Affairs shall administer any assigned functions to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

B. The directors of the departments effected by this order shall immediately initiate coordination to facilitate the transfers and shall 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 Department of Licensing and Regulatory Affairs.

C. 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.

IV. MISCELLANEOUS

A. The position of Director of the Michigan Office for New Americans created by Sec. I. B. of Executive Order 2014-2 is eliminated.

B. All rules, orders, contracts, plans, and agreements relating to the functions transferred by this Order lawfully adopted prior to the effective date of this Order by the responsible state department shall continue to be effective until revised, amended, or rescinded.

C. Any suit, action, or other proceeding lawfully commenced by or against any department identified in Section I of this order prior to the effective date of this Order shall not abate by reason of the taking effect of this Order. Any lawfully commenced suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected by this Order.

D. 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 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: 2018, E.R.O. No. 2018-4, Eff. Sept. 11, 2018.

Compiler's note: Executive Reorganization Order No. 2018-4 was promulgated July 12, 2018, as Executive Order No. 2018-7, Eff. Sept. 11, 2018.

For the transfer of the Michigan office for new Americans, including the chairpersons council, from the department of licensing and regulatory affairs to the department of labor and economic opportunity, renaming it as the office of global Michigan and the chairpersons' council on opportunities, abolishment of its director and establishment of new executive director of the office of global Michigan, and expansion of the chairpersons' council on opportunities, see E.R.O. No. 2019-3, compiled at MCL 125.1998.