

EXECUTIVE REORGANIZATION ORDER (EXCERPT)
E.R.O. No. 1997-6

247.691 Transfer of powers and duties of the transportation needs study committee to the state transportation commission by type III transfer; transfer of powers and duties of the citizens advisory committee to the director of the department of transportation 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 transportation needs study committee was created by Section 9a of Act No. 234 of the Public Acts of 1987, being Section 247.659a of the Michigan Compiled Laws; and

WHEREAS, the transportation needs study committee was to report to the Governor, the state transportation commission and the legislature on various transportation needs of the state; and

WHEREAS, no Governor has appointed members to the transportation needs study committee since its inception in 1987; and

WHEREAS, the state transportation commission was created by Article V, Section 28, of the Constitution of the State of Michigan of 1963 to "establish policy for the state transportation department transportation programs and facilities, and such other public works of the state, as provided by law;" and

WHEREAS, the functions, duties and responsibilities assigned to the transportation needs study committee can be more effectively and appropriately organized and carried out by the state transportation commission; and

WHEREAS, a citizens advisory committee was created by Section 9a of Act No. 234 of the Public Acts of 1987, being Section 247.659a of the Michigan Compiled Laws; and

WHEREAS, the functions, duties and responsibilities assigned to the citizens advisory committee can be more effectively organized and carried out by the Director of the Department of Transportation; 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 transportation needs study committee, as set forth in Section 247.659a of the Michigan Compiled Laws, are hereby transferred to the state transportation commission, 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. The Director of the Department of Transportation shall provide executive direction and supervision for the implementation of the transfer. The assigned functions shall be administered by the state transportation commission.

3. All records, personnel, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to the transportation needs study committee are hereby transferred to the state transportation commission.

4. All the statutory authority, powers, duties, functions and responsibilities of the citizens advisory committee, as set forth in Section 247.659a of the Michigan Compiled Laws, are hereby transferred to the Director to the Department of Transportation, 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.

5. The Director of the Department of Transportation shall provide executive direction and supervision for the implementation of the transfer. The assigned functions shall be administered by the Director of the Department of Transportation.

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 citizens advisory committee are hereby transferred to the Director of the Department of Transportation.

7. The Director of the Department of Transportation shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

8. The Director of the Department of Transportation shall immediately initiate coordination to facilitate the transfers and develop a memorandum of record identifying any pending business before the transportation needs study committee and the citizens advisory committee.

9. 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 repealed.

10. 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.

11. The transportation needs study committee and the citizens advisory committee are hereby abolished.

In fulfillment of the requirement 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: 1997, E.R.O. No. 1997-6, Eff. June 2, 1997.

Compiler's note: In paragraph number "4.", the phrase "to the Director to the Department of Transportation" evidently should read "to the Director of the Department of Transportation."