

EXECUTIVE REORGANIZATION ORDER (EXCERPT)

E.R.O. No. 2002-5

256.571 Creation of governor's traffic safety advisory commission as type II entity within department of state police, office of highway safety planning; transfer of powers and duties of Michigan state safety commission to governor's traffic safety advisory commission by type III transfer.

WHEREAS, Article V, Section 1, of the Constitution of the state of Michigan of 1963 vests the executive power in the Governor; and

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, certain functions, duties and responsibilities currently assigned to the Michigan State Safety Commission can be more effectively carried out by a new Governor's Traffic Safety Advisory Commission; and

WHEREAS, it is necessary in the interests of efficient administration and the 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:

I. DEFINITIONS

As used herein:

A. The "Department of State Police" means the principal department created by Section 2 of Act No. 59 of the Public Acts of 1935, as amended, being Section 28.2 of the Michigan Compiled Laws; and by Section 150 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.250 of the Michigan Compiled Laws.

B. The "Michigan State Safety Commission" means the entity created by Section 1 of Act No. 188 of the Public Acts of 1941, as amended, being Section 256.561 et seq. of the Michigan Compiled Laws; that was subsequently transferred to the Department of State Police pursuant to a Type II transfer by Section 155 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.255 of the Michigan Compiled Laws.

II. CREATION OF THE GOVERNOR'S TRAFFIC SAFETY ADVISORY COMMISSION

A. The Governor's Traffic Safety Advisory Commission is hereby created as a Type II entity within the Department of State Police, Office of Highway Safety Planning.

B. All the authority, powers, duties, functions and responsibilities of the Michigan State Safety Commission, including, but not limited to, the statutory authority, powers, duties, functions and responsibilities set forth in Act No. 188 of the Public Acts of 1941, as amended, being Section 256.561 et seq. of the Michigan Compiled Laws, are hereby transferred to the Governor's Traffic Safety Advisory Commission by a Type III transfer, as defined in Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws. The Michigan State Safety Commission is hereby abolished.

C. The Governor's Traffic Safety Advisory Commission shall consist of eleven (11) members as follows:

1. The Governor, or the designee of the Governor;
2. The Director of the Department of Community Health, or the designee of the Director of the Department of Community Health;
3. The Director of the Department of Education, or the designee of the Director of the Department of Education;
4. The Secretary of State, or the designee of the Secretary of State;
5. The Director of the Department of State Police, or the designee of the Director of the Department of State Police;
6. The Director of the Department of Transportation, or the designee of the Director of the Department of Transportation;
7. The Director of the Office of Services to the Aging, or the designee of the Director of the Office of Services to the Aging;
8. The Executive Director of the Office of Highway Safety Planning; and
9. Three (3) representatives of local units of government, appointed by the Governor, with the advice and consent of the Senate, as follows:

a. An individual selected under this provision shall serve as a commission member only while serving as an elected official or employee of a local unit of government.

b. Except as otherwise provided, members of the Commission appointed under this provision shall hold office for a term of three (3) years. Of the members initially appointed, one (1) member shall be appointed for a term of three (3) years, one (1) member shall be appointed for a term of two (2) years, and one (1) member shall be appointed for a term of one (1) year.

c. A vacancy in a position on the commission created by this provision and caused by the expiration of a term or termination of the member's position as an elected official or employee of a local unit of government shall be filled in the same manner as the original appointment.

d. A member appointed under this provision to fill a vacancy created other than by expiration of a term shall be appointed for the unexpired term of the member who he or she is to succeed in the same manner as the original appointment. A member may be reappointed for additional terms.

10. The Governor shall designate one (1) member of the Commission to serve as chairperson. This member shall serve as Chair at the pleasure of the Governor.

D. The Commission shall identify traffic safety challenges, and develop, promote and implement strategies to address those challenges. Specifically, the Commission shall:

1. Develop comprehensive solutions to traffic safety challenges through partnerships with all levels of government and the private sector;

2. Maximize and coordinate the use of existing financial resources, including federal highway safety planning funds administered by the Office of Highway Safety Planning;

3. Manage resources devoted to traffic safety research, ensure that research programs are effective, and identify additional needs for traffic safety research;

4. Develop and implement a communications plan that increases public awareness regarding traffic safety issues and the Commission's activities addressing traffic safety issues;

5. Promote traffic safety education through programs developed in cooperation with the Michigan Department of Education; and

6. Encourage the use of collaborative activities in addressing traffic safety issues by identifying and recognizing best practices used by traffic safety organizations in the state.

E. The Commission shall meet at least once annually and more frequently as the Chair of the Commission deems necessary.

F. The Commission may adopt rules of procedure, not inconsistent with Michigan law and with this Executive Order, governing its organization and operations. A majority of the serving members constitutes a quorum for the transaction of business at a meeting, notwithstanding the existence of one (1) or more vacancies. Voting upon actions taken by the Commission shall be conducted by a majority vote.

G. Members of the Commission shall not receive compensation, but may receive reimbursement for necessary travel and expenses for the performance of Commission functions, based on existing state rates.

III. MISCELLANEOUS

A. The Director of the Department of State Police shall provide executive direction and supervision for the implementation of all transfers of authority made under this Order.

B. The Director of the Department of State Police shall administer the assigned functions transferred by this Order 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 prescribed by this Order.

C. The Director of the Department of State Police shall immediately initiate coordination with the Michigan State Safety Commission to facilitate the transfers and develop memoranda of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved related to the authority to be transferred.

D. All records, personnel, property, grants and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to the Michigan State Safety Commission for the activities, powers, duties, functions and responsibilities transferred to the Governor's Traffic Safety Advisory Commission by this Order are hereby transferred to the Governor's Traffic Safety Advisory Commission.

E. The Director of the Department of State Police, may by written instrument delegate a duty or power conferred by this Order, and the person to whom such duty or power is so delegated may perform such duty or exercise such power at the time and to the extent that such duty or power is delegated by the Director of the Department of State Police.

F. 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 for the remainder of the fiscal year.

G. All rules, orders, contracts, grants and agreements relating to the functions transferred to the Governor's Traffic Safety Advisory Commission by this Order lawfully adopted prior to the effective date of this Order

by the responsible state agency shall continue to be effective until revised, amended or rescinded.

H. 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.

I. The invalidity of any portion of this Order shall not affect the validity of the remainder thereof.

History: 2002, E.R.O. No. 2002-5, Eff. May 26, 2002.