

EXECUTIVE REORGANIZATION ORDER (EXCERPT)
E.R.O. No. 2009-29

28.91 Transfer of powers and duties of office of drug control policy related to administration of federal grants received from department of justice from department of community health to department of state police by type II transfer; transfer of powers and duties of office of drug control policy relating to administration of federal grants from federal department of education from department of community health to department of education 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, there is a continuing need to reorganize functions amongst state departments to ensure efficient administration and effectiveness of government;

WHEREAS, under Executive Order 2009-2, all of the authority, powers, duties, functions, and responsibilities of the Office of Drug Control Policy were transferred from the Office of Drug Control Policy to the Department of Community Health and the Office of Drug Control Policy was abolished;

WHEREAS, transferring the legally mandated duties and functions of the Law Enforcement Grants Section and the Education Grants Section of the Office of Drug Control Policy from the Department of Community Health to the Departments of State Police and Education, respectively, is in the best interests of an efficient and effective 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 the following:

I. DEFINITIONS

"As used in this Order:

A. "Department of Community Health" or "Department" means the principal department of state government created as the Department of Mental Health under Section 400 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.500, and renamed the Department of Community Health under Executive Order 1996-2, MCL 330.3101.

B. "Department of Education" means the principal department of state government created by Section 300 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.400.

C. "Department of State Police" means the principal department of state government created under Section 150 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.250.

D. "Office of Drug Control Policy" means the office established as an autonomous entity within the Department of Management and Budget under Executive Order 1991-20, transferred to the Department of Community Health by Executive Order 1996-2, MCL 330.3101, and designated as a "Type II agency" within the Department of Community Health by Executive Order 1997-4, MCL 333.26324, and abolished by Executive Order 2009-2.

E. "State Budget Director" means the individual appointed by the Governor under Section 321 of The Management and Budget Act, 1984 PA 431, MCL 18.1321.

F. "Superintendent of Public Instruction" means the principal executive officer appointed by the State Board of Education under Section 3 of Article VIII of the Michigan Constitution of 1963.

G. "Type II transfer" means that phrase as defined by Section 3(b) of the Executive Reorganization Act of 1965, 1965 PA 380, MCL 16.103(b).

H. "Type III transfer" means that term as defined under Section 3 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.103."

II. TRANSFER OF CERTAIN AUTHORITY, DUTIES, POWERS, FUNCTIONS, AND RESPONSIBILITIES OF THE OFFICE OF DRUG CONTROL POLICY

A. Law Enforcement Grants Section

1. All of the authority, powers, duties, functions, responsibilities, personnel, equipment, and budgetary resources of the Office of Drug Control Policy related to the administration of federal grants received from the federal Department of Justice to support state and local law enforcement, including, but not limited to, the Edward Byrne Memorial Justice Assistance Grant Program, all of which were transferred from the Office of Drug Control Policy to the Department of Community Health under Executive Order 2009-2, are transferred

by Type II transfer from the Department of Community Health to the Department of State Police.

2. The Director of the State Police may designate a point of contact for the federal Department of Justice Bureau of Justice Assistance.

3. All records, property, grants, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Department of Community Health for the authority, activities, powers, duties, functions, and responsibilities transferred under Section II.A of this Order are transferred from the Department of Community Health to the Department of State Police.

4. The Director of the Department of State Police shall provide executive direction and supervision for the implementation of the transfers under Section II.A of this Order.

5. The Director of the Department of State Police shall administer the assigned functions transferred to the Department of State Police under Section II.A of 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 under this Order.

B. Education Grants Section

1. All of the authority, powers, duties, functions, responsibilities, personnel, equipment, and budgetary resources of the Office of Drug Control Policy related to the administration of federal grants received from the federal Department of Education, including, but not limited to, grants received pursuant to the Safe and Drug Free Schools and Communities Act of 2001, Title IV of the No Child Left Behind Act of 2001, Public Law 107-110, 20 USC 7101, all of which were transferred from the Office of Drug Control Policy to the Department of Community Health under Executive Order 2009-2, are transferred by Type II transfer from the Department of Community Health to the Department of Education.

2. All records, property, grants, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Office of Drug Control Policy for the authority, activities, powers, duties, functions, and responsibilities transferred under Section II.B of this Order are transferred from the Department of Community Health to the Department of Education.

3. The Superintendent of Public Instruction shall provide executive direction and supervision for the implementation of the transfers under Section II.B of this Order.

4. The Superintendent of Public Instruction shall administer the assigned functions transferred to the Department of Education under Section II.B of 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 under this Order.

III. MISCELLANEOUS

A. 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 for the implementation of this Order.

B. All rules, orders, contracts, and agreements relating to the transfers under this Order lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended, repealed, or rescinded.

C. 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.

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 under Section 2 of Article V of the Michigan Constitution of 1963, the provisions of this Order are effective October 26, 2009 at 12:01 a.m.

History: 2009, E.R.O. No. 2009-29, Eff. Oct. 26, 2009.

Compiler's note: In section I.G., the citation to "the Executive Reorganization Act of 1965" evidently should read "the Executive Organization Act of 1965".

For creation of department of health and human services and abolishment of department of community health, see E.R.O. No. 2015-1, compiled at MCL 400.227.