

EXECUTIVE REORGANIZATION ORDER (EXCERPT)
E.R.O. No. 1995-15

282.201 Transfer of powers and duties of office of state soil conservation committee to director of department of agriculture 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 State Soil Conservation Committee was created by Act No. 297 of the Public Acts of 1937, as amended, being Sections 282.1 to 282.16 of the Michigan Compiled Laws; and

WHEREAS, the State Soil Conservation Committee was transferred by Section 182 of Act No. 380 of the Public Acts of 1965, being Section 16.282 of the Michigan Compiled Laws, to the Department of Agriculture; and

WHEREAS, the State Soil Conservation Committee is not, and has not been, actively exercising its statutorily assigned duties; and

WHEREAS, the functions, duties and responsibilities assigned to the State Soil Conservation Committee can be more effectively organized and carried out under the supervision and direction of the Director of the Department of Agriculture; 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 State Soil Conservation Committee, as set forth in Sections 282.1 to 282.16 of the Michigan Compiled Laws, are hereby transferred to the Director of the Department of Agriculture, 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 Agriculture 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 Agriculture, and all prescribed functions of rule-making, licensing and registration, including the prescription of rules, regulations, standards and adjudications, shall be transferred to the Director of the Department of Agriculture.

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 State Soil Conservation Committee are hereby transferred to the Director of the Department of Agriculture.

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

5. The Director of the Department of Agriculture shall immediately initiate coordination to facilitate the transfer and 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 State Soil Conservation Committee.

6. 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.

7. 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.

8. The State Soil Conservation Committee is 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: 1995 E.R.O. No. 1995-15, Eff. Sept. 25, 1995.