

EXECUTIVE ORGANIZATION ACT OF 1965 (EXCERPT)
Act 380 of 1965

CHAPTER 1
GENERAL PROVISIONS

16.101 Short title.

Sec. 1. This act shall be known and may be cited as the "Executive organization act of 1965."

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.102 Head of department defined.

Sec. 2. Whenever the term "head of the department" is used it shall mean the head of one of the principal departments created by this act.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.103 Types of transfers; continuation of agencies not enumerated.

Sec. 3. (a) Under this act, a type I transfer means the transferring intact of an existing department, board, commission or agency to a principal department established by this act. When any board, commission, or other agency is transferred to a principal department under a type I transfer, that board, commission or agency shall be administered under the supervision of that principal department. Any board, commission or other agency granted a type I transfer shall exercise its prescribed statutory powers, duties and functions of rule-making, licensing and registration including the prescription of rules, rates, regulations and standards, and adjudication independently of the head of the department. Under a type I transfer all budgeting, procurement and related management functions of any transferred board, agency or commission shall be performed under the direction and supervision of the head of the principal department.

(b) Under this act, a type II transfer means transferring of an existing department, board, commission or agency to a principal department established by this act. Any department, board, commission or agency assigned to a type II transfer under this act shall have all its statutory authority, powers, duties and functions, records, personnel, property, unexpended balances of appropriations, allocations or other funds, including the functions of budgeting and procurement, transferred to that principal department.

(c) Under this act, a type III transfer means the abolishing of an existing department, board, commission, or agency and all its statutory authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations or other funds, are transferred to that principal department as specified under this act.

(d) Any department, board, commission, or agency not enumerated within this act, but established by law within a department, board, commission or agency shall continue within the department, board, commission or agency within which it had previously been established, and shall continue to exercise all its powers, duties and functions within the principal department established by this act.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Transfer of powers: See MCL 16.732.

Popular name: Act 380

16.104 Principal departments.

Sec. 4. Except as otherwise provided by this act, or the state constitution, all executive and administrative powers, duties, and functions, excepting those of the legislature and the judiciary, previously vested by law in the several state departments, commissions, boards, officers, bureaus, divisions, or other agencies are vested in the following principal departments:

- (1) Department of State
- (2) Department of Attorney General
- (3) Department of Treasury
- (4) Department of Management and Budget
- (5) Department of State Police
- (6) Department of Military Affairs
- (7) Department of Agriculture
- (8) Department of Civil Service
- (9) Department of Commerce

- (10) Department of Natural Resources
- (11) Department of Corrections
- (12) Department of Education
- (13) Department of Licensing and Regulation

(14) If section 28 of article 5 of the state constitution of 1963 is amended to provide for changing the name of the state highway department to the department of transportation. However, until section 28 of article 5 is amended in the manner described in this section, the name of the department shall be the Department of State Highways and Transportation.

- (15) Department of Labor
- (16) Department of Mental Health
- (17) Department of Public Health
- (18) Department of Social Services
- (19) Department of Civil Rights

History: 1965, Act 380, Imd. Eff. July 23, 1965;—Am. 1968, Act 353, Eff. Nov. 15, 1968;—Am. 1973, Act 127, Imd. Eff. Aug. 22, 1973;—Am. 1978, Act 483, Imd. Eff. Dec. 1, 1978.

Popular name: Act 380

16.105 Principal department with commission head; delegation of powers and duties.

Sec. 5. When a principal department is headed by a commission, it may delegate such duties, powers and authority to the director of the department as it deems necessary to fulfill the duties and obligations of the commission.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.106 Deputy department heads; powers and duties.

Sec. 6. Deputy department heads shall perform such duties and exercise such powers as the head of the principal department may prescribe. Except when the head of a department is a commission, deputy department heads shall act for, and exercise the powers of, the head of the principal department during his absence or disability.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.107 Internal organization of principal departments; executive allocation and reallocation of duties and functions; limitations; transfer of type II or type III agencies; administration; rules.

Sec. 7. (a) Except as provided by law or within this act, the head of each principal department with the approval of the governor is authorized to establish the internal organization of his department and allocate and reallocate duties and functions to promote economic and efficient administration and operation of the department. No substantive function vested by law in any officer or agency within the principal department shall be removed from the jurisdiction of such officer or agency under the provisions of this section.

(b) Except as provided by law or within this act, when any department, commission or board or other agency is transferred by a type II or type III transfer to a principal department under the provisions of this act, the functions of the department, commission or board or other agency shall be administered under the direction and supervision of the head of the principal department. When a department, commission, board or other agency is transferred by a type II or type III transfer to a principal department all prescribed statutory functions of rule making, licensing and registration including the prescription of rules, regulations, standards and adjudications shall be transferred to the head of the principal department into which the department, commission, board or agency has been incorporated.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.108 Compensation; heads of principal departments; directors; commissions; boards; exclusive employment.

Sec. 8. (a) Heads of principal departments, commissions or boards, principal executive officers of departments, commissions and boards shall receive compensation prescribed by law.

(b) Directors of departments, commissions, boards and directors of departments, boards and commissions transferred to a principal department shall not engage in any business, vocation or employment other than their office. Members of boards and commissions may so engage unless specifically prohibited by law.

History: 1965, Act 380, Imd. Eff. July 23, 1965;—Am. 1965, Act 407, Imd. Eff. Oct. 29, 1965.

Popular name: Act 380

16.109 Rules and regulations; promulgation.

Sec. 9. The head of each principal department, and those commissions, boards and agencies granted a type I transfer may promulgate such rules and regulations as may be necessary to carry out the functions now or hereafter vested in them in accordance with the provisions of Act No. 88 of the Public Acts of 1943, as amended, being sections 24.71 to 24.80 of the Compiled Laws of 1948, and subject to Act No. 197 of the Public Acts of 1952, as amended, being sections 24.101 to 24.110 of the Compiled Laws of 1948.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

Administrative rules: R 400.5106 of the Michigan Administrative Code.

16.110 Powers and duties of governor continued.

Sec. 10. All powers, duties and functions vested in the office of governor are continued, except as otherwise provided by this act.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.111 Special commissions.

Sec. 11. Special commissions created under Act No. 195 of the Public Acts of 1931, being sections 10.51 to 10.57 of the Compiled Laws of 1948, are units of the executive office of governor.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.112 Repealed. 1984, Act 431, Eff. Mar. 29, 1985.

Compiler's note: The repealed section pertained to the executive budget.

Popular name: Act 380

16.113 Department of economic expansion; transfer to executive office of governor; personnel.

Sec. 13. The powers, duties and functions of the department of economic expansion, created by Act No. 116 of the Public Acts of 1963, enumerated in section 125.1204 (h), (i) and (j) of the Compiled Laws of 1948, as amended, are transferred to the executive office of the governor. The personnel of the department of commerce necessary to implement this section are transferred to the executive office of the governor.

History: Add. 1967, Ex. Sess., Act 11, Eff. Mar. 22, 1968.

Popular name: Act 380