

EXECUTIVE REORGANIZATION ORDER (EXCERPT)
E.R.O. No. 1993-12

388.992 Transfer of powers and duties relating to disability determination services from the department of education to the department of social services by a type II 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, it is necessary in the interests of efficient administration and effective government to effect changes in the organization of the Executive Branch of government; and

WHEREAS, Disability Determination Services was created pursuant to 42 USC 421, and 20 CFR, Section 404.1503(a), to make disability and blindness determinations for the United States Secretary of Health and Human Services pursuant to the federal Social Security Act of 1935, 42 USC 301 et seq.; and

WHEREAS, the Department of Education has administered the functions of Disability Determination Services; and

WHEREAS, the functions, duties and responsibilities assigned to Disability Determination Services can be more effectively organized and carried out under the supervision and direction of the Director of the Department of Social Services.

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 authority, powers, duties, functions and responsibilities of the Department of Education pursuant to 42 USC 421, and 20 CFR, Section 404.1503(a), are hereby transferred to the Department of Social Services by a Type II 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 state agency referenced in 42 USC 421, and 20 CFR, Section 404.1503(a), shall be the Department of Social Services.

3. The Director of the Department of Social Services shall provide executive direction and supervision for the implementation of the transfer. The assigned functions shall be administered under the direction and supervision of the Director of the Department of Social Services.

4. The Director of the Department of Social Services shall administer the assigned functions in such a way 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.

5. All records, personnel, property, and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to the Department of Education for the functions transferred to the Department of Social Services by this Order are hereby transferred to the Department of Social Services.

6. The Director of the Department of Social Services and the Superintendent of Public Instruction 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 Department of Education.

7. 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.

8. 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.

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 January 1, 1994.

History: 1993 E.R.O. No. 1993-12, Eff. Jan. 1, 1994.