

EXECUTIVE REORGANIZATION ORDER (EXCERPT)
E.R.O. No. 1991-14

400.222 Policymaking and administrative functions pertaining to disabled persons' portion of general assistance program; transfer to office of income assistance of family services administration by 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, Section 55 of Act No. 280 of the Public Acts of 1939, as amended, being Section 400.55 of the Michigan Compiled Laws, provides for a program of general assistance, including assistance for disabled persons; and

WHEREAS, the Office of Income Assistance of the Family Assistance Administration of the Department of Social Services administers a program of state supplements to the federal Supplemental Security Income Program created under Title 16 of the Social Security Act, 42 U.S.C. 1381 et seq.; and

WHEREAS, the functions of policy making and administration for the assistance to disabled persons' portion of the General Assistance Program can best be carried out if merged with similar functions of the program of state supplements to the federal Supplemental Security Income Program in the Office of Income Assistance of the Family Services Administration of the Department of Social Services; 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) The functions of policy making and administration for the assistance to disabled persons' portion of the General Assistance Program provided for in Section 55 of Act No. 280 of the Public Acts of 1939, as amended, being Section 400.55 of the Michigan Compiled Laws, and all statutory authority, powers, duties and functions related thereto, are hereby transferred to the Office of Income Assistance of the Family Services Administration of 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, being Section 16.103 of the Michigan Compiled Laws.

(2) The Director of the Department of Social Services shall provide executive direction and supervision for the implementation of the transfer. The transferred functions shall be administered under the direction and supervision of the Director, 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 Social Services.

(3) All records, personnel, property and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available for the activities transferred by this Order are hereby transferred to the Office of Income Assistance of the Family Services Administration of the Department of Social Services. All unexpended balances of appropriations for the assistance to disabled persons' portion of the General Assistance Program are hereby transferred to the appropriation unit for supplemental security income.

(4) The Director of the Department of Social Services shall immediately initiate coordination or 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 in connection with the assistance to disabled persons' portion of the General Assistance Program.

(5) All rules, orders, contracts, and agreements relating to the transferred functions lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended, or repealed.

(6) 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 60 days after the filing of this Executive Order.

History: 1991, E.R.O. No. 1991-14, Eff. July 7, 1991.