

EXECUTIVE REORGANIZATION ORDER (EXCERPT)
E.R.O. No. 1997-5

400.224 Transfer of powers and duties of the office of services to the aging from the department of management and budget to the department of community health by type I transfer; transfer of powers and duties of commission on services to the aging from executive office of the governor to the department of community health by type I transfer; transfer of powers and duties of home help program and physical disabilities program from family independence agency to the director of the department of community health by type II transfer.

WHEREAS, Article V, Section 1, of the Constitution of the State of Michigan of 1963 vests the executive power in the Governor; and

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, Article V, Section 8, of the Constitution of the State of Michigan of 1963 provides that each principal department shall be under the supervision of the Governor unless otherwise provided by the Constitution; and

WHEREAS, Article IV, Section 51, states that the public health and general welfare of the people of the state are matters of public concern; and

WHEREAS, the welfare of Michigan's senior citizens is of primary concern to the State; and

WHEREAS, the Department of Community Health is currently allocated over \$850 million for services pertaining to aging and long term care, and it is important to directly involve the aging network in the planning of the future long term care delivery system; and

WHEREAS, the future in state-funded and administered health, behavioral and support services lies in integrating administrative systems and pooling state purchasing power for more efficient use of resources; and

WHEREAS, the administration of services dedicated to older Michiganiens can be enhanced by integration with similar services in state government; and

WHEREAS, Executive Order 1996-1 provided for a foundation of integrated administration of health related programs; and

WHEREAS, the protection of the health and safety of the citizens of Michigan can more effectively and efficiently be carried out by continuing the alignment of health-related administrative functions in state government; 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:

I. Department of Management and Budget

1. All of the statutory powers, duties, functions and responsibilities of the Office of Services to the Aging, including but not limited to its statutory authority, powers, duties, functions and responsibilities set forth in Act No. 180 of the Public Acts of 1981, as amended, being Section 400.581 et seq. of the Michigan Compiled Laws, are hereby transferred from the Department of Management and Budget to the Department of Community Health by a Type I 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 Community Health shall administer the budget, procurement and management related functions 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 prescribed by this Order.

3. The Director of the Department of Community Health shall provide executive direction and supervision for the implementation of the transfers. The budgeting, procurement, and related management functions of the Office of Services to the Aging shall be performed under the direction and supervision of the Director of the Department of Community Health.

4. 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 Management and Budget for the activities, powers, duties, functions, and responsibilities transferred by this Order are hereby transferred to the Department of Community Health.

5. The Directors of the Department of Community Health, the Department of Management and Budget, and the Director of the Office of Services to the Aging 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 Community Health.

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.

II. Executive Office of the Governor

1. All the authority, powers, duties, functions and responsibilities of the Commission on Services to the Aging, including but not limited to the statutory authority, powers, duties, functions and responsibilities set forth in Act No. 180 of the Public Acts of 1981, as amended, being Section 400.583, Section 400.584, Section 400.588(1), Section 400.589, Section 400.591 and Section 400.592 of the Michigan Compiled Laws, are hereby transferred from the Executive Office of the Governor to the Department of Community Health by a Type I 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 Community Health shall administer the assigned functions 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 prescribed by this Order.

3. The Director of the Department of Community Health shall provide executive direction and supervision for the implementation of the transfer. The budgeting, procurement and related management functions of the Commission on Services to the Aging will be performed under the direction and supervision of the director of the Department of Community Health.

4. All records, personnel, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to the Executive Office of the Governor for the activities, powers, duties, functions, and responsibilities transferred by this Order are hereby transferred to the Department of Community Health.

5. The Director of the Department of Community Health and a designated representative of the Executive Office of the Governor 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 Community Health.

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.

III. Family Independence Agency

1. All the statutory authority, powers, duties, functions and responsibilities of the Home Help Program and the Physical Disabilities Program, as set forth in Act 280 of the Public Acts of 1939, as amended, being Section 400.106, Section 400.109 and Section 400.109c of the Michigan Compiled Laws, and Title XIX of the Social Security Act, are hereby transferred from the Family Independence Agency to the Director of the Department of Community Health 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 Director of the Department of Community Health, in cooperation with the Director of the Family Independence Agency, 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 Community Health.

3. The Director of the Department of Community Health shall administer the assigned functions 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 prescribed by this Order.

4. All records, personnel, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to the Family Independence Agency for the activities, powers, duties, functions, and responsibilities transferred by this Order are hereby transferred to the Department of Community Health.

5. The Directors of the Department of Community Health and the Family Independence Agency 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 Community Health.

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.

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 sixty (60) days from the date of filing of this Order.

History: 1997, E.R.O. No. 1997-5, Eff. May 21, 1997.