

EXECUTIVE REORGANIZATION ORDER
E.R.O. No. 1991-7

36.71 Transfer of powers and duties of the state veterans' facilities and the board of managers from the department of public health to the department of military affairs.

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, Michigan's commitment to provide care for its veterans started with the establishment of the Michigan Soldiers' Home on December 30, 1886; and

WHEREAS, the Michigan Veterans' Facility in Grand Rapids, and the D.J. Jacobetti Michigan Veterans' facility in Marquette, have evolved as the statutorily established successor institutions to the original Michigan Soldiers' Home; and

WHEREAS, these facilities were established to provide care and services exclusively for former members of the armed forces of the United States, in the State of Michigan and certain members of their families; and

WHEREAS, the Michigan Veterans' Facilities were, until September 1, 1991, administered by the Department of Public Health; and

WHEREAS, on January 17, 1991, Executive Reorganization Order No. 1991-6 was issued transferring the Michigan Veterans' Facilities from the Department of Public Health to the Department of Military Affairs; and

WHEREAS, on January 18, 1991, Executive Reorganization Order No. 1991-7 was issued, superseding Executive Reorganization Order 1991-6; and

WHEREAS, it is now necessary to amend and restate Executive Reorganization Order No. 1991-7; 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, including the functions of budgeting and procurement and management-related functions, of the State Veterans' Facilities of Michigan and the Board of Managers created under Act 152 of the Public Acts of 1885, as amended, being Sections 36.1 to 36.12 of the Michigan Compiled Laws and associated functions under Act 15 of the Public Acts of 1921, as amended, being Sections 36.31 and 36.32 of the Michigan Compiled Laws, Act 90 of the Public Acts of 1895, being Sections 36.42 and 36.43 of the Michigan Compiled Laws, Act 54 of the Public Acts of 1901, being Sections 36.51 to 36.55 of the Michigan Compiled Laws and Act 313 of the Public Acts of 1905, being Section 36.61 of the Michigan Compiled Laws have been transferred from the Department of Public Health to the Department of Military Affairs by Type I transfer as defined by Section 3 of Act 380 of the Public Act of 1965, being Section 16.103 of the Michigan Compiled Laws.

(2) The Adjutant General as head of the Department of Military Affairs 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 Adjutant General as head of the Department of Military Affairs.

(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 Department of Public Health for the activities transferred to the Department of Military Affairs by this Order have been transferred to the Department of Military Affairs.

(4) The Department of Military Affairs has made internal organizational changes as have been administratively necessary to complete the realignment of responsibilities prescribed by Executive Reorganization Order No. 1991-7 and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

(5) The heads of the Departments of Public Health and Military Affairs have initiated coordination between their departments to facilitate the transfer and have developed 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 Public 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.

(8) This Executive Order amends and restates Executive Reorganization Order No. 1991-7.

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 which make substantive changes in Executive Reorganization Order No. 1991-7, being Section (2) of this Executive Order, shall become effective 60 days after filing.

History: 1991, E.R.O. 1991-6, Eff. Sept. 1, 1990;—1991, E.R.O. 1991-7, Eff. Sept. 1, 1991;—Am. 1992 E.R.O. No. 1992-1, Eff. May 11, 1992.

Compiler's note: Executive Reorganization Order No. 1991-7, issued January 18, 1991, superseded Executive Reorganization Order No. 1991-6, issued January 17, 1991, which contained typographical errors in citations and the effective date of the order.