

## EXECUTIVE REORGANIZATION ORDER

E.R.O. No. 2009-25

### **445.2027 Transfer of powers and duties of superintendent of public instruction under MCL 380.1263 to department of energy, labor, and economic growth by type II transfer.**

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

WHEREAS, Section 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the executive branch of state government or in the assignment of functions among its units that the Governor considers necessary for efficient administration;

WHEREAS, there is a continuing need to reorganize functions amongst state departments to ensure efficient administration and effectiveness of government;

WHEREAS, under Section 1b of the Construction of School Buildings Act, 1937 PA 306, MCL 388.851b, the Department of Energy, Labor, and Economic Growth is responsible for the administration and enforcement of the Construction of School Buildings Act and the Stille-DeRossett-Hale Single State Construction Code Act, 1972 PA 230, MCL 125.1501, in each school building in this state, including, but not limited to, ensuring that the construction, remodeling, or reconstruction of a school building in this state is in conformance with the Stille-DeRossett-Hale Single State Construction Code Act;

WHEREAS, under Section 1263 of the Revised School Code, 1976 PA 451, MCL 380.1263, the Superintendent of Public Instruction has sole and exclusive jurisdiction over the review and approval of plans and specifications for the construction, reconstruction, or remodeling of school buildings used for instructional or noninstructional school purposes and, in certain circumstances, of site plans for those school buildings;

WHEREAS, since 2004, the Bureau of Construction Codes within the Department of Energy, Labor, and Economic Growth has reviewed proposed school building site plans and provided its recommendations to the Superintendent of Public Instruction for approval of those plans;

WHEREAS, transferring the functions of the Superintendent of Public Instruction under Section 1263 of the Revised School Code, 1976 PA 451, MCL 380.1263, to the Bureau of Construction Codes within the Department of Energy, Labor, and Economic Growth would contribute to a smaller and more efficient state government;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

#### **I. DEFINITIONS**

A. "Department of Energy, Labor, and Economic Growth" or "Department" means the principal department of state government created by Section 225 of the Executive Reorganization Act of 1965, 1965 PA 380, MCL 16.325, and renamed by Executive Order 1996-2, MCL 445.2001, by Executive Order 2003-18, MCL 445.2011, and by Executive Order 2008-20, MCL 445.2025.

B. "State Budget Director" means the individual appointed by the Governor pursuant to Section 321 of The Management and Budget Act, 1984 PA 431, MCL 18.1321.

C. "Superintendent of Public Instruction" means the individual appointed by the State Board of Education pursuant to Section 3 of Article VIII of the Michigan Constitution of 1963 and Section 305 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.405.

D. "Type II transfer" means that phrase as defined by Section 3 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.103.

#### **II. TRANSFER OF SCHOOL BUILDING CONSTRUCTION, RECONSTRUCTION, REMODELING, AND SITE PLAN APPROVAL FUNCTIONS OF SUPERINTENDENT OF PUBLIC INSTRUCTION**

A. The authority, powers, duties, functions, and responsibilities of the Superintendent of Public Instruction under Section 1263 of the Revised School Code, 1976 PA 451, MCL 380.1263, are transferred by Type II transfer from the Superintendent of Public Instruction to the Department of Energy, Labor, and Economic Growth.

B. The Director of the Department of Energy, Labor, and Economic Growth shall provide executive direction

and supervision for the implementation of the transfers to the Department of Energy, Labor, and Economic Growth under this Order and shall make internal organization changes as necessary to effectuate the transfers.

C. The authority, powers, duties, functions, and responsibilities transferred to the Department of Energy, Labor, and Economic Growth under this Order shall be administered in such ways as to promote efficient administration.

D. All records, property, grants, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available for the activities, powers, duties, functions, and responsibilities transferred under this Order are transferred to the Department of Energy, Labor, and Economic Growth.

### III. MISCELLANEOUS

A. The State Budget Director shall determine and authorize the most efficient manner possible for handling financial transactions and records in the state's financial management system necessary for the implementation of this Order.

B. All rules, orders, contracts, and agreements relating to the transfers under this Order lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended, repealed, or rescinded.

C. This Order shall not abate any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected under this Order. Any suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected under this Order.

D. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

In fulfillment of the requirements under Section 2 of Article V of the Michigan Constitution of 1963, the provisions of this Order are effective August 10, 2009, at 12:01 a.m.

**History:** 2009, E.R.O. No. 2009-25, Eff. Aug. 10, 2009