

EXECUTIVE REORGANIZATION ORDER (EXCERPT)
E.R.O. No. 2005-3

32.861 Transfer of powers and duties of state military board to department of military and veterans affairs by type III transfer; dissolution and abolishment of state military board.

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, under Section 12 of Article V of the Michigan Constitution of 1963, the Governor is the commander-in-chief of the armed forces of the State of Michigan;

WHEREAS, under the Michigan Military Act, 1967 PA 150, MCL 32.501 to 32.851, the State Military Board participates in an advisory capacity in the preparation of plans and specifications for armory construction and of letting contracts for their erection and equipment in accordance with established state procedures;

WHEREAS, under the Michigan Military Act, 1967 PA 150, MCL 32.501 to 32.851, actions of the State Military Board must be submitted to the Adjutant General and through him or her to the Governor for approval;

WHEREAS, elimination of the State Military Board will eliminate redundant functions, increasing the efficiency and effectiveness of the Department of Military and Veterans Affairs and of the military establishment of the State of Michigan;

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

I. DEFINITIONS

As used in this Order:

A. "Department of Military and Veterans Affairs" or "Department" means the principal department of state government created as the Department of Military Affairs under Section 125 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.225, and renamed the "Department of Military and Veterans Affairs" under Executive Order 1997-7, MCL 32.91.

B. "State Administrative Board" means the board created under Section 1 of 1921 PA 2, MCL 17.1.

C. "State Military Board" means the state military board created under 1909 PA 84, transferred by Type I Transfer to the Department of Military Affairs under Section 127 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.227, and provided for as a 5-member advisory board under Section 360 of the Michigan Military Act, 1965 PA 150, MCL 32.760.

D. "Type I Transfer" means that term as defined under Section 3(a) of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.103.

E. "Type III Transfer" means that term as defined under Section 3(c) of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.103.

II. TRANSFER

A. All of the authority, powers, functions, duties, and responsibilities of the State Military Board are transferred by Type III Transfer to the Department of Military and Veterans Affairs, including, but not limited to, the authority, powers, functions, duties, and responsibilities of the State Military Board under any of the following:

1. 1943 PA 37, MCL 32.181 to 32.182 (Easements; Armory of 182nd Field Artillery).

2. 1934 (1st Ex Sess) PA 28, MCL 32.241 (Hanson Military Reservation).

3. 1913 PA 172, MCL 32.221 to 32.226 (Crawford County Land).

4. 1919 PA 287, MCL 32.231 to 32.236 (Hanson Military Reservation).

5. Chapter 6 of the Michigan Military Act, 1967 PA 150, MCL 32.750 to 32.790 (armories and reservations).

B. All of the authority, powers, functions, duties, and responsibilities of the Governor to approve actions of the State Military Board under Section 366 of the Michigan Military Act, 1967 PA 150, MCL 32.766, are transferred to the State Administrative Board.

C. The State Military Board is dissolved and abolished.

III. IMPLEMENTATION

A. The Adjutant General shall provide executive direction and supervision for the implementation of the transfer under this Order. The functions transferred shall be administered under the direction and supervision of the Adjutant General.

B. All records, personnel, property, and funds used, held, employed, available, or to be made available to the State Military Board for the activities, powers, duties, functions, and responsibilities transferred under this Order, are transferred to the Department.

C. Any authority, duties, powers, functions, and responsibilities transferred under this Order, and not otherwise mandated statutorily, may in the future be reorganized to promote efficient administration by the Adjutant General.

D. The Adjutant General may perform a duty or exercise a power conferred by law or executive order upon the Adjutant General at the time and to the extent the duty or power is delegated to the Adjutant General by law or order.

E. The Adjutant General may by written instrument delegate within the Department a duty or power conferred by law or this Order and the person to whom the duty or power is delegated may perform the duty or exercise the power at the time and to the extent the duty or power is delegated by the Adjutant General.

F. The Adjutant General shall administer the assigned functions transferred under this Order in such ways as to promote efficient administration and shall make organizational changes within the Department as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

IV. 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 related to this Order for the remainder of the fiscal year.

B. 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.

C. 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.

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.

History: 2005, E.R.O. No. 2005-3, Eff. Apr. 17, 2005.