

EXECUTIVE REORGANIZATION ORDER

E.R.O. No. 1991-13

2.131 Transfer of powers and duties of the state council for the arts and the committee on arts in public places to the department of commerce.

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, the State Council for the Arts was created by Act No. 48 of the Public Acts of 1966, being Section 2.121 et seq. of the Michigan Compiled Laws, in the Department of Administration, now the Department of Management and Budget; and

WHEREAS, the Committee of Art in Public Places was created by Act No. 105 of the Public Acts of 1980, being Section 18.71 et seq. of the Michigan Compiled Laws, in the Department of Management and Budget; and

WHEREAS, the functions, duties, and responsibilities assigned to the State Council for the Arts and the Committee on Arts in Public Places can be more effectively organized and carried out under the supervision and direction of the head of the Department of Commerce; 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 laws of the State of Michigan, do hereby order the following:

(1) All the statutory authority, powers, duties, functions, and responsibilities of the State Council for the Arts are hereby transferred to the Director of the Department of Commerce, as head of the Department of Commerce, by a Type III transfer, as defined by Section 3 of Act No. 380 of the Public Act of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

(2) All the statutory authority, powers, duties, functions, and responsibilities of the Committee on Arts in Public Places are hereby transferred to the Director of the Department of Commerce, as head of the Department of Commerce, by a Type III 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.

(3) The Director of the Department of Commerce shall consolidate the transferred authority, powers, duties, functions, and responsibilities with the authority, powers, duties, functions, and responsibilities of the existing Office of Film in the Department of Commerce, into a new Office of the Arts, Film, and Cultural Affairs in the Department of Commerce, and may appoint the Director of that new office or may administer the assigned functions in other ways to promote efficient administration.

(4) The Director of the Department of Commerce shall provide executive direction and supervision for the implementation of the transfers. The assigned 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 Commerce.

(5) All records, personnel, property, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the State Council for the Arts and the Committee on Art in Public Places for the activities transferred to the Department of Commerce by this Order are hereby transferred to the Department of Commerce.

(6) The Director of the Department of Commerce shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

(7) The Director of the Department of Commerce and the Director of the Department of Management and Budget 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 State Council for the Arts and the Committee on Art in Public Places.

(8) 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.

(9) 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 September 1, 1991, at 12:01 a.m.

History: 1991, E.R.O. No. 1991-13, Eff. Sept. 1, 1991