

## EXECUTIVE REORGANIZATION ORDER

E.R.O. No. 1993-4

### **800.461 Transfer of powers and duties of the county escaped prisoner prosecution program from the department of management and budget to the department of corrections by a type II transfer.**

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 County Escaped Prisoner Prosecution Program was created within the Department of Management and Budget by Act No. 272 of the Public Acts of 1987, as amended, being Section 800.452 et seq. of the Michigan Compiled Laws; and

WHEREAS, the functions, duties and responsibilities assigned to the County Escaped Prisoner Prosecution Program can be more effectively organized and carried out under the supervision and direction of the head of the Department of Corrections; 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, procurement and management-related functions, of the County Escaped Prisoner Prosecution Program are hereby transferred from the Department of Management and Budget to the Department of Corrections, 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 Office of Contract Management of the Department of Management and Budget 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 Department of Corrections, and all prescribed functions of rule making, reimbursements and maintaining records shall be transferred to the Department of Corrections.

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 County Escaped Prisoner Prosecution Program for the activities transferred are hereby transferred to the Department of Corrections to the extent required to provide for the efficient and effective operation of the County Escaped Prisoner Prosecution Program.

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

5. The Director of the Office of Contract Management of the Department of Management and Budget and the Director of the Department of Corrections 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 obligations to be resolved by the County Escaped Prisoner Prosecution Program.

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 60 days after the filing of this Order.

**History:** 1993 E.R.O. No. 1993-4, Eff. July 27, 1993