

EXECUTIVE REORGANIZATION ORDER (EXCERPT)
E.R.O. No. 1992-2

390.940 Transfer of the higher education facilities authority from department of education to department of treasury.

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 Higher Education Facilities Authority was created by the Higher Education Facilities Authority Act, Act No. 295 of the Public Acts of 1969, as amended, being Section 390.921 et seq. of the Michigan Compiled Laws, in the Department of Education; and

WHEREAS, the functions, duties and responsibilities assigned to the Higher Education Facilities Authority can be more effectively organized and carried out under the supervision and direction of the State Treasurer as the head of the Department of Treasury; 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) The Higher Education Facilities Authority, including, but not limited to, bond, note, reserve and trust funds, subject to any agreement with note and bond holders or with the holders or issuers of instruments which may have been guaranteed, is hereby transferred from the Department of Education to the Department of Treasury by a Type I 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 State Treasurer shall provide executive direction and supervision for the implementation of the transfers. The Higher Education Facilities Authority shall be administered under the direction and supervision of the State Treasurer. All budgeting, procurement and related management functions of the Higher Education Facilities Authority shall be performed under the direction and supervision of the State Treasurer.

(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 Higher Education Facilities Authority or to the Department of Education for the activities transferred to the Department of Treasury by this Order are hereby transferred to the Department of Treasury.

(4) The State Treasurer shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

(5) The State Treasurer and the Superintendent of Public Education 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 Higher Education Facilities Authority.

(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 Order shall become effective 60 days after the filing of this Order.

History: 1992 E.R.O. No. 1992-2, Eff. May 17, 1992

Compiler's Notes: For consolidation of administrative staff of Michigan higher education assistance authority, Michigan higher education facilities authority, Michigan higher education student loan authority, Michigan municipal bond authority, and state hospital finance authority, and for transfer of certain functions to state treasurer, see E.R.O. No. 2002-8, compiled at MCL 12.193.