

CHAPTER 16. EXECUTIVE ORGANIZATION

**EXECUTIVE REORGANIZATION
Act 125 of 1958**

16.1-16.7 Repealed. 1968, Act 237, Imd. Eff. June 26, 1968.

PERSONS TO SERVE IN PLACE OF STATE OFFICERS
Act 17 of 1964

AN ACT to provide for the appointment by state officers of persons to serve in their places on boards, commissions and agencies.

History: 1964, Act 17, Imd. Eff. Apr. 14, 1964.

The People of the State of Michigan enact:

16.51 Deputies for state officers; appointment, term.

Sec. 1. Notwithstanding any other law to the contrary, a state executive or administrative officer, or the head of a department, commission, board or other state agency, may appoint in writing a deputy or other employee of his department to serve in his place as a member of any board, commission or agency of which he is made by law an ex officio member. When the initial executive reorganization is completed pursuant to section 2 of article 5 of the state constitution such appointment shall only be made by the head of the department. The appointment may be made for a specific meeting or meetings or a specific period of time or until revoked by the official making the appointment but such appointment shall terminate whenever the appointing official is no longer eligible to serve in such capacity.

History: 1964, Act 17, Imd. Eff. Apr. 14, 1964.

EXECUTIVE ORGANIZATION ACT OF 1965
Act 380 of 1965

AN ACT to organize the executive and administrative agencies of state government; to establish principal departments and department heads; to define the powers and duties of the principal departments and their governing agents; to allocate executive and administrative powers, duties, functions, and services among the principal departments; to provide for a method for the gradual implementation of the provisions of this act and for the transfer of existing funds and appropriations of the principal departments herein created and established.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

The People of the State of Michigan enact:

CHAPTER 1
GENERAL PROVISIONS

16.101 Short title.

Sec. 1. This act shall be known and may be cited as the "Executive organization act of 1965."

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.102 Head of department defined.

Sec. 2. Whenever the term "head of the department" is used it shall mean the head of one of the principal departments created by this act.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.103 Types of transfers; continuation of agencies not enumerated.

Sec. 3. (a) Under this act, a type I transfer means the transferring intact of an existing department, board, commission or agency to a principal department established by this act. When any board, commission, or other agency is transferred to a principal department under a type I transfer, that board, commission or agency shall be administered under the supervision of that principal department. Any board, commission or other agency granted a type I transfer shall exercise its prescribed statutory powers, duties and functions of rule-making, licensing and registration including the prescription of rules, rates, regulations and standards, and adjudication independently of the head of the department. Under a type I transfer all budgeting, procurement and related management functions of any transferred board, agency or commission shall be performed under the direction and supervision of the head of the principal department.

(b) Under this act, a type II transfer means transferring of an existing department, board, commission or agency to a principal department established by this act. Any department, board, commission or agency assigned to a type II transfer under this act shall have all its statutory authority, powers, duties and functions, records, personnel, property, unexpended balances of appropriations, allocations or other funds, including the functions of budgeting and procurement, transferred to that principal department.

(c) Under this act, a type III transfer means the abolishing of an existing department, board, commission, or agency and all its statutory authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations or other funds, are transferred to that principal department as specified under this act.

(d) Any department, board, commission, or agency not enumerated within this act, but established by law within a department, board, commission or agency shall continue within the department, board, commission or agency within which it had previously been established, and shall continue to exercise all its powers, duties and functions within the principal department established by this act.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Transfer of powers: See MCL 16.732.

Popular name: Act 380

16.104 Principal departments.

Sec. 4. Except as otherwise provided by this act, or the state constitution, all executive and administrative powers, duties, and functions, excepting those of the legislature and the judiciary, previously vested by law in

the several state departments, commissions, boards, officers, bureaus, divisions, or other agencies are vested in the following principal departments:

- (1) Department of State
- (2) Department of Attorney General
- (3) Department of Treasury
- (4) Department of Management and Budget
- (5) Department of State Police
- (6) Department of Military Affairs
- (7) Department of Agriculture
- (8) Department of Civil Service
- (9) Department of Commerce
- (10) Department of Natural Resources
- (11) Department of Corrections
- (12) Department of Education
- (13) Department of Licensing and Regulation

(14) If section 28 of article 5 of the state constitution of 1963 is amended to provide for changing the name of the state highway department to the department of transportation. However, until section 28 of article 5 is amended in the manner described in this section, the name of the department shall be the Department of State Highways and Transportation.

- (15) Department of Labor
- (16) Department of Mental Health
- (17) Department of Public Health
- (18) Department of Social Services
- (19) Department of Civil Rights

History: 1965, Act 380, Imd. Eff. July 23, 1965;—Am. 1968, Act 353, Eff. Nov. 15, 1968;—Am. 1973, Act 127, Imd. Eff. Aug. 22, 1973;—Am. 1978, Act 483, Imd. Eff. Dec. 1, 1978.

Popular name: Act 380

16.105 Principal department with commission head; delegation of powers and duties.

Sec. 5. When a principal department is headed by a commission, it may delegate such duties, powers and authority to the director of the department as it deems necessary to fulfill the duties and obligations of the commission.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.106 Deputy department heads; powers and duties.

Sec. 6. Deputy department heads shall perform such duties and exercise such powers as the head of the principal department may prescribe. Except when the head of a department is a commission, deputy department heads shall act for, and exercise the powers of, the head of the principal department during his absence or disability.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.107 Internal organization of principal departments; executive allocation and reallocation of duties and functions; limitations; transfer of type II or type III agencies; administration; rules.

Sec. 7. (a) Except as provided by law or within this act, the head of each principal department with the approval of the governor is authorized to establish the internal organization of his department and allocate and reallocate duties and functions to promote economic and efficient administration and operation of the department. No substantive function vested by law in any officer or agency within the principal department shall be removed from the jurisdiction of such officer or agency under the provisions of this section.

(b) Except as provided by law or within this act, when any department, commission or board or other agency is transferred by a type II or type III transfer to a principal department under the provisions of this act, the functions of the department, commission or board or other agency shall be administered under the direction and supervision of the head of the principal department. When a department, commission, board or other agency is transferred by a type II or type III transfer to a principal department all prescribed statutory functions of rule making, licensing and registration including the prescription of rules, regulations, standards and adjudications shall be transferred to the head of the principal department into which the department,

commission, board or agency has been incorporated.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.108 Compensation; heads of principal departments; directors; commissions; boards; exclusive employment.

Sec. 8. (a) Heads of principal departments, commissions or boards, principal executive officers of departments, commissions and boards shall receive compensation prescribed by law.

(b) Directors of departments, commissions, boards and directors of departments, boards and commissions transferred to a principal department shall not engage in any business, vocation or employment other than their office. Members of boards and commissions may so engage unless specifically prohibited by law.

History: 1965, Act 380, Imd. Eff. July 23, 1965;—Am. 1965, Act 407, Imd. Eff. Oct. 29, 1965.

Popular name: Act 380

16.109 Rules and regulations; promulgation.

Sec. 9. The head of each principal department, and those commissions, boards and agencies granted a type I transfer may promulgate such rules and regulations as may be necessary to carry out the functions now or hereafter vested in them in accordance with the provisions of Act No. 88 of the Public Acts of 1943, as amended, being sections 24.71 to 24.80 of the Compiled Laws of 1948, and subject to Act No. 197 of the Public Acts of 1952, as amended, being sections 24.101 to 24.110 of the Compiled Laws of 1948.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

Administrative rules: R 400.5106 of the Michigan Administrative Code.

16.110 Powers and duties of governor continued.

Sec. 10. All powers, duties and functions vested in the office of governor are continued, except as otherwise provided by this act.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.111 Special commissions.

Sec. 11. Special commissions created under Act No. 195 of the Public Acts of 1931, being sections 10.51 to 10.57 of the Compiled Laws of 1948, are units of the executive office of governor.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.112 Repealed. 1984, Act 431, Eff. Mar. 29, 1985.

Compiler's note: The repealed section pertained to the executive budget.

Popular name: Act 380

16.113 Department of economic expansion; transfer to executive office of governor; personnel.

Sec. 13. The powers, duties and functions of the department of economic expansion, created by Act No. 116 of the Public Acts of 1963, enumerated in section 125.1204 (h), (i) and (j) of the Compiled Laws of 1948, as amended, are transferred to the executive office of the governor. The personnel of the department of commerce necessary to implement this section are transferred to the executive office of the governor.

History: Add. 1967, Ex. Sess., Act 11, Eff. Mar. 22, 1968.

Popular name: Act 380

CHAPTER 2
DEPARTMENT OF STATE

16.125 Department of state; creation.

Sec. 25. There is hereby created a department of state.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.126 Head of department of state.

Sec. 26. The head of the department of state is the secretary of state.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.127 Secretary of state; transfer of powers and duties.

Sec. 27. Except as otherwise provided in the constitution or in this act, all powers, duties and functions vested by law in the secretary of state are transferred by a type I transfer to the department of state.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.128 Board of state canvassers; transfer.

Sec. 28. The board of state canvassers created under article 2, section 7 of the state constitution, is transferred by a type I transfer to the department of state.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.129 License appeals board; transfer.

Sec. 29. The license appeals board created under sections 322 and 423 of Act No. 300 of the Public Acts of 1949, as amended, being sections 257.322 and 257.323 of the Compiled Laws of 1948, is transferred by a type I transfer to the department of state.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.130 Michigan historical commission; transfer.

Sec. 30. The Michigan historical commission created under Act No. 271 of the Public Acts of 1913, as amended, being sections 399.1 to 399.9 of the Compiled Laws of 1948, is transferred by a type II transfer to the department of state.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.131 Highway reciprocity board; transfer.

Sec. 31. The highway reciprocity board created under Act No. 124 of the Public Acts of 1960, being sections 3.161 to 3.177 of the Compiled Laws of 1948, is transferred by a type II transfer to the department of state.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Compiler's note: For abolishment of the highway reciprocity board and transfer of its powers and duties to the department of state, see E.R.O. No. 2007-11, compiled at MCL 16.722.

Popular name: Act 380

16.132 Commission on legislative apportionment; transfer.

Sec. 32. The commission on legislative apportionment created under article 4, section 6 of the state constitution, is transferred by a type I transfer to the department of state.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.133 Notaries public; powers; duties and functions of governor; delegation to department.

Sec. 33. All or any portion of the powers, duties and functions of governor under section 107 of chapter 14 of the Revised Statutes of 1846, as amended, being section 55.107 of the Compiled Laws of 1948, relating to notaries public, may be delegated by executive order to the department of state.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.134 Executive orders; filing; submission to legislature; publication; modification and repeal.

Sec. 34. (1) Whenever the governor issues an executive order pertaining to organization of the executive branch, it shall be filed with the department of state in the same manner as required by law for the filing of public acts of this state. Copies of each such executive order shall be filed with and retained on record by the legislative council and a copy transmitted to each member of the legislature.

(2) Whenever the governor makes changes in the organization of the executive branch or in the assignment

of functions among its units which require the force of law, such changes shall be set forth in executive orders and copies of the orders shall be submitted to the legislature as provided in section 2 of article 5 of the state constitution. Unless disapproved in both houses by a resolution concurred in by a majority of the members elected to and serving in each house within the constitutional time period, such executive orders shall become effective at the date designated by the governor.

(3) Executive orders as described in subsection (2) shall be dated, shall be given an identification number and published in the same manner as required by law for the publication of the public acts of the state.

(4) An executive order as described in subsection (2) may be modified or repealed by the legislature at any time by law.

History: Add. 1968, Act 237, Imd. Eff. June 26, 1968.

Popular name: Act 380

CHAPTER 3 DEPARTMENT OF THE ATTORNEY GENERAL

16.150 Department of attorney general; creation.

Sec. 50. There is hereby created a department of the attorney general.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.151 Head of department of attorney general.

Sec. 51. The head of the department of the attorney general is the attorney general.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.152 Attorney general; transfer of powers and duties to department.

Sec. 52. Except as otherwise provided in the constitution or by this act, all powers, duties and functions of the attorney general are transferred by a type I transfer to the department of the attorney general.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.153 Board of commissioners for promotion of uniformity of legislation; transfer.

Sec. 53. The board of commissioners for the promotion of uniformity of legislation in the United States created under Act No. 196 of the Public Acts of 1909, being sections 8.51 to 8.55 of the Compiled Laws of 1948, is transferred by a type I transfer to the department of the attorney general.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.154 Public solicitation for charitable purposes; transfer of powers, duties, and functions to department of attorney general.

Sec. 54. All powers, duties and functions of the state social welfare commission and the state department of social welfare under the provisions of Act No. 68 of the Public Acts of 1915, as amended, being sections 400.301 to 400.304 of the Compiled Laws of 1948, relating to solicitation of the public for charitable purposes, are transferred by a type II transfer to the department of attorney general.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

CHAPTER 4 DEPARTMENT OF TREASURY

16.175 Department of treasury; creation.

Sec. 75. There is hereby created a department of treasury.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.176 Head of department of treasury.

Sec. 76. The head of the department of treasury is the state treasurer.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.177 State treasurer; transfer of powers and duties to department.

Sec. 77. Except as otherwise provided in this act, all powers, duties and functions vested by law in the state treasurer are transferred by a type I transfer to the department of treasury.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.178 Repealed. 1995, Act 44, Eff. Jan. 1, 1996.

Compiler's note: The repealed section pertained to transfer of board of escheats to department of treasury by type III transfer.

Popular name: Act 380

16.179 Elected auditor general; transfer of powers, duties, and functions relating to property taxation.

Sec. 79. All powers, duties and functions of the elected auditor general relating to property taxation created under Act No. 206 of the Public Acts of 1893, as amended, being sections 211.1 to 211.157 of the Compiled Laws of 1948, are transferred by a type II transfer to the department of treasury.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.180 Elected auditor general; transfer of powers, duties, and functions relating to uniform system of accounts.

Sec. 80. All powers, duties and functions of the elected auditor general relating to uniform system of accounts for county offices and examination thereof, created under Act No. 71 of the Public Acts of 1919, as amended, being sections 21.41 to 21.53 of the Compiled Laws of 1948, are transferred by a type II transfer to the department of treasury.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.181 Elected auditor general; transfer of powers, duties, and functions relating to plats.

Sec. 81. All powers, duties and functions of the elected auditor general created under the provisions of Act No. 172 of the Public Acts of 1929, as amended, being sections 560.1 to 560.80 of the Compiled Laws of 1948, relating to plats, are transferred by a type II transfer to the department of treasury.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.182 Elected auditor general; transfer of other powers, duties, and functions; abolition of office.

Sec. 82. All powers, duties and functions of the auditor general elected under the Constitution of 1908, excepting those reassigned by sections 79, 80 and 81 of this act and those granted to the auditor general appointed under article 4, section 53 of the Constitution of 1963, are transferred by a type III transfer to the department of treasury, and the office of the elected auditor general is abolished.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.183 Department of revenue; transfer to department; department head.

Sec. 83. The department of revenue of the state of Michigan created under Act No. 122 of the Public Acts of 1941, as amended, being sections 205.1 to 205.17 of the Compiled Laws of 1948, is transferred by a type I transfer to the department of treasury, and the head of the department of revenue shall be a member of the classified civil service.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.184 State tax commission; transfer.

Sec. 84. The state tax commission created under Act No. 360 of the Public Acts of 1927, as amended, being sections 209.101 to 209.107 of the Compiled Laws of 1948, is transferred by a type I transfer to the department of treasury.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.185 State board of assessors; transfer.

Sec. 85. The state board of assessors created under section 1 of Act No. 282 of the Public Acts of 1905, as amended, being section 207.1 of the Compiled Laws of 1948, is transferred by a type II transfer to the state tax commission.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.186 State board of equalization; abolition; transfer of powers, duties, and functions.

Sec. 86. The state board of equalization created under section 1 of Act No. 44 of the Public Acts of 1911, as amended, being section 209.1 of the Compiled Laws of 1948, is transferred by a type III transfer to the state tax commission, and the state board of equalization is abolished.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.187 State board of tax appeals; transfer.

Sec. 87. The state board of tax appeals created under section 8 of Act No. 122 of the Public Acts of 1941, being section 205.8 of the Compiled Laws of 1948, is transferred by a type I transfer to the department of treasury.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.188 Repealed. 2002, Act 187, Imd. Eff. Apr. 24, 2002.

Compiler's note: The repealed section pertained to transfer of municipal finance commission to department of treasury by type I transfer.

Popular name: Act 380

16.189 Corporation franchise fee appeal board; transfer.

Sec. 89. The corporation franchise fee appeal board created under sections 9 and 10 of Act No. 85 of the Public Acts of 1921, as amended, being sections 450.309 and 450.310 of the Compiled Laws of 1948, is transferred by a type I transfer to the department of treasury.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.190 Michigan corporation and securities commission; transfer of powers, duties, and functions.

Sec. 90. Except as otherwise provided in sections 235, 236, 237, 328 and 330 of this act, all powers, duties and functions formerly vested in the Michigan corporation and securities commission are transferred to the department of treasury.

History: 1965, Act 380, Imd. Eff. July 23, 1965;—Am. 1966, Act 324, Imd. Eff. July 19, 1966.

Popular name: Act 380

16.191 Investment functions transferred; powers and duties of state treasurer; reports; creation and composition of investment advisory committee; appointment, terms, and compensation of members; meetings; powers and duties of committee; investment consultants.

Sec. 91. The investment functions of the boards named in section 106(a), (c), (d), (e), and (f) are transferred to the department of treasury. Notwithstanding the provisions of any other act, the state treasurer shall invest, reinvest, assign, reassign, sell, transfer, and manage the investment funds and portfolios of the respective retirement systems, may solicit proxies in connection with contests for corporate control of corporations in which the treasurer has made an investment, and may use nominees to facilitate transfers. The state treasurer or his or her designee may execute all necessary instruments to effectuate those purposes. The state treasurer shall promptly report all investment transactions to the department of management and budget and to the respective retirement boards, and to the attorney general, not less than once every 3 months. There is created an investment advisory committee composed of the director of commerce, the director of the department of management and budget, or their duly authorized representatives, and 3 public members appointed by the governor with the advice and consent of the senate. The term of office for all public members shall be 3 years or until the member's successor has been appointed and has qualified. The public

members shall serve without pay, but shall be paid actual and necessary travel and other expenses in accordance with the provisions of the standard travel regulations issued by the department of management and budget. The investment advisory committee shall meet at least once each quarter. The investment advisory committee shall review investments, goals, and objectives of each of the retirement funds, and may submit recommendations. The investment advisory committee may also, by a majority vote, direct the state treasurer to dispose of any holding which in the committee's judgment is not suitable for the fund involved, and may by unanimous vote direct the state treasurer to make specific investments. Investment consultants may be engaged by the state treasurer to advise with respect to investments to the extent that funds for those expenditures are made available by the legislature. A report shall be made annually to the appropriating committees of the senate and house of representatives listing the consultants engaged and the compensation paid to each.

History: Add. 1968, Act 45, Imd. Eff. May 23, 1968;—Am. 1969, Act 232, Imd. Eff. Aug. 11, 1969;—Am. 1983, Act 225, Imd. Eff. Nov. 28, 1983;—Am. 1988, Act 42, Eff. Mar. 30, 1989.

Compiler's note: For transfer of powers and duties of state treasurer created under public employee retirement system investment act or authorizing statutes to Michigan investment board and transfer of powers and duties of investment advisory committee created under MCL 16.191 to Michigan investment board, see E.R.O. No. 2018-5, compiled at MCL 38.1176.

Popular name: Act 380

CHAPTER 5 DEPARTMENT OF MANAGEMENT AND BUDGET

16.200-16.203 Repealed. 1984, Act 431, Eff. Mar. 29, 1985.

Compiler's note: The repealed sections pertained to creation of department of management and budget.

Popular name: Act 380

16.204 Repealed. 1980, Act 374, Imd. Eff. Dec. 30, 1980.

Compiler's note: The repealed section pertained to transfer of state building commission to department of management and budget.

Popular name: Act 380

16.205-16.209 Repealed. 1984, Act 431, Eff. Mar. 29, 1985.

Compiler's note: The repealed sections pertained to transfers to the department of management and budget.

Popular name: Act 380

CHAPTER 6 DEPARTMENT OF MILITARY AFFAIRS

16.225 Department of military affairs; creation.

Sec. 125. There is hereby created a department of military affairs.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.226 Head of department of military affairs.

Sec. 126. The head of the department of military affairs shall be appointed by the governor and serve at the pleasure of the governor. Any other provision of the law to the contrary notwithstanding, the adjutant general of the state of Michigan may be appointed to and serve as the head of the department of military affairs.

History: 1965, Act 380, Imd. Eff. July 23, 1965;—Am. 1965, Act 407, Imd. Eff. Oct. 29, 1965.

Popular name: Act 380

16.227 Military establishment and state military board; transfer.

Sec. 127. The military establishment and the state military board created under Act No. 84 of the Public Acts of 1909, as amended, being sections 32.1 to 32.85 of the Compiled Laws of 1948, are transferred by a type I transfer to the department of military affairs.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.228 Naval militia and state naval board; transfer.

Sec. 128. The naval militia and the state naval board created under Act No. 184 of the Public Acts of 1893, as amended, being sections 33.1 to 33.38 of the Compiled Laws of 1948, are transferred by a type I transfer to the department of military affairs.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.229 Grand Rapids home for veterans; D.J. Jacobetti home for veterans.

Sec. 129. Beginning on the effective date of the amendatory act that added this section, the Michigan veterans' facility at Grand Rapids, created by Act No. 152 of the Public Acts of 1885, being sections 36.1 to 36.12 of the Michigan Compiled Laws, shall be known as the Grand Rapids home for veterans, and the D.J. Jacobetti veterans' facility at Marquette, created by Act No. 152 of the Public Acts of 1885, shall be known as the D.J. Jacobetti home for veterans.

History: Add. 1992, Act 18, Imd. Eff. Mar. 19, 1992.

Popular name: Act 380

CHAPTER 7
DEPARTMENT OF STATE POLICE

16.250 Department of state police; creation.

Sec. 150. There is hereby created a department of state police.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.251 Head of department of state police.

Sec. 151. The head of the department of state police is the director of the department of state police.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.252 Director of department of state police; appointment.

Sec. 152. The director of the department of state police shall be appointed by the governor and serve at the pleasure of the governor.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.253 State police and commissioner of state police; transfer of powers, duties, and functions.

Sec. 153. All powers, duties and functions vested by law in the Michigan state police and the commissioner of the Michigan state police are transferred by a type III transfer to the department of state police.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.254 Civil defense advisory council; transfer.

Sec. 154. The civil defense advisory council created under section 3 of Act No. 154 of the Public Acts of 1953, as amended, being section 30.233 of the Compiled Laws of 1948, is transferred by a type II transfer to the department of state police.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.255 State safety commission; transfer.

Sec. 155. The Michigan state safety commission created under Act No. 188 of the Public Acts of 1941, being sections 256.561 to 256.563 of the Compiled Laws of 1948, is transferred by a type II transfer to the department of state police.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.256 Private detectives and detective agencies; transfer of licensing and regulatory functions.

Sec. 156. All powers, duties and functions of the secretary of state under the provisions of Act No. 383 of the Public Acts of 1927, as amended, being sections 338.801 to 338.813 of the Compiled Laws of 1948, relating to private detectives and private detective agencies are transferred by a type II transfer to the department of state police.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.257 Law enforcement officers training council; transfer.

Sec. 157. The Michigan law enforcement officers training council created under Act No. 203 of the Public Acts of 1965, being sections 28.601 to 28.616 of the Compiled Laws of 1948, is transferred by a type I transfer to the department of state police.

History: Add. 1965, Act 407, Imd. Eff. Oct. 29, 1965.

Popular name: Act 380

16.258 State fire safety board; transfer.

Sec. 158. The state fire safety board created under Act No. 200 of the Public Acts of 1965, being sections 29.3a to 29.3c of the Compiled Laws of 1948, is transferred by a type I transfer to the department of state police.

History: Add. 1965, Act 407, Imd. Eff. Oct. 29, 1965.

Popular name: Act 380

CHAPTER 8
DEPARTMENT OF AGRICULTURE

16.275 Department of agriculture; creation.

Sec. 175. There is hereby created a department of agriculture.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.276 Head of department of agriculture.

Sec. 176. The head of the department of agriculture is the commission of agriculture.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.277 Department of agriculture; transfer.

Sec. 177. The department of agriculture, created under section 1 of Act No. 13 of the Public Acts of 1921, as amended, being section 285.1 of the Public Acts of 1948, is transferred by a type I transfer to the department of agriculture.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.278 Director of agriculture; transfer of powers, duties, and functions to head of department.

Sec. 178. All powers, duties and functions now vested by law in the director of agriculture are transferred by a type I transfer to the head of the department of agriculture.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.279 Commission of agriculture; appointment, qualifications, and terms of members; vacancy; election of officers; quorum; conducting business at public meeting; notice.

Sec. 179. The commission of agriculture shall consist of 5 members, not more than 3 of whom shall be members of the same political party, appointed by the governor by and with the advice and consent of the senate. The term of office of each member shall be 4 years, except that of members first appointed 2 shall be appointed for 1 year, 1 shall be appointed for 2 years, 1 shall be appointed for 3 years, and 1 shall be appointed for 4 years. A member appointed to fill a vacancy occurring other than by expiration of a term shall be appointed for the unexpired term. The commission shall elect from its members officers as it considers advisable. A majority of the commission members shall be required to constitute a quorum. The business which the commission of agriculture may perform shall be conducted at a meeting of the commission held in compliance with Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976.

History: 1965, Act 380, Imd. Eff. July 23, 1965;—Am. 1978, Act 179, Imd. Eff. June 4, 1978.

Popular name: Act 380

16.280 Director of department of agriculture; appointment by commission.

Sec. 180. The principal executive officer of the department is the director of the department of agriculture. The director shall be appointed by the commission and serve at its pleasure.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.281 Repealed. 1980, Act 314, Imd. Eff. Dec. 5, 1980.

Compiler's note: The repealed section pertained to transfer of Michigan weather service to department of agriculture.

Popular name: Act 380

16.282 State soil conservation committee; transfer.

Sec. 182. The state soil conservation committee created under Act No. 297 of the Public Acts of 1937, as amended, being sections 282.1 to 282.16 of the Compiled Laws of 1948, is transferred by a type II transfer to the department of agriculture.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.283 Commodity commissions and councils; transfer.

Sec. 183. The following commissions and councils are transferred by a type I transfer to the department of agriculture.

(a) The Michigan state apple commission created by Act No. 87 of the Public Acts of 1939, as amended, being sections 290.51 to 290.66 of the Compiled Laws of 1948.

(b) The Michigan cherry commission created by Act No. 228 of the Public Acts of 1947, as amended, being sections 290.501 to 290.514 of the Compiled Laws of 1948.

(c) The Michigan potato industry council created by Act No. 208 of the Public Acts of 1961, being sections 290.181 to 290.191 of the Compiled Laws of 1948.

(d) The Michigan bean commission created under Act No. 114 of the Public Acts of 1965, being sections 290.551 to 290.568 of the Compiled Laws of 1948.

History: 1965, Act 380, Imd. Eff. July 23, 1965;—Am. 1965, Act 407, Imd. Eff. Oct. 29, 1965.

Popular name: Act 380

16.284 Office of racing commissioner; transfer.

Sec. 184. The office of racing commissioner under the provisions of Act No. 27 of the Public Acts of 1959, as amended, being sections 431.31 to 431.56 of the Compiled Laws of 1948, is transferred by a type I transfer to the department of agriculture.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.285 State fair authority; transfer.

Sec. 185. The Michigan state fair authority created by Act No. 224 of the Public Acts of 1962, being sections 291.21 to 291.37 of the Compiled Laws of 1948, is transferred by a type II transfer to the department of agriculture.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.286 Upper Peninsula state fair board of managers; transfer.

Sec. 186. The board of managers of the Upper Peninsula state fair created by Act No. 89 of the Public Acts of 1927, as amended, being sections 285.141 and 285.142 of the Compiled Laws of 1948, is transferred by a type II transfer to the department of agriculture.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.287 State agricultural society transferred to department of agriculture.

Sec. 187. The Michigan state agricultural society created by Act No. 180 of the Public Acts of 1849, being sections 453.51 to 453.53 of the Michigan Compiled Laws, is transferred by a type III transfer to the department of agriculture.

History: Add. 1973, Act 63, Imd. Eff. July 23, 1973.

Popular name: Act 380

CHAPTER 9
DEPARTMENT OF CIVIL SERVICE

16.300 Department of civil service; creation.

Sec. 200. There is hereby created a department of civil service.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.301 Head of department of civil service.

Sec. 201. The head of the department of civil service is the civil service commission.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.302 Civil service commission; transfer of powers, duties, and functions.

Sec. 202. All powers, duties and functions vested by the constitution or by law in the civil service commission are transferred by a type I transfer to the civil service commission.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.303 Civil service commission; membership; terms; vacancies; officers; quorum.

Sec. 203. The civil service commission shall consist of 4 members appointed by the governor, not more than 2 of whom shall be members of the same political party. The term of office of each member shall be 8 years, except that of members first appointed 1 each shall be appointed for terms of 2, 4, 6 and 8 years. A member appointed to fill a vacancy occurring other than by expiration of a term shall be appointed for the unexpired term. The commission shall elect from its members such officers as it deems advisable. A majority of the commission members shall be required to constitute a quorum.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.304 Executive officer of civil service commission.

Sec. 204. The principal executive officer of the commission is the state personnel director.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

CHAPTER 10
DEPARTMENT OF COMMERCE

16.325 Department of commerce; creation.

Sec. 225. There is hereby created a department of commerce.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Compiler's note: For renaming the department of consumer and industry services to the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

Popular name: Act 380

16.326 Head of department of commerce.

Sec. 226. The head of the department of commerce is the director of commerce.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.327 Repealed. 1966, Act 324, Imd. Eff. July 19, 1966.

Compiler's note: The repealed section pertained to transfer of duties and functions of Michigan corporation and securities division to department of commerce.

Popular name: Act 380

16.328 State banking department and office of commissioner; transfer.

Sec. 228. The state banking department and the office of commissioner of the state banking department created under section 3 of Act No. 341 of the Public Acts of 1937, being section 487.3 of the Compiled Laws of 1948, are transferred by a type I transfer to the department of commerce.

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History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.329 Department of insurance and office of commissioner; transfer.

Sec. 229. The department of insurance and the office of the commissioner of insurance created under sections 200 and 202 of Act No. 218 of the Public Acts of 1956, being sections 500.200 and 500.202 of the Compiled Laws of 1948, are transferred by a type I transfer to the department of commerce.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Transfer of powers: See MCL 16.732.

Popular name: Act 380

16.330 State liquor control commission; transfer.

Sec. 230. The state liquor control commission created by section 5 of Act No. 8 of the Extra Session of 1933, as amended, being section 436.5 of the Compiled Laws of 1948, is transferred by a type I transfer to the department of commerce.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.331 Public service commission; transfer.

Sec. 231. The Michigan public service commission created under section 1 of Act No. 3 of the Public Acts of 1939, as amended, being section 460.1 of the Compiled Laws of 1948, is transferred by a type I transfer to the department of commerce.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.332 Department of economic expansion; transfer; exceptions.

Sec. 232. The department of economic expansion created under Act No. 116 of the Public Acts of 1963, being sections 125.1201 to 125.1208 of the Compiled Laws of 1948, is transferred by a type II transfer to the department of commerce, except for those powers, duties and functions transferred to the executive office of the governor by section 13.

History: 1965, Act 380, Imd. Eff. July 23, 1965;—Am. 1967, Ex. Sess., Act 11, Eff. Mar. 22, 1968.

Compiler's note: For transfer of authority, powers, duties, functions, and management-related functions of the Department of Economic Expansion and the Economic Expansion Council, to the Chief Executive Officer of Michigan Jobs Commission, see E.R.O. No. 1993-3, compiled at MCL 408.46 of the Michigan Compiled Laws.

Popular name: Act 380

16.333 Department of aeronautics and Michigan aeronautics commission; transfer.

Sec. 233. The department of aeronautics created under section 26 of Act No. 327 of the Public Acts of 1945, being section 259.26 of the Compiled Laws of 1948, and the Michigan aeronautics commission established thereunder are transferred by a type I transfer to the department of commerce.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.334 Powers and duties of secretary of state relating to savings and loan associations; type II transfer.

Sec. 234. All powers, duties and functions of the secretary of state under the provisions of Act No. 156 of the Public Acts of 1964, as amended, being sections 489.501 to 489.899 of the Compiled Laws of 1948, relating to savings and loan associations and savings associations, are transferred by a type II transfer to the financial institutions bureau of the department of commerce. The commissioner of the financial institutions bureau is designated as the supervisory authority pursuant to section 172 of Act No. 156 of the Public Acts of 1964, as amended.

History: 1965, Act 380, Imd. Eff. July 23, 1965;—Am. 1971, Act 71, Imd. Eff. July 28, 1971.

Popular name: Act 380

16.335 Corporation and securities commission; transfer of powers, duties, and functions assigned under securities act.

Sec. 235. All powers, duties and functions of the Michigan corporation and securities commission under the provisions of Act No. 265 of the Public Acts of 1964, as amended, being sections 451.501 to 451.818 of the Compiled Laws of 1948, are transferred to the department of commerce.

History: Add. 1966, Act 324, Imd. Eff. July 19, 1966.

Popular name: Act 380

16.336 Corporation and securities commission; transfer of powers, duties, and functions assigned under condominiums act.

Sec. 236. All powers, duties and functions of the Michigan corporation and securities commission under the provisions of Act No. 229 of the Public Acts of 1963, as amended, being sections 559.1 to 559.30 of the Compiled Laws of 1948, are transferred to the department of commerce.

History: Add. 1966, Act 324, Imd. Eff. July 19, 1966.

Popular name: Act 380

16.337 Corporation and securities commission; transfer of powers, duties, and functions assigned under debt management act.

Sec. 237. All powers, duties and functions of the Michigan corporation and securities commission under the provisions of Act No. 135 of the Public Acts of 1961, as amended, being sections 451.451 to 451.468 of the Compiled Laws of 1948, are transferred to the department of commerce.

History: Add. 1966, Act 324, Imd. Eff. July 19, 1966.

Popular name: Act 380

16.338 Department of state highways; transfer of powers, duties, and functions of weighmaster to public service commission of department.

Sec. 238. The powers, duties and functions of the department of state highways administered by the weighmaster section, relating to the administration and enforcement of the size, weight and load of vehicles provisions of Act No. 300 of the Public Acts of 1949, as amended, being sections 257.1 to 257.923 of the Compiled Laws of 1948, with the exception of sections 719a, 722f, 725 and 725a, are transferred to the public service commission of the department of commerce.

History: Add. 1968, Act 77, Imd. Eff. June 4, 1968.

Compiler's note: For transfer of Public Service Commission highway enforcement functions relating to motor carriers to Department of State Police, see E.R.O. No. 1982-1, compiled at MCL 28.21 of the Michigan Compiled Laws.

Transfer of powers: See MCL 28.21.

Popular name: Act 380

16.339 Department and secretary of state; transfer of commercial vehicle regulatory powers, duties, and functions to department.

Sec. 239. The powers, duties and functions of the secretary of state and the department of state relating to the regulation of commercial vehicles, other than titling and registration, under the provisions of Act No. 300 of the Public Acts of 1949, as amended, are transferred to the public service commission of the department of commerce.

History: Add. 1968, Act 77, Imd. Eff. June 4, 1968.

Compiler's note: For transfer of Public Service Commission highway enforcement functions relating to motor carriers to Department of State Police, see E.R.O. No. 1982-1, compiled at MCL 28.21 of the Michigan Compiled Laws.

Popular name: Act 380

16.340 Effective date of sections 16.338 and 16.339; transfer of records, property, and personnel.

Sec. 240. The powers, duties and functions transferred to the department of commerce in sections 238 and 239 of this act shall be transferred effective July 1, 1968. All records, property, personnel and appropriations used, held, employed, available or to be made available in connection with such powers, duties and functions shall be transferred to the department of commerce.

History: Add. 1968, Act 77, Imd. Eff. June 4, 1968.

Popular name: Act 380

16.341 Department of commerce; annual report.

Sec. 241. Annually, the department of commerce shall make a report to the governor and to the legislature covering the operation of the department for the fiscal year ending June 30. The report shall contain a summary of the department's activities during the fiscal year, a statement of all revenues and expenditures made by or in behalf of the department, such other information as it may deem necessary or useful and any additional information which may be requested by the governor. The report of the department of commerce

shall include reports required by law of all bureaus, agencies and commissions within the department.

History: Add. 1968, Act 176, Eff. Nov. 15, 1968.

Popular name: Act 380

16.342 Michigan tourist council; transfer.

Sec. 242. The Michigan tourist council created by Act No. 106 of the Public Acts of 1945, as amended, being sections 2.101 to 2.108 of the Michigan Compiled Laws, is transferred by a type I transfer to the department of commerce.

History: Add. 1973, Act 175, Imd. Eff. Dec. 21, 1973.

Popular name: Act 380

CHAPTER 11

DEPARTMENT OF NATURAL RESOURCES

16.350 Department of natural resources; creation.

Sec. 250. There is created a department of natural resources.

History: 1965, Act 380, Imd. Eff. July 23, 1965;—Am. 1968, Act 353, Eff. Nov. 15, 1968.

Compiler's note: For transfer of powers and duties of department of natural resources to department of natural resources and environment, and abolishment of department of natural resources, see E.R.O. No. 2009-31, compiled at MCL 324.99919.

Popular name: Act 380

16.351 Head of department of natural resources.

Sec. 251. The head of the department of natural resources is the commission of natural resources.

History: 1965, Act 380, Imd. Eff. July 23, 1965;—Am. 1968, Act 353, Eff. Nov. 15, 1968.

Popular name: Act 380

16.352 Department of conservation; transfer.

Sec. 252. The department of conservation, created under section 1 of Act No. 17 of the Public Acts of 1921, as amended, being section 299.1 of the Compiled Laws of 1948, is transferred by a type I transfer to the department of natural resources.

History: 1965, Act 380, Imd. Eff. July 23, 1965;—Am. 1968, Act 353, Eff. Nov. 15, 1968.

Popular name: Act 380

16.353 Director of conservation; transfer of powers, functions, and duties.

Sec. 253. All powers, duties and functions now vested by law in the director of conservation are transferred by a type I transfer to the department of natural resources.

History: 1965, Act 380, Imd. Eff. July 23, 1965;—Am. 1968, Act 353, Eff. Nov. 15, 1968.

Popular name: Act 380

16.354 Commission of natural resources; creation.

Sec. 254. The commission of natural resources is created as provided in the natural resources and environmental protection act.

History: 1965, Act 380, Imd. Eff. July 23, 1965;—Am. 1968, Act 353, Eff. Nov. 15, 1968;—Am. 1973, Act 35, Imd. Eff. June 21, 1973;—Am. 1994, Act 446, Eff. Jan. 18, 1995.

Popular name: Act 380

16.355 Director of department; appointment.

Sec. 255. The principal executive officer of the department is the director of the department of natural resources. The director shall be appointed by the commission and serve at its pleasure.

History: 1965, Act 380, Imd. Eff. July 23, 1965;—Am. 1968, Act 353, Eff. Nov. 15, 1968.

Popular name: Act 380

16.356 Mackinac island state park commission; transfer.

Sec. 256. The Mackinac island state park commission created under section 2 of Act No. 355 of the Public Acts of 1927, as amended, being section 318.62 of the Compiled Laws of 1948, is transferred by a type I transfer to the department of natural resources.

History: 1965, Act 380, Imd. Eff. July 23, 1965;—Am. 1968, Act 353, Eff. Nov. 15, 1968.

Compiler's note: For transfer of Mackinac Island state park commission to department of natural resources, see E.R.O. No. 2009-26,

compiled at MCL 399.752.

For transfer of Mackinac Island state park commission from department of natural resources and environment to department of natural resources, see E.R.O. No. 2011-1, compiled at MCL 324.99921.

Popular name: Act 380

16.357 Water resources commission; transfer.

Sec. 257. The water resources commission created under section 1 of Act No. 245 of the Public Acts of 1929, as amended, being section 323.1 of the Compiled Laws of 1948, is transferred by a type I transfer to the department of natural resources.

History: 1965, Act 380, Imd. Eff. July 23, 1965;—Am. 1968, Act 353, Eff. Nov. 15, 1968.

Popular name: Act 380

16.358 State waterways commission; transfer.

Sec. 258. The Michigan state waterways commission created under section 2 of Act No. 320 of the Public Acts of 1947, as amended, being section 281.502 of the Compiled Laws of 1948, is transferred by a type I transfer to the department of natural resources.

History: 1965, Act 380, Imd. Eff. July 23, 1965;—Am. 1965, Act 407, Imd. Eff. Oct. 29, 1965;—Am. 1968, Act 353, Eff. Nov. 15, 1968.

Popular name: Act 380

16.359 Repealed. 1968, Act 353, Eff. Nov. 15, 1968.

Compiler's note: The repealed section pertained to transfer of boating control committee to department of conservation.

Popular name: Act 380

16.360 Repealed. 1973, Act 175, Imd. Eff. Dec. 21, 1973.

Compiler's note: The repealed section pertained to transfer of Michigan tourist council.

Popular name: Act 380

CHAPTER 12 DEPARTMENT OF CORRECTIONS

16.375 Department of corrections; creation.

Sec. 275. There is hereby created a department of corrections.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.376 Head of department of corrections.

Sec. 276. The head of the department of corrections is the commission of corrections.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.377 Department of corrections; transfer.

Sec. 277. The department of corrections created under section 1 of Act No. 232 of the Public Acts of 1953, being section 791.201 of the Compiled Laws of 1948, is transferred by a type I transfer to the department of corrections.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.378 Commission of corrections; membership, terms, vacancies, officers, quorum.

Sec. 278. The commission of corrections shall consist of 5 members, not more than 3 of whom shall be members of the same political party, appointed by the governor by and with the advice and consent of the senate. The term of office of each member shall be 4 years, except that of members first appointed 2 shall be appointed for 1 year, 1 shall be appointed for 2 years, 1 shall be appointed for 3 years and 1 shall be appointed for 4 years. A member appointed to fill a vacancy occurring other than by expiration of a term shall be appointed for the unexpired term. The commission shall elect from its members such officers as it deems advisable. A majority of the commission members shall be required to constitute a quorum.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.379 Director of department; appointment.

Sec. 279. The principal executive officer of the department is the director of the department of corrections. The director shall be appointed by the commission and serve at its pleasure.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

CHAPTER 13
DEPARTMENT OF EDUCATION

16.400 Department of education; creation.

Sec. 300. There is hereby created a department of education.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.401 Head of department of education.

Sec. 301. The head of the department of education is the state board of education established by the state Constitution of 1963.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.402 Board of education; transfer of powers, duties, and functions to department.

Sec. 302. All powers, duties and functions vested by law in the board of education are transferred by a type I transfer to the department of education.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.403 Superintendent of public instruction; transfer of powers, duties, and functions to department.

Sec. 303. All powers, duties and functions now vested by law in the superintendent of public instruction are transferred by a type III transfer to the department of education.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.404 Board of education; membership; nomination and election; terms.

Sec. 304. The board of education shall consist of 8 members nominated by party convention and elected at large for 8-year terms.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.405 Superintendent of public instruction; appointment; term.

Sec. 305. The principal executive officer of the department of education is the superintendent of public instruction. The state board of education shall appoint the superintendent of public instruction whose term of office shall be determined by the board.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.406 State tenure commission; transfer.

Sec. 306. The state tenure commission created under Act No. 4 of the Public Acts of the Extra Session of 1937, as amended, being sections 38.81 to 38.191 of the Compiled Laws of 1948, is transferred by a type I transfer to the department of education.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.407 State higher education facilities commission; transfer.

Sec. 307. The state higher education facilities commission created under Act No. 233 of the Public Acts of 1964, being sections 390.941 to 390.948 of the Compiled Laws of 1948, is transferred by a type I transfer to the department of education.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.408 Repealed. 1989, Act 128, Imd. Eff. June 28, 1989.

Compiler's note: The repealed section transferred the Michigan education assistance authority to the board of education.

Popular name: Act 380

16.409 Repealed. 1982, Act 540, Eff. Mar. 30, 1983.

Compiler's note: The repealed section transferred the state board of libraries to the board of education.

Popular name: Act 380

16.410 State board for public community and junior colleges; transfer.

Sec. 310. The state board for public community and junior colleges created under Act No. 193 of the Public Acts of 1964, being sections 390.911 to 390.916 of the Compiled Laws of 1948, is transferred by a type I transfer to the board of education.

History: Add. 1965, Act 407, Imd. Eff. Oct. 29, 1965.

Popular name: Act 380

CHAPTER 14

DEPARTMENT OF LICENSING AND REGULATION

16.425 Department of licensing and regulation; creation.

Sec. 325. There is hereby created a department of licensing and regulation.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.426 Head of department of licensing and regulation.

Sec. 326. The head of the department of licensing and regulation is the director of licensing and regulation.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.427 Boards and agencies transferred to department of licensing and regulation.

Sec. 327. The following boards and agencies are transferred by a type I transfer to the department of licensing and regulation:

(a) The board of registration in medicine created under section 1 of Act No. 237 of the Public Acts of 1899, as amended, being section 338.51 of the Compiled Laws of 1948.

(b) The state board of osteopathic registration and examination created under section 1 of Act No. 162 of the Public Acts of 1903, as amended, being section 338.101 of the Compiled Laws of 1948.

(c) The board of chiropractic examiners created under section 1 of Act No. 145 of the Public Acts of 1933, as amended, being section 338.151 of the Compiled Laws of 1948.

(d) The Michigan state board of dentistry created under section 1 of Act No. 122 of the Public Acts of 1939, as amended, being section 338.201 of the Compiled Laws of 1948.

(e) The board of examiners in optometry created under section 1 of Act No. 71 of the Public Acts of 1909, as amended, being section 338.251 of the Compiled Laws of 1948.

(f) The board of registration in chiropody created under section 2a of Act No. 115 of the Public Acts of 1915, as amended, being section 338.302a of the Compiled Laws of 1948.

(g) The state board of pharmacy created under section 2 of Act No. 151 of the Public Acts of 1962, being section 338.1102 of the Compiled Laws of 1948.

(h) The Michigan state board of accountancy created under section 1 of Act No. 353 of the Public Acts of 1925, being section 338.501 of the Compiled Laws of 1948.

(i) The state board of registration for architects, professional engineers and land surveyors created under section 3 of Act No. 240 of the Public Acts of 1937, being section 338.553 of the Compiled Laws of 1948.

(j) The board of examiners of barbers created under section 2 of Act No. 382 of the Public Acts of 1927, as amended, being section 338.602 of the Compiled Laws of 1948.

(k) The state board of cosmetology created under section 5 of Act No. 176 of the Public Acts of 1931, being section 338.755 of the Compiled Laws of 1948.

(l) The state board of examiners in mortuary science created under section 1 of Act No. 268 of the Public Acts of 1949, being section 338.861 of the Compiled Laws of 1948.

(m) The plumbing board created under section 7 of Act No. 266 of the Public Acts of 1929, as amended, being section 338.907 of the Compiled Laws of 1948.

(n) The electrical administrative board created under section 2 of Act No. 217 of the Public Acts of 1956, as amended, being section 338.882 of the Compiled Laws of 1948.

(o) The state board of registration for foresters created under section 3 of Act No. 78 of the Public Acts of 1955, being section 338.723 of the Compiled Laws of 1948.

(p) The Michigan state athletic board of control created by section 1 of Act No. 205 of the Public Acts of 1939, as amended, being section 431.101 of the Compiled Laws of 1948.

(q) The board of landscape architects created under section 4 of Act No. 126 of the Public Acts of 1963, being section 338.1204 of the Compiled Laws of 1948.

(r) The Michigan board of nursing created under section 1 of Act No. 319 of the Public Acts of 1909, as amended, being section 338.351 of the Compiled Laws of 1948.

(s) The advisory council to the board of nursing created under section 1 of Act No. 319 of the Public Acts of 1909, as amended, being section 338.351 of the Compiled Laws of 1948.

(t) The office of the state superintendent of private employment bureaus under Act No. 321 of the Public Acts of 1929, as amended, being sections 408.601 to 408.624 of the Compiled Laws of 1948.

(u) The board of examiners in basic sciences created under section 2 of Act No. 59 of the Public Acts of 1937, as amended, being section 338.2 of the Compiled Laws of 1948.

(v) The state board of veterinary examiners created by Act No. 152 of the Public Acts of 1956, as amended, being sections 287.451 to 287.474 of the Compiled Laws of 1948.

(w) The state board of physical therapy registration created under Act No. 164 of the Public Acts of 1965, being sections 338.321 to 338.337 of the Compiled Laws of 1948.

(x) The state board of horology created under Act No. 201 of the Public Acts of 1965, being sections 338.1401 to 338.1414 of the Compiled Laws of 1948.

History: 1965, Act 380, Imd. Eff. July 23, 1965;—Am. 1965, Act 407, Imd. Eff. Oct. 29, 1965.

Popular name: Act 380

16.428 Michigan corporation and securities commission; transfer of powers, duties, and functions relating to real estate brokers and salesmen.

Sec. 328. The powers, duties and functions of the Michigan corporation and securities commission under the provisions of Act No. 306 of the Public Acts of 1919, as amended, being sections 451.201 to 451.219 of the Compiled Laws of 1948, relating to real estate brokers and salesmen, are transferred by a type II transfer to the department of licensing and regulation.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.429 Superintendent of public instruction; transfer of powers, duties, and functions relating to certification of psychologist.

Sec. 329. All powers, duties and functions of the superintendent of public instruction under the provisions of Act No. 257 of the Public Acts of 1959, as amended, being sections 338.1001 to 338.1019 of the Compiled Laws of 1948, relating to certification of psychologists, are transferred by a type II transfer to the department of licensing and regulation.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.430 Michigan corporation and securities commission; transfer of powers, duties, and functions relating to residential building contractors.

Sec. 330. All powers, duties and functions of the Michigan corporation and securities commission under the provisions of Act No. 208 of the Public Acts of 1953, as amended, being sections 338.971 to 338.991 of the Compiled Laws of 1948, and Act No. 383 of the Public Acts of 1965, as amended, being sections 338.1501 to 338.1519 of the Compiled Laws of 1948, relating to residential building contractors, are transferred by a type I transfer to the department of licensing and regulation.

History: 1965, Act 380, Imd. Eff. July 23, 1965;—Am. 1966, Act 324, Imd. Eff. July 19, 1966.

Popular name: Act 380

16.431 State health commissioner; transfer of duties relating to sanitarians.

Sec. 331. All powers, duties and functions of the state health commissioner under Act No. 147 of the Public Acts of 1963, being sections 338.1301 to 338.1315 of the Compiled Laws of 1948, relating to sanitarians, are transferred by a type I transfer to the department of licensing and regulation.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.432 Carnival-amusement safety board; type II transfer to department of licensing and regulation.

Sec. 332. The carnival-amusement safety board created under Act No. 225 of the Public Acts of 1966, as amended, being sections 408.651 to 408.667 of the Michigan Compiled Laws, is transferred by a type II transfer to the department of licensing and regulation.

History: Add. 1982, Act 34, Imd. Eff. Mar. 12, 1982.

Popular name: Act 380

CHAPTER 15
DEPARTMENT OF TRANSPORTATION

16.450 Department of transportation; creation.

Sec. 350. There is created a department of transportation.

History: 1965, Act 380, Imd. Eff. July 23, 1965;—Am. 1975, Act 70, Imd. Eff. May 20, 1975;—Am. 1978, Act 483, Imd. Eff. Dec. 1, 1978.

Popular name: Act 380

16.451 State transportation commission as policy making body.

Sec. 351. The policy making body of the department of transportation is the state transportation commission.

History: 1965, Act 380, Imd. Eff. July 23, 1965;—Am. 1975, Act 70, Imd. Eff. May 20, 1975;—Am. 1978, Act 483, Imd. Eff. Dec. 1, 1978.

Popular name: Act 380

16.452 Transfer of powers, duties, and functions.

Sec. 352. All powers, duties, and functions vested by law in the state highway department are transferred by a type I transfer to the department of transportation.

History: 1965, Act 380, Imd. Eff. July 23, 1965;—Am. 1975, Act 70, Imd. Eff. May 20, 1975;—Am. 1978, Act 483, Imd. Eff. Dec. 1, 1978.

Popular name: Act 380

16.453 Commissioner of state highways; transfer of powers, duties, and functions.

Sec. 353. All powers, duties, and functions now vested by law in the commissioner of state highways are transferred by a type I transfer to the state highway commission.

History: 1965, Act 380, Imd. Eff. July 23, 1965;—Am. 1975, Act 70, Imd. Eff. May 20, 1975.

Popular name: Act 380

16.454 State highway commission; appointment, qualifications, and terms of members; vacancy; quorum; compensation; expenses.

Sec. 354. The state highway commission shall consist of 4 members, not more than 2 of whom shall be members of the same political party, appointed by the governor by and with the advice and consent of the senate. The term of office of each member shall be 4 years, except that the members first appointed shall be appointed for specific terms of 1, 2, 3, and 4 years. A member appointed to fill a vacancy occurring other than by expiration of a term shall be appointed for the unexpired term. A majority of the commission members shall be required to constitute a quorum. The compensation of the commission and the schedule for reimbursement of expenses shall be established annually by the legislature.

History: 1965, Act 380, Imd. Eff. July 23, 1965;—Am. 1967, Act 182, Eff. Nov. 2, 1967;—Am. 1975, Act 70, Imd. Eff. May 20, 1975.

Popular name: Act 380

16.455 Director of department; appointment.

Sec. 355. The head of the department of transportation is the director of the department of transportation. The director shall be appointed as provided in section 5 of Act No. 286 of the Public Acts of 1964, as amended, being section 247.805 of the Michigan Compiled Laws.

History: 1965, Act 380, Imd. Eff. July 23, 1965;—Am. 1975, Act 70, Imd. Eff. May 20, 1975;—Am. 1978, Act 483, Imd. Eff. Dec. 1, 1978.

Popular name: Act 380

16.456 State bridge commission; transfer and abolition.

Sec. 356. The state bridge commission created under Act No. 147 of the Public Acts of 1935, as amended, being sections 254.151 to 254.167 of the Michigan Compiled Laws, is transferred by a type III transfer to the department of transportation, and the state bridge commission is abolished.

History: 1965, Act 380, Imd. Eff. July 23, 1965;—Am. 1975, Act 70, Imd. Eff. May 20, 1975;—Am. 1978, Act 483, Imd. Eff. Dec. 1, 1978.

Popular name: Act 380

16.457 Mackinac bridge authority; transfer to department of transportation; powers and duties of authority; employees; "authority" defined.

Sec. 357. (1) The Mackinac bridge authority created under 1950 (Ex Sess) PA 21, MCL 254.301 to 254.305, is transferred to the department of transportation.

(2) The authority shall exercise its prescribed statutory powers, duties, and functions independently of the director of the department of transportation. The budgeting, procurement, and related management functions of the authority shall be performed by the authority consistent with the requirements of generally applicable state law in consultation with the director of the department of transportation.

(3) Individuals employed by the department of transportation to provide services to the authority shall be employees of the department of transportation, members of the state classified service, but shall report to the executive secretary of the authority.

(4) As used in this section, "authority" means the Mackinac bridge authority created under 1950 (Ex Sess) PA 21, MCL 254.301 to 254.304.

History: 1965, Act 380, Imd. Eff. July 23, 1965;—Am. 1975, Act 70, Imd. Eff. May 20, 1975;—Am. 1978, Act 483, Imd. Eff. Dec. 1, 1978;—Am. 2005, Act 330, Imd. Eff. Dec. 28, 2005.

Popular name: Act 380

16.458 International bridge authority; transfer.

Sec. 358. The international bridge authority created under section 2 of Act No. 237 of the Public Acts of 1935, being section 254.202 of the Michigan Compiled Laws, is transferred by a type I transfer to the department of transportation.

History: 1965, Act 380, Imd. Eff. July 23, 1965;—Am. 1975, Act 70, Imd. Eff. May 20, 1975;—Am. 1978, Act 483, Imd. Eff. Dec. 1, 1978.

Popular name: Act 380

CHAPTER 16 DEPARTMENT OF LABOR

16.475 Department of labor; creation.

Sec. 375. There is hereby created a department of labor.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Compiler's note: For transfer of certain powers and duties of the department of labor to the department of consumer and industry services, see E.R.O. No. 1996-2, compiled at MCL 445.2001 of the Michigan Compiled Laws.

For renaming the department of consumer and industry services to the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

Popular name: Act 380

16.476 Head of department of labor.

Sec. 376. The head of the department of labor is the director of labor.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.477 Commissioner of labor; transfer; abolition of office.

Sec. 377. The commissioner of labor and all his powers, duties and functions, created under section 21 of Act No. 357 of the Public Acts of 1947, being section 408.21 of the Compiled Laws of 1948, is transferred by a type III transfer to the department of labor, and the office of commissioner of labor is abolished.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.478 Workmen's compensation appeal board; transfer.

Sec. 378. The workmen's compensation appeal board created under section 9 of chapter 1a of Act No. 357 of the Public Acts of 1947, being section 408.9 of the Compiled Laws of 1948, is transferred by a type I transfer to the department of labor, and notwithstanding any other provision of this act to the contrary, retains its authority to employ such personnel as provided by law.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.479 Employment security commission; employment security advisory council; employment security appeal board.

Sec. 379. (a) The Michigan employment security commission created by section 3 of Act No. 1 of the Extra Session of 1936, as amended, being section 421.3 of the Compiled Laws of 1948, with all its statutory authority, powers, duties and functions, records, personnel, property, unexpended balances of appropriations, allocations or other funds, including the functions of budgeting and procurement and management related functions are transferred to and shall be an autonomous entity in the department of labor.

(b) The Michigan employment security advisory council created by section 3a of Act No. 1 of the Extra Session of 1936, as amended, being section 421.3a of the Compiled Laws of 1948, with all its statutory authority, powers, duties and functions, records, personnel, property, unexpended balances of appropriations, allocations of other funds, including the functions of budgeting and procurement and management related functions are transferred to and shall be an autonomous entity in the department of labor.

(c) The Michigan employment security appeal board created by section 35 of Act No. 1 of the Extra Session of 1936, as amended, being section 421.35 of the Compiled Laws of 1948, with all its statutory authority, powers, duties and functions, records, personnel, property, unexpended balances of appropriations, allocations or other funds, including the functions of budgeting and procurement and management related functions are transferred to and shall be an autonomous entity in the department of labor.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.480 Wage deviation board; transfer.

Sec. 380. The wage deviation board created under Act No. 154 of the Public Acts of 1964, as amended, being sections 408.381 to 408.396 of the Compiled Laws of 1948, is transferred by a type I transfer to the department of labor.

History: 1965, Act 380, Imd. Eff. July 23, 1965;—Am. 1968, Act 353, Eff. Nov. 15, 1968.

Popular name: Act 380

16.481 Labor mediation board; transfer.

Sec. 381. The labor mediation board created under section 3 of Act No. 176 of the Public Acts of 1939, being section 423.3 of the Compiled Laws of 1948, is transferred by a type I transfer to the department of labor.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.482 Workmen's compensation department and director; transfer.

Sec. 382. The workmen's compensation department and the director of the workmen's compensation department created under chapter 1a of Act No. 357 of the Public Acts of 1947, being sections 408.1 to 408.12 of the Compiled Laws of 1948, are transferred by a type I transfer to the department of labor.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.483 Construction safety commission; transfer.

Sec. 383. The state construction safety commission created under section 3 of Act No. 89 of the Public Acts of 1963, being section 408.713 of the Compiled Laws of 1948, is transferred by a type I transfer to the department of labor.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.484 Office of inspector of coal mines; transfer and abolition.

Sec. 384. The office of inspector of coal mines created under section 2 of Act No. 177 of the Public Acts of 1913, as amended, being section 425.2 of the Compiled Laws of 1948, is transferred by a type III transfer to

the department of labor, and the office of inspector of coal mines is abolished.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.485 Board of boiler rules; transfer.

Sec. 385. The board of boiler rules created under Act No. 290 of the Public Acts of 1965, as amended, being sections 408.751 to 408.776 of the Compiled Laws of 1948, is transferred by a type II transfer to the department of labor.

History: 1965, Act 380, Imd. Eff. July 23, 1965;—Am. 1968, Act 353, Eff. Nov. 15, 1968.

Popular name: Act 380

16.486 Repealed. 1982, Act 34, Imd. Eff. Mar. 12, 1982.

Compiler's note: The repealed section transferred the carnival-amusement safety board, by a type II transfer, to the department of labor.

Transfer of powers: See MCL 16.732.

Popular name: Act 380

16.487 Elevator safety board; transfer.

Sec. 387. The elevator safety board created under section 7 of Act No. 227 of the Public Acts of 1967, being section 408.807 of the Compiled Laws of 1948, is transferred by a type II transfer to the department of labor.

History: Add. 1968, Act 353, Eff. Nov. 15, 1968.

Popular name: Act 380

16.490 Commission on agricultural labor; powers; appointment, qualifications, and terms of members; vacancies; expenses.

Sec. 390. There is established within the department a commission to be known as the commission on agricultural labor with powers of a type II transfer. The commission shall consist of 11 members, 4 of whom shall be chosen from growers and producers of agricultural products; 4 of whom shall be chosen from agricultural workers, of the 4 agricultural workers chosen 2 shall be permanent or year round workers and 2 shall be resident seasonal workers; and 3 shall be chosen from the general public. The members of the commission shall be appointed by the governor by and with the advice and consent of the senate. Of the members first appointed, 2 chosen from growers and producers and 1 of the general public shall serve for a term of 3 years, 1 chosen from growers and producers and 1 of the general public shall serve for terms of 2 years each, 1 chosen from growers and producers and 1 of the general public shall serve for a term of 1 year, and their successors shall serve for terms of 3 years. Of those members first appointed to represent agricultural workers, 2 shall serve for 2 years and 2 shall serve for 3 years. Vacancies may be filled for the unexpired portion of the term in the same manner as appointments are made for a full term. The members shall serve without compensation other than for their necessary and proper expenses, which expenses are to be audited and paid from funds appropriated by the legislature for this purpose.

History: Add. 1968, Act 353, Eff. Nov. 15, 1968;—Am. 1976, Act 4, Imd. Eff. Feb. 8, 1976.

Popular name: Act 380

16.491 Commission; duties.

Sec. 391. The commission shall:

(a) Cooperate with all governmental agencies and committees concerned with agricultural labor including but not limited to migratory labor.

(b) Cooperate with private voluntary or community groups having as their prime concern problems involving agricultural labor.

(c) Conduct a continuing program for the people to acquaint them with the importance of agricultural labor and the sources from which it can be recruited to agriculture.

(d) Seek effective methods for the improvement of living, working and related problems affecting agricultural labor of all types.

(e) Formulate policies to effectuate the purposes of this act and make recommendations to agencies and officers of the state or local subdivisions of government on such policies and purposes.

History: Add. 1968, Act 353, Eff. Nov. 15, 1968.

Popular name: Act 380

16.492 State agencies; cooperation with commission.

Sec. 392. State agencies and departments whose work is related to the problems which affect agricultural labor shall cooperate with the commission in the implementation of this act.

History: Add. 1968, Act 353, Eff. Nov. 15, 1968.

Popular name: Act 380

16.493 Commission; chairman; duties; meetings; committees.

Sec. 393. A chairman shall be selected by the governor whose duty shall be that of calling meetings of the commission at least quarterly but not oftener than 12 times a year, and presiding over such meetings. The commission may authorize committees of such commission to meet during interims between meetings.

History: Add. 1968, Act 353, Eff. Nov. 15, 1968.

Popular name: Act 380

16.494 Commission; annual reports; recommendations.

Sec. 394. The commission shall render an annual report and also from time to time render recommendations to the governor, to the legislature and to the director of the department pertaining to agricultural labor, including recommendations for legislation.

History: Add. 1968, Act 353, Eff. Nov. 15, 1968.

Popular name: Act 380

16.496 Commission on disability concerns; type II transfer.

Sec. 396. The commission on disability concerns established under executive order 1995-10, MCL 395.351, and to which powers and duties described in 1968 PA 11, MCL 395.301 to 395.307, were transferred by a type II transfer to the department of consumer and industry services.

History: Add. 1972, Act 281, Imd. Eff. Oct. 19, 1972;—Am. 1998, Act 70, Imd. Eff. May 4, 1998.

Popular name: Act 380

CHAPTER 17
DEPARTMENT OF MENTAL HEALTH

16.500 Department of mental health; creation.

Sec. 400. There is hereby created a department of mental health.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Transfer of powers: See MCL 16.731.

Popular name: Act 380

16.501 Head of department.

Sec. 401. The head of the department of mental health is the director of mental health.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.502 Department of mental health; transfer of powers, duties, and functions.

Sec. 402. All powers, duties and functions vested by law in the department of mental health are transferred by a type I transfer to the department of mental health.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.503 Director of department of mental health; transfer of powers, duties, and functions.

Sec. 403. All powers, duties and functions now vested by law in the director of the department of mental health are transferred by a type I transfer to the department of mental health.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.504 Repealed. 1974, Act 258, Eff. Aug. 6, 1975.

Compiler's note: The repealed section pertained to the advisory council on mental health services.

Popular name: Act 380

CHAPTER 18

DEPARTMENT OF PUBLIC HEALTH

16.525 Department of public health; creation.

Sec. 425. There is hereby created a department of public health.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Transfer of powers: See MCL 16.731.

Popular name: Act 380

16.526 Head of department of public health.

Sec. 426. The head of the department of public health is the director of public health.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.527 Department of health and state health commissioner; transfer of powers, duties, and functions.

Sec. 427. Except as otherwise provided in this act, all powers, duties and functions vested by law in the department of health and the state health commissioner are transferred by a type I transfer to the department of public health.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.528 State veterans' facility and board of managers; transfer.

Sec. 428. The state veterans' facility of Michigan and the board of managers, created under Act No. 152 of the Public Acts of 1885, as amended, being sections 36.1 to 36.12 of the Compiled Laws of 1948, are transferred by a type I transfer to the department of public health.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.529 State council of health; transfer and abolition.

Sec. 429. The state council of health created under section 5 of Act No. 146 of the Public Acts of 1919, as amended, being section 325.5 of the Compiled Laws of 1948, is transferred by a type III transfer to the department of public health and the state council of health is abolished.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.530 Advisory hospital council; advisory council on tuberculosis sanitariums; advisory committee on use of animals; anatomy committee; transfer and abolition.

Sec. 430. The advisory hospital council, the advisory council on tuberculosis sanitariums, the advisory committee on the use of animals, and the anatomy committee are transferred by a type III transfer to the department of public health, and the advisory councils named in this section are abolished.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.531 State board of alcoholism; transfer.

Sec. 431. The state board of alcoholism created under section 47a of Act No. 8 of the Public Acts of the Extra Session of 1933, as amended, being section 436.47a of the Compiled Laws of 1948, is transferred by a type II transfer to the department of public health.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.532 Michigan crippled children commission; transfer.

Sec. 432. The Michigan crippled children commission created under Act No. 158 of the Public Acts of 1937, as amended, being sections 722.201 to 722.244 of the Compiled Laws of 1948, is transferred by a type II transfer to the department of public health.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

CHAPTER 19

DEPARTMENT OF SOCIAL SERVICES

16.550 Department of social services; creation.

Sec. 450. There is hereby created a department of social services.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Transfer of powers: See MCL 16.731.

Popular name: Act 380

16.551 Head of department of social services.

Sec. 451. The head of the department of social services is the director of social services.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.552 Department of social welfare; transfer of powers, duties, and functions.

Sec. 452. All powers, duties and functions of the state department of social welfare created under Act No. 280 of the Public Acts of 1939, as amended, being sections 400.1 to 400.90 of the Compiled Laws of 1948, are transferred by a type I transfer to the department of social services.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.553 Michigan social welfare commission and office of director of social welfare; transfer and abolition.

Sec. 453. The Michigan social welfare commission and the office of director of the state department of social welfare created under sections 2 and 3 of Act No. 280 of the Public Acts of 1939, as amended, being sections 400.2 and 400.3 of the Compiled Laws of 1948, are transferred by a type III transfer to the department of social services and the Michigan social welfare commission and the office of the director of the state department of social welfare are abolished.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.554 Michigan commission on aging; transfer.

Sec. 454. The Michigan commission on aging created under section 1 of Act No. 11 of the Public Acts of 1960, being section 400.501 of the Compiled Laws of 1948, is transferred by a type I transfer to the department of social services.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

CHAPTER 20 DEPARTMENT OF CIVIL RIGHTS

16.575 Department of civil rights; creation.

Sec. 475. There is hereby created a department of civil rights.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.576 Head of department of civil rights.

Sec. 476. The head of the department of civil rights is the civil rights commission.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.577 Civil rights commission; continuation of constitutional powers, duties, and functions.

Sec. 477. All powers, duties and functions vested by law or the state constitution in the civil rights commission are continued.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

CHAPTER 21 TRANSFER OF POWERS

16.600 Actions, suits, or proceedings not to abate by reason of reorganization; maintenance by or against successors.

Sec. 500. No suit, action or other proceeding lawfully commenced by or against any department, board, commission, agency or any officer of the state, in his official capacity or in relation to the discharge of his official duties, shall abate by the reason of the taking effect of any reorganization under the provisions of this act. The court may allow the suit, action or other proceeding to be maintained by or against the successor of any department, board, commission, agency or any officer affected by this act.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.601 Continuation of rules, regulations, and orders adopted prior to act.

Sec. 501. All rules, regulations and orders of departments, boards, commissions or other agencies lawfully adopted prior to the effective date of any provision of this act shall continue to be effective until revised, amended or repealed.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.602 Criminal action not to abate.

Sec. 502. No criminal action commenced by the state shall abate by the taking effect of this act.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.603 Appointment of principal department head; access of appointee to records; continuation of powers and duties.

Sec. 503. The governor may appoint the head of any principal department not otherwise elected or appointed. Prior to assuming his duties as head of a department, the appointee shall have full access to all departments and agencies and records thereof relevant to his prospective duties for the purpose of formulating the internal organization of the department. During the period before the transfer of any powers, duties and functions in accordance with this act, existing departments and agencies shall continue to exercise their powers, duties and functions.

History: 1965, Act 380, Imd. Eff. July 23, 1965;—Am. 1965, Act 407, Imd. Eff. Oct. 29, 1965.

Popular name: Act 380

16.604 Establishment of effective date of each section by executive order; limitations as to constitutional offices; final effective date.

Sec. 504. The governor shall establish, from time to time, by executive order the effective date of each section of this act which provides for the transfer of any organizational entity or the powers, duties and functions of any organizational entity or officer as provided in this act, but in no case shall such transfer change the powers, duties and functions of any state official elected in a general election prior to January 1, 1964, before the expiration of his term of office in contravention of the state constitution. All provisions of this act shall become effective not later than December 31, 1966.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.605 Repealed. 1980, Act 180, Imd. Eff. July 2, 1980.

Compiler's note: The repealed section pertained to transfer of records, property, personnel, and funds to principal department.

Popular name: Act 380

16.606 Advisory councils; members; terms; vacancies; meetings; compensation.

Sec. 506. The governor may establish in the departments of commerce, labor, state police, military affairs, public health, licensing and regulation, and social services, advisory councils consisting of 8 members appointed by the governor with the advice and consent of the senate. The term of office of each member of an advisory council shall be 4 years, except that of the members first appointed, 2 each shall be appointed for terms of 1, 2, 3 and 4 years. A member appointed to fill a vacancy occurring other than by expiration of a term shall be appointed for the unexpired term. The advisory councils shall meet upon the call of the head of their respective departments and shall advise and consult with the head of the department. Members of advisory councils shall receive no compensation, but may be reimbursed for the actual and necessary

expenses incurred in carrying out their advisory functions.

History: 1965, Act 380, Imd. Eff. July 23, 1965;—Am. 1970, Act 138, Imd. Eff. Aug. 1, 1970.

Popular name: Act 380

16.607 Executive designation of successor to state officer not continued under act when member of governmental agency.

Sec. 507. If under any law a state officer or state department official is designated as a member of a governmental agency and if such state officer or state departmental official is not continued under the provisions of this act, the governor by executive order may designate a state officer or state departmental official to succeed to the membership.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

16.608 Executive appointment of single executive head of principal department.

Sec. 508. When a single executive is the head of a principal department, unless elected as provided in the constitution, he shall be appointed by the governor by and with the advice and consent of the senate and he shall serve at the pleasure of the governor.

History: 1965, Act 380, Imd. Eff. July 23, 1965.

Popular name: Act 380

COMMODITIES SURPLUS FOOD DISTRIBUTION
Act 240 of 1970

AN ACT to transfer the functions of the commodities surplus food distribution section from the department of social services to the department of education; to provide for the transfer of staff, records, files and other property; to provide that hearings shall not be abated; to transfer appropriations and other funds; and to prescribe certain powers and duties of the department of social services and the department of education.

History: 1970, Act 240, Imd. Eff. Dec. 30, 1970.

The People of the State of Michigan enact:

16.701 Commodities surplus food distribution; transfer to education department.

Sec. 1. The powers and duties now vested by law in the department of social services with reference to the commodities surplus food distribution section are transferred to the department of education. The commodities food surplus distribution section within the department of social services is abolished and the department of education is vested with full authority and shall exercise the powers and perform the duties with reference to the commodities surplus food distribution section as heretofore vested in and required to be performed by the department of social services.

History: 1970, Act 240, Imd. Eff. Dec. 30, 1970.

16.702 Staff, records, files and property.

Sec. 2. The staff, records, files and other property including property held in trust belonging to the commodities surplus food distribution section within the department of social services are transferred to the department of education and are continued as part of the staff, records, files and property of the department of education.

History: 1970, Act 240, Imd. Eff. Dec. 30, 1970.

16.703 Hearings, orders, rules.

Sec. 3. The hearings and proceedings of whatever nature now pending before the department of social services with respect to the commodities surplus food distribution section are not abated, but are transferred to the state department of education without notice to interested parties and shall be conducted in the same manner and determined in accordance with the provisions of law concerning the hearings and proceedings. The orders and rules of the commodities surplus food distribution section shall continue in effect until amended or rescinded by the department of education.

History: 1970, Act 240, Imd. Eff. Dec. 30, 1970.

16.704 Appropriations.

Sec. 4. All appropriations and all other funds necessary to carry out the duties, functions and responsibilities of the commodities surplus food distribution section are transferred to the state department of education.

History: 1970, Act 240, Imd. Eff. Dec. 30, 1970.

16.705 Continuation of services and functions.

Sec. 5. The department of social services and the state department of education shall make all arrangements as are necessary to provide for the uninterrupted conduct of the services and functions of government as prescribed by this act.

History: 1970, Act 240, Imd. Eff. Dec. 30, 1970.

INDIAN AFFAIRS COMMISSION
Act 195 of 1972

AN ACT to provide for the creation and functions of the commission on Indian affairs; and to repeal certain acts and parts of acts.

History: 1972, Act 195, Eff. July 1, 1972.

Compiler's note: For transfer of the functions, duties, and responsibilities of the Indian Affairs Commission from the Department of Management and Budget to the Director of the Department of Civil Rights as head of the department, see E.R.O. No. 1991-20 compiled at MCL 37.111 of the Michigan Compiled Laws.

For the transfer of the authority, powers, duties, functions, and responsibilities related to the Michigan Indian tuition waiver in the department of civil rights to the department of lifelong, education, advancement, and potential, see E.R.O. No. 2024-1, compiled at MCL 16.734.

The People of the State of Michigan enact:

16.711 Indian affairs commission; creation; appointment, qualifications, and terms of members.

Sec. 1. (1) Within the executive office of the governor an Indian affairs commission is created to consist of 11 members appointed by the governor. Nine members shall have not less than 1/4 quantum Indian blood, 2 of whom shall be from Indian reservations and recommended by the intertribal council, 5 of whom shall be appointed by the governor from geographic areas representative of Indian population, and 2 of whom shall be appointed by the governor from a city having a population greater than 1,000,000 and 2 members at large, not necessarily Indian.

(2) All members shall be appointed for 3-year terms, not more than 4 of which shall expire in the same year except that of the members first appointed, 3 each shall be appointed for terms of 1, 2, and 3 years. A member appointed to fill a vacancy occurring otherwise than by expiration of a term shall be appointed for the unexpired term in accordance with subsection (1).

(3) The governor shall appoint the 2 additional members of the commission before April 1, 1979. Of the additional members appointed, 1 shall be for a term of 2 years and 1 for a term of 3 years.

History: 1972, Act 195, Eff. July 1, 1972;—Am. 1978, Act 595, Imd. Eff. Jan. 4, 1979.

Compiler's note: For transfer of the functions, duties, and responsibilities of the Indian Affairs Commission from the Department of Management and Budget to the Director of the Department of Civil Rights as head of the department, see E.R.O. No. 1991-20 compiled at MCL 37.111 of the Michigan Compiled Laws.

Transfer of powers: See MCL 16.731 and 18.22.

16.712 Election of officers; terms; meetings; compensation; expenses.

Sec. 2. Annually the commission shall elect such officers from its members as it deems advisable. Officers shall serve at the pleasure of the commission. The commission shall meet at least 4 times in each calendar year. A member of the commission shall receive as compensation for his services in attending meetings of the commission the sum of \$35.00 for each such meeting day attended. The number of compensated meetings shall not exceed 25 meetings in each fiscal year. A member shall receive reimbursement for actual and necessary traveling expenses incurred on official business. Reimbursement shall be made in the manner provided by law for state employees. Expenses of the commission shall be approved by the chairman and 1 other member of the commission designated by the commission and shall then be paid in the same manner as other state expenses are paid.

History: 1972, Act 195, Eff. July 1, 1972.

16.713 Quorum; majority required for final action; effect of vacancy; conducting business at public meeting; notice.

Sec. 3. (1) A majority of the members of the commission constitutes a quorum. A majority of the members of the commission is required for any final action by the commission. A vacancy in the commission shall not impair the right of the remaining members to exercise the powers of the commission.

(2) The business which the commission may perform shall be conducted at a public meeting of the commission held in compliance with Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976.

History: 1972, Act 195, Eff. July 1, 1972;—Am. 1978, Act 186, Imd. Eff. June 4, 1978.

16.714 Investigation; primary duty of commission.

Sec. 4. The commission shall investigate problems common to Indian residents of this state. The primary duty of the commission shall be to assist tribal governments, Indian organizations and individuals with problems of education, employment, civil rights, health, housing, treaty rights and any other right or service due Indians of this state.

History: 1972, Act 195, Eff. July 1, 1972.

16.715 Duties generally.

Sec. 5. The commission shall:

(a) Appoint an executive director who shall serve as secretary to the commission and carry on the administrative and ministerial functions of the commission when it is not in session and who shall act in such other capacities as the commission directs.

(b) Approve employees required to carry out assigned responsibilities in accordance with civil service regulations and within limitations provided by law and prescribe their duties.

(c) Request the services of all state and local governmental departments and agencies to assure that Indian citizens have access to decision-making bodies, the policies of which affect the Indian population in any area.

(d) Actively consult with representatives of those federal agencies and departments having control over Indian affairs.

(e) Recommend to the legislature such legislation that will serve the interests of Indian residents in this state.

(f) Cooperate with such agencies that will aid in effectuating the purposes of this act.

(g) Apply for and accept grants and gifts from a governmental or private source.

(h) Submit a full written report of its activities and recommendations each year to the legislature and governor.

History: 1972, Act 195, Eff. July 1, 1972.

16.719 Repealer; transfer of powers, duties, and functions.

Sec. 9. Act No. 300 of the Public Acts of 1965, being sections 400.311 to 400.315 of the Compiled Laws of 1948, is repealed. The statutory authority, powers, duties, functions, records, personnel, property, unfinished business, unexpended balances of appropriations, allocations of other funds used, held, employed, available, or to be made available in connection with such powers, duties and functions authorized for the implementation of Act No. 300 of the Public Acts of 1965 are transferred to the executive office and shall be assigned to the Indian affairs commission created by this act.

History: 1972, Act 195, Eff. July 1, 1972.

16.720 Effective date.

Sec. 10. This act shall take effect July 1, 1972.

History: 1972, Act 195, Eff. July 1, 1972.

EXECUTIVE REORGANIZATION ORDER
E.R.O. No. 1999-6

16.721 Transfer of authority and duties of Indian affairs commission and its executive director to director of department of civil rights by Type III 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 Indian Affairs Commission was created by Act No. 195 of the Public Acts of 1972, being Sections 16.711 et seq. of the Michigan Compiled Laws, and is currently located in the Department of Civil Rights pursuant to Executive Order 1991-29; and

WHEREAS, the state has numerous programs to address the needs of its Indian citizens which are administered by various departments, such as the Michigan Department of Transportation (Disadvantaged Business Enterprise program), the Michigan State Police Forensic Science Division (criminal laboratory services to tribal police), the Department of Community Health (Indian Health Program) and the Department of Consumer and Industry Services (Energy Resource Grants to Native American projects); and

WHEREAS, the powers, functions, duties and responsibilities of the Indian Affairs Commission and its Executive Director can be more effectively organized and carried out under the direction and supervision of the Director of the Department of Civil Rights; 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 of the Indian Affairs Commission, including but not limited to those set forth in Act No. 195 of the Public Acts of 1972, being Section 16.711 et seq. of the Michigan Compiled Laws, are hereby transferred to the Director of the Department of Civil Rights 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.

2. All the statutory authority, powers, duties, functions, and responsibilities of the Executive Director of the Indian Affairs Commission, including but not limited to those set forth in Act No. 195 of the Public Acts of 1972, being Section 16.711 et seq. of the Michigan Compiled Laws, are hereby transferred to the Director of the Department of Civil Rights 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 Civil Rights shall provide executive direction and supervision for the implementation of the transfer.

4. The Executive Director of the Indian Affairs Commission and the Director of the Department of Civil Rights 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 Indian Affairs Commission.

5. The Director of the Department of Civil Rights shall administer the transferred powers, duties, functions and responsibilities in such ways as to promote effective administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of the responsibilities prescribed by this Order.

6. All records, personnel, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to the Indian Affairs Commission and the position of Executive Director of the Indian Affairs Commission for the activities, powers, duties, functions and responsibilities transferred by this Order are hereby transferred to the Director of the Department of Civil Rights.

7. All rules, orders, contracts and agreements related to the assigned functions that were lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended or repealed.

8. 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 requirements 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 filing.

History: 1999, E.R.O. No. 1999-6, Eff. Oct. 20, 1999.

Compiler's note: For the transfer of the authority, powers, duties, functions, and responsibilities related to the Michigan Indian tuition waiver in the department of civil rights to the department of lifelong, education, advancement, and potential, see E.R.O. No. 2024-1, compiled at MCL 16.734.

EXECUTIVE REORGANIZATION ORDER
E.R.O. No. 2007-11

16.722 Transfer of powers and duties of highway reciprocity board to department of state by type III transfer; abolishment of highway reciprocity 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, there is a continuing need to reorganize functions amongst state departments to ensure efficient administration and effectiveness of government;

WHEREAS, abolishing the Highway Reciprocity Board will 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

As used in this Order:

A. "Department of State" means the principal department of state government created under Section 25 of the Executive Organization Act of 1965, MCL 16.125.

B. "Highway Reciprocity Board" means the board created under 1960 PA 124 and transferred by Type II transfer to the Department of State under Section 31 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.131.

C. "Type II transfer" means that term as defined under Section 3(b) of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.103.

D. "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 OF AUTHORITY

A. All of the authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations or other funds of the Highway Reciprocity Board, are transferred by Type III transfer to the Department of State.

B. The Highway Reciprocity Board is abolished.

III. IMPLEMENTATION OF TRANSFERS

A. The Secretary of State shall provide executive direction and supervision for the implementation of all transfers of functions under this Order and shall make internal organizational changes as necessary to complete the transfers under this Order.

B. The functions transferred under this Order shall be administered by the Secretary of State in such ways as to promote efficient administration.

C. All records, property, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Highway Reciprocity Board for the activities, powers, duties, functions, and responsibilities transferred under this Order are transferred to the Department of State.

D. 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.

IV. MISCELLANEOUS

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

B. 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.

C. 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
Rendered Monday, August 5, 2024

provisions of this Order are effective July 15, 2007 at 12:01 a.m.

History: 2007, E.R.O. No. 2007-11, Eff. July 15, 2007.

EXECUTIVE REORGANIZATION ORDER
E.R.O. No. 1973-6

16.731 Rescinded. E.O. No. 1981-2, Eff. Apr. 13, 1981.

Compiler's note: The rescinded section pertained to the establishment of the Department of Human Services.

EXECUTIVE REORGANIZATION ORDER
E.R.O. No. 1980-1

16.732 Executive branch reorganization.

WHEREAS, Article V, Section 2, of the Michigan Constitution of 1963, empowers the Governor to make changes in the organization of the Executive Branch or assignment of functions among its units which he considers necessary for efficient administration; and

WHEREAS, it is necessary to consolidate certain consumer protection and regulatory functions within one principal department; and

WHEREAS, it is necessary to enhance state government's ability to promote community development within Michigan; 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, WILLIAM G. MILLIKEN, Governor of the State of Michigan, pursuant to the authority vested in me by the provisions of Article V, Section 2, of the Michigan Constitution of 1963, do hereby order the following:

1. State Boundary Commission.

The State Boundary Commission created by Sections 2 and 19 of Act 191 of the Public Acts of 1968, as amended, being Sections 123.1002 and 123.1019 of the Michigan Compiled Laws of 1970, and its statutory authority, powers, duties, functions, and responsibilities are hereby transferred from the Department of Treasury to the Department of Commerce.

2. County Zoning Review

The responsibility for review and approval of county zoning ordinances and interim county zoning ordinances pursuant to Sections 11 and 15 of Act 183 of the Public Acts of 1943, as amended, being Sections 125.211 and 125.215 of the Compiled Laws of 1970, is hereby transferred from the Department of Natural Resources to the Department of Commerce.

3. Subdivision Control

All powers, duties, functions, and responsibilities of the State Treasurer pursuant to Public Act 288 of the Public Acts of 1967, as amended, the Subdivision Control Act of 1967, being Sections 560.101 et seq. of the Compiled Laws of 1970, are hereby transferred to the Department of Commerce.

4. Michigan State Housing Development Authority

The Michigan State Housing Development Authority created by Section 21 of Act 346 of the Public Acts of 1966, as amended, being Section 125.1421 of the Compiled Laws of 1970, is hereby transferred from the Department of Social Services to the Department of Commerce. The Authority shall retain all of its statutory authority, powers, duties, and responsibilities. All records, property, personnel, monies, funds (including, but not limited to, bonds, notes, reserves, and trust funds), and unexpended balances of appropriations and allocations to the Authority, shall be transferred with and shall remain under the control of the Authority, subject to any agreements of the Authority with its note and bond holders.

5. Michigan Environmental Review Board

The responsibilities and functions of the Department of Management and Budget with respect to the Michigan Environmental Review Board created by Executive Order 1974-4 are hereby transferred to the Department of Commerce.

6. Office of Intergovernmental Relations

The Office of Intergovernmental Relations within the Department of Management and Budget is hereby transferred from the Department of Management and Budget to the Department of Commerce. All authority, powers, duties, functions, and responsibilities with respect to intergovernmental programs and relations management assigned to the Department of Management and Budget by Executive Order 1974-1 with the exception of the functions enumerated in paragraphs 1, 8, and 9 of that Order, and are hereby transferred from the Department of Management and Budget to the Department of Commerce.

7. Land Sales

All authority, powers, duties, responsibilities, and functions relating to land sales assigned to the Department of Licensing and Regulation by Act 286 of 1972, as amended, being Sections 565.801 et seq. of the Compiled Laws of 1970, are hereby transferred from the Department of Licensing and Regulation to the Department of Commerce.

8. Department of Insurance

The Department of Insurance and the Office of the Commissioner of Insurance created by Sections 200 and 202 of Act 218 of the Public Acts of 1956, as amended, being Sections 500.200 and 500.202 of the

Compiled Laws of 1970, and which were transferred to the Department of Commerce by Section 229 of Act 380 of 1965, being Section 16.329 of the Compiled Laws of 1970, and the authority, powers, duties, functions, and responsibilities of the Insurance Bureau and the Office of the Commissioner of Insurance are hereby transferred from the Department of Commerce to the Department of Licensing and Regulation by Type I transfer as defined by Section 3 of Act 380 of the Public Acts of 1965, being Section 16.103 of the Compiled Laws of 1970.

9. State Cemetery Commission

The State Cemetery Commission created by Section 3 of Act 251 of the Public Acts of 1968, as amended, being Section 456.523 of the Compiled Laws of 1970, and its statutory authority, powers, duties, functions, and responsibilities are hereby transferred from the Department of Commerce to the Department of Licensing and Regulation.

10. Carnival Amusement Safety Functions

All statutory authority, powers, duties, functions, and responsibilities with respect to carnival amusement safety, pursuant to Act 225 of the Public Acts of 1966, as amended, being Sections 408.652 et seq. of the Compiled Laws of 1970, which were transferred to the Department of Labor by Section 386 of Act 380 of 1965, as amended, being Section 16.486 of the Compiled Laws of 1970, are hereby transferred to the Department of Licensing and Regulation.

11. Ski Area Safety Board

The Ski Area Safety Board created by Section 3 of Act 199 of the Public Acts of 1962, as amended, being Section 408.323 of the Compiled Laws of 1970, and its authority, powers, duties, functions, and responsibilities are hereby transferred from the Department of Labor to the Department of Licensing and Regulation. The authority, powers, duties, functions and responsibilities with respect to ski area safety assigned to the Director of the Department of Labor by Section 9 of Act 199 of the Public Acts of 1962, as amended, being Section 408.329 of the Compiled Laws of 1970, are hereby transferred to the Director of the Department of Licensing and Regulation.

12. Polygraph Examiners

The State Board of Forensic Polygraph Examiners created by Section 5 of Act 295 of the Public Acts of 1972, as amended, being Section 338.1705, and its statutory authority, powers, duties, functions, and responsibilities are hereby transferred from the Department of State Police to the Department of Licensing and Regulation.

All records, property, personnel, and unexpended balances of appropriations, allocations and other funds used, held, employed, available, or to be made available to any of the entities or for any of the functions transferred in paragraphs 1 through 3 and 5 through 12 are hereby transferred with the entities and functions described.

In fulfillment of the requirements of Article V, Section 2, of the Constitution of 1963, this Order shall become effective January 1, 1981.

History: 1980, E.R.O. No. 1980-1, Eff. Jan. 1, 1981.

Compiler's note: This section was promulgated October 23, 1980, as Executive Order No. 1980-1A.

EXECUTIVE REORGANIZATION ORDER
E.R.O. No. 2021-1

16.733 Transfer of an individual membership requirement of Michigan council for rehabilitation services from an individual representing the Michigan future talent council to an individual representing the workforce development board.

The Michigan Council for Rehabilitation Services was created by Executive Order 2012-10(V). The composition of the Council is governed by federal law, which includes the requirement that the Council include at least one representative of the state's workforce development board. 29 U.S.C § 725(b)(1)(B)(xii). In 2012, when the Michigan Council for Rehabilitation Services was formed, the Talent Investment Board served as Michigan's workforce development board. Therefore, the order establishing the Michigan Council for Rehabilitation Services required that its membership include a representative from the Talent Investment Board. EO 2012-10(V)(B)(1)(g).

In 2018, the workforce development board designation was transferred to the Future Talent Council when the Talent Investment Board was renamed. EO 2018-13(I)(A). An executive order was later issued specifying that the membership of the Michigan Council for Rehabilitation Services must include a representative of the Future Talent Council. EO 2019-3(6)(a)(3). In 2020, the workforce development board designation was again transferred, now to the Michigan Workforce Development Board. EO 2020-107(1)(a). When the Workforce Development Board was created, the establishing order did not update the requirements regarding the Michigan Council for Rehabilitation Services.

This order updates the membership requirements for the Michigan Council for Rehabilitation Services to include one representative of the Michigan Workforce Development Board, as required by federal law.

Section 1 of article 5 of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the governor.

Section 2 of article 5 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.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. The Michigan Council for Rehabilitation Services must include as a member one individual representing the Workforce Development Board, as created by EO 2020-107.
2. EO 2019-13, section 6.a.3, is rescinded.

History: 2021, E.R.O. No. 2021-1, Eff. Mar. 15, 2021.

Compiler's note: Executive Reorganization Order No. 2021-1 was promulgated January 14, 2021, as Executive Order No. 2021-1, Eff. Mar. 15, 2021.

EXECUTIVE REORGANIZATION ORDER
E.R.O. No. 2024-1

16.734 Transfer of Michigan office of postsecondary educational attainment from department of labor and economic opportunity to department of lifelong education, advancement, and potential; transfer of Michigan Indian tuition waiver from department of civil rights to department of lifelong education, advancement, and potential; transfer of Michigan tax tribunal from Michigan office of administrative hearings and rules to department of licensing and regulatory affairs; modification of membership of the workers' disability compensation appeals commission.

Educational attainment after high school is a key determinant of economic opportunity and social mobility. My administration has been focused on ensuring that Michigan is providing the best opportunity for its residents and attracting and retaining talent. With the establishment of the Michigan Department of Lifelong Education, Advancement, and Potential (MiLEAP), Michigan has an executive department dedicated to advancing our lifelong education efforts—from preschool through postsecondary. Creating a single place in state government to lead our work to increase degree attainment helps more people make it in Michigan.

It is also important that the Michigan Tax Tribunal and the Workers' Disability Compensation Appeals Commission have the tools to exercise their functions as efficiently as possible. This reorganization gives the Tax Tribunal increased autonomy. It also streamlines the process for ensuring that the Workers' Disability Compensation Appeals Commission can proceed expeditiously to hear appeals even when conflicts arise. The transfers contained in this order will increase the efficiency and effectiveness of state government.

Section 1 of article 5 of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the governor.

Section 2 of article 5 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.

Acting pursuant to the Michigan Constitution of 1963 and Michigan law, I order the following:

1. Transfers from the Department of Labor and Economic Opportunity

(a) Michigan Office of Postsecondary Educational Attainment

(1) All authority, powers, duties, functions, and responsibilities related to the Michigan Office of Postsecondary Educational Attainment, established under MCL 388.1841d, are hereby transferred to the Michigan Department of Lifelong Education, Advancement, and Potential. The transfer includes the civil service personnel and the programs, records, property, and allocations or other funds of the Office.

2. Transfers from the Department of Civil Rights

(a) Michigan Indian Tuition Waiver

(1) All authority, powers, duties, functions, and responsibilities related to the Michigan Indian Tuition Waiver, created under 1976 PA 174, MCL 390.1251 et seq., and transferred to the Department of Civil Rights by Executive Reorganization Order 1999-6 (E.O. 1999-9), are hereby transferred to the Michigan Department of Lifelong Education, Advancement, and Potential. The transfer includes the civil service personnel and the programs, records, property, and allocations or other funds of the Office.

3. Department of Licensing and Regulatory Affairs

(a) Transfer of the Michigan Tax Tribunal to the Department of Licensing and Regulatory Affairs

(1) The Michigan Tax Tribunal, created under the Tax Tribunal Act, 1973 PA 186, as amended, MCL 205.701 et seq., is transferred by Type I transfer from the Michigan Office of Administrative Hearings and Rules to the Department of Licensing and Regulatory Affairs. As a Type I agency, the Michigan Tax Tribunal shall exercise its prescribed authority, powers, duties, functions, and responsibilities independently of the director of the Department of Licensing and Regulatory Affairs. The budgeting, procurement, and related management functions of the Michigan Tax Tribunal shall be performed under the direction and supervision of the director of the Department of Licensing and Regulatory Affairs.

4. Amendment to Executive Order No. 2019-13

(a) Section 4(b) of Executive Order No. 2019-13 is rescinded and replaced with the following:

(1) The Workers' Disability Compensation Appeals Commission will include three members appointed by the governor with the advice and consent of the senate. The Workers' Disability Compensation Appeals Commission shall act by the vote of two or more members. If the Workers' Disability Compensation Appeals Commission does not have the vote of two or more members to decide a case because a member cannot participate due to a conflict under section 4(g) or for any other reason, the director of the Workers' Disability

Compensation Agency or the director's designated representative shall randomly assign a member of the Workers' Compensation Board of Magistrates who is not subject to disqualification in that case to participate in the case and cast a vote upon a review of the record. In the event that two members of the Workers' Disability Compensation Appeals Commission cannot participate in a case because of a conflict under section 4(g) or for any other reason, the director of the Workers' Disability Compensation Agency or the director's designated representative shall randomly assign two members of the Workers' Compensation Board of Magistrates who are not subject to disqualification in that case to participate in the case and cast votes upon a review of the record. Members of the Workers' Disability Compensation Appeals Commission must be appointed for a term of four years. A member may continue to serve until a successor is appointed and qualified. A vacancy occurring before the expiration of a term will be filled in the same manner as the original appointment for the remainder of the term.

5. Implementation of Transfers

(a) Except as otherwise provided by this Order, the director of each applicable department shall provide executive direction and supervision for the implementation of all transfers to the director's department under this Order.

(b) Except as otherwise provided by this Order, the director of each applicable department shall administer the assigned functions transferred to the director's department under this Order in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

(c) The directors of all state departments and agencies having authority transferred under this Order shall immediately initiate coordination to facilitate the transfers and develop memoranda of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved related to the authority to be transferred.

(d) All records, property, and unexpended balances of appropriations, allocations, or other funds used, held, employed, available to be made for activities, powers, duties, functions, and responsibilities transferred to a department under this Order are hereby transferred to that department.

(e) Except as otherwise provided by this Order, the director of each applicable department may delegate a duty or power conferred by law or this Order and the person to whom such duty or power is delegated may perform such duty or exercise such power at the time and to the extent that such duty or power is delegated by the director.

(f) All rules, orders, contracts, and agreements related to the functions transferred by this Order lawfully adopted prior to the effective date of this Order by the responsible state department or agency shall continue to be effective until revised, amended, or rescinded.

(g) Any suit, action or other proceeding lawfully commenced against, or before any entity transferred by this Order shall not abate by reason of the taking effect of this Order. Any lawfully commenced suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected by this Order.

6. Reserved Authority

(a) Nothing in this Order should be construed to diminish the constitutional authority of the State Board of Education to provide leadership and general supervision over all public education, including adult education and instructional programs in state institutions, except as to institutions of higher education granting baccalaureate degrees, and its authority to serve as the general planning and coordinating body for all public education including higher education, and to advise the legislature as to the financial requirements in connection therewith.

(b) Nothing in this Order should be construed to diminish the constitutional authority of the boards of institutions of higher education to supervise their respective institutions and control and direct the expenditure of the institutions' funds.

If any portion of this order is found to be unenforceable, the unenforceable provision should be disregarded, and the rest of the order should remain in effect as issued.

Consistent with section 2 of article 5 of the Michigan Constitution of 1963, this order is effective **March 18, 2024, at 12:01 a.m.**

History: 2024, E.R.O. No. 2024-1, Eff. Mar. 18, 2024.

Compiler's note: Executive Reorganization Order No. 2024-1 was promulgated January 17, 2024, as Executive Order No. 2024-2, Eff. Mar. 18, 2024.