

EXECUTIVE REORGANIZATION ORDER (EXCERPT)
E.R.O. No. 2006-6

209.91 Transfer of duties and responsibilities of state board of assessors under certain acts to state tax commission; abolishment of state board of assessors.

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, the functions of the State Board of Assessors can be performed more efficiently if transferred to the State Tax Commission;

WHEREAS, there is a continuing need to reorganize functions amongst state departments to ensure efficient administration and effectiveness of 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:

I. DEFINITIONS

As used in this Order:

A. "Department of Treasury" means the principal department of state government created under Section 75 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.175.

B. "State Board of Assessors" means the board provided for under Section 1 of 1905 PA 282, MCL 207.1 to 207.21, and transferred to the State Tax Commission under Section 85 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.185.

C. "State Tax Commission" means the commission created under Section 1 of 1927 PA 360, MCL 209.101 and transferred to the Department of Treasury under Section 84 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.184.

D. "State Budget Director" means the Director of the State Budget Office created under Section 321 of The Management and Budget Act, 1984 PA 431, MCL 18.1321.

II. TRANSFER OF AUTHORITY

A. All of the authority, powers, duties, functions, and responsibilities of the State Board of Assessors under any of the following are transferred from the State Board of Assessors to the State Tax Commission:

1. 1905 PA 282, MCL 207.1 to 207.21.
2. Section 21 of the Enterprise Zone Act, 1985 PA 224, MCL 125.1211.
3. Section 9 of the Neighborhood Enterprise Zone Act, 1992 PA 147, MCL 207.779.

B. The State Board of Assessors is abolished.

III. IMPLEMENTATION OF TRANSFERS

A. The State Treasurer 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 State Tax Commission and the Department of Treasury in such ways as to promote efficient administration.

C. All rule-making, licensing, and registration functions related to the functions of the State Board of Assessors transferred under this Order, including, but not limited to, the prescription of rules, regulations, standards, and adjudications, under the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.201 to 24.328, are transferred to the State Tax Commission.

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

E. The State Treasurer and the Chairperson of the State Tax Commission shall develop a memorandum of record identifying any pending settlements, issues of compliance with any applicable state or federal laws or regulations, or other obligations to be resolved by the State Board of Assessors or the Department of Treasury.

F. 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 for Fiscal Year 2006-2007.

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.

History: 2006, E.R.O. No. 2006-6, Eff. Oct. 22, 2006