

**SENATE FISCAL AGENCY  
 MEMORANDUM**

**DATE:** October 5, 2022  
**TO:** Members of the Michigan Senate  
**FROM:** Jonah Houtz, Fiscal Analyst  
**RE:** Executive Order 2022-11

**Executive Order 2022-11**

On September 21, 2022, Governor Whitmer issued Executive Order (E.O.) 2022-11 to create the Michigan Center for Data and Analytics ("Center") that will be housed within the Department of Technology, Management, and Budget (DTMB). The Center will be tasked with analyzing broad data sets and evaluating solutions. The Center will also facilitate information-sharing between departments and independent agencies while also ensuring the safety of government data.

The Center will consult with the Enterprise Information Management Steering Committee established by Executive Order 2016-24. The Chief Data Officer will be the Director of the Center.

Article V, Section 2 of the Michigan Constitution states that the Legislature has 60 calendar days following the issuance of an Executive Order to disapprove it; the last day for the Legislature to reject E.O. 2022-11 is November 20, 2022.

**Creation of the Michigan Center for Data and Analytics**

Executive Order 2022-11 creates the Michigan Center for Data and Analytics within DTMB to oversee and facilitate the compiling, analysis, evaluation, and sharing of government data across all executive branch departments as outlined in MCL 18.1124(3).

This E.O. states that all departments must allow access to all government data by the Center upon request. The departments will maintain ownership of government data within their control and are responsible for its protection. If access to or sharing of data is prohibited by written agreement or by law, the department or agency must provide the Director with a written notice. In cases where data is restricted the E.O. requires that the department or agency work with the Director to establish procedures for handling the restricted data. Additionally, a department or agency may believe that some information is not government data and must provide written documentation for the Director to consider for exemption.

**Types of Transfers**

Article V, Section 2 of the State Constitution authorizes the Governor to organize the Executive branch of government by Executive Order. Three types of reorganizations are identified in the Executive Organization Act:

**Type I Transfer.** Under a Type I transfer, an existing department, board, commission, or agency is transferred intact to another principal department. The entity is administered under the supervision of the new principal department; however, the prescribed statutory powers, duties, and functions are exercised by the entity as a relatively autonomous entity.

**Type II Transfer.** Under a Type II transfer, all of the statutory authority, powers, duties, and functions, as well as records, personnel, property, unspent balances of appropriations and other funds associated with an entity, and the entity itself, are transferred to and placed under the authority of the principal department.

**Type III Transfer.** A Type III transfer abolishes an existing entity. The statutory authority, powers, duties, functions, records, personnel, and funding are not abolished, but are transferred to a principal department.

The creation of the Task Force does not involve a Type I, II, or III transfer as identified under the Executive Organization Act. Although the functions of the new Task Force will replace some duties previously held by the Enterprise Information Management Steering Committee created under E.O. 2016-24, both entities exist(ed) within the same Department: DTMB.

### **Fiscal Impact**

This E.O. will not have a significant negative impact on the DTMB. The initial impact of this E.O. has been accounted for in P.A. 87 of FY 2021 with a one-time appropriation of \$2.75 million for a longitudinal data system. Further expenses include 4.5 FTEs and the operations of the Center, which are accounted for in P.A. 166 of FY 2022 with the on-going appropriation of \$1.85 million annually. There may also be a minor negative impact for other state agencies that must devote time to fulfilling the Center's requirements.

### **Summary**

E.O. 2022-11 will create the Michigan Center for Data and Analytics within the Department of Technology, Management, and Budget. The Center will be tasked with coordinating data sharing, and analytics across all executive branch departments and agencies. This Center will be tasked with coordinating data sharing across departments as well as providing analysis of the data and evaluating potential solutions to the issues facing Michigan.

Executive Order 2022-11 was effective upon filing, September 21, 2022. The Legislature has until November 20, 2022, to disapprove the E.O. by resolution concurred in by a majority in each house.

If you have any questions on E.O. 2022-11, please do not hesitate to contact me.

c: Kathryn Summers, Director  
Joe Carrasco, Associate Director