

EXECUTIVE REORGANIZATION ORDER

E.R.O. No. 1991-3

333.26321 Office of substance abuse services; functions, duties, and responsibilities transferred to department of public health; advisory commission on substance abuse services; functions, duties, and responsibilities transferred to the director of the department of public health.

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, The Office of Substance Abuse Services was created by Act 368 of the Public Acts of 1978, being Section 333.6201 et seq of the Michigan Compiled Laws as an autonomous agency within the Department of Public Health; and

WHEREAS, the Advisory Commission on Substance Abuse Services was also created by Act 368 of the Public Acts of 1978, being Section 333.6221, et seq, of the Michigan Compiled Laws in the Executive Office of the Governor; and

WHEREAS, it is the duty of the office of Substance Abuse Services, with the assistance of the Department of Public Health, to develop a comprehensive state plan of services and facilities for the prevention and control of substance abuse and the diagnosis, treatment and rehabilitation of individuals who are substance abusers; and

WHEREAS, it is also the duty of the Office of Substance Abuse Services, with the assistance of the Department of Public Health, to administer state administered public funds and coordinate comprehensive state services for substance abuse education, prevention, treatment and rehabilitation; and

WHEREAS, The functions, duties and responsibilities assigned to the Office of Substance Abuse Services and the Advisory Commission on Substance Abuse Services can be more effectively organized and carried out under the supervision and direction of the head of the Department of Public Health; 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 Michigan Constitution of 1963 and the laws of the State of Michigan, do hereby order the following:

(1) All the statutory authority, powers, duties, functions and responsibilities, including the functions of budgeting and procurement and management-related functions, created under Act 368 of the Public Acts of 1978, being Sections 333.6201 et seq. of the Michigan Compiled Laws, are hereby transferred from the Office of Substance Abuse Services to the Department of Public Health by Type II transfer as defined by Section 3 of Act 380 of the Public Act of 1965, being Section 16.103 of the Michigan Compiled Laws.

(2) All the statutory authority, powers, duties, functions and responsibilities of the Advisory Commission on Substance Abuse Services are hereby transferred to the Director of the Department of Public Health, as head of the Department of Public Health, by a Type III transfer as defined by Section 3 of the Act 380 of the Public Acts of 1965, being Section 16.103 of the Michigan Compiled Laws.

(3) The Director of the Department of Public Health may appoint the administrator of the Office of Substance Abuse Services or may administer the assigned functions in other ways to promote efficient administration.

(4) The Director of the Department of Public Health, shall provide executive direction and supervision for the implementation of the transfers. The assigned functions shall be administered under the direction and supervision of the Director, and all prescribed functions of rule making, licensing and registration including the prescription of rules, regulations, standards and adjudications, shall be transferred to the Director of the Department of Public Health.

(5) All records, personnel, property and unexpended balances of appropriations, allocations, and other funds used, held, employed, available or to be made available to the Office of Substance Abuse Services and the Advisory Commission on Substance Abuse Services for the activities transferred to the Department of Public Health by this Order are hereby transferred to the Department of Public Health.

(6) After the effective date of this Order, the Director of the Department of Public Health shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by the Order.

(7) The Administrator of the Office of Substance Abuse Services and the Director of the Department of Public

Health 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 Office of Substance Abuse Services.

(8) All rules, orders, contracts and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended or repealed.

(9) Any suit, action or other proceeding lawfully commenced by or against 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 or against the appropriate successor of any entity affected by this Order.

In fulfillment of the requirement of Article V, Section 2, of the Constitution of the State of Michigan, the provisions of this Executive Order shall become effective March 16, 1991 at 11:59 p.m.

History: 1991, E.R.O. No. 1991-3, Eff. Mar. 6, 1991 ;-- Am. 1991, E.R.O. No. 1991-3 (amended), Eff. Mar. 16, 1991