

EXECUTIVE REORGANIZATION ORDER

E.R.O. No. 1995-6

324.99901 Transfer of powers and duties of the waste reduction assistance service, small business clean air assistance program, and site reuse and redevelopment program from department of commerce to department of natural resources.

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 Waste Reduction Assistance Service was created within the Department of Commerce by Act No. 148 of the Public Acts of 1993, as amended, being Section 299.871 et seq. of the Michigan Compiled Laws, and was reestablished in the Department of Commerce by part 145 of Act No. 451 of 1994, being Section 324.14501 et seq. of the Michigan Compiled Laws; and

WHEREAS, the Small Business Clean Air Assistance Program was created within the Department of Commerce by Act No. 12 of the Public Acts of 1993, being Section 336.121 et seq. of the Michigan Compiled Laws, and was reestablished in the Department of Commerce by part 57 of Act No. 451 of 1994, being Section 324.5701 et seq. of the Michigan Compiled Laws; and

WHEREAS, the Site Reuse and Redevelopment Program of the Department of Commerce functions in conjunction with various programs in the Department of Natural Resources; and

WHEREAS, on October 1, 1994, the Michigan Department of Natural Resources created a new, non-regulatory division, the Environmental Assistance Division, dedicated to providing assistance and information on all environmental programs and issues; and

WHEREAS, the activities of the Waste Reduction Assistance Service, the Small Business Clean Air Assistance Program, and the Site Reuse and Redevelopment Program are within the mission of the new Environmental Assistance Division; and

WHEREAS, pursuant to a Memorandum of Understanding between the Department of Natural Resources and the Department of Commerce, the Waste Reduction Assistance Service, the Small Business Clean Air Assistance Program, and the Site Reuse and Redevelopment Program are functioning as part of a joint program under the direction of the Environmental Assistance Division; and

WHEREAS, the activities and functions of the environmental assistance programs can be administered more efficiently by one agency; and

WHEREAS, it is necessary in the interest 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, including the functions of budgeting, procurement and management-related functions of the Waste Reduction Assistance Service, the Small Business Clean Air Assistance Program and the Site Reuse and Redevelopment Program are hereby transferred from the Department of Commerce to the Department of Natural Resources.

2. The Director of the Department of Natural Resources shall administer the assigned functions 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.

3. The Director of the Department of Natural Resources 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 Department of Natural Resources, 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 Natural Resources.

4. All records, personnel, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available, or to be made available to the Waste Reduction Assistance Service, the Small Business Clean Air Assistance Program or the Site Reuse and Redevelopment Program are hereby transferred to the Department of Natural Resources.

5. The Directors of the Departments of Natural Resources and Commerce shall immediately initiate coordination to facilitate the transfers 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 Waste Reduction Assistance Service, the Small Business Clean Air Assistance Program and the Site Reuse and Redevelopment Program.

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

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

In fulfillment of the requirement of Article V, Section 2, of the Constitution of the State of Michigan of 1963, the provisions of this Executive Order shall become effective 60 days after filing.

History: 1995, E.R.O. No. 1995-6, Eff. July 8, 1995

Compiler's Notes: For transfer of powers and duties of department of natural resources and environment to department of natural resources, see E.R.O. No. 2011-1, compiled at MCL 324.99921.