

EXECUTIVE REORGANIZATION ORDER

E.R.O. No. 2009-14

333.26365 Transfer of campground public health advisory board to department of environmental quality by type III transfer; abolishment of campground public health advisory 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 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 Campground Public Health Advisory 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 Environmental Quality" means the principal department of state government created under Executive Order 1995-18, MCL 324.99903.

B. "Campground Public Health Advisory Board" means the board authorized under Section 12513 of the Public Health Code, 1978 PA 368, MCL 333.12513.

C. "State Budget Director" means the individual appointed by the Governor pursuant to Section 321 of the Management and Budget Act, 1984 PA 431, MCL 18.1321.

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. The Campground Public Health Advisory Board is transferred by Type III transfer to the Department of Environmental Quality.

B. The Campground Public Health Advisory Board is abolished.

III. IMPLEMENTATION OF TRANSFERS

A. The Director of the Department of Environmental Quality 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 Director of the Department of Environmental Quality 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 Campground Public Health Advisory Board for the activities, powers, duties, functions, and responsibilities transferred under this Order are transferred to the Department of Environmental Quality.

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 provisions of this Order are effective June 6, 2009 at 12:01 a.m.

History: 2009, E.R.O. No. 2009-14, Eff. June 6, 2009 ;-- 2009, E.R.O. No. 2009-27, Eff. Sept. 30, 2009

Compiler's Notes: The last paragraph of MCL 333.26365, as enacted by E.R.O. No. 2009-14, reads as follows: "In fulfillment of the requirements under Section 2 of Article V of the Michigan Constitution of 1963, the provisions of this Order are effective May 31, 2009 at 12:01 a.m." MCL 333.26365 was subsequently amended by E.R.O. No. 2009-27. The text of the last paragraph of MCL 333.26365 now reflects the E.R.O. No. 2009-27 amendment, which revised the effective date. All other text remains as originally enacted. Prior to the E.R.O. No. 2009-27 amendment, Executive Order No. 2009-23 purported to amend E.R.O. No. 2009-14; however, Executive Order No. 2009-23 was not designated as a reorganization order by the governor and was therefore not compiled. Executive Order No. 2009-38 rescinded Executive Order No. 2009-23.