

EXECUTIVE REORGANIZATION ORDER

E.R.O. No. 2017-3

333.26254 Transfer of powers and duties of migrant labor housing program from department of health and human services to department of agriculture and rural development; transfer of Michigan dry cleaning program, Michigan indoor radon program, and radioactive materials program from department of health and human services to department of environmental quality; transfer of powers and duties of department of licensing and regulatory affairs relative to registration, licensing, or regulation of professional occupations arising under MCL 333.20901 to 333.20970 to department of health and human services.

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the state of Michigan in the Governor; and

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 he considers necessary for efficient administration; and

WHEREAS, Section 8 of Article V of the Michigan Constitution of 1963 provides that each principal department shall be under the supervision of the Governor unless otherwise provided by the Constitution; and

WHEREAS, there is a continued need to reorganize functions among state departments to ensure efficient administration; and

WHEREAS, programs, agencies, and services should be placed among the principal departments on a consistent, logical basis in order to ensure the most efficient use of public dollars and more streamlined services.

NOW, THEREFORE, I, Richard D. Snyder, 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 Agriculture and Rural Development" means the principal department of state government created as the Department of Agriculture under Section 1 of 1921 PA 13, MCL 285.1, and Section 175 of the Executive Reorganization Act of 1965, 1965 PA 380, MCL 16.275, and renamed the Department of Agriculture and Rural Development under Executive Order No. 2011-2, MCL 285.11.

B. "Department of Environmental Quality" means the principal department of state government created as the Department of Environmental Quality under Executive Order No. 2011-1, MCL 324.99921.

C. "Department of Health and Human Services" means the principal department of state government created as the Department of Health and Human Services under Executive Order No. 2015-4, MCL 400.227.

D. "Department of Licensing and Regulatory Affairs" means the principal department of state government created as the Department of Commerce under Section 225 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.325, renamed the Department of Consumer and Industry Services under Executive Order 1996-2, MCL 445.2001, renamed the Department of Labor and Economic Growth under Executive Order 2003-18, MCL 445.2011, renamed the Department of Energy, Labor and Economic Growth under Executive Order 2008-20, MCL 445.2025, and renamed the Department of Licensing and Regulatory Affairs under Executive Order 2011-4, MCL 445.2030.

E. "State Budget Director" means the individual appointed by the Governor pursuant to Section 321 of the Management and Budget Act, 1984 PA 431, MCL 18.321.

II. TRANSFER OF RESPONSIBILITIES UNDER PART 124 OF THE MICHIGAN PUBLIC HEALTH CODE TO THE DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT

A. Any and all authority, powers, duties, functions and responsibilities of the Migrant Labor Housing program, including, but not limited to, the statutory authority, powers, duties, functions and responsibilities set forth in Part 124 of the Public Health Code, 1978 PA 368, as amended, MCL 333.12401 et seq., that were moved to the Department of Health and Human Services by 2015 PA 155, MCL 333.1104(5), are transferred from the Department of Health and Human Services to the Department of Agriculture and Rural Development.

B. All records, personnel, property, unexpended balances of appropriations, allocations, or other funds used, held, employed, available, or to be made available to the Department of Health and Human Services for the activities, powers, duties, functions, and responsibilities transferred to the Department of Agriculture and Rural Development by Section II of this Order are transferred to the Department of Agriculture and Rural Development.

C. The Director of the Department of Agriculture and Rural Development, after consultation with the Director of the Department of Health and Human Services, 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 of the Agriculture and Rural Development.

D. The directors of the departments shall immediately initiate coordination to facilitate the transfers and shall, if necessary, 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 Department of Agriculture and Rural Development.

III. TRANSFER OF RESPONSIBILITIES UNDER PARTS 133, 135, AND 137 OF THE MICHIGAN PUBLIC HEALTH CODE TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY

A. Any and all authority, powers, duties, functions, and responsibilities of the Michigan Dry Cleaning Program, the Michigan Indoor Radon Program, and the Radioactive Materials Program, under Parts 133, 135 and 137 of the Public Health Code, 1978 PA 368, as amended, being MCL 333.13301 et seq., MCL 333.13501 et seq. and MCL 333.13701 et seq., that were moved to the Department of Health and Human Services by 2015 PA 155, MCL 333.1104(5), are transferred from the Department of Health and Human Services to the Department of Environmental Quality.

B. All records, personnel, property, unexpended balances of appropriations, allocations, or other funds used, held, employed, available, or to be made available to the Department of Health and Human Services for the activities, powers, duties, functions, and responsibilities transferred to the Department of Environmental Quality by Section III of this Order are transferred to the Department of Environmental Quality.

C. The Director of the Department of Environmental Quality, after consultation with the Director of the Department of Health and Human Services, 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 of the Environmental Quality.

D. The directors of the departments shall immediately initiate coordination to facilitate the transfers and shall, if necessary, 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 Department of Environmental Quality.

IV. TRANSFER OF RESPONSIBILITIES UNDER PART 209 OF THE MICHIGAN PUBLIC HEALTH CODE TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES

A. Any authority, powers, responsibilities duties, functions, records, contracts, personnel, property, unexpended balances of appropriations, allocations or other funds, including the functions of budgeting and procurement, of the Department of Licensing and Regulatory Affairs relative to the registration, licensing, or regulation of professional occupations arising from Part 209 of the Michigan Public Health Code, 1978 PA 368, MCL 333.20901 to 333.20979, including any board, commission, council, or similar entity providing regulation of health professionals licensed, registered, or certified under Part 209 of Article 17 of the Public Health Code, that were moved to the Department of Licensing and Regulatory Affairs by 2015 PA 155, MCL 333.20104(4), are transferred from the Department of Licensing and Regulatory Affairs to the Department of Health and Human Services.

B. Any authority, powers, duties, functions, and responsibilities of management support within the Department of Licensing and Regulatory Affairs for programs or functions relative to the registration, licensing, or enforcement of professional occupations under Part 209 of the Public Health Code are transferred from the Department of Licensing and Regulatory Affairs to the Department of Health and Human Services.

C. Any authority, powers, duties, functions, and responsibilities of the Department of Licensing and Regulatory Affairs related to the promulgation of rules related to the registration, licensing, or regulation of professional occupations under Part 209 of the Public Health Code are transferred from the Department of Licensing and Regulatory Affairs to the Department of Health and Human Services.

D. All records, personnel, property, unexpended balances of appropriations, allocations, or other funds used, held, employed, available, or to be made available to the Department of Licensing and Regulatory Affairs for the activities, powers, duties, functions, and responsibilities transferred to the Department of Health and Human Services by Section IV of this Order are transferred to the Department of Health and Human Services.

E. The Director of the Department of Health and Human Services, after consultation with the Director of the Department of Licensing and Regulatory Affairs, 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 of the Health and Human Services.

F. The directors of the departments shall immediately initiate coordination to facilitate the transfers and shall, if necessary, 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 Department of Health and Human Services.

V. IMPLEMENTATION

A. The directors of the departments impacted by this Order shall administer the functions transferred 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 under this Order.

B. The State Budget Director shall determine and authorize the most efficient manner possible for the handling of financial transactions and records in the state's financial management system for the remainder of the current state fiscal year for transfers made under this Order.

C. All rules, orders, contracts, plans, and agreements relating to the functions transferred by this Order lawfully adopted prior to the effective date of this Order by the responsible state agency shall continue to be effective until revised, amended, or rescinded.

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

E. 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 of Section 2 of Article V of the Michigan Constitution of 1963, this Order shall be effective 60 days after the filing of this Order.

History: 2017, E.R.O. No. 2017-3, Eff. Dec. 5, 2017

Compiler's Notes: Executive Reorganization Order No. 2017-3 was promulgated October 5, 2017, as Executive Order No. 2017-7, Eff. Dec. 5, 2017.