

EXECUTIVE REORGANIZATION ORDER

E.R.O. No. 2017-4

445.2036 Transfer of powers and duties of division on deaf, deafblind and hard of hearing within department of civil rights to department of licensing and regulatory affairs; creation of board of interpreters for deaf, deafblind and hard of hearing.

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power 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 the Governor 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, the Division of Deaf and Hard of Hearing, established by Public Act 72 of 1937, MCL 408.201 et seq., was transferred from the Department of Licensing and Regulatory Affairs to the Department of Civil Rights by Executive Order 2011-4 and renamed the Division on Deaf, DeafBlind and Hard of Hearing by Executive Order 2014-10; and

WHEREAS, the Division on Deafness Fund was created within the Department of Treasury by Public Act 72 of 1937, MCL 408.208, to cover the costs of the Division on Deaf, DeafBlind and Hard of Hearing for the functions transferred by this Order.

NOW, THEREFORE, I, Brian Calley, Governor of the state of Michigan, by virtue of the powers and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

I. TRANSFER OF RESPONSIBILITIES UNDER THE DEAF PERSONS' INTERPRETERS ACT

A. All authority, powers, duties, functions, and responsibilities of the Division on Deaf, DeafBlind and Hard of Hearing within the Department of Civil Rights under the Deaf Persons' Interpreters Act, Public Act 204 of 1982, MCL 393.501 et seq., including but not limited to rulemaking authority, certification of interpreters, and the collection of fees, are transferred to the Department of Licensing and Regulatory Affairs.

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 Civil Rights necessary for the activities, powers, duties, functions, and responsibilities transferred by this Order are transferred to the Department of Licensing and Regulatory Affairs.

C. All personnel necessary for the certification of interpreters under the Deaf Persons' Interpreters Act, Public Act 204 of 1982, MCL 393.501 et seq., are transferred to the Department of Licensing and Regulatory Affairs from the Department of Civil Rights.

D. After the effective date of this Order, all certification fees collected under Section 8e of Deaf Persons' Interpreters Act, Public Act 204 of 1982, MCL 393.508e, and deposited into the Division of Deafness Fund pursuant to Section 8f of the act, MCL 393.508f, shall be expended as provided by law to cover the costs of the functions transferred to the Department of Licensing and Regulatory Affairs from the Department of Civil Rights under this Order.

II. CREATION OF THE BOARD OF INTERPRETERS FOR THE DEAF, DEAFBLIND AND HARD OF HEARING

A. The Board of Interpreters for the Deaf, DeafBlind and Hard of Hearing (the "Board") is created within the Department of Licensing and Regulatory Affairs.

B. The Board shall advise the Director of the Department of Licensing and Regulatory Affairs on all matters related to the certification of interpreters and the administration of the Deaf Persons' Interpreters Act, Public Act 204 of 1982, MCL 393.501 et seq., including but not limited to certification requirements, continuing education, and grievances.

C. The Board shall consist of the following 9 members appointed by the Governor and serving at the pleasure of the Governor who are knowledgeable in the field of deaf, deafblind and hard of hearing matters.

- D. Two members of the Board shall be deaf, deafblind or hard of hearing persons.
- E. Four members of the Board shall be certified deaf persons' interpreters under Michigan law, one or more of whom may be an interpreter and owner of or work for an interpreter referral agency.
- F. One member of the Board shall represent an institution or other organization responsible for education of interpreters or interpreter standards.
- G. One member of the Board shall represent an educational institution or other organization that serves the deaf, deafblind or hard of hearing community.
- H. One member of the Board shall represent the public and shall not be a certified deaf persons' interpreter under Michigan law.
- I. Annually the Board shall elect a chairperson, a vice-chairperson, and other officers the Board determines necessary.
- J. Of the members initially appointed to the Board under Section II. C., 3 members shall be appointed for terms expiring on July 30, 2018, 3 members shall be appointed for terms expiring on July 30, 2019, and 3 members shall be appointed for terms expiring on July 30, 2020. After the initial appointments, voting members shall be appointed to serve terms of four years.
- K. A vacancy on the Board occurring other than the expiration of a term shall be filled by the Governor in the same manner as the original appointment for the balance of the unexpired term. A member of the Board may be reappointed to subsequent terms, but may not serve more than a partial term and two full terms.
- L. A majority of the members of the Board constitute a quorum for the transaction of business at a meeting of the Board. Except as otherwise provided by rule, action by the Board shall be by vote of a majority of the voting members present at the meeting. The Board shall meet as often as necessary to fulfill its duties under this act, but shall meet not less than 2 times a year and at other dates set by the Director of the Department of Licensing and Regulatory Affairs.
- M. The Board may adopt procedures consistent with Michigan law and this Order governing its organization and operations.
- N. The Board shall be staffed and assisted as necessary by personnel from the Department of Licensing and Regulatory Affairs as directed by the Director of the Department of Licensing and Regulatory Affairs.

III. IMPLEMENTATION

A. The Director of the Department of Licensing and Regulatory Affairs, after consultation with the Director of the Department of Civil Rights, shall provide executive direction and supervision for the implementation of the transfer. The Director of the Department of Licensing and Regulatory Affairs shall administer any assigned functions 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.

B. The directors of the departments shall immediately initiate coordination to facilitate the transfer and shall 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 Licensing and Regulatory Affairs.

C. 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.

IV. MISCELLANEOUS

A. 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 department shall continue to be effective until revised, amended, or rescinded.

B. Any suit, action, or other proceeding lawfully commenced by or against any department identified in Section I of this order prior to the effective date of 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.

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 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. 2017-4, Eff. Dec. 24, 2017

Compiler's Notes: Executive Reorganization Order No. 2017-4 was promulgated October 24, 2017, as Executive Order No. 2017-8, Eff. Dec. 24, 2017.