

EXECUTIVE REORGANIZATION ORDER (EXCERPT)
E.R.O. No. 1996-2

445.2001 Renaming of department of commerce as department of consumer and industry services; transfer of powers and duties of various boards, commissions, and other agencies; abolishment of the department of labor.

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

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

WHEREAS, the functions of licensing, permitting and registration of professions and occupations have historically been housed in various state departments and agencies; and

WHEREAS, reorganizing licensing, permitting and registration functions into one principal department will ensure the most efficient use of taxpayer dollars and will allow the state to offer more streamlined services; and

WHEREAS, it is desirable to continue the process begun in Executive Orders 1991-9 and 1996-1 of centralizing the functions of licensing, permitting and registration of professions and occupations to the greatest extent possible; and

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

WHEREAS, it is necessary in the interest of efficient administration and effectiveness in 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:

I. DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

1. The Michigan Department of Commerce is hereby renamed the Michigan Department of Consumer and Industry Services.

2. The Director of the Department of Consumer and Industry Services shall provide executive direction and supervision for the implementation of all transfers of authority to the Department of Consumer and Industry Services made under this Order.

3. The Director of the Department of Consumer and Industry Services shall administer the assigned functions transferred by this Order 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.

4. The Director of the Department of Consumer and Industry Services and the directors of all other state departments and agencies having authority transferred to the Department of Consumer and Industry Services under this Order shall immediately initiate coordination to facilitate the transfer and develop memoranda of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved related to the authority to be transferred.

5. Consistent with Section 3(a) of Act No. 380 of Public Acts of 1965, as amended, being Section 16.103(a) of the Michigan Compiled Laws, the administration, budgeting, procurement and related management functions of each Type I agency transferred to, or which is otherwise within the Department of Consumer and Industry Services, shall be under the supervision of the Director of the Department of Consumer and Industry Services, with each Type I agency only executing its prescribed statutory functions of rule-making, licensing and registration including the prescription of rules, rates, regulation and standards, and adjudication independently of the Director.

6. All records, personnel, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to any entity for the activities, powers, duties, functions and responsibilities transferred to the Department of Consumer and Industry Services by this Order are hereby transferred to the Department of Consumer and Industry Services.

7. The Director of the Department of Consumer and Industry Services may by written instrument delegate a duty or power conferred by law or this Order and the person to whom such duty or power is so delegated may perform such duty or exercise such power at the time and to the extent that such duty or power is delegated by the Director of the Department of Consumer and Industry Services.

8. The Department of Management and Budget shall determine and authorize the most efficient manner possible for handling financial transactions and records in the state's financial management system for the remainder of the

fiscal year.

9. All rules, orders, contracts and agreements relating to the functions transferred to the Department of Consumer and Industry Services 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.

10. Any suit, action or other proceeding lawfully commenced by, against or before any entity transferred to the Department of Consumer and Industry Services 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.

II. DEPARTMENT OF COMMERCE

1. All the statutory authority, powers, duties, functions and responsibilities of the Corporation and Securities Commission created by Act No. 265 of the Public Acts of 1964, as amended, being Sections 451.1 et seq. of the Michigan Compiled Laws, are hereby transferred from the Department of Commerce to the Director of the Department of Consumer and Industry Services by a Type III transfer as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

2. All the statutory authority, powers, duties, functions and responsibilities of the Corporation and Securities Bureau under the Uniform Securities Act, Act No. 265 of the Public Acts of 1964, as amended, being Sections 451.501 et seq. of the Michigan Compiled Laws; the Debt Management Act, Act No. 148 of the Public Acts of 1975, as amended, being Sections 451.411 et seq. of the Michigan Compiled Laws; and the Living Care Disclosure Act, Act No. 440 of the Public Acts of 1976, as amended, being Sections 554.801 et seq. of the Michigan Compiled Laws, are hereby transferred from the Department of Commerce to the Director of the Department of Consumer and Industry Services by a Type II transfer as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

3. All the statutory authority, functions, duties and responsibilities of the Mobile Home Commission created under The Mobile Home Commission Act, Act No. 96 of the Public Acts of 1987, as amended, being Sections 125.2301 et seq. of the Michigan Compiled Laws, are hereby transferred from the Department of Commerce to the Director of the Department of Consumer and Industry Services by a Type II transfer as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

4. All the statutory authority, powers, duties, functions, and responsibilities of the State Survey and Remonumentation Commission created by the State Survey and Remonumentation Act, Act No. 345 of the Public Acts of 1990, as amended, being Sections 54.261 et seq. of the Michigan Compiled Laws, with the exception of the authority, powers, duties, functions and responsibilities of the Executive Director of the Survey and Remonumentation Commission, are hereby transferred from the Department of Commerce to the Director of the Department of Consumer and Industry Services by a Type II transfer as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws; all the statutory authority, powers, duties, functions and responsibilities of the Executive Director of the Survey and Remonumentation Commission are transferred to the Director of the Department of Consumer and Industry Services by a Type III transfer as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws, and the position is hereby abolished.

5. All the statutory authority, powers, duties, functions and responsibilities of the State Boundary Commission created by Act No. 191 of the Public Acts of 1968, as amended, being Sections 123.1001 et seq. of the Michigan Compiled Laws, are hereby transferred from the Department of Commerce to the Director of the Department of Consumer and Industry Services by a Type II transfer as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

6. Except as provided elsewhere in this Order, all the rule-making authority of the occupational and health occupation boards and related task forces created under the Occupational Code, Act No. 299 of the Public Acts of 1980, as amended, being Sections 339.101 et seq. of the Michigan Compiled Laws, and parts 161 through 188 of the Public Health Code, Act No. 368 of the Public Acts of 1978, as amended, being Sections 333.16101 of the Michigan Compiled Laws, are hereby transferred from the Department of Commerce to the Director of the Department of Consumer and Industry Services by a Type II transfer as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

7. All the statutory authority, powers, duties, functions and responsibilities under the Michigan Business Incubation Act, Act No. 198 of the Public Acts of 1984, as amended, being Sections 125.1571 et seq. of the Michigan Compiled Laws, are hereby transferred from the Department of Commerce to the Chief Executive Officer of the Michigan Jobs Commission by a Type II transfer as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

8. All the statutory authority, powers, functions, duties and responsibilities under the Commercial Redevelopment Act, Act No. 255 of the Public Acts of 1978, as amended, being Sections 207.651 et seq. of the Michigan Compiled Laws, are hereby transferred from the Department of Commerce to the Chief Executive Officer of the Michigan Jobs Commission by a Type II transfer as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

9. All the statutory authority, powers, functions, duties and responsibilities in connection with reports filed by

municipalities pursuant to Section 23 (4) of the Economic Development Corporations Act, Act No. 338 of the Public Acts of 1974, as amended, being Section 125.1623(4) of the Michigan Compiled Laws, are hereby transferred from the Department of Commerce to the Chief Executive Officer of the Michigan Jobs Commission by a Type II transfer as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

10. All the statutory authority, powers, functions, duties and responsibilities pertaining to small business economic impact statements under Section 45(5) of the Administrative Procedures Act, Act No. 306 of the Public Acts of 1969, as amended, being Section 24.245(5) of the Michigan Compiled Laws, are hereby transferred from the Department of Commerce to the Office of Regulatory Reform in the Executive Office of the Governor by a Type II transfer as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

11. All the statutory authority, powers, functions, duties and responsibilities of the Low-Level Radioactive Waste Authority, including, but not limited to, those under the Low-Level Radioactive Waste Authority Act, Act No. 204 of the Public Acts of 1987, as amended, being Sections 333.26201 et seq. of the Michigan Compiled Laws, are hereby transferred from the Department of Commerce to the Michigan Department of Environmental Quality by a Type I transfer as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

12. The Director of the Department of Consumer and Industry Services, the Office of Regulatory Reform, the Director of the Department of Environmental Quality and the Chief Executive Officer of the Michigan Jobs Commission, shall provide executive direction and supervision of the respective transfers. The assigned functions shall be administered under the direction and supervision of the director of the respective departments and offices to which they are transferred.

13. All records, personnel, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to the Department of Commerce for the activities, powers, duties, functions and responsibilities transferred by this Order are hereby transferred to the respective department or office.

14. The Department of Management and Budget shall determine and authorize the most efficient manner possible for handling financial transactions and records in the state's financial management system for the remainder of the fiscal year.

15. The Director of the Department of Consumer and Industry Services, the Office of Regulatory Reform, the Director of the Department of Environmental Quality and the Chief Executive Officer of the Michigan Jobs Commission shall immediately initiate coordination to facilitate the transfers and develop memoranda 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 Commerce.

16. 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 rescinded.

17. 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.

A. Bureau of Occupational and Professional Regulation

1. All the statutory authority, powers, duties, functions and responsibilities of the Dental Specialty Task Force created under Part 166 of the Public Health Code, being Sections 333.16624 of the Michigan Compiled Laws, are hereby transferred from the Department of Commerce to the Director of the Department of Consumer and Industry Services by a Type III transfer as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

2. All the statutory authority, powers, duties, functions and responsibilities of the Administrative Committee on Public Accountancy under Section 709 of the Occupational Code, being Section 339.709 et seq. of the Michigan Compiled Laws, are hereby transferred from the Department of Commerce to the Director of the Department of Consumer and Industry Services by a Type III transfer as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

3. All the statutory authority, powers, duties, functions and responsibilities of the Board of Sanitarians under Part 184 of the Public Health Code, being Sections 333.18401 et seq. of the Michigan Compiled Laws, are hereby transferred from the Department of Commerce to the Director of the Department of Consumer and Industry Services by a Type III transfer as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

4. All the statutory authority, powers, duties, functions and responsibilities of the Board of Professional Community Planners under Article 23 of the Occupational Code, being Sections 339.2301 et seq. of the Michigan Compiled Laws, are hereby transferred from the Department of Commerce to the Director of the Department of Consumer and Industry Services by a Type III transfer as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

5. All the statutory authority, powers, duties, functions and responsibilities of the Board of Foresters under

Article 21 of the Occupational Code, being Sections 339.2101 et seq. of the Michigan Compiled Laws, are hereby transferred from the Department of Commerce to the Director of the Department of Consumer and Industry Services by a Type III transfer as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

6. All the statutory authority, powers, duties, functions and responsibilities of the Board of Hearing Aid Dealers under Article 13 of the Occupational Code, being Sections 339.1301 et seq. of the Michigan Compiled Laws, are hereby transferred from the Department of Commerce to the Director of the Department of Consumer and Industry Services by a Type III transfer as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

7. The Director of the Department of Consumer and Industry Services shall provide executive direction and supervision of the transfers, with the assigned functions being administered under the direction and supervision of the Director of the Department of Consumer and Industry Services.

8. All records, personnel, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to the Department of Commerce for the activities, powers, duties, functions and responsibilities transferred by this Order are hereby transferred to the Department of Consumer and Industry Services.

9. The Department of Management and Budget shall determine and authorize the most efficient manner possible for handling financial transactions and records in the state's financial management system for the remainder of the fiscal year.

10. The Director of the Department of Commerce 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 Commerce.

11. 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 rescinded.

12. 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.

B. Public Service Commission

1. The responsibility for administering federal energy conservation grants under the Institutional Conservation Program and the State Energy Conservation Program are hereby transferred from the Public Service Commission to the Director of the Department of Consumer and Industry Services by a Type II transfer as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

2. All the statutory authority, powers, duties, functions and responsibilities of the Public Service Commission pertaining to solar, wind or water energy conversion device credits pursuant to Act No. 190 of the Public Acts of 1983, as amended, being Section 206.262 of the Michigan Compiled Laws, are hereby transferred from the Public Service Commission to the Director of the Department of Consumer and Industry Services by a Type II transfer as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

3. All the statutory authority, powers, duties, functions and responsibilities of the Public Service Commission pertaining to the certification of energy savings by state departments pursuant to Act No. 122 of the Public Acts of 1987, as amended, being Section 18.1254 of the Michigan Compiled Laws, are hereby transferred from the Public Service Commission to the Director of the Department of Consumer and Industry Services by a Type II transfer as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

4. All the statutory authority, powers, duties, functions and responsibilities of the Public Service Commission pertaining to energy conservation improvement reports submitted pursuant to Public Act Nos. 148, 400, 401, 402, 403 and 404 of the Public Acts of 1984 and Public Act No. 22 of the Public Acts of 1985, being Sections 389.122a, 46.11c, 117.5f, 68.36, 41.75b, 78.24b and 380.1274a of the Michigan Compiled Laws, are hereby transferred from the Public Service Commission to the State Treasurer by a Type II transfer as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

5. All the statutory authority, powers, duties, functions and responsibilities of the Public Service Commission related to appliances under Act No. 317 of the Public Acts of 1975, as amended, being Sections 429.351 et seq. of the Michigan Compiled Laws, are hereby transferred from the Public Service Commission to the Director of the Department of Consumer and Industry Services by a Type II transfer as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

6. The Director of the Department of Consumer and Industry Services and the State Treasurer shall provide executive direction and supervision for the implementation of the respective transfers. The assigned functions shall be administered as provided in this Order.

7. The Director of the Department of Consumer and Industry Services and the State Treasurer shall make such internal organizational changes as may be administratively necessary to efficiently administer the transferred programs and complete the realignment of responsibilities prescribed by this Order.

8. All records, personnel, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available, or to be made available to the Public Service Commission for the transferred functions are hereby transferred to the respective departments or agencies as provided in this Order.

9. The Department of Management and Budget shall determine and authorize the most efficient manner possible for handling financial transactions and records in the state's financial management system for the remainder of this fiscal year.

10. The Director of the Department of Consumer and Industry Services and the State Treasurer shall immediately initiate coordination to facilitate the transfers and develop memoranda 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 Public Service Commission relating to the transferred functions.

11. 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 rescinded.

12. 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.

III. FAMILY INDEPENDENCE AGENCY

1. All the statutory authority, powers, duties, functions and responsibilities of the Commission for the Blind created by Act No. 260 of the Public Acts of 1978, as amended, being Sections 393.351 et seq of the Michigan Compiled Laws, are hereby transferred from the Department of Labor to the Family Independence Agency by a Type II transfer, as defined by Act No. 380 of the Public Acts of 1965, being Section 16.103 of the Michigan Compiled Laws.

2. All the statutory authority, powers, duties, functions and responsibilities of the Commission on Disability Concerns established in Executive Order 1995-11, including but not limited to the statutory authority, powers, duties, functions, and responsibilities set forth in Act No. 11 of the Public Acts of 1968, as amended, being Sections 395.301 et seq. of the Michigan Compiled Laws, the Deaf Persons' Interpreters Act, Act No. 204 of the Public Acts of 1982, being Sections 393.501 et seq of the Michigan Compiled Laws, and the Division of the Deaf and Deafened and the Advisory Council on Deafness established in Act No. 72 of the Public Acts of 1937, as amended, being Sections 408.201 et seq. of the Michigan Compiled Laws, are hereby transferred from the Department of Labor to the Family Independence Agency by a Type II transfer as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

3. All the statutory authority, powers, duties, functions and responsibilities related to the inspection of infirmaries and places of detention for juveniles set forth in Section 400.14 (1)(k) of the Michigan Compiled Laws, are hereby transferred from the Family Independence Agency to the Director of the Department of Consumer and Industry Services by a Type II transfer as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

4. The Director of the Family Independence Agency and the Director of the Department of Consumer and Industry Services shall provide executive direction and supervision for the implementation of all respective transfers of authority under this Section. The functions transferred to the Family Independence Agency and Department of Consumer and Industry Services under this Order shall be administered under the direction and supervision of the Directors of the Family Independence Agency and Department of Consumer and Industry Services.

5. The Directors of the Family Independence Agency and the Department of Consumer and Industry Services shall administer the assigned functions transferred by this Order in such ways as to promote efficient administration and shall make such internal organizational changes as may be administratively necessary to complete the realignment of responsibilities to the departments prescribed by this Order.

6. All records, personnel, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to any bureau, board, commission or other entity for the activities, powers, duties, functions and responsibilities transferred to the Family Independence Agency and the Department of Consumer and Industry Services by this Order are hereby respectively transferred to the Family Independence Agency and the Department of Consumer and Industry Services.

7. The Director of the Family Independence Agency and the Director of the Department of Consumer and Industry Services shall immediately initiate coordination to facilitate the transfer and develop memoranda of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved related to the authority to be transferred.

8. The Department of Management and Budget shall determine and authorize the most efficient manner possible for handling financial transactions and records in the state's financial management system for the remainder of the fiscal year.

9. All rules, orders, contracts and agreements relating to the functions transferred to the Family Independence Agency and the Department of Consumer and Industry Services by this Order lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended or rescinded.

10. Any suit, action or other proceeding lawfully commenced by, against or before any entity transferred to the Family Independence Agency and the Department of Consumer and Industry Services 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.

IV. DEPARTMENT OF LABOR

1. Except as otherwise provided in this Order, all the statutory authority, powers, duties, functions and responsibilities of the Department of Labor created by Chapter 16 of the Executive Organization Act of 1965, Act No. 380 of 1965, being Sections 16.475 et seq. of the Michigan Compiled Laws, including all boards, commissions and similar entities in the Department of Labor, are hereby transferred to the Department of Consumer and Industry Services by a Type II transfer as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

2. All the statutory authority, powers, duties, functions and responsibilities of the Director of the Department of Labor are hereby transferred to the Director of the Department of Consumer and Industry Services by a Type II transfer as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

3. All the statutory authority, powers, duties, functions and responsibilities related to the promulgation of rules by boards and commissions in the Department of Labor, including, but not limited to, the following boards and commissions:

a. The Barrier Free Design Board created by Act No. 1 of the Public Acts of 1966, being Sections 125.1351 et seq. of the Michigan Compiled Laws;

b. The Board of Boiler Rules created by Act No. 290 of the Public Acts of 1965, being Sections 408.751 et seq. of the Michigan Compiled Laws;

c. The Electrical Administrative Board created by Act No. 217 of the Public Acts of 1956, being Sections 338.881 et seq. of the Michigan Compiled Laws;

d. The Elevator Safety Board created by Act No. 227 of the Public Acts of 1967, being Sections 408.801 et seq. of the Michigan Compiled Laws;

e. The Board of Mechanical Rules created by Act No. 192 of the Public Acts of 1984, being Sections 338.971 et seq. of the Michigan Compiled Laws;

f. The Employment Relations Commission created by Act No. 176 of the Public Acts of 1939, being Sections 423.1 et seq. of the Michigan Compiled Laws;

g. The Michigan Employment Security Board created by Act No. 1 of the Public Acts of 1936 (Extra Session), being Sections 421.1 et seq. of the Michigan Compiled Laws;

h. The General Industry Safety Standards Commission, the Construction Safety Standards Commission, the Occupational Health Standards Commission and the Board of Health and Safety Compliance and Appeals created by Act No. 154 of the Public Acts of 1974, being Sections 408.1001 et seq. of the Michigan Compiled Laws;

i. The Plumbing Board created by Act No. 266 of the Public Acts of 1929, as amended, being Sections 338.901 et seq. of the Michigan Compiled Laws;

j. The State Construction Code Commission created by Act No. 230 of the Public Acts of 1972, being Sections 125.1501 et seq. of the Michigan Compiled Laws;

k. The Workers' Compensation Funds Board of Trustees, the Workers' Compensation Appellate Commission and the Workers' Compensation Board of Magistrates created by Act No. 317 of the Public Acts of 1969, being Sections 418.101 et seq. of the Michigan Compiled Laws;

are hereby transferred from the Department of Labor to the Director of the Department of Consumer and Industry Services by a Type II transfer as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

4. All the statutory authority, powers, duties, functions and responsibilities of the executive director of the State Construction Code Commission set forth in the relevant sections of Act No. 230 of the Public Acts of 1972, being Sections 125.1501 et seq. of the Michigan Compiled Laws, are hereby transferred to the Director of the Department of Consumer and Industry Services by a Type III transfer as defined in Section 3 of Act No. 380 of the Public Acts of 1965, being Section 16.103 of the Michigan Compiled Laws, and the position is hereby abolished.

5. All the statutory authority, powers, duties, functions and responsibilities of the Board of Trustees of the funds established in Chapter 5 of Act No. 317 of the Public Acts of 1969, as amended, being Section 418.501 et seq. of the Michigan Compiled Laws, related to the management activities of budgeting, procurement, personnel, equipment, facilities and the appointment and salary of the funds administrator, are transferred from the Department of Labor to the Director of the Department of Consumer and Industry Services by a Type II transfer as defined in Section 3 of Act No. 380 of the Public Acts of 1965, being Section 16.103 of the Michigan Compiled Laws.

6. All the statutory authority, powers, duties, functions and responsibilities of the Wage Deviation Board set forth in the relevant sections of Act No. 154 of the Public Acts of 1964, being Sections 408.381 et seq. of the Michigan Compiled Laws, are transferred from the Department of Labor to the Director of the Department of Consumer and Industry Services by a Type III transfer as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

7. All the statutory authority, powers, duties, functions and responsibilities of the Commission established under Section 8 of Act No. 188 of the Public Acts of 1913, being Section 427.8 of the Michigan Compiled Laws, are

hereby transferred to the directors of the state departments having jurisdiction over hotels, inns, and public lodging houses, including, but not limited to, the directors of the Departments of Agriculture, Community Health and Consumer and Industry Services, by a Type III transfer as defined in Section 3 of Act No. 380 of the Public Acts of 1965, being Section 16.103 of the Michigan Compiled Laws.

8. The Directors of the Department of Consumer and Industry Services, Department of Community Health, and Department of Agriculture shall provide executive direction and supervision for the implementation of the respective transfers. The assigned functions shall be administered as provided in this Order, and all prescribed functions of rule-making, licensing and registration including the prescription of rules, regulations, standards, and adjudications; shall be transferred to the directors of the various agencies as provided in this Order; unless otherwise precluded by this Order.

9. The Directors of the Department of Consumer and Industry Services, Department of Community Health, and Department of Agriculture shall make such internal organizational changes as may be administratively necessary to efficiently administer the transferred programs and complete the realignment of responsibilities prescribed by this Order.

10. All records, personnel, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available, or to be made available to the Department of Labor for the transferred functions are hereby respectively transferred to the Department of Consumer and Industry Services, Department of Agriculture or Community Health.

11. The Department of Management and Budget shall determine and authorize the most efficient manner possible for handling financial transactions and records in the state's financial management system for the remainder of this fiscal year.

12. The Director of the Department of Consumer and Industry Services and the Director of the Department of Labor 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 Department of Labor.

13. 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 rescinded.

14. 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.

15. The Department of Labor is hereby abolished.

V. DEPARTMENT OF TREASURY

1. All the statutory authority, powers, duties, functions and responsibilities of the Department of Treasury relating to enforcement, investigation and collection of past due and delinquent corporate privilege and franchise fees and license fees in Act No. 122 of the Public Acts of 1941, being Section 205.13 (f) of the Michigan Compiled Laws, are hereby transferred from the Department of Treasury to the Director of the Department of Consumer and Industry Services by a Type II transfer as defined in Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

2. The Director of the Department of Consumer and Industry Services and the State Treasurer shall provide executive direction and supervision for the implementation of the respective transfers. The assigned functions shall be administered as provided in this Order, and all prescribed functions of rule-making, licensing and registration, including the prescription of rules, regulations, standards, and adjudications, shall be transferred to the directors of the various agencies as provided in this Order, unless otherwise precluded by this Order.

3. The Director of the Department of Consumer and Industry Services and the State Treasurer shall make such internal organizational changes as may be administratively necessary to efficiently administer the transferred programs and complete the realignment of responsibilities prescribed by this Order.

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 Department of Treasury for the transferred functions are hereby transferred to the Department of Consumer and Industry Services.

5. The Department of Management and Budget shall determine and authorize the most efficient manner possible for handling financial transactions and records in the state's financial management system for the remainder of this fiscal year.

6. The Director of the Department of Consumer and Industry Services and the State Treasurer 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 Department of Treasury relating to the transferred functions.

7. 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.

8. 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.

VI. DEPARTMENT OF MANAGEMENT AND BUDGET

1. All the authority, powers, duties, functions and responsibilities of the Office of Drug Control Policy created in Executive Order 1991-20 are hereby transferred from the Department of Management & Budget to the Department of Community Health, by a Type I transfer as defined in Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

2. The Director of the Department of Community Health shall provide executive direction and supervision for the implementation of the transfers.

3. The Department of Management and Budget shall determine and authorize the most efficient manner possible for handling financial transactions and records in the state's financial management system for the remainder of this fiscal year.

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 Office of Drug Control Policy for the activities transferred are hereby transferred to the Department of Community Health to the extent required to provide for the efficient and effective operation of the Office of Drug Control Policy.

5. The Department of Community Health shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

6. The Director of the Department of Community Health and the Director of the Department of Management and Budget shall immediately initiate coordination to facilitate the transfer and develop memoranda record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or obligations to be resolved by the Office of Drug Control Policy.

7. 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.

8. 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.

VII. DEPARTMENT OF AGRICULTURE

1. All the statutory authority, powers, duties, functions and responsibilities of the Sheltered Environment program, including but not limited to the statutory authority, powers, duties, functions and responsibilities set forth in Part 124 of the Public Health Code, Act No. 368 of the Public Acts of 1978, as amended, being Sections 333.12491 et seq. of the Michigan Compiled Laws, including the insect and rodent control program, are hereby transferred from the Department of Community Health to the Director of the Department of Agriculture by a Type II transfer as defined in Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

2. The Director of the Department of Agriculture shall provide executive direction and supervision for the implementation of the transfers.

3. The Department of Management and Budget shall determine and authorize the most efficient manner possible for handling financial transactions and records in the state's financial management system for the remainder of this fiscal year.

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 Department of Community Health for the activities transferred are hereby transferred to the Department of Agriculture to the extent required to provide for the efficient and effective operation of the Sheltered Environment program.

5. The Department of Agriculture shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

6. The Director of the Department of Community Health and the Director of the Department of Agriculture 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 obligations to be resolved by the Department of Community Health.

7. 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 rescinded.

8. 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 sixty (60) days from the filing of this Order.

History: 1996, E.R.O. No. 1996-2, Eff. May 15, 1996

Compiler's Notes: For creation of bureau of worker's and unemployment compensation within department of consumer and industry services; transfer of powers and duties of bureau of worker's compensation and unemployment agency to bureau of worker's and unemployment compensation; transfer of powers and duties of director of bureau of worker's compensation and director of unemployment agency to director of bureau of worker's and unemployment compensation; and, transfer of powers and duties of wage and hour division of worker's

compensation board of magistrates to bureau of worker's and unemployment compensation, see E.R.O. No. 2002-1, compiled at MCL 445.2004 of the Michigan Compiled Laws. For renaming division on deafness to division on deaf and hard of hearing, and renaming council on deafness to advisory council on deaf and hard of hearing, see E.R.O. No. 2002-6, compiled MCL 445.1991 of the Michigan Compiled Laws. For renaming the department of consumer and industry services to the department of labor and economic growth, see E.R.O. No. 2003-1, compiled at MCL 445.2011. For transfer of the advisory council on deaf and hard of hearing from the family independence agency to the department of labor and economic growth by type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011. For transfer of commission on disability concerns from family independence agency to department of labor and economic growth by Type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011. Compiler's note: For renaming of department of labor and economic growth to department of energy, labor, and economic growth, see E.R.O. No. 2008-4, compiled at MCL 445.2025. For transfer of powers and duties of department of environmental quality to department of natural resources and environment, and abolishment of the department of environmental quality, see E.R.O. No. 2009-31, compiled at MCL 324.99919. For transfer of low-level radioactive waste authority from department of environmental quality to department of natural resources and environment, see E.R.O. No. 2009-31, compiled at MCL 324.99919. For transfer of powers and duties of commissioner of low-level radioactive waste authority to department of natural resources and environment by type III transfer, see E.R.O. No. 2009-31, compiled at MCL 324.99919. For transfer of low-level radioactive waste authority from department of natural resources and environment to department of environmental quality, see E.R.O. No. 2011-1, compiled at MCL 324.99921.

Admin Rule: R 125.1101 et seq.; R 325.2401 et seq.; R 325.13101 et seq.; R 325.52501 et seq.; R 325.70101 et seq.; R 338.251 et seq.; R 339.23101; R 400.5106; R 408.43i; R 408.43s; R 408.801 et seq.; R 408.6202 et seq.; R 408.9002 et seq.; R 408.31070; R 408.31087 et seq.; R 408.41401 et seq.; R 418.10104 et seq. of the Michigan Administrative Code.