

EXECUTIVE REORGANIZATION ORDER

E.R.O. No. 1991-22

299.13 Transfer of powers and duties of the commission of natural resources, the department of natural resources, the director of the department of natural resources, and various agencies, boards, and commissions contained therein relating to natural resources management and environmental protection to the director of a new department of natural resources.

Constitutionality: <Paragraph><P>In *House Speaker v Governor*, 195 Mich App 376; 491 NW2d 832 (1992), the Michigan Court of Appeals affirmed a lower court decision finding Executive Order No. 1991-31 to be a violation of the Separation of Powers Clause and the Executive Organization Act. The Michigan Supreme Court, 443 Mich 560; 506 NW2d 190 (1993), unanimously reversed the decision of the Court of Appeals. The Supreme Court held that (1) the not-for-profit corporate plaintiffs had standing to sue under MCR 2.201(B)(4); (2) the issues presented were justiciable political questions; (3) E.O. 1991-31 was a constitutional expression of the governor's authority; and (4) E.O. 1992-19 did not wrongfully delegate rule-making authority to the Environmental Science Board.</P></Paragraph>

Compiler's Notes: <Paragraph><P>House Concurrent Resolution No. 487, a resolution to disapprove Executive Order No. 1991-31 (E.R.O. 1991-22) pertaining to the reorganization of the department of natural resources, was adopted by the House of Representatives on November 21, 1991, and referred to the Senate Committee on Government Operations. A motion to discharge the Committee on Government Operations from further consideration of House Concurrent Resolution No. 487 did not prevail on a vote of 14-20 recorded December 4, 1991.</P></Paragraph><Paragraph><P>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.</P></Paragraph>