

EXECUTIVE REORGANIZATION ORDER

E.R.O. No. 1994-1

333.26322 Transfer of powers and duties of asbestos abatement contractors licensing board, chronic disease advisory committee, health facilities and agencies advisory commission, radiation advisory board, and water well drillers advisory committee by type III transfer to director of department of public health as head of the department of public health.

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, the Asbestos Abatement Contractors Licensing Board was created by Act No. 135 of the Public Acts of 1986, as amended, being Sections 338.3201 et seq. of the Michigan Compiled Laws, in the Michigan State Department of Public Health; and

WHEREAS, the Chronic Disease Advisory Committee was created by Act No. 368 of the Public Acts of 1978, as amended, being Sections 333.5421 et seq. of the Michigan Compiled Laws, in the Michigan State Department of Public Health; and

WHEREAS, the Health Facilities and Agencies Advisory Commission was also created by Act No. 368 of the Public Acts of 1978, as amended, being Sections 333.20121 et seq. of the Michigan Compiled Laws, in the Michigan State Department of Public Health; and

WHEREAS, the Radiation Advisory Board was also created by Act No. 368 of the Public Acts of 1978, as amended, being Sections 333.13531 et seq. of the Michigan Compiled Laws, in the Michigan State Department of Public Health; and

WHEREAS, the Water Well Drillers Advisory Committee was also created by Act No. 368 of the Public Acts of 1978, as amended, being Sections 333.12711 et seq. of the Michigan Compiled Laws, in the Michigan State Department of Public Health; and

WHEREAS, the functions, duties and responsibilities assigned to the Asbestos Abatement Contractors Licensing Board, the Chronic Disease Advisory Committee, the Health Facilities and Agencies Advisory Commission, the Radiation Advisory Board and the Water Well Drillers Advisory Committee can be more effectively organized and carried out under the supervision and direction of the head of the Michigan State Department of Public Health; and

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

1. All the statutory authority, powers, duties, functions and responsibilities of the Asbestos Abatement Contractors Licensing Board are hereby transferred to the Director of the Michigan State Department of Public Health, as head of the Michigan State Department of Public Health, by a Type III transfer, as defined by Section 3 of Act 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 Chronic Disease Advisory Committee are hereby transferred to the Director of the Michigan State Department of Public Health, as head of the Michigan State Department of Public Health, by a Type III transfer, as defined by Section 3 of Act 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 Health Facilities and Agencies Advisory Commission are hereby transferred to the Director of the Michigan State Department of Public Health, as head of the Michigan State Department of Public Health, by a Type III transfer, as defined by Section 3 of Act 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 Radiation Advisory Board are hereby transferred to the Director of the Michigan State Department of Public Health, as head of the Michigan State Department of Public Health, by a Type III transfer, as defined by Section 3 of Act 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 Water Well Drillers Advisory Committee are hereby transferred to the Director of the Michigan State Department of Public Health, as head of the

Michigan State Department of Public Health, by a Type III transfer, as defined by Section 3 of Act 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

6. The Director of the Michigan State Department of Public Health 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 Michigan State Department of Public Health, and all prescribed functions of rule making, licensing and registration, including the prescription of rules, regulations, standards and adjudications, shall be transferred to the Director of the Michigan State Department of Public Health.

7. All records, personnel, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to the Asbestos Abatement Contractors Licensing Board, the Chronic Disease Advisory Committee, the Health Facilities and Agencies Advisory Commission, the Radiation Advisory Board and the Water Well Drillers Advisory Committee for the activities transferred to the Director of the Michigan State Department of Public Health by this Order are hereby transferred to the Michigan State Department of Public Health.

8. The Director of the Michigan State Department of Public Health shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

9. The Director of the Michigan State Department of Public Health 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 other obligations to be resolved by the Asbestos Abatement Contractors Licensing Board, the Chronic Disease Advisory Committee, the Health Facilities and Agencies Advisory Commission, the Radiation Advisory Board and the Water Well Drillers Advisory Committee.

10. 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.

11. 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 60 days after filing.

History: 1994, E.R.O. No. 1994-1, Eff. Mar. 13, 1994