

EXECUTIVE REORGANIZATION ORDER

E.R.O. No. 2017-5

324.99922 Transfer of office of the Great Lakes from department of environmental quality to department of natural resources; transfer of powers and duties of department of environmental quality associated with office of the Great Lakes, including Great Lakes management unit and Michigan coastal zone management program, to department of natural resources.

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 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 of state government shall be under the supervision of the Governor, unless otherwise provided in the Constitution; and

WHEREAS, Section 52 of Article IV of the Michigan Constitution of 1963 declares the conservation and development of the natural resources of this state to be of paramount public concern in the interest of the health, safety, and general welfare of the people; and

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

WHEREAS, internal alignment of programs, policies, and communication between Office of the Great Lakes habitat management units and Department of Natural Resources programs such as the Fisheries Division's Science and Assessment Program and Habitat Management Unit, Habitat Grants Programs, Wildlife Division, and Parks and Recreation Division would strengthen and streamline implementation of Office of the Great Lakes programs; and

WHEREAS, integration of the Office of the Great Lakes' coordination and policy development role with the Department of Natural Resources' applied science and management programs would more directly inform policy and management for the natural resources of the Great Lakes; and

WHEREAS, the Office of the Great Lakes will continue to coordinate with the Department of Environmental Quality for achieving alignment during the development of policies, programs, and procedures to protect, enhance, and manage the Great Lakes; and

WHEREAS, it is necessary in the interests of efficient administration and good government to effect these changes in the organization of the Executive Branch of government.

NOW, THEREFORE, I, Richard D. Snyder, 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. DEFINITIONS

As used in this Order:

A. "Department of Environmental Quality" means the principal department of state government created as the Department of Environmental Quality under Executive Order 2011-1, MCL 324.99921.

B. "Department of Natural Resources" means the principal department of state government created as the Department of Natural Resources under Executive Order 2011-1, MCL 324.99921.

C. "Great Lakes Management Unit" means the unit created within the Office of the Great Lakes for implementing the Areas of Concern and Lakewide Management Annexes under the Great Lakes Water Quality Agreement of 1978.

D. "Michigan Coastal Zone Management Program" means the program created within the Office of the Great Lakes for Michigan's implementation of Coastal Zone Management Act of 1972, 16 USC 1456.

E. "Office of the Great Lakes" means the Office of the Great Lakes created under Section 32903 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.32903, subsequently transferred to the Department of Environmental Quality by Executive Order 1995-18, MCL 324.99903, transferred by Type I transfer to the Department of Natural Resources and Environment by Executive Order 2009-45, and transferred by Type I transfer to the Department of Environmental Quality by Executive Order 2011-1, MCL 324.99921.

II. TRANSFER OF THE OFFICE OF THE GREAT LAKES AND ITS PROGRAMS TO THE

DEPARTMENT OF NATURAL RESOURCES

A. The Office of the Great Lakes is transferred intact from the Department of Environmental Quality to the Department of Natural Resources. All the authority, powers, duties, functions, responsibilities of the Department of Environmental Quality associated with the Office of the Great Lakes, including but not limited to the Great Lakes Management Unit and the Michigan Coastal Zone Management Program, are transferred to the Department of Natural Resources pursuant to this Order.

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 Environmental Quality for the activities, powers, duties, functions, and responsibilities transferred to the Department of Natural Resources by this Order are transferred to the Department of Natural Resources.

C. The Director of the Office of the Great Lakes shall remain an appointee of the Governor as a cabinet level position.

III. IMPLEMENTATION

A. The Director of the Department of Natural Resources, after consultation with the Director of the Department of Environmental Quality, shall provide executive direction and supervision for the implementation of the transfer. The Director of the Department of Natural Resources 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 involved in the transfer made under this Order 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 Natural Resources.

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 transfer 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. 2017-5, Eff. Dec. 30, 2017

Compiler's Notes: Executive Reorganization Order No. 2017-5 was promulgated October 30, 2017, as Executive Order No. 2017-9, Eff. Dec. 30, 2017. For the type III transfer of the office of the Great Lakes within the department of natural resources to the new office of the Great Lakes within the department of environment, Great Lakes, and energy, see E.R.O. 2019-1, compiled at MCL 324.99923.