

EXECUTIVE REORGANIZATION ORDER
E.R.O. No. 1994-4

299.901 Creation of the underground storage tank division within the department of natural resources; transfer of powers and duties of the leaking underground storage tank program to the underground storage tank division of department of natural resources by type II transfer; transfer of Michigan underground storage tank financial assurance policy board and powers and duties of the underground storage tank financial assurance program to the department of natural resources by type II transfer.

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 Leaking Underground Storage Tank Program was created within the Department of Natural Resources by Act No. 478 of the Public Acts of 1988, as amended, being Section 299.831 et seq. of the Michigan Compiled Laws; and

WHEREAS, the Underground Storage Tank Regulatory Program was created within the Department of State Police by Act No. 423 of the Public Acts of 1984, as amended, being Section 299.701 et seq. of the Michigan Compiled Laws; and

WHEREAS, the Michigan Underground Storage Tank Financial Assurance Policy Board and the Michigan Underground Storage Tank Financial Assurance Program were created within the Department of Management and Budget by Act No. 518 of the Public Acts of 1988, as amended, being Section 299.801 et seq. of the Michigan Compiled Laws; and

WHEREAS, activities related to the underground storage tank programs can be performed more efficiently by one agency; and

WHEREAS, it is necessary in the interest 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. The creation of the Underground Storage Tank Division within the Environmental Protection Branch of the Department of Natural Resources.

2. All the statutory authority, powers, duties, functions and responsibilities, including the functions of budgeting, procurement and management-related functions of the Leaking Underground Storage Tank Program are hereby transferred from the Environmental Response Division within the Department of Natural Resources to the Underground Storage Tank Division within the Department of Natural Resources.

3. All the statutory authority, powers, duties, functions and responsibilities, including the functions of budgeting, procurement and management-related functions of the Underground Storage Tank Regulatory Program are transferred from the Department of State Police to the Underground Storage Tank Division within the Department of Natural Resources by a Type II transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, being Section 16.103 of the Michigan Compiled Laws effective October 1, 1994.

4. The Michigan Underground Storage Tank Financial Assurance Policy Board and all the statutory authority, powers, duties, functions and responsibilities, including the functions of budgeting, procurement and management-related functions of the Underground Storage Tank Financial Assurance Program are hereby transferred from the Department of Management and Budget to the Department of Natural Resources by a Type II transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, being Section 16.103 of the Michigan Compiled Laws.

5. The Director of the Department of Natural Resources 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 Department of Natural Resources, and all prescribed functions of rule making, reimbursements and maintaining records shall be transferred to the Department of Natural Resources.

6. All records, personnel, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available, or to be made available to the Underground Storage Tank Regulatory Program and the Underground Storage Tank Financial Assurance Program for the activities transferred are hereby transferred to the Department of Natural Resources to the extent required to provide for the efficient and effective operation of the Underground Storage Tank Regulatory Program and the Underground Storage Tank Financial Assurance Program.

7. The Director of the Department of Natural Resources shall make internal organizational changes as may

be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

8. The Directors of the Departments of Natural Resources, State Police, and Management and Budget 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 Underground Storage Tank Regulatory Program and the Underground Storage Tank Financial Assurance Program.

9. 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.

10. 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. 1994-4, Eff. May 3, 1994.