CHAPTER 299. NATURAL RESOURCES

DEPARTMENT OF NATURAL RESOURCES
Act 17 of 1921

EXECUTIVE REORGANIZATION ORDER
E.R.O. No. 1973-2

299.11 Transfer and consolidation of environmental functions.

WHEREAS, it is necessary to centralize the environmental functions of state government in order to provide a coordinated response to the environmental problems facing the State of Michigan; and

WHEREAS, the continued improvement in Michigan's outstanding environmental programs requires organizational structures to meet emerging problems; and

WHEREAS, Article V, Section 2, of the Michigan Constitution of 1963, empowers the Governor to make changes in the Executive Branch of Government and in the assignment of functions among its units which he considers necessary for efficient administration; and

WHEREAS, the Michigan Water Resources Commission was transferred to the Department of Conservation and its successor, the Department of Natural Resources, by a Type I transfer pursuant to Section 257 of Act 380 of 1965; and

WHEREAS, the Michigan State Waterways Commission was transferred to the Department of Conservation and its successor, the Department of Natural Resources, by a Type I transfer pursuant to Section 258 of Act 380 of 1965.

NOW, THEREFORE, I, WILLIAM G. MILLIKEN, Governor of the State of Michigan, pursuant to Article V, Section 2, of the Michigan Constitution hereby order the following:

1. The Department of Natural Resources and the Natural Resources Commission are hereby designated the state entity responsible for the development and coordination of all environmental functions and programs of the State of Michigan. In carrying out this mandate, the responsibilities of the Department and the Commission, in addition to the duties already prescribed by law, shall include but not be limited to the following:
   a. to provide for the protection of persons and property through the protection of land resources and land-water interfaces in the state and the maintenance of water quality in the state.
   b. to provide for the health of Michigan citizens through the prevention of hazards from air pollution and the prevention of health hazards in liquid and solid waste.
   c. to integrate environmental preservation programs with state economic development programs including agriculture, through state land resource planning, land resources utilization and water resources planning and management.
   d. to provide for the recreation and cultural enrichment of Michigan citizens including citizens residing in urban areas of the state, through programs designed to provide recreation opportunities through waterway usage services, fishery resource service, wildlife resource services, park and forest services and resource law enforcement.

2. The statutory authority, powers, duties, functions, and responsibilities of the Water Resources Commission created under Section 1, Act 245 of Public Acts of 1929, as amended, being section 323.1 of the Compiled Laws of 1948, are hereby transferred to the Department of Natural Resources by a Type II transfer as defined by Section 3(b) of Act 380 of the Public Acts of 1965.
   a. The Water Resources Commission shall serve in an advisory capacity to the Natural Resources Commission and staff.
   b. All records, property, personnel and unexpended balances of appropriations and allocations and other funds used, held, employed, available, or to be made available, to the Water Resources Commission are transferred to the Department of Natural Resources.

3. The statutory authority, powers, duties, functions and responsibilities of the Michigan State Waterways Commission created under Section 2 of Act 320 of Public Acts of 1947, being section 281.502 of the Compiled Laws of 1948 is hereby transferred to the Department of Natural Resources by a Type II transfer as defined by Section 3(b) of Act 380 of Public Acts of 1965.
   a. The Michigan State Waterways Commission shall serve in an advisory capacity to the Natural Resources Commission and staff.
   b. All records, property, personnel and unexpended balances of appropriations and allocations and other funds used, held, employed, available, or to be made available, to the Michigan State Waterways Commission are transferred to the Department of Natural Resources.

4. The statutory authority, powers, duties, functions and responsibilities of Air Pollution Control Commission created by Section 3 of Act 348 of the Public Acts of 1965 being 336.13 of the Compiled Laws of 1948 is hereby transferred from the Department of Public Health to the Department of Natural Resources by a Type II transfer as defined by Section 3(b) of Act 380 of the Public Acts of 1965.
a. The Air Pollution Control Commission shall serve in an advisory capacity to the Natural Resources Commission.

b. All records, property, personnel and unexpended balances of appropriations, allocations and other funds used, held, employed, available, or to be made available to the Air Pollution Control Commission are transferred to the Department of Natural Resources Commission.

c. The powers, duties and functions of the State Health Director, pursuant to Section 3, Act 250 of the Public Acts of 1965, with respect to certifications of facilities for a Pollution Control tax exemption is hereby transferred to the Department of Natural Resources.

5. There is hereby transferred from the Department of Public Health to the Department of Natural Resources, by a Type II transfer, as defined by Section 3(b) of Act 380 of Public Acts of 1965, the statutory authority, powers, duties, functions and responsibilities set forth in the following:

   a. Act 98 of the Public Acts of 1913, as amended, being Section 325.201 et seq. of the Compiled Laws of 1948 insofar as the statute provides for the supervision and control of planning, construction, operation and maintenance of sewage systems and the certification of sewage treatment, works, operators.

   b. Act 87 of the Public Acts of 1965, as amended, being 325.291 et seq. with respect to solid waste disposal.


   d. All records, property, personnel and unexpended balances of appropriations, allocations and other funds used, held, employed, available, or to be made available to the Department of Public Health for the above purposes are transferred to the Department of Natural Resources.

6. There is hereby transferred from the Department of Agriculture to the Department of Natural Resources by a Type II transfer as defined by Section 3(b) Act 380 of the Public Acts of 1965, the statutory authority, powers, duties, functions and responsibilities set forth in the following acts, or parts of acts:

   a. Act 40 of the Public Acts of 1956, as amended, being section 280.1 et seq. of the Compiled Laws of 1948, with respect to drains, more commonly known as the "Drain Code of 1956"


7. The statutory authority, powers, duties, functions and responsibilities of the Boundary Commission created by Section 2 of Act 191 of the Public Acts of 1968, being Section 123.1002of the Compiled Laws of 1948, is hereby transferred from the Department of Treasury to the Department of Natural Resources by a Type II transfer as defined by Section 3(b) of Act 380 of the Public Acts of 1965.

   a. The Boundary Commission shall continue to serve in an advisory capacity to the Natural Resources Commission.

   b. All records, property, personnel and unexpended balances of appropriations and allocations and other funds used, held, employed, available, or to be made available to the Boundary Commission are transferred to the Department of Natural Resources.

8. The Department of Natural Resources and the Natural Resources Commission are hereby ordered to assume complete responsibility for the development of a State Land Use Plan and to prepare legislative proposals to effectuate that program within one year of the effective date of this Executive Order.

The Special Commission on Land Use created by Executive Order 1970-15, as amended, by Executive Order 1971-7, is hereby abolished. The Interim Office on Land Use within the Executive Office of the Governor is hereby abolished. All of the duties, responsibilities, and functions of the Special Commission on Land Use and the Interim Office are hereby transferred to the Department of Natural Resources by a Type II transfer along with all records, property, personnel and unexpended balances of appropriations, allocations and other funds used, held, employed, available, or to be made available to the Special Commission on Land Use and the Interim Office on Land Use.

9. Executive Order 1969-1 creating the Advisory Council for Environmental Quality is hereby rescinded. The powers, duties, functions and responsibilities of the Council as set forth therein are hereby transferred to the Department of Natural Resources and the Natural Resources Commission.

10. All rules and orders of the agencies and entities transferred by this Executive Order lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended, or repealed.

11. All hearings and proceedings before commissions or other agencies included in the functions transferred by this Order shall be transferred to the Department of Natural Resources.

12. The Natural Resources Commission, after the effective date of this Order, shall make such departmental organizational changes as may be administratively necessary to complete the centralization of environmental functions contemplated by this Order.

The Director, Bureau of Programs and Budget, is hereby ordered to review and approve the internal
WHEREAS, Executive Order 1973-2 transferred and consolidated the environmental functions within the Department of Natural Resources; and

WHEREAS, modifications and clarifications of Executive Order 1973-2 would enable the State of Michigan to recognize legitimate concerns with respect to certain transferred functions;

NOW, THEREFORE, I, WILLIAM G. MILLIKEN, Governor of the State of Michigan, pursuant to Article V, Section 2, of the Michigan Constitution hereby order the following:

1. All of paragraph 2, page 2, of said executive order is stricken and in lieu thereof the following is hereby ordered:

“2. The statutory authority, powers, duties, functions, responsibilities of the Water Resources Commission created under Section 1, Act 245, P.A. 1929, as amended, being Section 323.1 of the Compiled Laws of 1948, are hereby transferred to the Department of Natural Resources by a Type II transfer as defined by Section 3(b) of Act 380 of the Public Acts of 1965, except that the following powers, duties and responsibilities specifically related to that function shall be exercised by the Water Resources Commission independent of the Department of Natural Resources.

   a. Sections 2-6, 6(a), 6(b), 7-9 and 13 of Act 245, P.A. 1929 as amended; Sections 4, 8, and 10 of Act 167, P.A. 1970; Sections 4 and 5 of Act 211, P.A. 1956, as amended; Sections 3-5, 7, 10, 12, 14-17 of Act 329, P.A. 1966, as amended; Section 3 of Act 222, P.A. 1966; Sections 4, 5, 7, 11, 13, 14 and 15 of Act 347, P.A. 1972; and Section 423 of Act 40, P.A. 1956, as amended, by Act 298, P.A. 1972.

   b. The Water Resources Commission shall continue to exercise independent authority with respect to quasi-judicial functions in the rule-making, enforcement, and issuance of orders in the water pollution control functions. In all other areas it shall serve in an advisory capacity to the Natural Resources Commission and staff.

   c. All records, property, personnel and unexpended balances of appropriations and allocations and other funds used, held, employed, available, or to be made available to the Water Resources Commission are transferred to the Department of Natural Resources.”

2. Paragraph 4, page 2, is amended by striking 4(a) and (b) and inserting the following:

"4. The statutory authority, powers, duties, functions and responsibilities of Air Pollution Control Commission created by Section 3 of Act 348 of the Public Acts of 1965 being 336.13 of the Compiled Laws of 1948 is hereby transferred from the Department of Public Health to the Department of Natural Resources by a Type II transfer as defined by Section 3(b) of Act 380 of the Public Acts of 1965, except that the powers, duties and responsibilities specifically related to that function as set forth in sections 4, 5(a)-(h), 5(j) 7-11, 14(a), 17-25 of Act 348, P.A. 1965, as amended by Act 257 of 1972, shall be exercised by the Air Pollution Control Commission independent of the control and supervision of the Department of Natural Resources.

   a. The Air Pollution Control Commission shall continue to exercise independent authority with respect to quasi-judicial functions in the rule-making, enforcement, and issuance of orders in the air pollution control function. In all other areas it shall serve in an advisory capacity to the Natural Resources Commission and staff.

   b. All records, property, personnel and unexpended balances of appropriations and allocations and other funds used, held, employed, available or to be made available to the Air Pollution Control Commission are transferred to the Department of Natural Resources.”

3. Paragraph 6, page 3, is hereby amended by striking the entire paragraph and inserting the following:

"6. There is hereby transferred from the Department of Agriculture to the Department of Natural Resources the statutory authority, powers, duties, functions and responsibilities set forth in Act 238, P.A. 1972, establishing authority and appropriations for the coordination of watershed development.

   a. All records, property, personnel and unexpended balances of appropriations and allocations and other funds used, held, employed, available or to be made available to the Department of Agriculture for the function transferred are transferred to the Department of Natural Resources.”

4. Paragraph 7 of page 3 pertaining to transfer of the Boundary Commission is hereby stricken.

5. Within the Department of Natural Resources there is hereby created an environmental protection division and a natural resources division which shall be budgeted separately, with no transferability of funds between divisions except as authorized by the Legislature. The principal executive officer of the environmental protection division is the deputy director for environmental protection, and the principal executive officer of the natural resources division is the deputy director for natural resources. The principal
executive officer of the environmental protection division shall serve as the principal administrative officer of
the water resources commission and the air pollution control commission. The water resources commission
and the air pollution control commission may delegate to the principal executive officer of the environmental
protection division such authority as they deem appropriate. The Natural Resources Commission shall make
such additional departmental organizational changes as may be administratively necessary to complete the
centralization of environmental functions contemplated by this order.

6. In fulfillment of the requirements of Article V, Section 2, of the Michigan Constitution, provisions of
this amendatory order shall become effective May 14, 1973; all provisions of Executive Order 1973-2 that are
not affected by this amendatory order shall be effective April 1, 1973. During that period April 1, and May
14, 1973, all determinations of the Air Pollution Control Commission and the Water Pollution Commission
specifically reserved to those agencies pursuant to this amendatory executive order, and the determinations of
the State Boundary Commission, shall be reviewed and acted upon by the Natural Resources Commission.

WHEREAS, the Michigan Department of Natural Resources, through its various programs, functions and
responsibilities, as prescribed by State law, is mandated to conserve and develop the natural resources of the
state in the interest of the health, safety and welfare of the people, and to provide for the protection of the air,
water and other natural resources of the state from pollution, impairment and destructions; and

WHEREAS, the quality of the environment of Michigan and the opportunity to use and enjoy our natural
resources is of great concern to all citizens of the state; and

WHEREAS, the Department of Natural Resources, over the years, has been given many new
responsibilities which requires centralized and coordinated decisions and implementation; and

WHEREAS, these diverse responsibilities and continued advances in environmental protection and natural
resources management require an organizational structure designed to meet existing and emerging program
needs, and to centralize program responsibilities in order to provide a coordinated response to associated
problems facing the State of Michigan; and

WHEREAS, Article V, Section 2, of the Michigan Constitution of 1963, empowers the Governor to make
changes in the Executive Branch of government and in the assignment of functions among its units which he
considers necessary for efficient administration; and

WHEREAS, Executive Order 1973-2 transferred and consolidated the environmental functions within the
Department of Natural Resources, and modification and clarifications of Executive Order 1973-2 would
enable the State of Michigan, through its Department of Natural Resources to more properly administer and
implement its program activities;

NOW, THEREFORE, I, WILLIAM G. MILLIKEN, Governor of the State of Michigan, pursuant to
Article V, Section 2, of the Michigan Constitution, hereby order the following:

1. Executive Order 1973-2a is hereby repealed and this order shall supersede the provisions of that order.

2. Executive Order 1973-2 shall remain in full force and effect as amended in the following manner:
   a. Paragraph 2, page 1, as amended, reads as follows:

   The statutory authority, powers, duties, functions and responsibilities of the Water Resources Commission
   created under Section 1, Act 245, P.A. 1929, as amended, being Section 323.1 of the Compiled Laws of 1948,
   are hereby transferred to the Department of Natural Resources by a Type II transfer as defined by Section 3(b)
   of Act 380 of the Public Acts of 1965, except that the Water Resources Commission shall continue to exercise
   independent authority with respect to quasi-judicial functions, rule-making, and issuance of permits and
   orders in the water pollution control functions, as specified in Section 2, Section 5, subsection (1) of Section
   7, and subsection (b) of Section 8 of Act No. 245 of the Public Acts of 1929, as amended. In all other areas it
   shall serve in an advisory capacity to the Natural Resources Commission and staff.
   b. Paragraph 4, page 2, as amended, reads as follows:

   The statutory authority, powers, duties, functions and responsibilities of the Air Pollution Control
   Commission created by Section 3 of Act No. 348 of the Public Acts of 1965 being 336.13 of the Compiled
   Laws of 1948 is hereby transferred from the Department of Public Health to the Department of Natural
   Resources by a Type II transfer as defined by Section 3(b) of Act No. 380 of the Public Acts of 1965, except
   that the Air Pollution Control Commission shall continue to exercise independent authority with respect to
   quasi-judicial functions, rule-making, and issuance of permits and orders in the air pollution control function,
   as specifically prescribed by Section 4, subsections (a), (b), (c), (d), (e) and (h) of Section 5; Section 7;
   Section 9; Section 10; and Section 11 of Act No. 348 of the Public Acts of 1965, as amended. In all other areas it
   shall serve in an advisory capacity to the Natural Resources Commission and staff. The statutory authority,
   powers, duties, functions and responsibilities of the State Health Commissioner pursuant to Section 6, of Act
   No. 348 of the Public Acts of 1965, as amended, being Section 336.16 of the Compiled Laws of 1970, is
   transferred from the Department of Public Health to the Department of Natural Resources by a Type II
   transfer as defined by Section 3(b) of Act No. 380 of the Public Acts of 1965; further the Director of Public

© Legislative Council, State of Michigan

Courtesy of www.legislature.mi.gov
Health shall continue to exercise independent authority with respect to the emergency powers in Section 14 of Act No. 348 of the Public Acts of 1965.

C. Paragraph 6, page 3, as amended, reads as follows:

There is hereby transferred from the Department of Agriculture to the Department of Natural Resources the statutory authority, powers, duties, functions and responsibilities set forth in Act No. 238 of the Public Acts of 1972, establishing authority and appropriations for the coordination of watershed development.

d. Paragraph 7, page 3, is stricken.

e. Paragraph 12, page 4, as amended, reads as follows:

The Natural Resources Commission, after the effective date of this order, shall issue an administrative order to internally reorganize the Department as may be deemed necessary to promote economic and efficient administration and operation of the Department, and shall promulgate all necessary administrative rules to implement the reorganization.

3. The functions of the "Environmental Protection Branch" of the Department of Natural Resources, as prescribed by subsection (1) and (4) of Section 7 of Act No. 366 of the Public Acts of 1974, are hereby transferred, by Type II transfer, as defined by Section 3(b) of Act No. 380 of the Public Acts of 1965, to the Department of Natural Resources.

4. The Director of the Department of Natural Resources, with the advice and consent of the Air Pollution Control Commission and Water Resources Commission, shall appoint an Executive Secretary to each commission.

The Director, Department of Management and Budget, is hereby ordered to review and approve the internal reorganization of the Department of Natural Resources on behalf of the Governor as set forth in Section 7(a) of Act No. 380 of the Public Acts of 1965, being Section 16.107 of the Michigan Compiled Laws.

In fulfillment of the requirements of Article V, Section 2 of the Michigan Constitution, the provisions of this Executive Order shall become effective September 1, 1976.


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.

EXECUTIVE REORGANIZATION ORDER
E.R.O. No. 1988-1

299.12 Transfer of toxic substance control commission to department of natural resources.

WHEREAS, it is in the public interest to promote coordination, cooperation, and efficiency among Michigan's environmental protection programs; and

WHEREAS, Act 185 of the Public Acts of 1987, shifts appropriations for the Toxic Substance Control Commission from the Department of Management and Budget to the Department of Natural Resources; and

WHEREAS, Article 5, Section 2, of the Michigan Constitution of 1963 empowers the governor to make changes in the organization of the Executive Branch or assignment of functions among its units which are necessary for efficient administration;

NOW, THEREFORE, I, JAMES J. BLANCHARD, Governor of the State of Michigan, pursuant to the authority vested in me by the Constitution of the State of Michigan of 1963, do hereby order the following:

1. The powers, duties, functions, and responsibilities of the Toxic Substance Control Commission conferred by Act 116 of the Public Acts of 1978 are hereby transferred to the Department of Natural Resources, Toxic Substance Control Commission by a Type I transfer, as defined by Section 3(a) of Act 380 of the Public Acts of 1965.

2. All records, property, personnel, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Department of Management and Budget for the Toxic Substance Control Commission are also transferred to the Department of Natural Resources, Toxic Substance Control Commission.

In fulfillment of the requirements of Article 5, Section 2, of the Constitution of 1963, this order shall become effective on April 30, 1988.


Compiler's note: Executive Reorganization Order No. 1988-1 was promulgated February 26, 1988, as Executive Order No. 1988-4 and became effective April 30, 1988.

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.
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.

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 in the Constitution; and

WHEREAS, the Commission of Conservation (later the Commission of Natural Resources) was created under Section 1 of Act No. 17 of the Public Acts of 1921, as amended, being Section 299.1 of the Michigan Compiled Laws, and its existence and powers were continued under Sections 251 and 254 of Act No. 380 of the Public Acts of 1965, as amended, being Sections 16.351 and 16.354 of the Michigan Compiled Laws; and

WHEREAS, the Department of Conservation (later the Department of Natural Resources) was created under Section 1 of Act No. 17 of the Public Acts of 1921, as amended, being Section 299.1 of the Michigan Compiled Laws and its existence and powers were continued under Sections 250, 252, and 253 of Act No. 380 of the Public Acts of 1965, as amended, being Sections 16.350, 16.352 and 16.353 of the Michigan Compiled Laws; and

WHEREAS, certain functions, duties and responsibilities of the Commission of Natural Resources, the Department of Natural Resources and the director of the Department of Natural Resources, and of certain agencies, boards and commissions contained therein relating to natural resources management and environmental protection can be carried out more effectively by the director of a new Michigan Department of Natural Resources; and

WHEREAS, the Commission of Conservation (later the Commission of Natural Resources) was created under Section 1 of Act No. 17 of the Public Acts of 1921, as amended, being Section 299.1 of the Michigan Compiled Laws, and its existence and powers were continued under Sections 251 and 254 of Act No. 380 of the Public Acts of 1965, as amended, being Sections 16.351 and 16.354 of the Michigan Compiled Laws; and

WHEREAS, Article IV, Section 52, of the Constitution of the State of Michigan of 1963 declares the conservation and development of the natural resources of the state to be of paramount public concern in the interest of the health, safety and general welfare of the people; 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 Article V, Section 1, Article V, Section 2, and Article V, Section 8, of the Constitution of the State of Michigan of 1963 and the laws of the State of Michigan, do hereby order the following:

I. GENERAL

A. New Michigan Department of Natural Resources

1. All the statutory authority, powers, duties, functions and responsibilities of the Commission of Natural Resources and of the Department of Natural Resources, created under Sections 1 and 2 of Act No. 17 of the Public Acts of 1921, as amended, being Sections 299.1 and 299.2 of the Michigan Compiled Laws, and under Sections 250 - 254 of Act No. 380 of the Public Acts of 1965, as amended, being Sections 16.350 to 16.354 of the Michigan Compiled Laws, and of the director of the Department of Natural Resources and of the agencies, boards and commissions contained therein, including the functions of budget, procurement and management-related functions, and the functions set out more particularly in Part II below relating to natural resources management and the functions set out more particularly in Part III below relating to environmental protection are hereby transferred to the director of a new Michigan 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, unless otherwise specified in Part II below or in Part III below and with the following exceptions:

a. Pursuant to Article V, Sections 1, 2 and 8, of the Constitution of the State of Michigan of 1963, the power to designate a member of the Commission of Natural Resources as chairperson is hereby transferred to and vested in the Governor and such member appointed by the governor shall serve as chairperson at the pleasure of the Governor.

b. The director of the new Michigan Department of Natural Resources shall continue to be appointed by...
the Commission of Natural Resources and shall continue to serve at its pleasure.

   c. The Commission of Natural Resources may promulgate rules, not inconsistent with the law and with this Order, governing its organization and procedure.

   d. The Commission of Natural Resources shall, pursuant to Article V, Section 3, of the Constitution of the State of Michigan of 1963, be the head of the new Michigan Department of Natural Resources and may establish general policies relating to natural resources management and environmental protection for the guidance of the Director of the new Michigan Department of Natural Resources. Pursuant to Article V, Section 8, of the Constitution of the State of Michigan of 1963, the Commission of Natural Resources and the new Michigan Department of Natural Resources shall be under the supervision of the Governor.

   e. A final decision of the director of the new Michigan Department of Natural Resources or persons to whom the director has lawfully delegate decision-making authority pursuant to this Order relating to the issuance of a permit or operating license is subject to direct review by the Commission of Natural Resources as provided in Part IV, B below.

2. The director of the new Michigan Department of Natural Resources shall provide executive direction and supervision for the implementation of the transfer. The functions transferred to the new Michigan Department of Natural Resources by this Order, with the exception of those functions set out in Section A(1) a, b, c, d and e above, shall be administered under the direction and supervision of the director of the new Michigan Department of Natural Resources and all prescribed functions, unless otherwise specified herein, of rule making, licensing and registration, including the prescription of rules, regulations, standards and adjudications shall, unless otherwise specified herein, be transferred to the director of the new Michigan Department of Natural Resources.

3. All records, personnel, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available, or to be made available to the Commission of Natural Resources, the Department of Natural Resources, the director of the Department of Natural Resources and the agencies, boards and commissions contained therein for the functions transferred to the new Michigan Department of Natural Resources by this Order are hereby transferred to the new Michigan Department of Natural Resources.

4. All rules, orders, contracts and agreements relating to the functions transferred to the new Michigan Department of Natural Resources lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended or repealed.

5. 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. Department of Natural Resources.

By virtue of this Order, the Department of Natural Resources is hereby abolished and its functions, duties and responsibilities transferred as set out herein.

II. NATURAL RESOURCES MANAGEMENT

A. Wildlife, Game, Hunting, and Fishing

1. The Nongame Fish and Wildlife Trust Fund Act, Act No. 285 of the Public Acts of 1986, being Section 299.151 et seq. of the Michigan Compiled Laws, the Advisory Committee created thereby is transferred by a Type III 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, and the Advisory Committee is hereby abolished.


5. Act No. 230 of the Public Acts of 1925, as amended, being Section 300.1 et seq. of the Michigan Compiled Laws.

6. Act No. 192 of the Public Acts of 1929, as amended, being Section 300.11 et seq. of the Michigan Compiled Laws.

7. Act No. 63 of the Public Acts of 1885, as amended, being Section 300.51 et seq. of the Michigan Compiled Laws.


10. Act No. 111 of the Public Acts of 1951, being Section 300.151 of the Michigan Compiled Laws.
17. The Commercial Fishing Law of 1929, Act No. 84 of the Public Acts of 1929, as amended, being Section 308.1 et seq. of the Michigan Compiled Laws, the Great Lakes Fishery Advisory Committee created thereby is transferred by a Type III 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, and the Great Lakes Fishery Advisory Committee is hereby abolished.
34. Act No. 159 of the Public Acts of 1967, as amended, being Section 317.331 et seq. of the Michigan Compiled Laws, the Hunting Area Control Committee created thereby is transferred by a Type III 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 and the Hunting Area Control Committee is hereby abolished.
35. Act No. 82 of the Public Acts of 1947, as amended, being Section 317.401 et seq. of the Michigan Compiled Laws.

B. Forests and Forest Management
1. The Forest and Mineral Resource Development Fund Act, Act No. 188 of the Public Acts of 1988, being Section 299.251 et seq. of the Michigan Compiled Laws, the Forest and Mineral Resource Development Fund Board created thereby is transferred by a Type III 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, and the Great Lakes Fishery Advisory Committee is hereby abolished.

2. Section 17 of the Insect Pest and Plant Disease Act, Act No. 189 of the Public Acts of 1931, as amended, being Section 286.217 of the Michigan Compiled Laws, relating to cooperation with the Director of the Department of Agriculture.

3. Act No. 329 of the Public Acts of 1969, as amended, being Section 320.21 et seq. of the Michigan Compiled Laws (except those powers contained therein relating to the Governor).


15. Act No. 182 of the Public Acts of 1962, being Section 322.11 et seq. of the Michigan Compiled Laws.


2. Act No. 61 of the Public Acts of 1939, as amended, being Section 319.1 et seq. of the Michigan Compiled Laws, the Advisory Board created thereby is transferred by a Type III 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 and the Advisory Board is hereby abolished.


5. The Mineral Well Act, Act No. 315 of the Public Acts of 1969, as amended, being Section 319.211 et seq. of the Michigan Compiled Laws, the Mineral Well Advisory Board created thereby is transferred by a Type III 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 and the Mineral Well Advisory Board is hereby abolished.


7. Act No. 138 of the Public Acts of 1947, as amended, being Section 319.301 et seq. of the Michigan Compiled Laws (except those powers contained therein relating to the Governor).

8. The Michigan Unitization Law, Act No. 197 of the Public Acts of 1959, as amended, being Section
319.351 et seq. of the Michigan Compiled Laws, the Appeal Board created thereby is transferred by a Type III 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 and the Appeal Board is hereby abolished.


10. Act No. 373 of the Public Acts of 1917, being Section 321.21 et seq. of the Michigan Compiled Laws.


13. The Michigan Resource Inventory Act, Act No. 204 of the Public Acts of 1979, as amended, being Section 321.201 et seq. of the Michigan Compiled Laws, the Inventory Advisory Committee created thereby is transferred by a Type III 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 and the Inventory Advisory Committee is hereby abolished.


D. Lakes and Rivers, Dam Safety, and Flood Management


2. Sections 8 to 8b of Act No. 116 of the Public Acts of 1923, as amended, being Sections 41.418 to 41.418b of the Michigan Compiled Laws.


5. Act No. 320 of the Public Acts of 1947, as amended, being Section 281.501 et seq. of the Michigan Compiled Laws, and the Michigan State Waterways Commission created thereby which is transferred 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 and the Michigan State Waterways Commission shall be advisory to the director of the new Michigan Department of Natural Resources.


E. Wilderness, Farmland and Open Space

1. The Wilderness and Natural Areas Act of 1972, Act No. 241 of the Public Acts of 1972, as amended, being Section 322.751 et seq. of the Michigan Compiled Laws, the Wilderness and Natural Areas Advisory Board created thereby is transferred by a Type III 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 and the Wilderness and Natural Areas Advisory Board is hereby abolished.


F. Parks, Parklands and Recreation


5. Act No. 326 of the Public Acts of 1965, as amended, being Section 299.121 et seq. of the Michigan Compiled Laws, the State Recreation and Cultural Arts Section and the Advisory Committee created thereby are transferred by a Type III 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 and the Advisory Committee is hereby abolished.


7. Act No. 218 of the Public Acts of 1919, as amended, being Section 318.3 et seq. of the Michigan Compiled Laws.


10. Act No. 355 of the Public Acts of 1927, as amended, being Section 318.61 et seq. of the Michigan Compiled Laws, and the Mackinac Island State Park Commission created thereby which is transferred by a Type I 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; Act No. 20 of the Public Acts of 1955, being Section 318.71 et seq. of the Michigan Compiled Laws; Act No. 54 of the Public Acts of 1909, as amended, being Section 318.81 et seq. of the Michigan Compiled Laws; Act No. 22 of the Public Acts of 1907, being Section 318.91 et seq. of the Michigan Compiled Laws; Act No. 45 of the Public Acts of 1943, as amended, being Section 318.101 et seq. of the Michigan Compiled Laws; Act No. 70 of the Public Acts of 1957, being Section 318.121 et seq. of the Michigan Compiled Laws; and Act No. 201 of the Public Acts of 1958, as amended, being Section 318.201 et seq. of the Michigan Compiled Laws.


14. Act No. 149 of the Public Acts of 1960, as amended, being Section 318.301 et seq. of the Michigan Compiled Laws, including, but not limited to, bond, note, reserve and trust funds, subject to any agreement with note and bond holders or with the holders of issuers of instruments which may have been guaranteed.

15. Act No. 257 of the Public Acts of 1968, as amended, being Section 318.351 et seq. of the Michigan Compiled Laws, including, but not limited to, bond, note, reserve and trust funds, subject to any agreement with note and bond holders or with the holders or issuers of instruments which may have been guaranteed.

Compiled Laws, including, but not limited to, bond, note, reserve and trust funds, subject to any agreement with note and bond holders or with the holders of issuers of instruments which may have been guaranteed.

17. The Michigan Natural Resources Trust Fund Act, Act No. 101 of the Public Acts of 1985, being Section 318.501 et seq. of the Michigan Compiled Laws, including the Michigan Natural Resources Trust Fund Board created thereby and including, but not limited to, bond, note, reserve and trust funds, subject to any agreement with note and bond holders or with the holders or issuers of instruments which may have been guaranteed, which is transferred by a Type I 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.


19. The Recreation Bond Authorization Act, Act No. 327 of the Public Acts of 1988, being Section 318.551 et seq. of the Michigan Compiled Laws, including, but not limited to, bond, note, and reserve and trust funds, subject to any agreement with note and bond holders or with the holders or issuers of instruments which may have been guaranteed.

20. The Recreation Bond Implementation Act, Act No. 329 of the Public Acts of 1988, as amended, being Section 318.571 et seq. of the Michigan Compiled Laws, including, but not limited to, bond, note, reserve and trust funds, subject to any agreement with note and bond holders or with the holders or issuers of instruments which may have been guaranteed.

G. State Fairs and Real Estate

1. Sections 11 and 11a of Act No. 183 of the Public Acts of 1943, as amended, being Sections 125.211 and 125.211a of the Michigan Compiled Laws.


3. Act No. 223 of the Public Acts of 1909, as amended, being Section 211.461 et seq. of the Michigan Compiled Laws.

4. Act No. 137 of the Public Acts of 1913, being Section 211.471 et seq. of the Michigan Compiled Laws.

5. Act No. 44 of the Public Acts of 1883, being Section 211.481 et seq. of the Michigan Compiled Laws.

6. Act No. 91 of the Public Acts of 1925, as amended, being Section 211.491 et seq. of the Michigan Compiled Laws.


8. Section 24 of Act No. 51 of the Public Acts of 1951, as amended, being Section 247.64 of the Michigan Compiled Laws.


10. The Michigan Exposition and Fairgrounds Act, Act No. 361 of the Public Acts of 1978, being Section 285.161 et seq. of the Michigan Compiled Laws, and the State Exposition and Fairgrounds Council created thereby which is transferred by 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.


H. Other


5. Section 5 of the Act No. 195 of the Public Acts of 1935, as amended, being Section 798.5 of the Michigan Compiled Laws.
6. All the statutory authority, powers, duties, functions and responsibilities, if any, of the Commission of Natural Resources, the Department of Natural Resources, the Director of the Department of Natural Resources, and of the agencies, boards and commissions contained therein, including the functions of budget, procurement and management-related functions, concerning natural resources management under Act No. 66 of the Public Acts of 1952, being Section 281.541 et seq. of the Michigan Compiled Laws; Act No. 44 of the Public Acts of 1952, being Section 281.601 of the Michigan Compiled Laws; Act No. 278 of the Public Acts of 1952, as amended, being Section 281.621 et seq. of the Michigan Compiled Laws; Act No. 201 of the Public Acts of 1953, as amended, being Section 300.201 of the Michigan Compiled Laws; Act No. 350 of the Public Acts of 1865 as amended, being Section 307.22 et seq. of the Michigan Compiled Laws; Act No. 121 of the Public Acts of 1891, as amended, being Section 307.41 et seq. of the Michigan Compiled Laws; Act No. 14 of the Public Acts of 1923, as amended, being Section 307.71 et seq. of the Michigan Compiled Laws; Act No. 57 of the Public Acts of 1931, being Section 307.161 of the Michigan Compiled Laws; Act No. 4 of the Public Acts of 1939, being Section 307.151 of the Michigan Compiled Laws; Act No. 194 of the Public Acts of 1925, as amended, being Section 307.171 et seq. of the Michigan Compiled Laws; Act No. 178 of the Public Acts of 1941, being Section 319.101 et seq. of the Michigan Compiled Laws; Act No. 59 of the Public Acts of 1945, being Section 319.151 et seq. of the Michigan Compiled Laws; and Act No. 197 of the Public Acts of 1980, being Section 399.251 et seq. of the Michigan Compiled Laws.

III. ENVIRONMENTAL PROTECTION
A. Air Quality
2. The Air Pollution Act, Act No. 348 of the Public Acts of 1965, as amended, being Section 336.11 et seq. of the Michigan Compiled Laws. The Air Pollution Control Commission created thereby is transferred by a Type III 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 and the Air Pollution Control Commission is hereby abolished.
B. Water Quality
1. Act No. 245 of the Public Acts of 1929, as amended, being Section 323.1 et seq. of the Michigan Compiled Laws, the Water Resources Commission and the Critical Materials Advisory Committee created thereby are transferred by a Type III 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 and the Water Resources Commission and the Critical Materials Advisory Committee are hereby abolished.
2. The Great Lakes Protection Act, Act No. 128 of the Public Acts of 1985, as amended, being Section 323.31 et seq. of the Michigan Compiled Laws, the Office of the Great Lakes and the Great Lakes Protection Fund Technical Advisory Board created thereby are transferred 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 and the Great Lakes Protection Fund Technical Advisory Board shall be advisory to the director of the new Michigan Department of Natural Resources.
11. Act No. 159 of the Public Acts of 1969, as amended, being Section 323.401 et seq. of the Michigan Compiled Laws, including, but not limited to, bond, note, reserve and trust funds, subject to any agreement with note and bond holders or with the holders or issuers of instruments which may have been guaranteed.
et seq. of the Michigan Compiled Laws.

13. Act No. 98 of the Public Acts of 1913, as amended, being Section 325.201 et seq. of the Michigan Compiled Laws.

C. Waste Management

1. Act No. 460 of the Public Acts of 1982, being Section 3.751 et seq. of the Michigan Compiled Laws (except those powers contained therein relating to the Governor).
3. The Resource Recovery Act, Act No. 366 of the Public Acts of 1974, as amended, being Section 299.301 et seq. of the Michigan Compiled Laws, the State Resource Recovery Commission created thereby which is transferred by a Type III 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 and the State Resource Recovery Commission is hereby abolished.
5. The Clean Michigan Fund Act, Act No. 249 of the Public Acts of 1986, as amended, being Section 299.371 et seq. of the Michigan Compiled Laws, the Advisory Panel created thereby is transferred by a Type III 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 and the Advisory Panel is hereby abolished.
8. The Plastic Recycling Development Act, Act No. 415 of the Public Acts of 1988, being Section 299.471 et seq. of the Michigan Compiled Laws, the Plastics Recycling Development Fund Consortium created thereby is transferred by a Type III 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 and the Plastics Recycling Development Fund Consortium is hereby abolished.
9. The Hazardous Waste Management Act, Act No. 64 of the Public Acts of 1979, as amended, being Section 299.501 et seq. of the Michigan Compiled Laws; the State Hazardous Waste Management Planning Committee created thereby is transferred by a Type III 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 and the State Hazardous Waste Management Planning Committee is hereby abolished; the functions, duties and responsibilities of the Site Review Boards authorized by Section 17 of the Hazardous Waste Management Act, Act No. 64 of the Public Act of 1979, as amended, being Section 299.517 of the Michigan Compiled Laws, are transferred 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; and a Site Review Board shall be advisory to the director of the new Michigan Department of Natural Resources.
10. The Scrap Tire Regulatory Act, Act No. 133 of 1990, being Section 299.561 et seq. of the Michigan Compiled Laws.
13. The Environmental Protection Bond Authorization Act, Act No. 326 of the Public Acts of 1988, being Section 299.651 et seq. of the Michigan Compiled Laws (except those powers contained therein relating to the Governor and the Secretary of State), and including, but not limited to, bond, note, reserve and trust funds, subject to any agreement with note and bond holders of with the holders or issuers of instruments which may have been guaranteed.
15. The Waste Minimization Act, Act No. 245 of the Public Acts of 1987, being Section 299.731 et seq. of the Michigan Compiled Laws and the Office of Waste Reduction created thereby which is transferred 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.

D. Other
1. All the statutory authority, powers, duties and functions of the Commission of Natural Resources, the Department of Natural Resources and the director of the Department of Natural Resources and of the agencies, boards and commissions contained therein under the Thomas J. Anderson, Gordon Rockwell Environmental Protection Act of 1970, Act No. 127 of the Public Acts of 1970, being Section 691.1201 et seq. of the Michigan Compiled Laws.
2. Except as otherwise provided herein, all the statutory authority, powers, duties and functions of the Commission of Natural Resources, the Department of Natural Resources and the director of the Department of Natural Resources and of the agencies, boards and commissions contained therein relating to environmental protection under the Public Health Code, Act No. 368 of the Public Acts of 1978, as amended, being Section 333.1001 et seq. of the Michigan Compiled Laws.

IV. MISCELLANEOUS
A. Delegations
1. The director of the new Michigan Department of Natural Resources may perform a duty or exercise a power conferred by law or this Order upon the director at the time and to the extent the duty or power is delegated to the director by law or by this Order.
2. The director of the new Michigan Department of Natural Resources may by written instrument delegate a duty or a 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.
3. Decisions made by the director of the new Michigan Department of Natural Resources or persons to whom the director has lawfully delegated decision-making authority pursuant to this Order relating to natural resources management or environmental protection shall be final when reduced to writing and delivered to all affected persons, unless otherwise provided by law.

B. Adjudications
1. General
   a. When a person is aggrieved by a final decision of the director of the new Michigan Department of Natural Resources or persons to whom the director has lawfully delegated decision-making authority pursuant to this Order relating to natural resources management or environmental protection, except for a decision relating to the issuance of a permit or operating license, whether such decision is affirmative or negative in form, the decision is subject to direct review by the courts as provided by law and in accordance with the general court rules. A preliminary, procedural or intermediate action or ruling is not immediately reviewable, except that the court may grant leave for review of such action if review of the final decision would not provide an adequate remedy.
   b. Judicial review of a final decision shall be as provided by law and in accordance with the general court rules.
2. Permits and Operating Licenses.
   a. When a person is aggrieved by a decision of the director of the new Michigan Department of Natural Resources or persons to whom the director has lawfully delegated decision-making authority pursuant to this Order relating to functions, duties and responsibilities for the issuance of a permit or operating license transferred by this Order, whether such decision is affirmative or negative in form, the person may seek to direct review by the Commission of Natural Resources of such decision within the time period provided by law or rule. A preliminary, procedural or intermediate action or ruling is not immediately reviewable, except that the Commission of Natural Resources may grant leave for review of such action.
   b. The Commission of Natural Resources may utilize administrative law judges or hearing officers employed by the new Michigan Department of Natural Resources to conduct such review as contested cases and to issue proposals for decisions as provided by law or rule.
   c. When a person is aggrieved by a final decision of the Commission of Natural Resources relating to the issuance of a permit or operating license, whether such decision is affirmative or negative in form, the
decisions is subject to direct review by the courts as provided by law. A preliminary, procedural or intermediate action or ruling is not immediately reviewable, except that the court may grant leave for review of such action if review of the final decision would not provide an adequate remedy.

d. Judicial review of a final decision shall be as provided by law and in accordance with the general court rules.

C. Rescissions


2. The rescissions of Executive Order 1974-4 (Establishing the Michigan Environmental Review Board), and Executive Order 1983-14 (Establishment of the Cabinet Council on Environmental Protection), are hereby ratified.

3. Executive Order 1990-5 (Toxic Substance Management) is temporarily continued in force pending review by the director of the Department of Public Health, who shall communicate findings to me within 30 days of the effective date of this Executive Order.

4. Section 5 of Executive Order 1973-2 (Transfer and Consolidation of Environmental Functions), transferring certain statutory authority, powers, duties, functions and responsibilities from the Department of Public Health to the Department of Natural Resources and Section 6 of such Executive Order, as modified by Section 2c of Executive Order 1976-8 (Modifying Executive Order 1973-2), transferring certain statutory authority, powers, duties, functions and responsibilities from the Department of Agriculture to the Department of Natural Resources are retained in effect insofar as such sections transferred such authority, powers, duties, functions and responsibilities to the Department of Natural Resources, subject to and to the extent not inconsistent with the provisions of this Order. The remaining Sections of Executive Order 1973-2 and Executive Order 1976-8 are hereby rescinded. The rescission of Executive Order 1972-2a is hereby ratified.

5. Sections 1 and 2 of Executive Order No. 1988-4 (Transfer of Toxic Substance Control Commission to Department of Natural Resources), transferring certain powers, duties, functions and responsibilities of the Toxic Substance Control Commission to the Department of Natural Resources are retained in effect insofar as such Sections transferred such powers, duties, functions and responsibilities to the Department of Natural Resources, subject to and to the extent not inconsistent with the provisions of this Order.

D. Validity.

The invalidity of any portion of this Order shall not affect the validity of the remainder thereof.

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 the filing of this Order.


Constitutionality: 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.

Compiler's note: 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.

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.
RECREATIONAL FACILITIES
Act 27 of 1944 (1st Ex. Sess.)


OUTDOOR RECREATION
Act 316 of 1965


RECREATION AND CULTURAL ARTS SECTION
Act 326 of 1965


MICHIGAN TRAILWAYS ACT
Act 27 of 1993


NONGAME FISH AND WILDLIFE TRUST FUND ACT
Act 285 of 1986


WILDLIFE RESTORATION, MANAGEMENT, AND RESEARCH
Act 281 of 1939


WILDLIFE PRESERVATION
Act 179 of 1974


ENDANGERED SPECIES ACT OF 1974
Act 203 of 1974


BIOLOGICAL DIVERSITY CONSERVATION ACT
Act 93 of 1992


FOREST AND MINERAL RESOURCE DEVELOPMENT ACT
Act 188 of 1988


RESOURCE RECOVERY ACT
Act 366 of 1974

“PCB” COMPOUNDS
Act 60 of 1976


CLEAN MICHIGAN FUND ACT
Act 249 of 1986


SOLID WASTE MANAGEMENT ACT
Act 64 of 1978


RECYCLING TARGET ENTERPRISE DEVELOPMENT COUNCIL
Act 416 of 1988


RECYCLING MAKES CENTS, OFFICE PAPER RECOVERY ACT
Act 411 of 1988


PLASTICS RECYCLING DEVELOPMENT FUND ACT
Act 415 of 1988


LABELING OF PLASTIC PRODUCTS
Act 414 of 1988


HAZARDOUS WASTE MANAGEMENT ACT
Act 64 of 1979

Popular name: Act 64

SCRAP TIRE REGULATORY ACT
Act 133 of 1990


THE ENVIRONMENTAL RESPONSE ACT
Act 307 of 1982

LANDFILL MAINTENANCE TRUST FUND
Act 171 of 1986

ENVIRONMENTAL PROTECTION BOND AUTHORIZATION ACT
Act 326 of 1988

ENVIRONMENTAL PROTECTION BOND IMPLEMENTATION ACT
Act 328 of 1988

UNDERGROUND STORAGE TANK REGULATORY ACT
Act 423 of 1984

WASTE MINIMIZATION ACT
Act 245 of 1987

WASTE REDUCTION ASSISTANCE ACT
Act 247 of 1987

ENVIRONMENTAL TECHNOLOGY ACT
Act 222 of 1987

MICHIGAN UNDERGROUND STORAGE TANK FINANCIAL ASSURANCE ACT
Act 518 of 1988

LEAKING UNDERGROUND STORAGE TANK ACT
Act 478 of 1988

DISPOSAL OF BATTERIES
Act 20 of 1990

WASTE REDUCTION ASSISTANCE ACT
Act 148 of 1993

WASTE MINIMIZATION ACT
Act 147 of 1993

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 render Tuesday, June 23, 2020
Michigan Compiled Laws Complete Through PA 91 of 2020
© Legislative Council, State of Michigan

Courtesy of www.legislature.mi.gov
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.

299.911 Creation of office of administrative hearings within the department of natural resources and transfer of authority to make decisions regarding administrative appeals of surface water discharge permit applications from the commission of natural resources to the office of administrative hearings.

WHEREAS, the United States Environmental Protection Agency has delegated the authority to implement the federal National Pollution Discharge Elimination System permitting program to the Michigan Department of Natural Resources under the authority of the federal Clean Water Act, being 33 U.S.C. § 1251 et seq.; and

WHEREAS, the Michigan Department of Natural Resources issues surface water discharge permits under the authority of Act No. 245 of the Public Acts of 1929, as amended, being Section 323.1 et seq. of the Michigan Compiled Laws; and

WHEREAS, it is necessary to provide permit applicants the ability to appeal adverse decisions concerning the issuance of surface water discharge permits; and

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 in the Constitution; 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, do hereby order the following:

1. The Office of Administrative Hearings is created within the Michigan Department of Natural Resources.

2. All authority to make decisions regarding administrative appeals of surface water discharge permit applications is transferred from the Commission of Natural Resources to the Office of Administrative Hearings, Michigan Department of Natural Resources.

3. The Director of the Michigan Department of Natural Resources shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

4. 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.

5. 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.


Compiler's note: For transfer of the Office of Administrative Hearings, including but not limited to authority, powers, duties, functions, and responsibilities, to the Director of the Michigan Department of Environmental Quality, see E.R.O. No. 1995-16, compiled at MCL 324.99901 of the Michigan Compiled Laws.