

EXECUTIVE REORGANIZATION ORDER (EXCERPT)
E.R.O. No. 1991-23

333.26251 Transfer of powers and duties of the low-level radioactive waste authority to the director of the department of commerce.

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 Low-Level Radioactive Waste Authority was created as an autonomous entity within the Department of Management and Budget by Act No. 204 of the Public Acts of 1987, being Section 333.26203 et seq. of the Michigan Compiled Laws; and

WHEREAS, the functions, duties and responsibilities assigned to the Low-Level Radioactive Waste Authority can be more effectively carried out under the supervision and direction of the head of the Department of Commerce.

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 Low-Level Radioactive Waste Authority are hereby transferred to the Director of the Department of Commerce, as head of the Department of Commerce, by a Type I transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

(2) The Commissioner of the Low-Level Radioactive Waste Authority 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 Commissioner of the Low-Level Radioactive Waste Authority, and all prescribed functions of rule making, licensing and registration, including the prescription of rules, regulations, standards and adjudications, shall be transferred to the Commissioner of the Low-Level Radioactive Waste Authority.

(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 Low-Level Radioactive Waste Authority for the activities transferred are hereby transferred to the Department of Commerce to the extent required to provide for the efficient and effective operation of the Low-Level Radioactive Waste Authority.

(4) The Commissioner of the Low-Level Radioactive Waste Authority and the Director of the Department of Commerce 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 Low-Level Radioactive Waste Authority.

(5) 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.

(6) 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.

(7) All departments and agencies of the state government shall cooperate with the Low-Level Radioactive Waste Authority in carrying out the functions and responsibilities assigned to it by law.

In fulfillment of the requirement of Article V, Section 2, of the Constitution of the State of Michigan of 1963, the provisions of the Executive Order shall become effective 60 days after filing.

History: 1991, No. E.R.O. 1991-23, Eff. Jan. 21, 1992

Compiler's Notes: For transfer of low-level radioactive waste authority from department of environmental quality to department of natural resources and environment, see E.R.O. No. 2009-31, compiled at MCL 324.99919. For transfer of powers and duties of commissioner of low-level radioactive waste authority to department of natural resources and environment by type III transfer, see E.R.O. No. 2009-31, compiled at MCL 324.99919. For transfer of low-level radioactive waste authority from department of natural resources and environment to department of environmental quality, see E.R.O. No. 2011-1, compiled at MCL 324.99921.