

EXECUTIVE REORGANIZATION ORDER

E.R.O. No. 2017-1

339.3102 Transfer of powers and duties of board of boiler rules, electrical administrative board, elevator safety board, board of mechanical rules, state plumbing board, and building officials advisory board to department of licensing and regulatory affairs.

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 which he considers necessary for efficient administration; and

WHEREAS, Section 8 of Article V of the Michigan Constitution of 1963 provides that each principal department shall be under the supervision of the Governor unless otherwise provided by the Constitution; and

WHEREAS, the functions of licensing, permitting, and registration of professions and occupations have historically been housed in various state departments and agencies; and

WHEREAS, reorganizing licensing, permitting, and registration functions into one principal department will ensure the most efficient use of taxpayer dollars and will allow the state to offer more streamlined services; and

WHEREAS, it is desirable to continue the process begun in Executive Orders 1991-9, 1996-1, 1996-2, and 2006-2 of centralizing the functions of licensing, permitting, and registration of professions and occupations to the greatest extent possible; and

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

WHEREAS, it is necessary in the interest of efficient administration and effectiveness in government to effect 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. TRANSFERS OF AUTHORITY TO THE PRINCIPAL DEPARTMENT

A. Except as otherwise provided in Part II of this Order, all the statutory authority, powers, duties, functions, and responsibilities of the following boards in the Department of Licensing and Regulatory Affairs ("Department") are transferred to the Department:

1. The Board of Boiler Rules created by Section 3 of the Boiler Act of 1965, 1965 PA 290, MCL 408.753, and referenced in Section 905 of the Skilled Trades Regulation Act, 2016 PA 407, MCL 339.5905.

2. The Electrical Administrative Board created by Section 2 of the Electrical Administrative Act, 1956 PA 217, MCL 338.882, and referenced in Section 705 of the Skilled Trades Regulation Act, 2016 PA 407, MCL 339.5705.

3. The Elevator Safety Board created by Section 7 of the Elevator Safety Board Act, 1967 PA 227, MCL 408.807.

4. The Board of Mechanical Rules created by Section 3 of the Forbes Mechanical Contractors Act, 1984 PA 192, MCL 338.973, and referenced in Section 805 of the Skilled Trades Regulation Act, 2016 PA 407, MCL 339.5805.

5. The State Plumbing Board created by Section 13 of the State Plumbing Act, 2002 PA 733, MCL 338.3523, and referenced in Section 1105 of the Skilled Trades Regulation Act, 2016 PA 407, MCL 339.6105.

6. The Building Officials Advisory Board created by Section 3 of the Building Officials and Inspectors Registration Act, 1986 PA 54, MCL 338.2303, and referenced in Section 1005 of the Skilled Trades Regulation Act, 2016 PA 407, MCL 339.6005.

B. The functions transferred to the Department as provided in this Order include, but are not limited to, the following:

â€¢ The prescription of rules, regulations, applicant qualifications and experience, standards, and adjudications;

â€¢ Certificates of acceptability;

â€¢ Variances and exceptions;

â€¢ Examination frequency and location;

â€¢ Continuing education requirements and course approvals;

â€¢ Board meeting frequency and location, excluding special meetings;

- â€¢ Resolving complaints; and
- â€¢ Determining disciplinary actions and sanctions.

II. AUTHORITY RETAINED BY BOARDS

A. The boards subject to this Order shall retain and have the following authority, powers, duties, functions and responsibilities:

1. The power to call special meetings, whenever necessary, to carry out their business or to hear public comment;
 2. The authority to make recommendations to the Department on complaints, sanctions for violations, appeals of Department decisions, and the issuance of final orders; and
 3. The function of providing advice, as necessary, for rulemaking and the determination of license standards.
- B. The boards subject to this Order will continue to function as a valuable source of institutional knowledge for the Department and may be consulted by the Department as necessary and appropriate.

C. The Department shall allow the boards subject to this Order to have access to information or other resources available to the Department as necessary and appropriate to allow the boards to perform their functions under this Order.

III. IMPLEMENTATION

A. The Director of the Department of Licensing and Regulatory Affairs ("Director") shall provide executive direction and supervision for the implementation of all transfers of authority to the Department of Licensing and Regulatory Affairs made under this Order.

B. The Director shall administer the assigned functions transferred by this Order in such ways as 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.

IV. MISCELLANEOUS

A. 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 rescinded.

B. 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.

C. All department statutory interpretations adopted prior to the effective date of this Order shall continue to be effective until revised, amended, or rescinded.

D. 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 requirement of Section 2 of Article V of the Michigan Constitution of 1963, the provisions of this Executive Order shall become effective sixty (60) days from the filing of this Order.

History: 2017, E.R.O. No. 2017-1, Eff. June 18, 2017

Compiler's Notes: Executive Reorganization Order No. 2017-1 was promulgated April 18, 2017, as Executive Order No. 2017-3, Eff. June 18, 2017.