

**SENATE FISCAL AGENCY
 MEMORANDUM**

DATE: October 30, 2017
TO: Members of the Michigan Senate
FROM: Josh Sefton, Fiscal Analyst
RE: Executive Order 2017-8

Executive Order 2017-8

On October 24, 2017, Lieutenant Governor Calley, in his capacity as Acting Governor, issued Executive Order (E.O.) 2017-8, which would transfer all responsibilities under the Deaf Persons' Interpreters Act from the Department of Civil Rights (DCR) to the Department of Licensing and Regulatory Affairs (LARA). The E.O. also would create the Board of Interpreters for the Deaf, DeafBlind and Hard of Hearing within LARA. Article V, Section 2 of the Michigan Constitution states that the Legislature has 60 calendar days following the issuance of an Executive Order to disapprove it; the last day for the Legislature to reject E.O. 2017-8 is December 23, 2017.

Programs Transferred from DCR to LARA

The E.O would transfer the Division on Deaf, DeafBlind and Hard of Hearing, and its responsibilities under the Deaf Persons' Interpreters Act from the DCR to LARA. These responsibilities include rule-making, certification of interpreters, and collection of certification fees. The Division on Deaf and Hard of Hearing previously was transferred to the DCR from LARA through E.O. 2011-4, and subsequently renamed the Division of Deaf, DeafBlind and Hard of Hearing through E.O. 2014-10.

Under E.O. 2017-8, all personnel, appropriations, property, and other resources used by the DCR to fulfill the Division's obligations would be transferred to LARA.

Board of Interpreters for the Deaf, DeafBlind and Hard of Hearing

The E.O. would create the Board of Interpreters for the Deaf, DeafBlind, and Hard of Hearing within LARA, and would task the Board with advising the Director of LARA on matters related to certification of interpreters and administration of the Deaf Persons' Interpreters Act, including, but not limited to, certification, continuing education, and grievances. The Board would consist of nine members as follows:

- Two members would be deaf, deafblind, or hard of hearing individuals.
- Four members would be certified deaf persons' interpreters.
- One would represent an organization responsible for the education of interpreters.
- One would represent an educational institution or other organization that serves the deaf, deafblind, or hard of hearing community.
- One member would represent the public, and could not be a certified deaf persons' interpreter.

Members would be appointed by, and serve at the pleasure of, the Governor, and would serve four-year staggered terms. The E.O. would require LARA to provide necessary staffing and administrative support for the Board.

Types of Transfers

Article V, Section 2 of the State Constitution authorizes the Governor to organize the Executive branch of government by Executive Order. Three types of reorganizations are identified in the Executive Organization Act:

Type I Transfer. Under a Type I transfer, an existing department, board, commission, or agency is transferred intact to another principal department. The entity is administered under the supervision of the new principal department; however, the prescribed statutory powers, duties, and functions are exercised by the entity as a relatively autonomous entity.

Type II Transfer. Under a Type II transfer, all of the statutory authority, powers, duties, and functions, as well as records, personnel, property, unspent balances of appropriations and other funds associated with an entity, and the entity itself, are transferred to and placed under the authority of the principal department.

Type III Transfer. A Type III transfer abolishes an existing entity. The statutory authority, powers, duties, functions, records, personnel, and funding are not abolished, but are transferred to a principal department.

Executive Order 2017-8 does not specify the type for the transfer of the Division on Deaf, DeafBlind and Hard of Hearing, and its responsibilities under the Deaf Persons' Interpreters Act from the DCR to LARA, but it appears to be a Type II transfer.

Fiscal Impact

The E.O. would not have a significant fiscal impact on the State or local units of government. The particular details of the transfer of the Division on Deaf, DeafBlind and Hard of Hearing would likely be settled in the budget process for fiscal year 2018-19, with existing DCR and LARA appropriations being used for the remainder of the current fiscal year. Support for the Board of Interpreters for the Deaf, DeafBlind, and Hard of Hearing would likely consist of mileage reimbursement for members, and some staff time for administration and record keeping. In total the fiscal impact of the Board is not expected to be significant.

Summary

Executive Order 2017-8 would transfer all responsibilities under the Deaf Persons' Interpreters Act from the Department of Civil Rights to the Department of Licensing and Regulatory Affairs. The E.O. also would create the Board of Interpreters for the Deaf, DeafBlind and Hard of Hearing within LARA. Executive Order 2017-8 will take effect on December 23, 2017, unless the Legislature rejects it before that date.

If you have any questions on E.O. 2017-8, please do not hesitate to contact me.

/hkv

c: Ellen Jeffries, Director
Bill Bowerman, Associate Director