

SEP 12 2008

**EXECUTIVE ORDER  
08-29**  
**SECRETARY OF STATE  
COMMISSION DIVISION**

WHEREAS, the Missouri Department of Health and Senior Services is established by Chapter 192 RSMo.; and

WHEREAS, the Missouri Department of Transportation is established by Article IV, Section 12 of the Missouri Constitution and Chapter 226, RSMo.; and

WHEREAS, Chapters 306 and 577, RSMo., require the Missouri Department of Health and Senior Services to license and regulate the chemical analysis used in determining the alcohol or drug content of motor vehicle and watercraft operators; and

WHEREAS, the Breath Alcohol Program is responsible for performing on-site inspection of breath analyze, as well as, approving permits to operate and maintain evidential breath analyzers; permits to analyze blood, urine and saliva for drugs; and courses to instruct permit holders in the use of breath analyzer equipment; and

WHEREAS, the Breath Alcohol Program was established to ensure alcohol and drug testing is conducted in a uniform way throughout the state; and

WHEREAS, Executive Order 07-05 transferred by Type I transfer the Breath Alcohol Program from the Missouri Department of Health and Senior Services to the Missouri Department of Transportation under gubernatorial powers expressed in the Omnibus State Reorganization Act of 1974 in expectance of increased efficiencies and cost savings; and

WHEREAS, Executive Order 07-05 became effective on August 28, 2007; and

WHEREAS, unforeseen administrative issues with the transfer made by Executive Order 07-05 have made the transfer inefficient and not cost effective; and

WHEREAS, the Department of Health and Senior Services continues to administer the Breath Alcohol Program.

NOW, THEREFORE, I, MATT BLUNT, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and the laws of the state of Missouri, including the Omnibus State Reorganization Act of 1974, do hereby order the Missouri Department of Transportation and the Missouri Department of Health and Senior Services to:

1. Transfer all the authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the Breath Alcohol Program from the Missouri Department of Transportation to the Missouri Department of Health and Senior Services, by Type I transfer, as defined under the Reorganization Act of 1974; and
2. Develop mechanisms and processes necessary to effectively transfer the Breath Alcohol Program to the Missouri Department of Health and Senior Services; and
3. Transfer the responsibility for staff support for the Breath Alcohol Program from the Missouri Department of Transportation to the Missouri Department of Health and Senior Services; and
4. Take the steps necessary to maintain compliance with federal requirements, so as not to jeopardize federal financial participation with this transfer.

This Order shall become effective no sooner than August 28, 2009, unless disapproved within sixty days of its submission to the First Regular Session of the 95<sup>th</sup> General Assembly.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson on the 12th day of September, 2008.

A handwritten signature in black ink that reads "Matt Blunt". The signature is written in a cursive style with a large, prominent "M".

**Matt Blunt**  
Governor

**ATTEST:**

A handwritten signature in black ink that reads "Robin Carnahan". The signature is written in a cursive style with a large, prominent "R".

**Robin Carnahan**  
Secretary of State