



STATE OF MICHIGAN
EXECUTIVE OFFICE
LANSING

RICK SNYDER
GOVERNOR

BRIAN CALLEY
LT. GOVERNOR

**EXECUTIVE ORDER
No. 2016 - 11**

**MICHIGAN STATEWIDE INDEPENDENT LIVING COUNCIL
EXECUTIVE OFFICE OF THE GOVERNOR**

**RESCISSION OF
EXECUTIVE ORDERS 2007-49 AND 2012-15**

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 8 of Article V of the Michigan Constitution of 1963 provides that the Governor shall take care that the laws be faithfully executed; and

WHEREAS, many Michigan residents have one or more disabilities; and

WHEREAS, disability is a natural part of the human experience and in no way diminishes the right of an individual with a disability to live independently, enjoy self-determination, make choices, contribute to society, pursue a meaningful career, and enjoy full inclusion and integration in the economic, political, social, cultural, and educational mainstream of our society; and

WHEREAS, the state of Michigan shares the goals of the federal government of providing individuals with disabilities the tools necessary to make informed choices and decisions and to achieve equality of opportunity, full inclusion and integration in society, employment, independent living, and economic and social self-sufficiency; and

WHEREAS, under Section 705 of the Rehabilitation Act of 1973, as amended, 29 USC § 796d(a), to be eligible to receive federal assistance under Title VII of the Rehabilitation Act of 1973, as amended, a state must establish a statewide independent living council, which may not be established as an entity within a state agency; and

WHEREAS, Sections 474 and 475 of the Workforce Innovation and Opportunity Act, Public Law 113-128, have amended the Rehabilitation Act of 1973 to alter and expand the responsibilities of statewide independent living councils; and

WHEREAS, reestablishment of the Michigan Statewide Independent Living Council, organized under Executive Order 1994-23, then reestablished by Executive

Order 2007-49, and amended by Executive Order 2012-15, is necessary to appropriately reflect the current organizational structure of state government and to comply with federal law; and

WHEREAS, reestablishment of the Michigan Statewide Independent Living Council will improve working relationships among entities providing services to individuals with disabilities, centers for independent living and the Michigan Statewide Independent Living Council;

NOW, THEREFORE, I, Richard D. Snyder, Governor of the state of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

I. DEFINITIONS

A. "Center for independent living" means that phrase as defined under Section 702 of the Rehabilitation Act of 1973, as amended, 29 USC § 796a(2).

B. "Council" means the Michigan Statewide Independent Living Council created within the Executive Office of the Governor by this Order.

C. "Disability" means that term as defined under Section 7 of the Rehabilitation Act of 1973, as amended, 29 USC § 705(9).

D. "Designated State Entity" means that term as defined under Section 704 of the Rehabilitation Act of 1973, as amended, 29 USC § 796c(c). Until otherwise designated in the State Plan, Designated State Entity responsibilities in Michigan will lie with Michigan Rehabilitative Services and the Bureau of Services for Blind Persons.

E. "Independent living services" means that phrase as defined under Section 7 of the Rehabilitation Act of 1973, as amended, 29 USC § 705(18).

F. "Individual with a disability" means that phrase as defined under Section 7 of the Rehabilitation Act of 1973, as amended, 29 USC § 705(20).

G. "Michigan Rehabilitation Services" means the bureau within the Department of Health and Human Services that serves as the state general rehabilitation agency for individuals with disabilities, except those who are blind, and that is responsible for administration of the vocational rehabilitation program under the Rehabilitation Act of 1964, 1964 PA 232, MCL 395.81 to 395.90.

H. "Bureau of Services for Blind Persons" means the bureau created as a Type II agency within the Department of Licensing and Regulatory Affairs by Executive Order 2012-5, MCL 445.2033.

I. "Personal assistance services" means that phrase as defined under Section 7 of the Rehabilitation Act of 1973, Public Law 93-112, as amended, 29 USC § 705(28).

J. "State Plan" means the state plan for independent living jointly developed by the Council and centers for independent living as required by Section 704 of the Rehabilitation Act of 1973, as amended, 29 USC § 796c.

II. CREATION OF MICHIGAN STATEWIDE INDEPENDENT LIVING COUNCIL

A. The Michigan Statewide Independent Living Council is created within the Executive Office of the Governor.

B. The Council shall include sixteen (16) members that provide statewide representation, represent a broad range of individuals with disabilities from diverse backgrounds and are knowledgeable about centers for independent living and independent living services.

C. The Council shall include the following eleven (11) voting members appointed by the Governor after soliciting recommendations from representatives of organizations representing a broad range of individuals with disabilities and organizations interested in individuals with disabilities:

1. One director of a center for independent living chosen by the directors of centers for independent living within this state.
2. One individual representing parents or guardians of individuals with disabilities.
3. One individual representing advocates of, and for, individuals with disabilities.
4. One individual representing organizations that provide services for individuals with disabilities, including, but not limited to, private businesses.
5. Seven other residents of this state including residents who represent the underserved or tribal communities.

D. In addition to the voting members of the Council appointed under Section II.C., the Council shall include the following five (5) non-voting ex officio members:

1. The Director or designee of Michigan Rehabilitation Services.
2. The Director or designee of the Bureau of Services for Blind Persons.

3. A representative from the Michigan Department of Civil Rights, designated by the Director of the Michigan Department of Civil Rights, who works in the Division on Deaf, Deafblind and Hard of Hearing.

4. A representative from the Michigan Department Education, designated by the Superintendent of Public Instruction, who works in the Office of Special Education.

5. A representative from the Department of Health and Human Services, designated by the Director of the Department of Health and Human Services, with knowledge of all programs within the Department of Health and Human Services impacting individuals with disabilities.

E. Of the voting members of the Council initially appointed by the Governor under Section II.C., three (3) members shall be appointed for a term expiring on December 31, 2017, four (4) members shall be appointed for a term expiring on December 31, 2018, and the remaining four (4) members shall be appointed for a term expiring on December 31, 2019. After the initial appointments, members shall be appointed for terms of three (3) years.

F. A majority of the voting members of the Council must be individuals with disabilities, as defined by 34 CFR Part 364, and not employed by any state agency or center for independent living.

G. A vacancy on the Council occurring other than by expiration of a term shall be filled by the Governor in the same manner as the original appointment for the balance of the unexpired term. A vacancy shall not affect the power of the remaining members to exercise the duties of the Council.

H. No member of the Council appointed by the Governor under Section II.C. may serve more than two consecutive full terms.

III. CHARGE TO THE COUNCIL

A. The Council shall do all of the following:

1. Jointly develop and sign, in conjunction with the centers for independent living, along with Michigan Rehabilitation Services and Bureau of Services for Blind Persons acting as the Designated State Entities for the resource plan, the State Plan in compliance with Section 704 of the Rehabilitation Act of 1973, as amended, 29 USC § 796c.

2. Monitor, review, and evaluate the implementation of the State Plan.

3. Ensure that all regularly scheduled meetings of the Council are open to the public and that sufficient advance notice is provided.

4. Work with centers for independent living to coordinate services with public and private entities to improve services provided to individuals with disabilities.
5. Conduct resource development activities to support the Council and the provision of independent living services by centers for independent living.
6. Submit reports to the United States Department of Health and Human Services as the Administrator of the Administration for Community Living may reasonably request. Keep records, and provide access to the records, as the Administrator finds necessary to verify the reports. Copies of any reports submitted under this paragraph shall be transmitted to the Governor and the members of the Council.
7. Perform other functions, consistent with the mission of the Council and state and federal law.

IV. OPERATIONS OF THE COUNCIL

- A. The Council shall select from among the voting members of the Council a member to serve as Chairperson of the Council and may select from among the voting members of the Council other officers as the Council deems necessary.
- B. A majority of the voting members of the Council serving constitutes a quorum for the transaction of the Council's business. The Council shall act by a majority vote of the voting members of the Council serving.
- C. The Council shall meet at the call of the Chairperson and as may be provided in procedures adopted by the Council.
- D. The Council shall hold hearings and forums as the Council determines necessary to carry out the duties of the Council.
- E. The Council shall prepare, in conjunction with the Designated State Entities, a resource plan for the provision of resources, including staff and personnel, as may be necessary and sufficient to carry out the State Plan, with funds made available under Title VII of the Rehabilitation Act of 1973, as amended, and under Section 110 of Rehabilitation Act of 1973, 29 USC § 730, consistent with Section 101(a)(18) of the Rehabilitation Act of 1973, 29 USC § 721(a)(18), and from other public and private sources. The resource plan shall, to the maximum extent possible, rely on the use of resources in existence during the period of implementation of the resource plan.
- F. The Council shall supervise and evaluate staff and personnel performing duties for the Council under the resource plan adopted under Section IV.E. as may be necessary to carry out the functions of the Council under this Order.

G. While assisting the Council in carrying out its duties, staff and other personnel performing duties pursuant to the resource plan adopted under Section IV.E. shall not be assigned duties by any other agency or office of this state that would create a conflict of interest.

H. In accordance with federal law, the Council may use resources available under the resource plan adopted under Section IV.H. to (1) reimburse members of the Council for reasonable and necessary expenses of attending Council meetings or (2) pay compensation to a member of the Council, if such member is not employed or must forfeit wages from other employment, for each day the member is engaged in performing Council duties.

I. The Council may enter into agreements with state departments and agencies to assist the Council in the performance of its duties and responsibilities under this Order.

J. Subject to the Governor's approval, the Council may hire or retain contractors, sub-contractors, advisors, consultants, and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of the Commission and the performance of its duties, as the Governor deems advisable and necessary in accordance with the relevant statutes, rules, and procedures or the Civil Service Commission and the Department of Technology, Management and Budget.

K. The Council may accept donations of labor, services, or other things of value from any public or private agency or person.

L. All state departments and agencies shall cooperate, to their best ability, with the Council in the performance of its duties and responsibilities under this Order. The Council may request of state departments and agencies information and assistance as the Council requires in the performance of its duties and responsibilities under this Order.

M. Members of the Council and staff shall refer all legal, legislative, and media contacts relating to Council actions or activities to the Office of the Governor.

V. MISCELLANEOUS

A. Executive Order 2012-15 is rescinded. Executive Order 2007-49 is rescinded. Executive Order 1994-23, which was rescinded by Executive Order 2007-49, remains rescinded. Executive Order 1994-21, which was rescinded by Executive Order 1994-23, remains rescinded.

B. Any rules, orders, contracts, and agreements related to the Council lawfully in effect prior to the effective date of this Order shall continue to be effective until revised, amended, or repealed.

C. This Order shall not abate any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected under this Order. Any suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected under this Order.

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.

This Order shall become effective upon filing.

Given under my hand and the Great Seal of the state of Michigan this 26th day of May, in the Year of our Lord Two Thousand Sixteen.



[Signature]
RICHARD D. SNYDER
GOVERNOR

BY THE GOVERNOR:

[Signature]
SECRETARY OF STATE

FILED WITH SECRETARY OF STATE
ON 5/26/2016 AT 1:32 pm