



STATE OF MICHIGAN
EXECUTIVE OFFICE
LANSING

RICK SNYDER
GOVERNOR

BRIAN CALLEY
LT. GOVERNOR

**EXECUTIVE ORDER
No. 2012 - 2**

**DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
DEPARTMENT OF TECHNOLOGY, MANAGEMENT AND BUDGET
DEPARTMENT OF HUMAN SERVICES
DEPARTMENT OF CIVIL RIGHTS
COMMISSION FOR THE BLIND
BLIND AND VISUALLY IMPAIRED SERVICES ADVISORY BOARD
MICHIGAN REHABILITATION COUNCIL
MICHIGAN COUNCIL FOR REHABILITATION SERVICES
DISABILITY CONCERNS COMMISSION**

RESCISSION OF EXECUTIVE ORDER 2007-48

EXECUTIVE REORGANIZATION

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power 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 that the Governor 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, there is a continued need to reorganize functions among state departments to ensure efficient administration; and

WHEREAS, the rehabilitation needs of Michigan residents can be best served by consolidation of existing programs and services; and

WHEREAS, the management of vendor facility programs is most efficiently performed in conjunction with other state facility management services;

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. BUSINESS ENTERPRISE PROGRAM

A. Except as specified in Section I.C. of this Order, any authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations or other funds, including the functions of budgeting and procurement, of the Commission for the Blind and the Department of Licensing and Regulatory Affairs relating to the Business Enterprise Program and other vendor licensing programs relating to the blind or visually impaired are transferred from the Commission for the Blind and the Department of Licensing and Regulatory Affairs to the Department of Technology, Management and Budget, including but not limited to the following:

1. The Blind and Visually Disabled Persons Act, 1978 PA 260, MCL 393.351 to 393.369.
2. Section 7a of the Michigan Historical Commission Act, 1913 PA 271, MCL 399.1 to 399.10.
3. Section 2 of the Limited Access Highways Act, 1941 PA 205, MCL 252.51 to 252.64.
4. Section 4 of the Business Opportunity Act for Persons with Disabilities, 1988 PA 112, MCL 450.791 to MCL 450.795.
5. Section 208 of the Michigan Museum Act, 1990 PA 325, MCL 399.301 to MCL 399.510.

B. Any authority, powers, duties, functions, records, property, unexpended balances of appropriations, allocations or other funds, of the Director of the Commission for the Blind or the Director of the Department of Licensing and Regulatory Affairs relating to the Business Enterprise Program or other vendor facilities and licensing programs relating to the blind or visually impaired are transferred to the Director of the Department of Technology, Management and Budget.

C. Any authority, powers, duties, functions, records, property, unexpended balances of appropriations, allocations or other funds of the Commission for the Blind granted by 1999 AC, R 393.16(f), 393.34 and 393.56 are transferred to the Director of the Department of Technology, Management and Budget.

II. THE BLIND AND VISUALLY IMPAIRED SERVICES ADVISORY BOARD

A. The Blind and Visually Impaired Services Advisory Board ("Advisory Board") is created as an advisory board within the Department of Human Services.

B. The Advisory Board shall consist of five members appointed by, and serving at the pleasure of, the Governor.

C. The Advisory Board members shall have a particular interest or expertise in the concerns of the blind or visually impaired community.

D. The Governor shall designate a member of the Advisory Board to serve as its Chairperson. The Chairperson shall serve at the pleasure of the Governor.

E. The Director of the Department of Human Services shall perform all budgeting, procurement, and related management functions of the Advisory Board.

F. The Advisory Board shall do the following:

1. Study and review the needs of the blind and visually impaired community in this state.

2. Advise the Department concerning the coordination and administration of state programs serving the blind and visually impaired community.

3. Recommend changes in state programs, statutes, and policies that affect the blind and visually impaired community to the Department.

4. Secure appropriate recognition of the accomplishments and contributions of blind and visually impaired residents of this state.

5. Monitor, evaluate, investigate, and advocate programs for the betterment of blind and visually impaired residents of this state.

III. MICHIGAN COMMISSION FOR THE BLIND

A. Any authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations or other funds, including the functions of budgeting and procurement, of the Commission for the Blind not previously transferred to the Department of Technology, Management and Budget under Section I. of this Order are transferred from the Commission for the Blind and the Department of Licensing and Regulatory Affairs to the Department of Human Services.

B. Any authority, powers, duties, functions, records, property, unexpended balances of appropriations, allocations or other funds, including the functions of budgeting and procurement, of the Director of the Commission for the Blind or the Director of the Department of Licensing and Regulatory Affairs relative to services to the blind and visually impaired and not previously transferred to the Department of Technology, Management and Budget under Section I. of this Order are transferred to the Director of the Department of Human Services.

IV. MICHIGAN REHABILITATION SERVICES

Michigan Rehabilitation Services is transferred by a Type II transfer from the Department of Licensing and Regulatory Affairs to the Department of Human Services.

Any authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations or other funds, including the functions of budgeting and procurement, of Michigan Rehabilitation Services are transferred from the Department of Licensing and Regulatory Affairs to the Department of Human Services.

V. IMPLEMENTATION OF TRANSFERS

A. Any authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations or other funds, including the functions of budgeting and procurement, used, held, employed, available, or to be made available to the Department of Licensing and Regulatory Affairs for the activities, powers, duties, functions, and responsibilities transferred by this Order are transferred to the receiving department.

B. The director of the department receiving the transfer, after consultation with the Director of the Department of Licensing and Regulatory Affairs, 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 director of the receiving department.

C. The directors of the departments impacted by this Order shall immediately initiate coordination to facilitate the transfers and shall 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.

D. The directors of the departments impacted by this Order shall administer the functions transferred 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 under this Order.

VI. CREATION OF MICHIGAN COUNCIL FOR REHABILITATION SERVICES

A. The Michigan Council for Rehabilitation Services ("Council") is established within the Department of Human Services.

B. The Council shall include the following sixteen (16) voting members:

1. The following members are 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:

- a. One individual representing the Statewide Independent Living Council established under Executive Order 2007-49.
- b. One individual representing a parent training and information center established under Section 671 of the Individuals with Disabilities Education Act, Public Law 91-30, as amended, 20 USC 1471.

- c. One individual representing the client assistance program established under Section 112 of the Rehabilitation Act of 1973, Public Law 93-112, as amended, 29 USC 732.
- d. One individual representing qualified vocational rehabilitation counselors with knowledge of, and experience with, vocational rehabilitation programs. The individual appointed under this paragraph shall not be an employee of Michigan Rehabilitation Services.
- e. One individual representing community rehabilitation program service providers.
- f. Four individuals representing business, industry, or labor, including at least one individual representing the Talent Investment Board created by Executive Order 2011-13.
- g. Four individuals representing disability advocacy groups, including a cross-section of all of the following:
 - i. Disability advocacy groups representing individuals with physical, cognitive, sensory, and mental disabilities.
 - ii. Disability groups representing representatives of individuals with disabilities who have difficulty in representing themselves or are unable due to their disabilities to represent themselves.
- h. One individual representing current or former applicants for, or recipients of, vocational rehabilitation services.
- i. One individual representing the director of a project carried out under Section 121 of the Rehabilitation Act of 1973, Public Law 93-112, as amended, 29 USC 741, providing vocational rehabilitation services grants to the governing bodies of an Indian tribe or to a consortium of tribal governing bodies.

2. The Superintendent of Public Instruction, or his or her designee, from within the Department of Education.

C. The Bureau Director of Michigan Rehabilitation Services shall serve as a non-voting ex officio member of the Council.

D. A majority of the members of the Council shall be individuals with disabilities and shall not be employed by the Department of Human Services. When appointing members of the Council, the Governor shall consider, to the greatest extent practicable, the extent to which minority populations are represented on the Council.

E. Of the members of the Council initially appointed by the Governor under Section VI.B., six (6) members shall be appointed for a term expiring on December 31, 2012, five (5) members shall be appointed for a term expiring on December 31, 2013, and five (5) members shall be appointed for a term expiring on December 31, 2014. After the initial appointments, members shall be appointed for a term of three (3) years.

F. 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.

G. Except for a member appointed under Section VI.B.1.c. or Section VI.B.1.i., a member of the Council shall not serve more than two consecutive full terms.

VII. CHARGE TO THE COUNCIL

A. After consulting with the Talent Investment Board, the Council shall do all of the following:

1. Review, analyze, and advise Michigan Rehabilitation Services regarding the performance of the responsibilities of Michigan Rehabilitation Services under Sections 100 to 141 of the Rehabilitation Act of 1973, Public Law 93-112, as amended, 29 USC 720 to 753a, particularly responsibilities relating to all of the following:

- a. Eligibility, including order of selection.
- b. The extent, scope, and effectiveness of services provided.
- c. Functions performed by state departments and agencies that affect or that potentially affect the ability of individuals with disabilities in achieving employment outcomes under Sections 100 to 141 of the Rehabilitation Act of 1973, Public Law 93-112, as amended, 29 USC 720 to 753a.

2. In partnership with Michigan Rehabilitation Services, do all of the following:

- a. Develop, agree to, and review the goals and priorities of this state in accordance with Section 101(a)(15)(C) of the Rehabilitation Act of 1973, Public Law 93-112, as amended, 29 USC 721(a)(15)(C).
- b. Evaluate the effectiveness of the vocational rehabilitation program and submit reports of progress to the federal government in accordance with Section 101(a)(15)(E) of the Rehabilitation Act of 1973 Public Law 93-112, as amended, 29 USC 721(a)(15)(E).

3. Advise the Department of Human Services and Michigan Rehabilitation Services regarding activities authorized to be carried out under Sections 100 to 141 of the Rehabilitation Act of 1973, Public Law 93-112, as amended, 29 USC 720 to 753a, and assist in the preparation of the State Plan and amendments to the State Plan, applications, reports, needs assessments, and evaluations required by Sections 100 to 141 of the Rehabilitation Act of 1973, Public Law 93-112, as amended, 29 USC 720 to 753a.

4. Perform all other functions required by 29 USC 725(c)(4)-(8).

5. Perform other functions related to the Council's responsibilities as requested by the Governor.

VIII. OPERATIONS OF THE COUNCIL

A. The Council shall select from among its voting members a Chairperson of the Council and may select other officers as it deems necessary.

B. The Council shall adopt procedures consistent with federal law, Michigan law, and this Order governing its organization and operations.

C. 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.

D. The Council shall meet at least four times per year in a place that the Council determines necessary to conduct Council business and conduct forums or hearings as the Council determines appropriate.

E. The Council shall conduct all business at public meetings held in compliance with the Open Meetings Act, 1976 PA 267, MCL 15.261 to 15.275. Public notice of the time, date, and place of each meeting shall be given in the manner required by the Open Meetings Act, 1976 PA 267, MCL 15.261 to 15.275.

F. The Council shall carry out its functions as required by 29 USC 725(d)-(e) and 29 USC 725(g).

IX. DISABILITY CONCERNS COMMISSION

All the authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, and allocations or other funds, including the functions of budgeting and procurement, of the Disability Concerns Commission, created by Executive Order 2009-40, previously transferred by Executive Order 2011-4 from the Department of Licensing and Regulatory Affairs to the Department of Civil Rights by a Type I transfer, are hereby transferred to the Department of Civil Rights by Type III 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.

X. ABOLISHED ENTITIES

A. The Michigan Rehabilitation Council, created by Executive Order 2007-48, is abolished, and Executive Order 2007-48 is rescinded.

B. The Commission for the Blind, created by MCL 393.352, and the Commission Board, created by 1999 AC, R 391.1 et seq, are abolished.

C. The position of Director of the Commission for the Blind created by MCL 393.352(1) is abolished.

D. The Disability Concerns Commission, created by Executive Order 2009-40, is abolished.

XI. MISCELLANEOUS

A. All rules, orders, contracts, plans, and agreements relating to the functions transferred to the Department of Technology, Management and Budget and Department of Human Services by this Order lawfully adopted prior to the effective date of this Order by the responsible state agency 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 transferred to the Department of Technology, Management and Budget and Department of Human Services by this Order shall not abate by reason of the taking effect of this Order. Any lawfully commenced suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected by this Order.

C. 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 requirements of Section 2 of Article V of the Michigan Constitution of 1963, the provisions of this Order shall be effective 60 days after the filing of this Order.



Given under my hand and the Great Seal of the state of Michigan this 24th day of February, in the Year of our Lord Two Thousand Twelve.


RICHARD D. SNYDER
GOVERNOR

BY THE GOVERNOR:


SECRETARY OF STATE