

EXECUTIVE REORGANIZATION ORDER

E.R.O. No. 2012-5

445.2033 Creation of bureau of services for blind persons within department of licensing and regulatory affairs; transfer of powers and duties from commission for the blind to bureau of services for blind persons; establishment of commission for blind persons within department of licensing and regulatory affairs; transfer of Michigan rehabilitation services from department of licensing and regulatory affairs to department of human services; creation of Michigan council for rehabilitation services within department of human services; transfer of powers and duties of disability concerns commission from department of licensing and regulatory affairs to department of civil rights; abolishment of Michigan rehabilitation council, commission for the blind, position of director of commission for the blind, and disability concerns commission.

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

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. BUREAU OF SERVICES FOR BLIND PERSONS

A. The Bureau of Services for Blind Persons is created as a Type II Agency within the Department of Licensing and Regulatory Affairs. The Department of Licensing and Regulatory Affairs shall serve as a Designated State Agency under the Rehabilitation Act of 1973, as amended, 29 USC 701 et seq. The Bureau of Services for Blind Persons shall serve as the State Licensing Agency under the Randolph-Sheppard vending facilities for blind in federal buildings act, 20 U.S.C. 107 to 107f.

B. All authority, powers, duties, functions, records, personnel, property, unexpended balances of appropriations, allocations or other funds of the Commission for the Blind are transferred from the Commission for the Blind to the Bureau of Services for Blind Persons, 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 208 of the Michigan Museum Act, 1990 PA 325, MCL 399.301 to MCL 399.510.
5. Section 4 of the Business Opportunity Act for Persons with Disabilities, 1988 PA 112, MCL 450.791 to MCL 450.795.

C. 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 are transferred to the Director of the Department of Licensing and Regulatory Affairs.

D. 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 Licensing and Regulatory Affairs.

E. Any authority, powers, duties and functions relative to final agency decisions for cases arising under the Randolph-Sheppard Act, 20 U.S.C. 107 to 107f, the Rehabilitation Act of 1973, Public Law 93-112, as amended, 29 U.S.C. 732, and the Blind and Visually Disabled Persons Act, 1978 PA 260, MCL 393.351 to MCL 393.369, are transferred from the Commission for the Blind to the Director of the Department of Licensing and Regulatory Affairs.

II. COMMISSION FOR BLIND PERSONS

A. The Commission for Blind Persons ("Commission") is created as an advisory commission within the Department of Licensing and Regulatory Affairs.

B. The Commission shall consist of seven members appointed by, and serving at the pleasure of, the Governor. Four of the members shall be blind persons.

C. The Commission members shall have a particular interest or expertise in the concerns of the blind community.

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

E. The Director of the Department of Licensing and Regulatory Affairs shall perform all budgeting, procurement, and related management functions of the Commission.

F. The Commission shall do the following:

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

2. Advise the Department of Licensing and Regulatory Affairs concerning the coordination and administration of state programs serving the blind community.

3. Recommend changes in state programs, statutes, and policies that affect the blind community to the Department of Licensing and Regulatory Affairs.

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

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

6. Advise the Governor and the Director of the Department of Licensing and Regulatory Affairs, of the nature, magnitude, and priorities of the challenges of blind persons in this state.

7. Advise the Governor and the Director of the Department of Licensing and Regulatory Affairs on this state's policies concerning blind individuals.

III. 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. The Department of Human Services shall serve as a Designated State Agency under the Rehabilitation Act of 1973, as amended, 29 U.S.C. 701 et seq. 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.

IV. 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.

V. CREATION OF MICHIGAN COUNCIL FOR REHABILITATION SERVICES

A. The Michigan Council for Rehabilitation Services ("Council") is established within the Department of Human Services. The Council shall serve as a single state rehabilitation council pursuant to 29 USC 721(a)(21)(B) for the Department of Human Services, Michigan Rehabilitation Services and the Department of Licensing and Regulatory Affairs, Bureau of Services for Blind Persons.

B. The Council shall include the following seventeen (17) voting members:

1. The following members shall be 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 who must be the chairperson or other designee of the Statewide Independent Living Council.

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 who must be the director of or other individual recommended by the client assistance program.

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 or the Bureau of Services for Blind Persons.

- e. One individual representing community rehabilitation program service providers.
 - f. Four individuals representing business, industry, or labor.
 - g. One individual representing the Talent Investment Board created by Executive Order 2011-13.
 - h. At least two individuals representing disability advocacy groups, including a cross-section of the following:
 - i. Individuals with physical, cognitive, sensory, and mental disabilities.
 - ii. Individuals with disabilities who have difficulty in representing themselves or are unable due to their disabilities to represent themselves.
 - i. One individual representing current or former applicants for, or recipients of, vocational rehabilitation services.
 - j. 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 and the Bureau Director of the Bureau of Services for Blind Persons shall serve as non-voting ex officio members of the Council.
- D. A majority of the members of the Council shall be individuals with disabilities as defined in 29 USC 705(20)(B) and shall not be employed by the Michigan Rehabilitation Services or the Bureau of Services for Blind Persons. 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, 2013, five (5) members shall be appointed for a term expiring on December 31, 2014, and five (5) members shall be appointed for a term expiring on December 31, 2015. 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 members appointed under Section V.B.1.c. or Section V. B.1. j., a member of the Council shall not serve more than two consecutive full terms.

VI. 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 and the Bureau of Services for Blind Persons regarding the performance of the responsibilities of Michigan Rehabilitation Services and Bureau of Services for Blind Persons 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 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 and the Bureau of Services for Blind Persons:
 - 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 Sections 101(a)(15)(E) and 121 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, Michigan Rehabilitation Services, and the Department of Licensing and Regulatory Affairs, Bureau of Services for Blind Persons 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 or the Director of the Department of Human Services or the Director of the Department of Licensing and Regulatory Affairs.

VII. OPERATIONS OF THE COUNCIL

- A. The Council shall select from among its voting members a Chairperson of the Council, subject to the veto power of the Governor, and may select other officers as it deems necessary.
- B. The Council may 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).

VIII. 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.

IX. 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.

X. MISCELLANEOUS

A. All rules, orders, contracts, plans, and agreements relating to the functions transferred to the 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 Human Services or the Department of Licensing and Regulatory Affairs 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 Sections VIII and IX D. of this Order shall be effective 60 days after the filing of this Order and the remaining provisions of this Order shall be effective on October 1, 2012.

History: 2012, E.R.O. No. 2012-5, Eff. Oct. 1, 2012

Compiler's Notes: Executive Reorganization Order No. 2012-5 was promulgated June 27, 2012 as Executive Order No. 2012-10, Eff. Oct. 1, 2012. For the transfer of the Michigan council for rehabilitation services and Michigan rehabilitation services and the powers and duties of the director of the department of health and human services from the department of health and human services to the department of labor and economic opportunity and its director, see E.R.O. No. 2019-3, compiled at MCL 125.1998. For the transfer of an individual membership requirement of Michigan council for rehabilitation services to an individual representing the workforce development board, see E.R.O. No. 2021-1, compiled at MCL 16.733.