

CHAPTER 20

(HB 82)

AN ACT relating to reorganization.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 194A.135 is amended to read as follows:

- (1) The Developmental Disabilities~~Planning~~ Council is created within the cabinet.
- (2) The Developmental Disabilities~~Planning~~ Council is established to comply with the requirements of the Developmental Disabilities Act of 1984 and any subsequent amendment to that act.
- (3) The members of the Developmental Disabilities Planning Council shall be appointed by the Governor to serve as advocates for persons with developmental disabilities. The council shall be composed of *twenty-six (26)*~~twenty-four (24)~~ members, ~~of whom~~

(a) *Ten (10) members shall be*~~twelve (12) are~~ representatives of: the principal state agencies administering funds provided under the Rehabilitation Act of 1973 *as amended*; the state agency that administers funds provided under the *Individuals with Disabilities Education Act (IDEA)*~~Education of the Handicapped Act~~; the state agency that administers funds provided under the Older Americans Act of 1965 *as amended*; the single state agency designated by the Governor for administration of Title XIX of the Social Security Act for persons with developmental disabilities; higher education training facilities, each university-affiliated program or satellite center in the Commonwealth; *and* the protection and advocacy system established under Public Law 101-496. *These members shall represent the following:*

1. *Department for Vocational Rehabilitation;*
2. *Department for the Blind;*
3. *Division of Exceptional Children, within the Department of Education;*
4. *Office of Aging Services;*
5. *Department for Medicaid Services;*
6. *Department of Public Advocacy, Protection and Advocacy Division;*
7. *University-affiliated programs;*
8. *Council on Postsecondary Education;*
9. *Department for Mental Health/Mental Retardation Services; and*
10. *Department for Public Health, Division of Adult and Child Health* ~~and local agencies, nongovernmental agencies, and private, nonprofit groups concerned with services to persons with developmental disabilities~~.

(b)~~(a)~~ At least *sixty percent (60%)*~~twelve (12)~~ of the members of the council shall be composed of persons with developmental disabilities or the parents or guardians of persons, or immediate relatives or guardians of persons with mentally impairing developmental disabilities, who are not managing employees or persons with ownership

or controlling interest in any other entity that receives funds or provides services under the Developmental Disabilities Act of 1984 *as amended* and who are

not employees of a state agency that receives funds or provides services under this section. Of these members, *five (5)* ~~at least four (4)~~ members shall be persons with developmental disabilities, and *five (5)* ~~at least four (4)~~ members shall be *parents or guardians of children with developmental disabilities or immediate relatives or guardians of adults with mentally impairing developmental disabilities who cannot advocate for themselves. Six (6) members shall be a combination of individuals in these two (2) groups, and* ~~the immediate relatives or guardians of persons with mentally impairing developmental disabilities meeting the conditions listed in this subsection.~~ at least one (1) of these *members* ~~relatives or guardians~~ shall be an immediate relative or guardian of an institutionalized or previously institutionalized person with a developmental disability *or an individual with a developmental disability who resides in an institution or who previously resided in an institution* ~~. At least one (1) member of the council shall represent and advocate for the interests and rights of disabled, newborn infants~~.

~~(c)(b)~~ Members not representing principal state agencies shall be appointed for a term of three (3) years. *Members shall serve no more than two (2) consecutive three (3) year terms. Members shall serve until their successors are appointed or until they are removed for cause* ~~, except the initial appointments shall be made in the following manner: four (4) members shall be appointed for a term of three (3) years, four (4) members shall be appointed for a term of two (2) years, and four (4) members shall be appointed for a term of one (1) year~~.

~~(d)(c)~~ The ~~planning~~ council shall elect its own chair, adopt bylaws, and operate in accordance with its bylaws. Members of the council who are not state employees shall be reimbursed for necessary and actual expenses. The cabinet shall provide personnel adequate to insure that the council has the capacity to fulfill its responsibilities. *The council shall be headed by an executive director. If the executive director position becomes vacant, the council shall be responsible for the recruitment and hiring of a new executive director.*

(4) The Developmental Disabilities ~~Planning~~ Council shall:

(a) Develop, *in consultation* ~~jointly~~ with the cabinet, *and implement* ~~and any other agencies designated to administer or supervise the administration of~~ the state plan as required by Part B of the Developmental Disabilities Act of 1984, *as amended* ~~Public Law 98-527~~, including the specification of priority services required by that plan;

(b) Monitor, review, and evaluate, not less often than annually, the implementation *and effectiveness of the state plan in meeting the plan's objectives* ~~this plan~~;

(c) To the maximum extent feasible, review and comment on all state plans that relate to persons with developmental disabilities; ~~and~~

(d) Submit to the secretary of the cabinet, *the commissioner of the Department for Mental Health and Mental Retardation Services, and the Secretary of the United States Department of Health and Human Services* any periodic reports on its activities as required by the United States Department of Health and Human Services and keep records and afford access as the cabinet finds necessary to verify the reports;

- (e) *Serve as an advocate for individuals with developmental disabilities and conduct programs, projects, and activities that promote systematic change and capacity building;*
- (f) *Examine, not less than once every three (3) years, the provision of and need for federal and state priority areas to address, on a statewide and comprehensive basis, urgent needs for services, supports, and other assistance for individuals with developmental disabilities and their families; and*
- (g) *Prepare, approve, and implement a budget that includes amounts paid to the state under the Developmental Disabilities Act of 1984, as amended, to fund all programs, projects, and activities under that Act.*

Section 2. KRS 210.775 is amended to read as follows:

- (1) There is hereby created the State Supported Living Council for services to persons with a disability and their families.
- (2) (a) The State Supported Living Council shall be composed of ten (10) members. The commissioner of the Department for Mental Health and Mental Retardation Services and the executive director of the Kentucky Housing Corporation or their designees shall be ex-officio members.
- (b) Eight (8) of the members shall be volunteers and shall be appointed by the Governor from a list of nominees in the following manner:
 - 1. Three (3) of the appointed members shall represent family members of persons with a disability. One (1) member shall be selected from each of three (3) lists containing two (2) nominees submitted by each of the following associations: the Kentucky Association for Retarded Citizens, the Association for Persons with Severe Handicaps, and the Mental Health Coalition;
 - 2. One (1) of the appointed members shall represent family members of persons with a disability who reside in an intermediate care facility for mental retardation or developmental disabilities. The nominee shall be selected from a list containing two (2) nominees submitted by each of the following associations: Concerned Parents of Hazelwood, Parents and Relatives of Oakwood Facility, and Concerned Parents of Outwood;
 - 3. Two (2) of the appointed members shall be persons with a disability. They shall be selected from a list containing two (2) nominees submitted by each of the following associations: the Kentucky Campaign for Personal Attendant Care, the Kentucky Association for Retarded Citizens, the Mental Health Coalition, and the Kentucky Disabilities Coalition;
 - 4. One (1) of the appointed members shall represent professionals and providers of services to persons with a disability. The nominee shall be selected from a list containing two (2) nominees submitted by each of the following associations: the Kentucky Association of Private Residential Resources and the Kentucky Association on Mental Retardation; and
 - 5. One (1) of the appointed members shall represent advocates for persons with a disability. The nominee shall be selected from a list containing two (2) nominees

submitted by each of the following entities: the Division of Protection and Advocacy and the Kentucky Developmental Disabilities ~~Planning~~ Council.

- (3) The appointed members may serve on the council for three (3) years. Members may be reappointed for a maximum of two (2) consecutive terms. The Governor shall fill any vacancy occurring in the council in the manner prescribed in subsection (2) of this section.
- (4) The Department for Mental Health and Mental Retardation Services shall provide staff assistance to the State Supported Living Council.
- (5) The chairman of the State Supported Living Council shall be elected from among the members. A majority of the members shall constitute a quorum.
- (6) The State Supported Living Council shall meet as often as necessary but no less frequently than every other month.

Section 3. The General Assembly hereby confirms Executive Order 98-892, dated July 14, 1998, to the extent it is not otherwise confirmed or superseded by this Act.

Approved February 21, 2000