

**CHAPTER 95****( SB 126 )**

AN ACT relating to the Commonwealth Council on Developmental Disabilities.

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

➔Section 1. KRS 194A.135 is repealed, reenacted as a new section of KRS Chapter 41, and amended to read as follows:

- (1) The Commonwealth Council on Developmental Disabilities is created within the *Department of the Treasury*~~[cabinet]~~.
- (2) The Commonwealth Council on Developmental Disabilities 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 Commonwealth Council on Developmental Disabilities shall be appointed by the Governor to serve as advocates for persons with developmental disabilities. The council shall be composed of twenty-six (26) members.
  - (a) Ten (10) members shall be 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); 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. Office of Vocational Rehabilitation;
    2. Office for the Blind;
    3. Division of Exceptional Children, within the Department of Education;
    4. Department for Aging and Independent Living;
    5. Department for Medicaid Services;
    6. Department of Public Advocacy, Protection and Advocacy Division;
    7. University-affiliated programs;
    8. Local and nongovernmental agencies and private nonprofit groups concerned with services for persons with developmental disabilities;
    9. Department for Behavioral Health, Developmental and Intellectual Disabilities; and
    10. Department for Public Health, Division of Maternal and Child Health.
  - (b) At least sixty percent (60%) 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) members shall be persons with developmental disabilities, and five (5) 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 at least one (1) of these members 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.

- (c) 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.
  - (d) The 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 *Department of the Treasury*~~[cabinet]~~ shall provide personnel adequate to *ensure*~~[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 Commonwealth Council on Developmental Disabilities shall:
- (a) Develop~~[, in consultation with the cabinet,]~~ and implement the state plan as required by Part B of the Developmental Disabilities Act of 1984, as amended, with a goal of development of a coordinated consumer and family centered focus and direction, 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;
  - (c) To the maximum extent feasible, review and comment on all state plans that relate to persons with developmental disabilities;
  - (d) Submit to the *Department of the Treasury*~~[secretary of the cabinet, the commissioner of the Department for Behavioral Health, Developmental and Intellectual Disabilities,]~~ 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 *Department of the Treasury*~~[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 five (5) 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.

**Signed by Governor April 2, 2018.**