

**Introduced by Senator Corbett**February 28, 2008

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An act to amend Sections 4521 and 4521.5 of the Welfare and Institutions Code, relating to developmental disabilities.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1774, as introduced, Corbett. State Council on Developmental Disabilities.

Existing law creates a 29-member state council on developmental disabilities appointed by the Governor, to advise the State Department of Developmental Services and perform various other duties. Under existing federal law, 5-year grants are given to various University Centers for Excellence in Developmental Disabilities Education, Research, and Service to provide leadership in, advise federal, state, and community policymakers about, and promote opportunities for, individuals with developmental disabilities. Two members of the state council are representatives from university centers of excellence in the state.

This bill would, instead, require that the state council include a representative from each of the 3 university centers for excellence, thus increasing the council membership to 30.

Existing law requires that certain heads of state departments or their chief deputies be appointed to the state council.

This bill would, instead, allow the heads of these state departments or their designees to serve on the state council.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 4521 of the Welfare and Institutions Code  
2 is amended to read:

3 4521. (a) All references to “state council” in this part shall be  
4 a reference to the State Council on Developmental Disabilities.

5 (b) There shall be ~~29~~ 30 voting members on the state council  
6 appointed by the Governor, as follows:

7 (1) One member from each of the 13 area boards on  
8 developmental disabilities described in Article 6 (commencing  
9 with Section 4543), nominated by the area board to serve as a  
10 council member, who shall be persons with a developmental  
11 disability, as defined in Section 15002(8) of Title 42 of the United  
12 States Code, or parents or guardians of minors with developmental  
13 disabilities or conservators of adults with developmental disabilities  
14 residing in California. Five of these members shall be persons with  
15 a developmental disability, as defined in Section 15002(8) of Title  
16 42 of the United States Code, three shall be parents, immediate  
17 relatives, guardians, or conservators of persons with developmental  
18 disabilities, and five shall be either a person with a developmental  
19 disability or a parent, immediate relatives, guardian, or conservator  
20 of a person with a developmental disability. The nominee from  
21 each area board shall be an area board member who was appointed  
22 by the Governor.

23 (2) ~~Ten~~ *Eleven* members of the council shall include the  
24 following:

25 (A) The Secretary of ~~the~~ California Health and Human Services  
26 Agency, or his or her designee, who shall represent the agency  
27 and the state agency that administers funds under Title XIX of the  
28 Social Security Act for people with developmental disabilities.

29 (B) The Director of Developmental Services or his or her ~~chief~~  
30 ~~deputy~~ *designee*.

31 (C) The Director of Rehabilitation or his or her ~~chief deputy~~  
32 *designee*.

33 (D) The Superintendent of Public Instruction or his or her  
34 designee.

35 (E) A representative from a nongovernmental agency or group  
36 concerned with the provision of services to persons with  
37 developmental disabilities.

1 (F) One representative from each of the ~~two~~ *three* university  
2 centers for excellence in the state, pursuant to ~~42 U.S.C. Section~~  
3 ~~15061 et seq.~~ *Section 15061 et seq. of Title 42 of the United States*  
4 *Code*, providing training in the field of developmental services.  
5 These individuals shall have expertise in the field of developmental  
6 disabilities.

7 (G) The Director of Health Services or his or her ~~chief deputy~~  
8 *designee*.

9 (H) The executive director of the agency established in  
10 California to fulfill the requirements and assurance of Title I,  
11 Subtitle C, of the federal Developmental Disabilities Assistance  
12 and Bill of Rights Act of 2000 for a system to protect and advocate  
13 the rights of persons with developmental disabilities, or his or her  
14 designee.

15 (I) The Director of Aging or his or her ~~chief deputy~~ *designee*.

16 (3) Six members at large, appointed by the Governor, as follows:

17 (A) Two shall be persons with developmental disabilities, as  
18 defined in Section 15002(8) of Title 42 of the United States Code.

19 (B) One shall be a person who is a parent, immediate relative,  
20 guardian, or conservator of a resident of a developmental center.

21 (C) One shall be a person who is a parent, immediate relative,  
22 guardian, or conservator of a person with a developmental disability  
23 living in the community.

24 (D) One shall be a person who is a parent, immediate relative,  
25 guardian, or conservator of a person with a developmental disability  
26 living in the community, nominated by the Speaker of the  
27 Assembly.

28 (E) One shall be a person with developmental disabilities, as  
29 defined in Section 15002(8) of Title 42 of the United States Code,  
30 nominated by the Senate Committee on Rules.

31 (c) Prior to appointing the ~~29~~ *30* members pursuant to this  
32 section, the Governor shall request and consider recommendations  
33 from organizations representing, or providing services to, or both,  
34 persons with developmental disabilities, and shall take into account  
35 socioeconomic, ethnic, and geographic considerations of the state.

36 (d) The term of each member described in paragraph (1) of,  
37 subparagraphs (E) and (H) of paragraph (2) of, and paragraph (3)  
38 of, subdivision (b) shall be for three years; provided, however, of  
39 the members first appointed by the Governor pursuant to paragraph  
40 (1) of subdivision (b), five shall hold office for three years, four

1 shall hold office for two years, and four shall hold office for one  
2 year. In no event shall any member described in paragraph (1) of,  
3 subparagraphs (E) and (H) of paragraph (2) of, and paragraph (3)  
4 of, subdivision (b) serve for more than a total of six years of  
5 service. Service by any individual on any state council on  
6 developmental disabilities existing on and after January 1, 2003,  
7 shall be included in determining the total length of service.

8 (e) Members appointed to the state council prior to June 1, 2002,  
9 shall continue to serve until the term to which they were appointed  
10 expires. Members appointed on June 1, 2002, or thereafter shall  
11 have their terms expire on January 1, 2003.

12 (f) Notwithstanding subdivision (c) of Section 4546, members  
13 described in subdivision (b) shall continue to serve on the area  
14 board following the expiration of their term on the area board until  
15 their term on the state council has expired.

16 (g) A member may continue to serve following the expiration  
17 of his or her term until the Governor appoints that member's  
18 successor. The state council shall notify the Governor regarding  
19 membership requirements of the council and shall notify the  
20 Governor at least 60 days before a member's term expires, and  
21 when a vacancy on the council remains unfilled for more than 60  
22 days.

23 SEC. 2. Section 4521.5 of the Welfare and Institutions Code  
24 is amended to read:

25 4521.5. Notwithstanding Section 7.5 of the Government Code,  
26 ~~for purposes of this chapter, the Secretary of Health and Human~~  
27 ~~Services, the Director of Developmental Services, the Director of~~  
28 ~~the Department of Rehabilitation, and the Director of the California~~  
29 ~~Department of Aging may designate his or her chief deputy of his~~  
30 ~~or her department or agency to~~ *each designee shall act as the*  
31 member in his or her place and stead to all intents and purposes  
32 as though the director or secretary were personally present,  
33 including the right of the ~~chief deputy~~ *designee* to be counted in  
34 constituting a quorum to participate in the proceeding of the state  
35 council and to vote upon any and all matters.

36 Each ~~chief deputy so designated~~ *designee* shall have the right to  
37 represent the director or secretary who appointed him or her  
38 regardless of the number of other ~~deputies designated to represent~~  
39 *designees representing* directors or secretaries at a particular  
40 meeting or session of the state council. Each ~~chief deputy~~ *designee*

- 1 shall represent only one director or secretary at any meeting or
- 2 session of the state council.

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