

FILED

JUL 27 1989

**OKLAHOMA SECRETARY
OF STATE**

S T A T E O F O K L A H O M A

EXECUTIVE DEPARTMENT

EXECUTIVE ORDER 89-10

WHEREAS, Part B, of the Federal Developmental Disabilities Assistance and Bill of Rights Act of 1987 (Public Law 100-146) provides payments to states to assist in the development of a comprehensive and coordinated system of services for persons with developmental disabilities; and

WHEREAS, the State of Oklahoma is required, as a condition of receiving such federal assistance, to conduct appropriate planning and coordination encompassing administrative activities, federal priority activities, and state priority activities; and

WHEREAS, the ultimate objective of these activities is to enable individuals with developmental disabilities to achieve their maximum potential through increased independence, productivity and integration into the community; and

WHEREAS, to obtain such financial assistance it is necessary that a state plan for the provision of services for individuals who are developmentally disabled be developed for Oklahoma and approved by the U.S. Secretary of Health and Human Services; and

WHEREAS, Oklahoma and any other state which receives assistance under this law must establish a State Planning Council to oversee development and administration of the plan in conjunction with the designated agency; and

WHEREAS, the members of the State Planning Council must be appointed by the Governor from among residents of Oklahoma in accordance with the requirements of the law; and

WHEREAS, the Governor of the state of Oklahoma must make appropriate provisions for the rotation of the membership on the State Planning Council; and

WHEREAS, Federal Law provides for the Governor to designate a state agency to administer the available federal grants and such designation is to be made after considering the comments of the general public and the non-state members of the State Planning Council and after the Governor has made an independent assessment of the impact that the designation of such agency has on the ability of the State Planning Council to serve as an advocate for persons with developmental disabilities;

NOW THEREFORE, I, Henry Bellmon, Governor of the State of Oklahoma by virtue of the power and authority vested in me by law, do hereby confirm my earlier action declaring the Department of Human Services to be the designated state agency to prepare, in conjunction with the State Planning Council, and submit to the Secretary of Health and Human Services for his/her approval, a State Plan for Developmental Disabilities in compliance with the Developmental Disabilities Assistance and Bill of Rights Act.

PROVIDED FURTHER that the following terms and conditions shall apply to the appointments of members and chairmen of the State Planning Council:

1. The membership of the council shall be limited to twenty-four (24) members, and the Council's membership shall be as specified in Public Law 100-146, Section 124 (b) (3) (4) and (5), of the said Federal Statutes (excerpt attached).

2. All appointments except for state agency representatives, shall be for three (3) years, and initial appointments shall be staggered so that in the future approximately one-third (1/3) of the membership is appointed in any one year; members shall serve at the pleasure of the Governor; members shall serve for a maximum of two (2) consecutive terms; and after serving two (2) consecutive terms (full or partial) a member must have at least a one-year lapse in his/her service on the Council before being again reconsidered for reappointment.

3. The Governor shall designate the Chairman of the Council from a list of at least three names nominated by Council. The Chairman shall serve for a term of two years, and for not more than two consecutive terms.

4. The Governor may make an appointment to fill an unexpired term of a Council member which has become vacant because of death, resignation, or disqualification to serve.

5. Any member who fails to attend three consecutive meetings of the Council shall be disqualified from further service.

6. The Chairman of the Council shall notify the Governor when a vacancy occurs.

7. The Council shall cease to exist when the federal law no longer requires such council.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma this 27th day of July, 1989.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

Henry Bellmon

ATTEST:

Hannah D. Atkins
Secretary of State

July 27, 1989

MEMORANDUM FOR GOVERNOR BELLMON

SUBJECT: Proposed Executive Order on Developmental Disabilities
Planning Council

Oklahoma receives about \$700,000 a year under the small Federal "Developmental Disabilities" program. This program is intended to help states develop plans and conduct innovative projects to improve services to people who have epilepsy, cerebral palsy, Downs Syndrome, mental retardation and other developmental disabilities.

Oklahoma is in the process of implementing some statutory changes in this program enacted by Congress a couple years ago.

Several months ago you resolved one issue related to this program when you decided to leave the responsibility for it with the Department of Human Services.

Now, there is need for you to issue an Executive Order setting the structure of the State Planning Council for Developmental Disabilities which is required as a condition of the Federal grant. The attached Executive Order has been developed in conjunction with the DHS staff. An earlier draft was ok'ed by the leadership of the existing Planning Council. The only substantive changes from that draft are:

- (1) A requirement that three, rather than two, names for chairman be submitted to the Governor; and
- (2) a provision that the Council members serve at the pleasure of the governor has been added.

These changes have been added by our legal staff. I have no problem personally except that I told the Council I would support the two nominees for chairman recommendation. The Council had wanted to elect its own chair. The two nominees approach was a compromise I said I thought would fly.

If you prefer to go with the three nominees provision, I will explain to the Council members.

Soon after the Executive Order is issued, recommendations will be provided to you on appointments to the Council.


Bob Fulton

Section 124(b) (3), (4) and (5) of Public Law 100-146,
Developmental Disabilities Assistance and Bill of Rights Act

"(3) Each State Planning Council shall at all times include in its membership representatives of the principal State agencies (including the State agency that administers funds provided under the Rehabilitation Act of 1973, the State agency that administers funds provided under the Education of the Handicapped Act, the State agency that administers funds provided under the Older Americans Act of 1965, and the State agency that administers funds provided under 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 State, the State protection and advocacy system established under section 142, local agencies, and nongovernmental agencies and private nonprofit groups concerned with services for persons with developmental disabilities in that State.

"(4)" At least one-half of the membership of each State Planning Council shall consist of persons who-

"(A)" are persons with developmental disabilities;

"(B)" are parents or guardians of such persons; or

"(C)" are immediate relatives or guardians of persons with mentally impairing developmental disabilities, and who are not employees of a State agency which receives funds or provides services under this part, who are not managing employees (as defined in section 1126(b) of the Social Security Act) of any other entity which receives funds or provides services under this part, and who are not persons with an ownership or control interest (within the meaning of section 1124(a) (3) of the Social Security Act) with respect to such an entity.

"(5)" Of the members of the State Planning Council described in paragraph (4)-

"(A)" at least one-third shall be persons with developmental disabilities; and

"(B)" (i) at least one-third shall be individuals described in subparagraph (C) of paragraph (4), and (ii) at least one of such individuals shall be an immediate relative or guardian of an institutionalized or previously institutionalized person with a developmental disability.