SPONSOR: Rep. Bennett & Sen. Poore
Reps. Briggs King, Heffernan, Lambert, Smyk; Sens. Ennis, Gay, Lopez

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE BILL NO. 367
AS AMENDED BY
HOUSE AMENDMENT NO. 1
AND
HOUSE AMENDMENT NO. 2

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE STATE COUNCIL FOR PERSONS WITH DISABILITIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 82, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8210. State Council for Persons with Disabilities.

(a) There is hereby established a State Council for Persons with Disabilities.

(b) This Council shall have the following duties and responsibilities:

(7) ~~Serve as a central state clearinghouse for~~ Obtain, evaluate, and disseminate, as appropriate, information and data regarding:

a. The current numbers of persons with disabilities and their needs;

b. The location, provision and availability of services and programs for persons with disabilities;

c. Any other relevant information and data about persons with disabilities which the council deems appropriate.

(10) Serve as the primary brain injury council for the State. In furtherance of this role, the Council shall:

c. Maintain a standing brain injury committee to facilitate prevention and centralized interdisciplinary planning, ~~assessment~~ assessment, and an approved service delivery system for individuals with brain injury ~~comprised~~ composed of the following members, or designees of such members:

4. Director of the Division of Services for Aging and Adults with Physical Disabilities;

(d) This Council shall consist of the following members:

(1) The Secretary of Health and Social Services, or a designee of the Secretary;

(2) The Secretary of Labor, or a designee of the Secretary;

(3) The Secretary of Education, or a designee of the Secretary;

(4) The Secretary of Services to Children, Youth and Their Families, or a designee of the Secretary;

~~(5) The following councils, committees, agencies and organizations shall elect 1 of their members to serve as a member of the Council:~~

~~(6) Individuals appointed by Council to ensure that at least 50% of the total membership are individuals with disabilities or family members with disabilities. At least 33% of the total membership shall be composed of individuals with disabilities.~~

~~a. The Governor's Advisory Council for Exceptional Citizens;~~

~~b. Developmental Disabilities Council;~~

~~c. Governor's Committee on Employment of Persons with Disabilities;~~

~~d. Advisory Council to the Division of Developmental Disabilities Services;~~

~~e. Advisory Council to the Division of Substance Abuse and Mental Health [see § 7909(a) of this title];~~

~~f. Architectural Accessibility Board;~~

~~g. Delaware Transit Corporation;~~

~~h. Council on Services for Aging and Adults with Physical Disabilities;~~

~~i. Advisory Council on Public Health [repealed];~~

~~j. Council on Deaf and Hard of Hearing Equality;~~

~~k. Criminal Justice Council;~~

~~l. State Rehabilitation Advisory Council; and~~

~~m. Other councils, committees, agencies and organizations as approved by both the State Council for Persons with Disabilities and the affected council, committee, agency or organization;~~

(5) The Secretary of Transportation, or a designee of the Secretary.

(6) The following councils, committees, agencies, and organizations shall designate a representative to serve as a member of the Council:

a. Governor's Advisory Council for Exceptional Citizens.

b. Developmental Disabilities Council.

c. Delaware Protection and Advocacy Agency as defined in §1102(7) of Title 16.

d. Division of Developmental Disabilities Services.

e. Division of Substance Abuse and Mental Health.

f. Division for the Visually Impaired.

g. Architectural Accessibility Board.

h. Delaware Transit Corporation.

i. Division of Services for Aging and Adults with Physical Disabilities.

j. Division of Public Health.

k. Delaware Office for the Deaf and Hard of Hearing.

l. Delaware Statewide Americans with Disabilities Act Coordinator.

m. State Rehabilitation Advisory Council for the Division of Vocational Rehabilitation.

n. Other councils, committees, agencies and organizations as approved by both the State Council for Persons with Disabilities and the affected council, committee, agency or organization.

(7) Individuals appointed by Council to ensure that at least 50% of the total membership are individuals with disabilities or family members of individuals with disabilities. At least 33% of the total membership shall be composed of individuals with disabilities.

(k) As used in this section, "persons with disabilities" means ~~any person who has a physical or mental impairment which substantially limits 1 or more major life activities, has a record of such impairment.~~ a person who has a physical or mental impairment that substantially limits 1 or more major life activities, a person who has a history or record of such an impairment, or a person who is regarded by others as having such an impairment.

~~(l) For purposes of this section, the operations and activities of the Division for the Visually Impaired and the Governor's Advisory Council on the Blind shall be exempt from the purview of the State Council for Persons with Disabilities.~~ [Repealed.]