

NORTH CAROLINA GENERAL ASSEMBLY
1977 SESSION

CHAPTER 822
SENATE BILL 725

AN ACT TO CREATE IN THE DEPARTMENT OF ADMINISTRATION AN ADVOCACY
COUNCIL FOR THE MENTALLY ILL AND DEVELOPMENTALLY DISABLED.

The General Assembly of North Carolina enacts:

Section 1. Article 9 of Chapter 143B of the General Statutes, as the same is found in the 1975 Cumulative Supplement to Volume 3C of the General Statutes, is amended by adding a new Part 13, immediately after Part 12, to read as follows:

"PART 13.

"ADVOCACY COUNCIL FOR THE HANDICAPPED.

"§ 143B-399. Advocacy Council for the Mentally Ill and Developmentally Disabled: creation; powers; duties. — There is hereby created in the Department of Administration an Advocacy Council for the Mentally Ill and Developmentally Disabled. The council shall have the following functions and duties:

- (1) to provide for and supervise a statewide program of protection and advocacy in accordance with Section 113 of Public Law 94-103, Developmental Disabilities Services and Facilities Construction Act, as amended;
- (2) to pursue legal, administrative, or other appropriate remedies to insure the protection of the rights of all developmentally and mentally disabled persons who are receiving treatment, services, or habilitation from any State, local, or area program;
- (3) to review and recommend changes in all laws, rules, regulations, programs and policies of this State or any agency or subdivision thereof to insure the rights of the mentally ill and developmentally disabled are safeguarded;
- (4) to investigate complaints concerning the violation of the rights of the mentally ill and developmentally disabled and to take appropriate action;
- (5) to contract with public agencies or private nonprofit corporations to fulfill any of the functions and duties provided herein;
- (6) to provide an annual report to the Governor and the Secretary of Administration on the status, effectiveness, and needs of the protection and advocacy program; and
- (7) to perform such other functions as are necessary to protect the rights of the mentally ill and developmentally disabled or as may be assigned by the Secretary of Administration.

"§ 143B-400. Advocacy Council for the Mentally Ill and Developmentally Disabled: members; selection; quorum; compensation. — The Advocacy Council for the Mentally Ill and Developmentally Disabled, of the Department of Administration, shall consist of 11 members. The composition and appointment of the council shall be as follows:

Three members appointed by the Governor from legal, citizen, or advisory groups; two members appointed by the Governor who are parents of developmentally disabled persons; one member appointed by the Governor who is developmentally disabled; one member appointed by the Governor who has been a volunteer advocate for the developmentally disabled.

Two members appointed by the Speaker of the House from the members of the House of Representatives, who have demonstrated an interest in the mentally ill and developmentally disabled.

Two members appointed by the President of the Senate from the members of the Senate, who have demonstrated an interest in the mentally ill and developmentally disabled.

Provided no members shall be providers of services to the mentally ill and developmentally disabled or representatives of public agencies.

The Governor shall designate a member of the council to serve as chairman at the pleasure of the Governor.

Initial appointments shall be made as soon as practicable after the effective date of this act but no later than July 1, 1977, for terms to expire June 30, 1980. At the end of the terms of the initial members, the appointment of the successors of the members appointed by the Governor shall be for terms of four years and until their successors are appointed and qualify. The appointment of the successors of the initial members appointed by the Speaker of the House and President of the Senate shall be for terms of two years and until their successors are appointed and qualify. Appointment to fill a vacancy on the council created by resignation, dismissal, death or disability of a member shall be for the balance of the unexpired term.

The Governor may remove any member of the council appointed by the Governor.

Members of the council shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5, or travel and subsistence expenses under G.S. 120-3.1 as appropriate.

The council shall meet at least once a quarter and at such other times as called by the chairman or upon written request of at least six members. A majority of the council shall constitute a quorum for the transaction of business.

All clerical and other services required by the council shall be supplied by the Secretary of Administration.

The staff of the Developmental Disabilities Council of the Department of Human Resources shall provide additional planning assistance when requested by the Advocacy Council."

Sec. 2. Nothing herein contained shall be construed to obligate the General Assembly to make additional appropriations to implement the provisions of this act.

Sec. 3. This act shall become effective July 1, 1977.

In the General Assembly read three times and ratified, this the 29th day of June, 1977.