

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 780
HOUSE BILL 265

AN ACT TO REVISE THE DUTIES OF THE COUNCIL ON DEVELOPMENTAL
DISABILITIES.

The General Assembly of North Carolina enacts:

Section 1. Part 13 of Article 3 of Chapter 143B of the General Statutes reads as rewritten:

"Part 13. Council on Developmental Disabilities.

"§ 143B-177. Council on Developmental Disabilities - creation, powers and duties.—

There is hereby created the Council on Developmental Disabilities of the Department of Human Resources. The Council on Developmental Disabilities shall have the following functions and duties:

- ~~(1) To provide advice to the Secretary of Human Resources as will facilitate the implementation of the State plan and the fulfillment of the requirements of Public Law 91-517, the Developmental Disabilities and Facilities Construction Amendment of 1970;~~
- ~~(2) To study ways and means of promoting public understanding of developmental disabilities; to consider the need for new State programs and laws in the field of developmental disabilities; and to make recommendations to and advise the Secretary of Human Resources on the matters relating to developmental disabilities;~~
- ~~(3) To advise in the preparation of a plan describing the quality, extent and scope of services being provided, or to be provided, to persons with developmental disabilities in North Carolina;~~
- ~~(4) To examine the programs of all State agencies which provide services for persons with developmental disabilities and to make recommendations to the Secretary of Human Resources for coordination of programs to prevent duplication and overlapping of such services; and~~
- ~~(5) The Council shall advise the Secretary of Human Resources upon any matter the Secretary may refer to it.~~
- (1) To advise the Secretary of Human Resources regarding the development and implementation of the State plan as required by Public Law 98-527, the Developmental Disabilities Act of 1984, by:
 - a Identifying ways and means of promoting public understanding of developmental disabilities;

- b. Examining the federally assisted State programs of all State agencies which provide services for persons with developmental disabilities;
 - c. Describing the quality, extent and scope of services being provided, or to be provided, to persons with developmental disabilities in North Carolina;
 - d. Recommending ways and means for coordination of programs to prevent duplication and overlapping of such services;
 - e. Considering the need for new State programs and laws in the field of developmental disabilities; and
 - f. Conducting activities which will increase and support the independence, productivity, and integration into the community of persons with developmental disabilities.
- (2) To advise the Secretary of Human Resources regarding the coordination of planning and service delivery of all State-funded programs which provide service to persons with developmental disabilities by:
- a. Gathering, analyzing and interpreting individual and aggregate needs assessment data from all State agencies that provide services to developmentally disabled;
 - b. Conducting special needs assessment studies as may be necessary;
 - c. Specifying and supporting activities that will enhance the services delivered by individual agencies by reducing barriers between agencies;
 - d. Identifying service development priorities that require cooperative interagency planning and development;
 - e. Providing coordinative and technical assistance in interagency planning and development efforts; and
 - f. Coordinating interagency training efforts that will promote more effective service delivery to persons with developmental disabilities.
- (3) To advise the Secretary of Human Resources regarding other matters relating to developmental disabilities and upon any matter the Secretary may refer to it.

"§ 143B-178. Council on Developmental Disabilities-definitions.—The following definitions apply to this Chapter:

- (1) The term 'developmental disability' means a severe, chronic disability of a person which:
 - a. Is attributable to a mental or physical impairment or combination of mental and physical impairments;
 - b. Is manifested before the person attains age 22, unless the disability is caused by a traumatic head injury and is manifested after age 22;
 - c. Is likely to continue indefinitely;

- d. Results in substantial functional limitations in three or more of the following areas of major life activity: (i) self-care, (ii) receptive and expressive language, (iii) learning, (iv) mobility, (v) self-direction, (vi) capacity for independent living, and (vii) economic self-sufficiency; and
 - e. Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of lifelong or extended duration and are individually planned and coordinated.
- (2) The term 'services for persons with developmental disabilities,' as it is used in this Article, means:
- a. Alternative community living arrangement services, employment related activities, child development services, and case management services; and
 - b. Any other specialized services or special adaptations of generic services directed toward the alleviation of a developmental disability or toward the social, personal, physical, or economic habilitation or rehabilitation of an individual with such a disability, and such term includes including diagnosis, evaluation, treatment, personal care, day care, domiciliary care, special living arrangements, training, education, sheltered employment, recreation and socialization, counseling of the individual with such a disability and of his family, protective and other social and sociolegal services, information and referral services, follow-along services, nonvocational social-developmental services, and transportation services necessary to assure delivery of services to persons with developmental disabilities, and services to promote and coordinate activities to prevent developmental disabilities.

"§ 143B-179. Council on Developmental Disabilities - members; selection; quorum; compensation.—(a)The Council on Developmental Disabilities of the Department of Human Resources shall consist of 32 members appointed by the Governor. The composition of the Council shall be as follows:

- (1) Eleven members from the General Assembly and State government agencies as follows: One person who is a member of the Senate, one person who is a member of the House of Representatives, one representative of the Department of Public Instruction, one representative of the Department of Correction, and seven representatives of the Department of Human Resources to include the Secretary or his designee.
- (2) Sixteen members designated as consumers of service for the developmentally disabled. A consumer of services for the developmentally disabled is a person who (1) has a developmental disability or is the parent or guardian of such a person, or (2) is an

immediate relative or guardian of a person with mentally impairing developmental disability, and (3) is not an employee of a State agency that receives funds or provides services under the provisions of ~~Part A, Title 1, P.L. 90-170, as amended, 'Mental Retardation Facilities and Community Health Centers Construction Act of 1963'~~ Part B, Title 1, P.L. 98-527, as amended, the Developmental Disabilities Act of 1984, is not a managing employee (as defined in Section 1126(b) of the Social Security Act) of any other entity that receives funds or provides services under such Part, and is not a person 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. Of these 16 members, at least one third shall be persons with developmental disabilities and at least another one third shall be the immediate relatives or guardians of persons with mentally impairing developmental disabilities, of whom at least one shall be an immediate relative or guardian of an institutionalized developmentally disabled person.

- (3) Five members at large. ~~The five at large members shall be chosen from local agencies, nongovernmental agencies and groups concerned with services to persons with developmental disabilities, and higher education training facilities in North Carolina, or from the interested public at large.~~ as follows: One representative of the university affiliated facility, one representative of the State protection and advocacy system, one representative of a local agency, one representative of a nongovernmental agency or nonprofit group concerned with services to persons with developmental disabilities, and one representative from the public at large.

~~The initial members of the Council shall include the appointed members of the Council on Mental Retardation and Developmental Disabilities who shall serve for a period equal to the remainder of their current terms on the Council on Mental Retardation and Developmental Disabilities four of whose terms expire June 30, 1973, four of whose terms expire June 30, 1974, two of whose terms expire June 30, 1975, and three of whose terms expire June 30, 1986. At the end of the respective terms of office of the initial members of the Council,~~ The appointments of all members, with the exception of those from the General Assembly and State agencies shall be for terms of four years and until their successors are appointed and qualify. Any appointment to fill a vacancy on the Council created by the resignation, dismissal, death, or disability of a member shall be for the balance of the unexpired term.

The Governor shall make appropriate provisions for the rotation of membership on the Council.

(b) The Governor shall have the power to remove any member of the Council from office in accordance with the provisions of G.S. 143B-16 ~~of the Executive Organization Act of 1973.~~

The Governor shall designate one member of the Council to serve as chairman at his pleasure.

Members of the Council shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5.

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 Human Resources."

Sec. 2. This act shall become effective upon ratification.

In the General Assembly read three times and ratified this the 12th day of August, 1987.