

NORTH CAROLINA GENERAL ASSEMBLY
1971 SESSION

CHAPTER 976
SENATE BILL 791

AN ACT TO REWRITE ARTICLE 12 OF CHAPTER 35 OF THE GENERAL STATUTES
TO AMEND THE MEMBERSHIP AND EXPAND THE CONCERNS OF THE
COUNCIL ON MENTAL RETARDATION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 35-73 is hereby rewritten to read as follows:

"§ 35-73. **Creation of Council; membership; terms; chairman.** — There is hereby created a Council on Mental Retardation and Developmental Disabilities whose members shall be appointed by the Governor. The composition of this Council shall be as follows: Eleven members from State Government and agencies as follows: two persons who are members of the Senate, two persons who are members of the House of Representatives, one representative of the Department of Public Instruction, one representative of the Department of Juvenile Correction, one representative of the Department of Vocational Rehabilitation, one representative of the Department of Social Services, one representative of the Department of Mental Health, one representative of the Board of Health, and one representative of the Department of Administration.

Eight members designated as consumers of services or representatives of consumers of services for the developmentally handicapped, of which three members shall be designated as representatives of advocate organizations as follows: one member from the North Carolina Association for Retarded Children, one member from the United Cerebral Palsy of North Carolina, and one member from the North Carolina Chapter of Epilepsy Foundation of America, and five members at large, who by their interest and efforts have helped provide or may help provide improved services for those who are developmentally disabled.

The members appointed from the General Assembly and the members appointed from among the State boards, departments or agencies shall serve at the pleasure of the Governor. Of the remaining 13 members, the present members of the Council on Mental Retardation shall serve out their appointed terms. Of the remaining eight members, the initial appointments shall be as follows: Two members shall serve for a term of one year, two members shall serve for a term of two years, two members shall serve for a term of three years, and two members shall serve for a term of four years. Thereafter, the appointments of all members, with the exception of those from the General Assembly and State Boards, Departments or agencies shall be for terms of four years.

The Council on Mental Retardation and Developmental Disabilities shall choose its own chairman."

Sec. 2. G.S. 35-74 is hereby rewritten to read as follows:

"§ 35-74. **Function of Council; meetings; annual report to Governor.** — The function of the Council on Developmental Disabilities shall be as follows:

- (1) To provide advice to the agency designated to administer Public Law 91-517, the Developmental Disabilities and Facilities Construction Admendments of 1970, and to all other State agencies as will facilitate the implementation of the State Plan in order that the requirements of Public Law 91-517 may be fulfilled.

- (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 Governor on matters relating to developmental disabilities.
- (3) To prepare and submit 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 coordinate the programs of all State agencies which provide services for persons with developmental disabilities in order to prevent duplication and overlapping of services.
- (5) To review those portions of the budgets of all State agencies which provide services for persons with developmental disabilities prior to their submission to the Advisory Budget Commission and to present its findings and recommendations to the Advisory Budget Commission.

The Council shall meet at least four times a year and shall file an annual report with the Governor."

Sec. 3. Article 12 of Chapter 35 of the General Statutes is hereby amended by inserting therein a new section to be numbered G.S. 35-74.1 and to read as follows:

"§ 35-74.1. **Definitions.** — (1) The term 'developmental disabilities', as it is used in this statute, means such disabilities as are attributable to mental retardation, cerebral palsy, epilepsy, physically disabled, or other neurological conditions of individuals which are found to be closely related to mental retardation or which require treatment similar to that required for mentally retarded individuals, which disability originates before such individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial handicap to such individual.

(2) The term 'services for persons with developmental disabilities', as it is used in this statute, means 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 diagnosis, evaluation, treatment, personal care, daycare, domiciliary care, special living arrangements, training, education, sheltered employment, recreation, counseling of the individual with such a disability and of his family, protective and other social and socio-legal services, information and referral services, follow-along services, and transportation services necessary to assure delivery of services to persons with developmental disabilities.

Sec. 4. The term "Council on Mental Retardation" wherever it appears in G.S. 35-75, G.S. 35-76 and G.S. 35-77 shall be changed so that it will read "Council on Developmental Disabilities."

Sec. 5. The term "Council on Mental Retardation" wherever it may appear in any Act providing for the reorganization of state government, whether such Act is effective prior to or subsequent to the effective date of this Act, shall be construed to mean and refer to the "Council on Developmental Disabilities" as created by this Act.

Sec. 6. This act shall become effective July 1, 1971.

In the General Assembly read three times and ratified, this the 19th day of July, 1971.