

NORTH CAROLINA GENERAL ASSEMBLY
1979 SESSION

CHAPTER 575
HOUSE BILL 1030

AN ACT TO ABOLISH THE ADVOCACY COUNCIL FOR THE MENTALLY ILL AND DEVELOPMENTALLY DISABLED AND THE GOVERNOR'S COUNCIL ON EMPLOYMENT OF THE HANDICAPPED AND TO TRANSFER THEIR FUNCTIONS TO A NEW COUNCIL TO BE KNOWN AS THE GOVERNOR'S ADVOCACY COUNCIL FOR PERSONS WITH DISABILITIES.

The General Assembly of North Carolina enacts:

Section 1. Article 9, Chapter 143B of the General Statutes is hereby amended by repealing Parts 14 and 16 thereof as the same appear in 1978 Replacement Volume 3C and by adding a new Part 14 thereto to read as follows:

"Part 14.

"Governor's Advocacy Council for Persons with Disabilities.

"§ 143B-402. Governor's Advocacy Council for Persons with Disabilities - creation; powers and duties. — There is hereby created the Governor's Advocacy Council for Persons with Disabilities of the Department of Administration. The Council shall have the following functions and duties:

- (1) to provide for 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, mentally, physically, emotionally and otherwise 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 developmentally, mentally, physically, emotionally and otherwise disabled persons are safeguarded;
- (4) to investigate complaints concerning the violation of the rights of the developmentally, mentally, physically, emotionally and otherwise disabled persons and to take appropriate action;
- (5) to contract with public agencies or private nonprofit corporations to fulfill any of the functions and duties provided for in Sections 2 and 6 and government funded programs;
- (6) to aid and assist local advocacy program and the advocacy programs in mental retardation centers, psychiatric hospitals, and training schools;
- (7) to perform such other functions as are necessary to protect the rights of the developmentally, mentally, physically, emotionally and otherwise disabled or as may be assigned by the Secretary of Administration;
- (8) to advise and assist the Department of Administration on the continuing program to promote the employment of the physically, mentally, emotionally, and otherwise handicapped citizens of North Carolina by creating statewide interest in the rehabilitation and employment of the

- handicapped, and by obtaining and maintaining cooperation with all public and private groups and individuals in this field;
- (9) to work in close cooperation with the President's Committee on the Employment of the Handicapped to carry out more effectively the purpose of Article 29A of Chapter 143 of the General Statutes, and with State and federal agencies having responsibilities for employment and rehabilitation of the handicapped;
 - (10) to promote and encourage the holding of appropriate ceremonies throughout the State during the 'National Employ the Handicapped Week', the purpose of which ceremony shall be to enlist public support for interest in the employment of the developmentally, mentally, physically, emotionally and otherwise disabled; and
 - (11) the Council shall advise the Secretary of Administration upon any matter the Secretary may refer to it.

"§ 143B-403. Governor's Advocacy Council for Persons with Disabilities - members; selection; quorum; compensation. — The Governor's Advocacy Council for Persons with Disabilities of the Department of Administration shall consist of 22 members. The composition of the Council shall be as follows: four 'ex-officio' members from State government agencies as follows: the Commissioner of Labor, the Commissioner of Insurance, the Secretary of the Department of Human Resources and the Chairman of the Employment Security Commission. The Governor shall appoint the remaining 18 members as follows: two of the remaining 18 members shall be legislators (one being a representative from the House and one being a representative of the Senate); of the remaining 16 members, at least eight shall be disabled persons or parents of disabled persons.

The initial term for one half of the members appointed by the Governor shall be two years. The initial term for the remaining members appointed by the Governor shall be four years. At the end of the respective terms of office of the initial members of the Council, the appointment of all members with the exception of those from 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 may remove any member of the Council appointed by the Governor.

The Governor shall designate one member of the Council to serve as chairman and one member to serve as vice-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 Administration."

Sec. 2. This act is effective July 1, 1979.

In the General Assembly read three times and ratified, this the 16th day of May, 1979.