

NORTH CAROLINA GENERAL ASSEMBLY  
1979 SESSION

CHAPTER 752  
HOUSE BILL 557

AN ACT TO CHANGE THE DEFINITION OF A "DEVELOPMENTAL DISABILITY" AND  
THE MEMBERSHIP OF THE COUNCIL ON DEVELOPMENTAL DISABILITIES SO  
AS TO CONFORM TO FEDERAL LAW.

The General Assembly of North Carolina enacts:

**Section 1.** G.S. 143B-178 is amended by rewriting subsection (1) to read as follows:

- "(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;
  - 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."

**Sec. 2.** G.S. 143B-179 is amended by renumbering "36" to read "32" on line 2, and by rewriting subsections (1) through (3) to read 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 services 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', 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."

**Sec. 3.** This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 4th day of June,

1979.