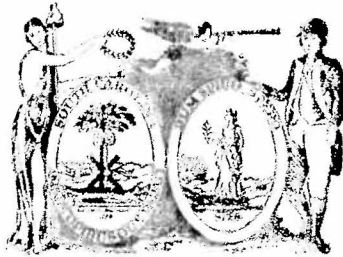


State of South Carolina
Executive Department

FILED

JAN 21 2010

Mark Hammond
SECRETARY OF STATE



Office of the Governor

EXECUTIVE ORDER NO.

2010-03

WHEREAS, South Carolina continues to identify more clearly the critical importance of strengthening resources for programs designed to serve the needs of our citizens with disabilities;

WHEREAS, the State must make the most effective use of its resources to meet such needs by continuing to develop, implement, and evaluate realistic policies, plans, and programs; and

WHEREAS, the well-being of citizens of South Carolina with substantial disabilities is a priority and responsibility of State government.

NOW, THEREFORE, pursuant to the powers conferred upon me by the Constitution and Laws of the State, I hereby reestablish the South Carolina Developmental Disabilities Council, which is the State's forum for developmental disabilities matters and will advocate for persons with those disabilities defined herein.

The Council is also established in accordance with the Federal Developmental Disabilities Act of 2000 (the Act) (Public Law 106-402). The Act defines the term developmental disability as a severe, chronic disability of a person which is attributable to a mental or physical impairment or combination of mental and physical impairments; is manifested before the person attains age twenty-two; is likely to continue indefinitely; results in substantial functional limitations in three or more of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and economic sufficiency; and reflects the person's need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.

The Council shall at all times include in its membership representatives of the principal State governmental agencies that administer and/or provide services to persons with developmental disabilities.

The Governor hereby appoints to the Council the directors of the following public agencies and programs:

- South Carolina Department of Education
- South Carolina Department of Health and Environmental Control
- South Carolina Department of Mental Health
- South Carolina Department of Disabilities and Special Needs
- South Carolina Vocational Rehabilitation Department
- South Carolina Lt. Governor's Office on Aging
- South Carolina Department of Health and Human Services

The directors referenced above may designate representatives to act on behalf of their respective agencies and programs in the Council's deliberations.

Additionally, in order to provide a continuum to its advocacy efforts, the Council shall include representation of non-governmental agencies and organizations concerned with the developmentally disabled. The chief administrative officer or his/her designated representative who acts on behalf of the organization in any deliberations of the Council shall represent these private organizations and programs.

No less than sixty percent of the total Council membership shall consist of consumer representatives who are not officers or have ownership or controlling interest of any entity, or who are not employees of any state agency that receives funds and provides services under the Developmental Disabilities Act. Of the consumer members, at least one-third shall be persons with developmental disabilities; one-third shall be immediate relatives or guardians of persons who have mentally impairing developmental disabilities with at least one of these having a family member in an institution; and the remaining one-third shall be representatives from any developmental disabilities consumer category. For purposes of appointment, consumer members may not be providers of services.

The consumer members of the Council shall be appointed by the Governor from the residents of the state to serve at his pleasure on a rotating basis. Terms of office shall be four years and no member shall serve more than two consecutive terms.

The active consumer members of the existing Council shall select the Chairperson. The Council membership shall elect all other officers of the Council and election shall not be limited to consumers.

The Council Chairperson, with the advice and consent of the Executive Committee, may appoint representatives of other agencies and organizations or individuals who deal with persons with developmental disabilities to serve in an *ex officio*, non-voting capacity to complement the Council's efforts.

All members of the Council serve at the pleasure of the Governor, who may remove members at-will.

The Council shall promulgate by-laws for the orderly conduct of its business, and in discharging its responsibilities, the Council shall:

- Develop jointly with the designated administering agency the Developmental Disabilities State Plan and approve the State Plan for the provision of services for persons with developmental disabilities.
- Monitor, review, and evaluate the implementation of such state plan and the state program.
- Formulate its program and recommendations in accordance with the Act upon review and comment of all state plans and other activities in the State, which relate to the developmentally disabled population.
- Submit to the Secretary of the United States Department of Health and Human Services, through the Governor, such periodic reports on its activities as may reasonably be requested, and keep such records and afford access thereto as the Secretary finds necessary to verify such reports.

In support of the Council, the Governor shall house the Council staff within the Office of the Governor and shall provide, as appropriate, the support of the Office of Executive Policy and Programs. State agencies to administer the state programs shall be designated by the Governor and described in the state plan.

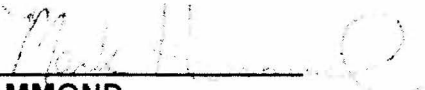
This Executive Order shall take effect immediately, and shall supersede Executive Order 2001-07.



GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 27th DAY OF JANUARY, 2010.



MARK SANEORD
Governor

ATTEST: 

MARK HAMMOND
SECRETARY OF STATE