

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 533
SENATE BILL 956

AN ACT TO CREATE A NEW COUNCIL AND DIVISION FOR THE DEAF AND
THE HARD OF HEARING.

The General Assembly of North Carolina enacts:

Section 1. Part 24 of Article 3 of Chapter 143B of the General Statutes is repealed.

Sec. 2. Article 3 of Chapter 143B is amended by adding a new Part to read:

"Part 29.

"Council for the Deaf and the Hard of Hearing;

Division of Services for the Deaf and the Hard of Hearing.

"§ 143B-216.30. Definitions.

The following definitions shall apply throughout this Part unless otherwise specified:

- (1) 'Council' means the Council for the Deaf and the Hard of Hearing of the Department of Human Resources.
- (2) 'Deaf' means the inability to hear and/or understand oral communication, with or without assistance of amplification devices.
- (3) 'Division' means the Division of Services for the Deaf and the Hard of Hearing of the Department of Human Resources.
- (4) 'Hard of hearing' means permanent hearing loss which is severe enough to necessitate the use of amplification devices to hear oral communication.
- (5) 'Ring signaling device' means a mechanism such as a flashing light which visually indicates that a communication is being received through a telephone line. This phrase also means mechanisms such as adjustable volume ringers and buzzers which audibly and loudly indicate an incoming telephone communication.
- (6) 'Speech impaired' means permanent loss of oral communication ability.
- (7) 'Telecommunications device' or 'TDD' means a keyboard mechanism attached to or in place of a standard telephone by some coupling device, used to transmit or receive signals through telephone lines.
- (8) 'Volume control handset' means a telephone handset or other telephone listening device which has an adjustable control for increasing the volume of the sound being produced by the telephone receiving unit.

"§ 143B-216.31. Council for the Deaf and the Hard of Hearing - creation and duties.

There is hereby created the Council for the Deaf and the Hard of Hearing of the Department of Human Resources. The Council shall have duties including the following:

- (1) To make recommendations to the Secretary of the Department of Human Resources regarding improvement of human services to the deaf and the hard of hearing;
- (2) To study ways to promote public understanding of the problems of the deaf and the hard of hearing and to consider the need for new State programs concerning deafness;
- (3) To advise the Secretary of the Department of Human Resources in the preparation of a plan describing the quality, extent and scope of services provided or to be provided, to deaf and hard of hearing persons in this State;
- (4) To study any State programs that provide educational services for deaf and hard of hearing persons and to advise the Secretary of the Department of Human Resources and the Superintendent of Public Instruction concerning coordination of these programs to prevent duplication of services; and
- (5) To advise and make recommendations to the Secretary of the Department of Human Resources upon any matter as requested by the Secretary.

"§ 143B-216.32. Council for the Deaf and the Hard of Hearing - membership; quorum; compensation.

(a) The Council for the Deaf and the Hard of Hearing shall consist of 15 members appointed by the Governor. Three members appointed by the Governor shall be persons who are deaf and three members shall be persons who are hard of hearing. One appointment shall be an educator who trains deaf education teachers and one appointment shall be an audiologist licensed under Article 22 of Chapter 90 of the General Statutes. Three appointments shall be parents of deaf or hard of hearing children including one parent of a student in a residential school; one parent of a student in a preschool satellite program; and one parent of a student in a mainstream education program, with each parent coming from a different region of the three North Carolina schools for the deaf regions. One member appointed by the Governor shall be recommended by the President of the North Carolina Association of the Deaf; one member shall be recommended by the President of the North Carolina Pediatric Society; one member shall be recommended by the President of the North Carolina Registry of Interpreters for the Deaf; and one member shall be nominated by the Superintendent of Public Instruction.

(b) The terms of the initial members of the Council shall commence July 1, 1989. In his initial appointments, the Governor shall designate four members who shall serve terms of five years, four who shall serve terms of four years, four who shall serve terms of three years, and three who shall serve terms of two years. After the initial appointees' terms have expired, all members shall be appointed for a term of four years. No member appointed by the Governor shall serve more than two successive terms.

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.

(c) The chairman of the Council shall be designated by the Secretary of the Department of Human Resources from the Council members. The chairman shall hold this office for not more than four years.

(d) The Council shall meet quarterly and at other times at the call of the chairman. A majority of the Council shall constitute a quorum.

(e) Council members shall be reimbursed for expenses incurred in the performance of their duties in accordance with G.S. 138-5.

(f) The Secretary of the Department of Human Resources shall provide clerical and other assistance as needed.

"§ 143B-216.33. Division of Services for the Deaf and the Hard of Hearing - creation, powers and duties.

(a) There is hereby created within the Department of Human Resources, the Division of Services for the Deaf and the Hard of Hearing. The Division shall have the powers and duties including the following:

- (1) To review existing programs for persons who are deaf or hard of hearing in the State, and make recommendations to the Secretary of the Department of Human Resources and to the Superintendent of the Department of Public Instruction for improvements to such programs;
- (2) To provide comprehensive residential and nonresidential educational program services for persons who are deaf or hard of hearing, aged birth to 21 years of age. Such programs shall be in compliance with the Department of Public Instruction Procedures Governing Programs and Services for Children with Special Needs, and with G.S. 115C-325;
- (3) To provide a network of resource centers for local access to services such as interpreters, information and referral, telephone relay, and advocacy for persons who are deaf or hard of hearing;
- (4) To collect, study, maintain, publish and disseminate information relative to all aspects of deafness;
- (5) To promote public awareness of the needs of, resources and opportunities available to persons who are deaf or hard of hearing;
- (6) To provide technical assistance to agencies and organizations in the development of services to persons who are deaf or hard of hearing;
- (7) To administer the Telecommunications Program for the Deaf pursuant to G.S. 143B-216.34; and
- (8) To establish training and evaluation standards for determination of competency of individuals serving as interpreters for persons who are deaf or hard of hearing.

(b) The Division shall function under the authority of the Department of Human Resources and the Secretary of the Department of Human Resources as provided in the

Executive Organization Act of 1973 and shall perform such other duties as are assigned by the Secretary.

(c) The Department of Human Resources may receive moneys from any source, including federal funds, gifts, grants and bequests which shall be expended for the purposes designated in this Part. Gifts and bequests received shall be deposited in a trust fund with the State Treasurer who shall hold them in trust in a separate account in the name of the Division. The cash balance of this account may be pooled for investment purposes, but investment earnings shall be credited pro rata to this participating account. Moneys deposited with the State Treasurer in the trust fund account pursuant to this subsection, and investment earnings thereon, are available for expenditure without further authorization from the General Assembly. Such funds shall be administered by the Division under the direction of the director and fiscal officer of the Division and will be subject to audits normally conducted with the agency.

(d) The Secretary of the Department of Human Resources shall adopt rules to implement this Part.

"§ 143B-216.34. Division of Services for the Deaf and the Hard of Hearing - communication services program established.

(a) There is established a communications services program for the deaf, hard of hearing, and speech impaired to be developed, administered, and implemented by the Division of Services for the Deaf and the Hard of Hearing.

(b) The Division shall develop rules to implement a schedule for the purchase and distribution of the telecommunications devices and equipment necessary to implement the communications services program. The Division shall establish by rule performance standards for TDDs, ring signaling devices, and volume control handsets. The Division shall select equipment to be purchased for distribution to qualifying recipients. The equipment discussed in this section shall be subleased at no cost to qualifying recipients for a period of time not exceeding five years. Nothing herein shall be construed to prevent the renewal of any lease previously executed with a qualified recipient.

(c) The central communications office of each county sheriff's department shall purchase and continually operate at least one TDD. The central communications office of each police department and firefighting agency in municipalities with a population of 25,000 to 250,000 shall purchase and continually operate at least one TDD. The central communications office of each police department and firefighting agency in municipalities with a population exceeding 250,000 persons shall purchase and continually operate at least two TDDs.

At least one hospital in each county shall purchase and continually operate at least one TDD.

Each 911 emergency number system and each agency receiving automatically routed calls through a 911 emergency system shall purchase and continually operate at least one TDD.

(d) Each public safety office, health care provider, and 911 emergency number system required to obtain a TDD pursuant to this section shall continually operate and staff such equipment on a 24-hour basis as follows:

- (1) Offices and organizations required to purchase TDDs pursuant to this section may buy such equipment from the Division, or from private vendors who can supply devices identical to or compatible with those selected by the Division at a lower price than the Division offers.
- (2) The purchase price imposed on such offices and organizations by the Division shall not exceed the actual per unit cost including shipping and storage charges."

Sec. 3. Part 12 of Article 3 of Chapter 143B of the General Statutes is repealed and a new Part 12A is added to read:

"Part 12A.

"Board of Directors of the Governor Morehead School.

"§ 143B-176.1. Board of Directors of the Governor Morehead School - creation, powers and duties.

(a) There is hereby created the Board of Directors of the Governor Morehead School of the Department of Human Resources with the power and duty to adopt rules and establish standards to be followed in the conduct of the Governor Morehead School including rules for the professional care of children admitted to the Governor Morehead School and rules to make the Governor Morehead School as nearly self-supporting as consistent with the purposes of its creation.

(b) The Board of Directors of the Governor Morehead School may adopt rules not inconsistent with the laws of this State, as may be required by the federal government for grants-in-aid that may be available to the State by the federal government. This subsection is to be liberally construed in order that the State and its citizens may benefit from such grants-in-aid.

"§ 143B-176.2. Board of Directors of the Governor Morehead School - members; selection; quorum; compensation.

(a) The Board of Directors of the Governor Morehead School of the Department of Human Resources shall consist of 11 members appointed by the Governor for terms of six years. Any appointment to fill a vacancy created by the resignation, dismissal, death or disability of a member shall be for the balance of the unexpired term. The Governor shall have the power to remove any member of the Board from office for misfeasance, malfeasance or nonfeasance according to the provisions of G.S. 143B-13.

(b) The Chairman of the Board shall be designated by the Governor from the Board members to serve as chairman at his pleasure. The vice-chairman shall be elected by and from the members of the Board and shall serve for a term of two years or until the expiration of his regularly appointed term.

(c) The Board shall meet at least once in each quarter and may hold special meetings at any time and place at the call of the chairman or upon the written request of at least a majority of its members. A majority of the Board shall constitute a quorum.

(d) Board members shall receive per diem and necessary travel and subsistence expenses in accordance with G.S. 138-5.

(e) The Secretary of the Department of Human Resources shall provide clerical and other assistance as needed."

Sec. 4. G.S. 8B-6 reads as rewritten:

"§ 8B-6. List of interpreters; coordination of interpreter services.

The Department of Human Resources shall prepare and maintain an up-to-date list of qualified and available interpreters. A copy of the list shall be provided to each clerk of superior court. When requested by an appointing authority to provide an interpreter the ~~North Carolina Council for the Hearing Impaired~~ Division of Services for the Deaf and the Hard of Hearing shall assist in arranging for an interpreter at the time and place needed through its program of community services for the hearing impaired."

Sec. 5. G.S. 8B-8(e) reads as rewritten:

"(e) Fees and expenses of interpreters who serve before any State administrative agency are payable by that agency. The agency shall, upon application to the ~~Department of Administration~~ Department of Human Resources be reimbursed for payments made."

Sec. 6. G.S. 105-147(25a) reads as rewritten:

"(25a) The purchase price of a hearing-ear dog designated as such by the ~~North Carolina Council for the hearing impaired~~ Department of Human Resources, Division of Services for the Deaf and the Hard of Hearing, actually purchased and used by a person who is hearing impaired as defined in G.S. 8B-1(2), or purchased by a parent or guardian for the use of a hearing impaired child and/or all of the cost of maintenance and upkeep of a hearing-ear dog, including veterinary expenses. The amount claimed under this subdivision shall not be allowed as a deduction under G.S. 105-147(11)."

Sec. 7. G.S. 114-4.2F reads as rewritten:

"§ 114-4.2F. Designation of attorney specializing in the law of the handicapped.

The Attorney General is authorized to designate from his staff an attorney to specialize in the law of the handicapped. The attorney so designated shall act as advisor to the Division of Vocational Rehabilitation, the ~~North Carolina Council for the Hearing Impaired~~ Division of Services for the Deaf and the Hard of Hearing, and the Governor Morehead School."

Sec. 8. This act shall become effective July 1, 1989.

In the General Assembly read three times and ratified this the 30th day of June, 1989.