

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 611

Short Title: Voc. Rehab. Council Change.

(Public)

Sponsors: Representatives Alexander; Baddour, Barnhill, Bowman, D. Brown, Church, Cunningham, Dickson, Easterling, Esposito, Fussell, Gardner, Griffin, Hill, Ives, McLaughlin, Moore, and Redwine.

Referred to: State Government.

March 29, 1993

A BILL TO BE ENTITLED

AN ACT TO AMEND THE COMPOSITION, APPOINTMENT PROCESS, TERMS, COMPENSATION, AND DUTIES OF THE ADVISORY COUNCIL FOR THE DIVISION OF VOCATIONAL REHABILITATION SERVICES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-548 reads as rewritten:

"§ 143-548. ~~Business and Consumer~~ Vocational Rehabilitation Advisory Council.

(a) There is established ~~a Business and Consumer~~ the Vocational Rehabilitation Advisory Council within the Division of Vocational Rehabilitation Services to be composed of ~~15-17~~ 17 voting members ~~and of the~~ appointed by the Governor. The Director of the Division of Vocational Rehabilitation ~~Services, who~~ Services shall serve ex officio as a nonvoting ~~member.~~ member of the Council. The President Pro Tempore of the Senate shall ~~appoint four members, the Speaker of the House of Representatives shall appoint four members, and the Governor shall appoint seven members.~~ All members shall serve three-year terms. Vacant appointments shall be filled by the appointing officer who made the initial appointments. Members may be appointed to succeed themselves. Appointments shall be made as follows:

- (1) ~~Of the four members appointed by the President Pro Tempore of the Senate, one shall be recommended by the North Carolina Citizens for Business and Industry, two others shall be providers of community rehabilitation services, and one other shall be a representative from the North Carolina Council for the Deaf and the Hard of Hearing;~~

- 1 (2) ~~Of the four members appointed by the Speaker of the House of~~
2 ~~Representatives, one shall be from the business and industry sector,~~
3 ~~two others shall be parents of disabled youth who are approaching the~~
4 ~~age to be served by the Vocational Rehabilitation Program, and one~~
5 ~~other shall be a representative from the organizations representing the~~
6 ~~mentally ill; and~~
- 7 (3) ~~Of the seven members appointed by the Governor, one shall be from~~
8 ~~the business and industry sector, one other shall represent the regional~~
9 ~~rehabilitation centers for the physically disabled appointed from a list~~
10 ~~provided by the advisory committee to those centers, one other shall be~~
11 ~~a representative from the State Independent Living Council, one other~~
12 ~~shall be a representative from the Client Assistance Program, one other~~
13 ~~shall be a representative from the operators of centers for Independent~~
14 ~~Living, and two others shall be members of the public who are~~
15 ~~themselves disabled, are parents of children with disabilities, or are~~
16 ~~direct care providers of services for persons with disabilities.~~
- 17 (b) ~~The Council shall:~~
- 18 (1) ~~Advise the Division on matters relating to services, the impact of~~
19 ~~services provided and functions performed by all State agencies that~~
20 ~~affect or that potentially affect the ability of individuals with~~
21 ~~disabilities in achieving rehabilitation goals and objectives;~~
- 22 (2) ~~Advise the Division and, at the discretion of the Division, assist in the~~
23 ~~preparation of the State Plan, the Strategic Plan, and their~~
24 ~~amendments;~~
- 25 (3) ~~Participate in cooperation with the Division in the State Plan public~~
26 ~~hearing process; and~~
- 27 (4) ~~Advise the Division on coordination and linkage with the Statewide~~
28 ~~Independent Living Council and independent living centers within the~~
29 ~~State.~~
- 30 (b1) Composition and Appointment. –
- 31 (1) The appointed members shall include:
- 32 a. At least one representative of the Division's Statewide
33 Independent Living Council;
- 34 b. At least one representative of a parent training and information
35 center established pursuant to section 631(c)(9) of the
36 Individuals with Disabilities Act, 20 U.S.C. § 1431(c)(9);
- 37 c. At least one representative of the Division's Client Assistance
38 Program;
- 39 d. At least one vocational rehabilitation counselor, with
40 knowledge of and experience with vocational rehabilitation
41 programs, who shall serve as an ex officio, nonvoting member
42 of the Council if the counselor is an employee of the Division;
- 43 e. At least one representative of community rehabilitation program
44 service providers;

- 1 f. Four representatives of business, industry, and labor, including
2 one recommended by the North Carolina Citizens for Business
3 and Industry;
- 4 g. One representative of the regional rehabilitation centers for the
5 physically disabled;
- 6 h. Representatives of disability advocacy groups representing a
7 cross section of:
- 8 1. Individuals with physical, cognitive, sensory, and mental
9 disabilities; and
- 10 2. Parents, family members, guardians, advocates, or
11 authorized representatives of individuals with disabilities
12 who have difficulty in representing themselves or are
13 unable, due to their disabilities, to represent themselves;
14 and
- 15 i. Current or former applicants for, or recipients of, vocational
16 rehabilitation services.
- 17 (2) The Governor shall appoint members of the Council after soliciting
18 recommendations from representatives of organizations representing a
19 broad range of individuals with disabilities and organizations
20 interested in individuals with disabilities.
- 21 (b2) Qualifications. – A majority of Council members shall be persons who are:
- 22 (1) Individuals with disabilities; and
- 23 (2) Not employed by the Division.
- 24 (c) ~~The Secretary of Human Resources–Governor~~ shall designate as Chair of the
25 Council one of the members of the Council ~~at the first meeting of the Council.~~ The Chair's
26 term is a single three-year term. ~~The Secretary shall designate the Chair's successor at the~~
27 ~~next meeting following this term's expiration.~~
- 28 (d) The Council shall meet at least quarterly and at other times at the call of the
29 Chair. A majority of the voting members of the Council constitutes a quorum.
- 30 (d1) Terms of Appointment. –
- 31 (1) Length of Term. – Each member of the Council shall serve for a term
32 of not more than three years, except that:
- 33 a. A member appointed to fill a vacancy occurring prior to the
34 expiration of the term for which a predecessor was appointed
35 shall be appointed for the remainder of such term;
- 36 b. The terms of service of the members initially appointed shall be
37 as specified by the Governor for such fewer number of years as
38 will provide for the expiration of terms on a staggered basis and
39 shall include the members of the existing Council to the extent
40 possible with appropriate adjustments to their terms; and
- 41 c. The Governor shall have the power to remove any member of
42 the Council from office in accordance with the provisions of
43 G.S. 143B-16;

- 1 (2) Number of Terms. – No member of the Council may serve more than
2 two consecutive full terms.
- 3 (d2) Vacancies. – Any vacancy occurring in the membership of the Council shall
4 be filled in the same manner as the original appointment. The vacancy shall not affect
5 the power of the remaining members to execute the duties of the Council.
- 6 (d3) Functions of Council. – The Council shall:
- 7 (1) Review, analyze, and advise the Division regarding the performance of
8 its responsibilities under Title I of the Rehabilitation Act of 1973 as
9 amended by the Rehabilitation Act Amendments of 1992, particularly
10 responsibilities relating to:
- 11 a. Eligibility, including order of selection;
12 b. The extent, scope, and effectiveness of services provided; and
13 c. Functions performed by State agencies that affect or that
14 potentially affect the ability of individuals with disabilities in
15 achieving rehabilitation goals and objectives under the Act;
- 16 (2) Advise the Department of Human Resources and the Division, and, at
17 the discretion of the Department, assist in the preparation of
18 applications, the State Plan, the strategic plan and amendments to the
19 plans, reports, needs assessments, and evaluations required by Title I
20 of the Rehabilitation Act of 1973, as amended by the Rehabilitation
21 Act Amendments of 1992;
- 22 (3) To the extent feasible, conduct a review and analysis of the
23 effectiveness of, and consumer satisfaction with:
- 24 a. The functions performed by State agencies and other public and
25 private entities responsible for performing functions for
26 individuals with disabilities; and
- 27 b. Vocational rehabilitation services:
- 28 1. Provided, or paid for from funds made available, under
29 the Rehabilitation Act of 1973, as amended by the
30 Rehabilitation Act Amendments of 1992, or through
31 other public or private sources; and
- 32 2. Provided by State agencies and other public and private
33 entities responsible for providing vocational
34 rehabilitation services to individuals with disabilities;
- 35 (4) Prepare and submit an annual report to the Governor and the
36 Commissioner of the Rehabilitation Services Administration of the
37 U.S. Department of Education on the status of vocational rehabilitation
38 programs operated within the State and make the report available to
39 the public;
- 40 (5) Coordinate with other councils within the State, including the
41 Division's Statewide Independent Living Council, the advisory panel
42 established under section 613(a)(12) of the Individuals with
43 Disabilities Education Act, 20 U.S.C. § 1413(a)(12), the State
44 Planning Council described in section 124 of the Developmental

1 Disabilities Assistance and Bill of Rights Act, 42 U.S.C. § 6024, and
2 the State Mental Health Planning Council established under section
3 1916(e) of the Public Health Service Act, 42 U.S.C. § 300x-4(e);

4 (6) Advise the Department and provide for coordination and the
5 establishment of working relationships between the Department and
6 the Statewide Independent Living Council and centers for independent
7 living within the State; and

8 (7) Perform such other functions, consistent with the purpose of Title I of
9 the Rehabilitation Act of 1973, as amended by the Rehabilitation Act
10 Amendments of 1992, as the Governor and the Secretary may refer to
11 it from time to time.

12 (d4) Resources. –

13 (1) The Division shall supply all necessary clerical and staff support to the
14 Council pursuant to G.S. 143B-14(a) and (d), and shall prepare, in
15 conjunction with the Council, a plan for the provision of such
16 resources as may be necessary to carry out the functions of the Council
17 under this Part. The resource plan shall, to the maximum extent
18 possible, rely on the use of resources in existence during the period of
19 implementation of the plan.

20 (2) To the extent that there is a disagreement between the Council and the
21 Division in regard to the resources necessary to carry out the functions
22 of the Council as set forth in this Part, the disagreement shall be
23 resolved by the Governor.

24 (3) While assisting the Council in carrying out its duties, staff and other
25 personnel shall not be assigned duties by the Division or any other
26 agency of the State that would create a conflict of interest.

27 (d5) Member Conflict of Interest. – No member of the Council shall cast a vote on
28 any matter that would provide direct financial benefit to the member or otherwise give
29 the appearance of a conflict of interest under State law.

30 (e) ~~The Division of Vocational Rehabilitation Services shall supply all necessary~~
31 ~~clerical and staff support to the Council.~~ Council members shall be reimbursed for
32 expenses incurred in the performance of their duties in accordance with G.S. 138-5. In
33 addition, Council members may be reimbursed for personal assistance services that are
34 necessary for members to attend Council meetings and perform Council duties. These
35 expenses shall not exceed whichever is lower, the actual cost of the services or the
36 Medicaid rate per day for personal assistance services, in addition to subsistence and
37 travel expenses at the State rate for the attendant.

38 (f) All appointments to the Council shall be made by September 30, 1992."
39 Sec. 2. This act is effective upon ratification.