

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

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SENATE BILL 964\*

Short Title: Deaf/Hard of Hearing Advisory Council.

(Public)

Sponsors: Senator Swindell.

Referred to: Health & Human Resources.

April 3, 2003

1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND THE LAWS RELATING TO THE COUNCIL FOR THE DEAF  
3 AND HARD OF HEARING AND TO CHANGE THE APPOINTING  
4 AUTHORITY AND MEMBERSHIP COMPOSITION OF TWO OF THE  
5 MEMBERS APPOINTED TO THE COUNCIL.

6 The General Assembly of North Carolina enacts:

7 SECTION 1. G.S. 143B-216.31 reads as rewritten:

8 "§ 143B-216.31. Council for the Deaf and the Hard of Hearing – creation and  
9 duties.

10 There is hereby created the Council for the Deaf and the Hard of Hearing of the  
11 Department of Health and Human Services. The Council shall have duties including the  
12 following:

- 13 (1) To make recommendations to the Secretary of the Department of  
14 Health and Human Services regarding improvement of human services  
15 to the deaf and the hard of hearing; for cost-effective provision,  
16 coordination, and improvement of services;  
17 (2) To study ways to promote public understanding of the problems of the  
18 deaf and the hard of hearing and to consider the need for new State  
19 programs concerning deafness; create public awareness of the specific  
20 needs and abilities of people who are deaf, hard of hearing, or deaf-  
21 blind and to consider the need for new State programs concerning the  
22 deaf, hard of hearing, and deaf-blind;  
23 (3) To advise the Secretary of the Department of Health and Human  
24 Services in the preparation of a plan describing the quality, extent and  
25 scope of services provided or to be provided, to deaf and hard of  
26 hearing persons in this State; during planning and implementation of  
27 services being provided to North Carolina citizens who are deaf, hard  
28 of hearing, or deaf-blind with respect to the quality, extent, and scope  
29 of those services;

- 1           (4) ~~To study any State programs that provide educational services for deaf~~  
2 ~~and hard of hearing persons and to advise the Secretary of the~~  
3 ~~Department of Health and Human Services and the Superintendent of~~  
4 ~~Public Instruction concerning coordination of these programs to~~  
5 ~~prevent duplication of services; and~~ advise the Secretary of the  
6 Department of Health and Human Services and the Superintendent of  
7 the Department of Public Instruction regarding planning,  
8 implementation, and cost-effective coordination of State programs  
9 providing educational services for persons who are deaf, hard of  
10 hearing, or deaf-blind; and
- 11           (5) ~~To advise and make recommendations to the Secretary of the~~  
12 ~~Department of Health and Human Services upon any matter as~~  
13 ~~requested by the Secretary.~~ respond to the Secretary of the Department  
14 of Health and Human Services' requests for advice or  
15 recommendations pertaining to any matter affecting deaf, hard of  
16 hearing, or deaf-blind citizens of North Carolina."

17           **SECTION 2.** G.S. 143B-216.32 reads as rewritten:

18       **"§ 143B-216.32. Council for the Deaf and the Hard of Hearing – membership;**  
19       **quorum; compensation.**

20           (a) The Council for the Deaf and the Hard of Hearing shall consist of 25  
21 members. ~~Fifteen~~ Seventeen members shall be members appointed by the Governor.  
22 Three members appointed by the Governor shall be persons who are ~~deaf and deaf,~~ three  
23 members shall be persons who are hard of hearing. One appointment shall be an  
24 educator who trains deaf education teachers and one appointment shall be an audiologist  
25 licensed under Article 22 of Chapter 90 of the General Statutes. Three appointments  
26 shall be parents of deaf or hard of hearing children including one parent of a student in a  
27 residential school; one parent of a student in a preschool program; and one parent of a  
28 student in a mainstream education program, with at least one parent coming from each  
29 region of the North Carolina schools for the deaf regions. One member appointed by the  
30 Governor shall be recommended by the President of the North Carolina Association of  
31 the Deaf; one member shall be recommended by the President of the North Carolina  
32 Deaf-Blind Associates; one member shall be recommended by the President of the  
33 North Carolina Pediatric Society; one member shall be recommended by the President  
34 of the North Carolina Registry of Interpreters for the Deaf; one member shall be  
35 recommended by a local education agency; and one member shall be nominated by the  
36 Superintendent of Public Instruction. ~~Two members~~ One member shall be appointed  
37 from the House of Representatives by the Speaker of the House of Representatives and  
38 ~~two members~~ one member shall be appointed from the Senate by the President Pro  
39 Tempore of the Senate. The Secretary of Health and Human Services shall appoint six  
40 members as follows: one from the Division of Vocational Rehabilitation, one from the  
41 Division of Aging, one from the Division of Mental Health, Developmental Disabilities,  
42 and Substance Abuse Services, one from the Division of Social Services, ~~one from a~~  
43 ~~North Carolina Chapter of SHHH (Self Help for the Hard of Hearing), and one from~~  
44 ~~SPEAK (Statewide Parents' Education and Advocacy for Kids).~~ one member upon the

1 recommendation of the North Carolina Chapter of Self Help for the Hard of Hearing  
2 (SHHH), and one upon the recommendation of the North Carolina Black Deaf  
3 Advocates (NCBDA).

4 (b) The terms of the initial members of the Council shall commence July 1, 1989.  
5 In his initial appointments, the Governor shall designate four members who shall serve  
6 terms of five years, four who shall serve terms of four years, four who shall serve terms  
7 of three years, and three who shall serve terms of two years. After the initial appointees'  
8 terms have expired, all members shall be appointed for a term of four years. No member  
9 ~~appointed by the Governor~~ shall serve more than two successive ~~terms~~ terms unless the  
10 member is an employee of the Department of Health and Human Services or the  
11 Department of Public Instruction representing his or her agency as a specialist in the  
12 field of service.

13 Any appointment to fill a vacancy on the Council created by the resignation,  
14 dismissal, death, or disability of a member shall be for the balance of the unexpired  
15 term.

16 (c) The chairman of the Council shall be designated by the Secretary of the  
17 Department of Health and Human Services from the Council members. The chairman  
18 shall hold this office for not more than four years.

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

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

23 (f) The Secretary of the Department of Health and Human Services shall provide  
24 clerical and other assistance as needed."

25 **SECTION 3.** Pursuant to G.S. 143B-216.32(a), as enacted in Section 2 of  
26 this act, when the term of the member appointed by the Secretary of Health and Human  
27 Services who is a representative from Statewide Parents' Education and Advocacy for  
28 Kids (SPEAK) expires, the Secretary of Health and Human Services shall appoint one  
29 member upon the recommendation of the North Carolina Black Deaf Advocates to serve  
30 a four-year term to commence when this act becomes effective.

31 Pursuant to G.S. 143B-216.32(a), as enacted in Section 2 of this act, the  
32 member appointed by the Governor as recommended by the President of the North  
33 Carolina Deaf-Blind Associates shall be appointed for a four-year term to commence  
34 when this act becomes effective and the member appointed by the Governor as  
35 recommended by a local education agency shall be appointed for a four-year term to  
36 commence when this act becomes effective. Members described in this section shall  
37 serve for the terms for which they were appointed and until their successors are  
38 appointed and qualified.

39 **SECTION 4.** This act is effective when it becomes law.