

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 611  
Committee Substitute Favorable 5/10/93

Short Title: Voc. Rehab. Council Change.

(Public)

Sponsors:

Referred to:

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 voting ~~members and of the members.~~ The Director of the Division of  
Vocational Rehabilitation ~~Services, who Services and one vocational rehabilitation~~  
counselor who is an employee of the Division shall serve ex officio as a nonvoting  
~~member.~~ members. The President Pro Tempore of the Senate shall appoint ~~four~~ five  
members, the Speaker of the House of Representatives shall appoint ~~four~~ five members,  
and the Governor shall appoint ~~seven~~ five 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.~~ The appointing authorities  
shall appoint members of the Council after soliciting recommendations from  
representatives of organizations representing a broad range of individuals with  
disabilities. Terms of appointment shall be as specified in subsection (d1) of this  
section. Appointments shall be made as follows:

(1) ~~Of the four~~ The five members appointed by the President Pro Tempore  
of the Senate, one shall be Senate shall include one member

1 recommended by the North Carolina Citizens for Business and  
2 Industry, ~~two others shall be~~ one other representing providers of  
3 community rehabilitation services, and one other shall be a  
4 representative from the North Carolina Council for the Deaf and the Hard of  
5 Hearing; who is a vocational rehabilitation counselor, with knowledge  
6 of and experience with vocational rehabilitation programs, who is not  
7 an employee of the Division, and two others representing disability  
8 advocacy groups representing a cross-section of individuals with  
9 physical, cognitive, sensory, and mental disabilities. Of the five  
10 members appointed by the President Pro Tempore of the Senate, three  
11 shall be individuals with disabilities;

12 (2) ~~Of the four~~ The five members appointed by the Speaker of the House of  
13 ~~Representatives, one shall be from~~ Representatives shall include one  
14 member representing the business and industry sector, two others shall  
15 be parents of disabled youth who are approaching the age to be served by the  
16 Vocational Rehabilitation Program, and one other shall be a representative  
17 from the organizations representing the mentally ill; one other representing  
18 labor, one other representing a parent training and information center  
19 established pursuant to section 631(c) of the Individuals with  
20 Disabilities Education Act, 20 U.S.C. § 1431(c), and two others  
21 representing disability advocacy groups representing a cross-section of  
22 individuals with physical, cognitive, sensory, and mental disabilities.  
23 Of the five members appointed by the Speaker of the House of  
24 Representatives, three shall be individuals with disabilities; and

25 (3) ~~Of the~~ The seven ~~five~~ members appointed by the Governor, ~~one shall be~~  
26 ~~from~~ Governor shall include one member representing the business and  
27 industry sector, one other shall represent ~~representing~~ the regional  
28 rehabilitation centers for the physically disabled appointed from a list  
29 provided by the advisory committee to those centers, disabled, one other  
30 shall be a representative from the State representing the Division's  
31 Statewide Independent Living Council, one other shall be a  
32 representative from the ~~representing~~ the Division's Client Assistance  
33 Program, one other shall be a representative from the operators of centers  
34 for Independent Living, and two others shall be members of the public who  
35 are themselves disabled, are parents of children with disabilities, or are  
36 direct care providers of services for persons with disabilities and one other  
37 current or former applicant for or recipient of vocational rehabilitation  
38 services. Three of the members appointed by the Governor shall be  
39 individuals with disabilities.

40 (b) ~~The Council shall:~~

41 (1) ~~Advise the Division on matters relating to services, the impact of~~  
42 ~~services provided and functions performed by all State agencies that~~  
43 ~~affect or that potentially affect the ability of individuals with~~  
44 ~~disabilities in achieving rehabilitation goals and objectives;~~

- 1           (2) ~~Advise the Division and, at the discretion of the Division, assist in the~~  
2 ~~preparation of the State Plan, the Strategic Plan, and their~~  
3 ~~amendments;~~  
4           (3) ~~Participate in cooperation with the Division in the State Plan public~~  
5 ~~hearing process; and~~  
6           (4) ~~Advise the Division on coordination and linkage with the Statewide~~  
7 ~~Independent Living Council and independent living centers within the~~  
8 ~~State.~~

9           **(b1) Additional Qualifications.** – In addition to ensuring the qualifications for  
10 membership prescribed in subsection (a) of this section, the appointing authorities shall  
11 ensure that a majority of Council members are individuals with disabilities and are not  
12 employed by the Division of Vocational Rehabilitation Services.

13           (c) ~~The Secretary of Human Resources-Governor shall designate as Chair of the~~  
14 ~~Council one of the members of the Council at the first meeting of the Council. The Chair's~~  
15 ~~term is a single three-year term. The Secretary shall designate the Chair's successor at the~~  
16 ~~next meeting following this term's expiration.~~

17           (d) The Council shall meet at least quarterly and at other times at the call of the  
18 Chair. A majority of the voting members of the Council constitutes a quorum.

19           **(d1) Terms of Appointment.** –

20           (1) Length of Term. – Each member of the Council shall serve for a term  
21 of not more than three years, except that:

22           a. A member appointed to fill a vacancy occurring prior to the  
23 expiration of the term for which a predecessor was appointed  
24 shall be appointed for the remainder of such term;

25           b. The terms of service of the members initially appointed shall be  
26 as specified by the appointing authority for such fewer number  
27 of years as will provide for the expiration of terms on a  
28 staggered basis and shall include the members of the existing  
29 Council to the extent possible with appropriate adjustments to  
30 their terms; and

31           c. The appointing authority shall have the power to remove any  
32 member of the Council from office in accordance with the  
33 provisions of G.S. 143B-16;

34           (2) Number of Terms. – No member of the Council may serve more than  
35 two consecutive full terms.

36           **(d2) Vacancies.** – Any vacancy occurring in the membership of the Council shall  
37 be filled in the same manner as the original appointment. The vacancy shall not affect  
38 the power of the remaining members to execute the duties of the Council.

39           **(d3) Functions of Council.** – The Council shall:

40           (1) Review, analyze, and advise the Division regarding the performance of  
41 its responsibilities under Title I of the Rehabilitation Act of 1973, as  
42 amended by the Rehabilitation Act Amendments of 1992, particularly  
43 responsibilities relating to:

44           a. Eligibility, including order of selection;

- 1                    b. The extent, scope, and effectiveness of services provided; and  
2                    c. Functions performed by State agencies that affect or that  
3                    potentially affect the ability of individuals with disabilities in  
4                    achieving rehabilitation goals and objectives under the Act;
- 5                    (2) Advise the Department of Human Resources and the Division, and, at  
6                    the discretion of the Department, assist in the preparation of  
7                    applications, the State Plan, the strategic plan and amendments to the  
8                    plans, reports, needs assessments, and evaluations required by Title I  
9                    of the Rehabilitation Act of 1973, as amended by the Rehabilitation  
10                    Act Amendments of 1992;
- 11                    (3) To the extent feasible, conduct a review and analysis of the  
12                    effectiveness of, and consumer satisfaction with:
- 13                    a. The functions performed by State agencies and other public and  
14                    private entities responsible for performing functions for  
15                    individuals with disabilities; and
- 16                    b. Vocational rehabilitation services:
- 17                    1. Provided, or paid for from funds made available, under  
18                    the Rehabilitation Act of 1973, as amended by the  
19                    Rehabilitation Act Amendments of 1992, or through  
20                    other public or private sources; and
- 21                    2. Provided by State agencies and other public and private  
22                    entities responsible for providing vocational  
23                    rehabilitation services to individuals with disabilities;
- 24                    (4) Prepare and submit an annual report to the Governor and the  
25                    Commissioner of the Rehabilitation Services Administration of the  
26                    U.S. Department of Education on the status of vocational rehabilitation  
27                    programs operated within the State and make the report available to  
28                    the public;
- 29                    (5) Coordinate with other councils within the State, including the  
30                    Division's Statewide Independent Living Council, the advisory panel  
31                    established under section 613(a)(12) of the Individuals with  
32                    Disabilities Education Act, 20 U.S.C. § 1413(a)(12), the State  
33                    Planning Council described in section 124 of the Developmental  
34                    Disabilities Assistance and Bill of Rights Act, 42 U.S.C. § 6024, and  
35                    the State Mental Health Planning Council established under section  
36                    1916(e) of the Public Health Service Act, 42 U.S.C. § 300x-4(e);
- 37                    (6) Advise the Department and provide for coordination and the  
38                    establishment of working relationships between the Department and  
39                    the Statewide Independent Living Council and centers for independent  
40                    living within the State; and
- 41                    (7) Perform such other functions, consistent with the purpose of Title I of  
42                    the Rehabilitation Act of 1973, as amended by the Rehabilitation Act  
43                    Amendments of 1992, as the Governor and the Secretary may refer to  
44                    it from time to time.

1       (d4) Resources. –

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

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

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

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

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

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