

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 927
Second Edition Engrossed 4/22/99

Short Title: Blind Services Technical Changes.

(Public)

Sponsors: Senators Kinnaird; and Phillips.

Referred to: Children & Human Resources.

April 14, 1999

A BILL TO BE ENTITLED

AN ACT TO MAKE CHANGES NECESSITATED BY CHANGES IN FEDERAL
LAW TO THE GENERAL STATUTES CONCERNING SERVICES FOR THE
BLIND AND TO MAKE TECHNICAL CHANGES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 111-4 reads as rewritten:

"§ 111-4. **Register of State's ~~blind~~ blind and visually impaired.**

(a) ~~It shall be the duty of the~~ The Department of Health and Human Services ~~to~~ shall cause to be maintained a complete register of the blind and visually impaired in the State of North Carolina, ~~which that~~ shall describe the condition, condition and cause of blindness, capacity for education and industrial training blindness of each, with such each and any other facts as that may seem to the Department of Health and Human Services to be of value.

(b) When, upon examination by a physician or optometrist, any person is found to be blind or visually impaired, the examiner shall report the results of the examination to the Department of Health and Human Services within 30 days after the examination is conducted."

Section 2. G.S. 111-5 is repealed.

Section 3. G.S. 111-6 reads as rewritten:

1 **"§ 111-6. Training schools and workshops; training outside State; sale of products;**
2 **direct relief; matching of federal funds.**

3 The Department of Health and Human Services may establish one or more training
4 schools and workshops for employment of suitable blind and visually impaired persons
5 persons, and shall be empowered to equip and maintain the same, these schools and
6 workshops, to pay to employees suitable wages, and to devise means for the sale and
7 distribution of the products thereof, of these schools and workshops, and may cooperate
8 with shops already established. The Department of Health and Human Services may also
9 pay for lodging, tuition, support and all necessary expenses for blind and visually
10 impaired persons during their training or instructions—instruction in any suitable
11 occupation, whether it be in industrial, commercial, or professional—professional, or any
12 other establishments, schools or institutions, or through private instruction wherever—when
13 in the judgment of the Department such of Health and Human Services this instruction or
14 training can be obtained, when in its judgment obtained and the training or instruction in
15 question will contribute to the efficiency or self-support of such—the blind and visually
16 impaired persons. When special educational opportunities cannot be had within the State,
17 they may be arranged for, at the discretion of the Department, Department of Health and
18 Human Services, outside of the State. The Department of Health and Human Services
19 may also, whenever it thinks proper, also aid individual blind and visually impaired persons
20 or groups of blind and visually impaired persons to become self-supporting by furnishing
21 material or equipment to them, and may also assist them and by assisting them in the sale
22 and distribution of their products. Any portion of the funds appropriated to the
23 Department of Health and Human Services under the provisions of this Chapter providing
24 for the rehabilitation of the blind and visually impaired and the prevention of blindness
25 may, when the Commission for the Blind deems wise, be given in direct money payments
26 to the needy blind in accordance with the provisions of G.S. 111-13 to 111-26, and
27 whenever through G.S. 111-26. Whenever possible such funds may be matched by funds
28 provided by the federal Social Security Act—Act, 42 U.S.C. § 301, et seq., as amended."

29 Section 4. G.S. 111-6.1 reads as rewritten:

30 **"§ 111-6.1. Rehabilitation center for the adult blind.**

31 ~~In addition to other powers and duties granted it by law, the~~ The Department of Health and
32 Human Services is hereby authorized and directed to shall establish and operate a
33 rehabilitation center for the blind for the purpose of assisting them in their mental,
34 emotional, physical, and economic adjustments to blindness through the application of proper
35 tests, measurements, and intensive training in order that they may develop manual dexterity,
36 obstacle and direction awareness, acceptable work habits, and maximum skills in industrial and
37 commercial processes. evaluating and providing instruction in specialized independent
38 living, prevocational, and vocational skills to blind and visually impaired persons to
39 prepare them for obtaining and maintaining employment.

40 The Commission shall make all rules ~~and regulations~~ necessary for this purpose and the
41 Department ~~is hereby authorized to~~ of Health and Human Services may enter into any
42 agreement or contract; to purchase or lease property, both real and personal, to accept

1 grants and gifts of whatever nature, and to do all other things necessary to carry out the
2 intent and purposes of ~~such a~~ this rehabilitation center.

3 The Department of Health and Human Services is ~~hereby authorized to~~ may receive
4 grants-in-aid from the federal government for carrying out the provisions of this section,
5 as well as for other related rehabilitation programs for ~~the North Carolina blind, under the~~
6 ~~provisions of the act of Congress known as the Barden Rehabilitation Act (Volume 57, United~~
7 ~~States Statutes at Large, Chapter 190). Visually handicapped blind and visually impaired~~
8 persons under the provisions of the Rehabilitation Act of 1973, Pub. L. No. 93-112, 87
9 Stat. 355, 29 U.S.C. § 701, et seq., as amended. Blind and visually impaired persons as
10 defined in G.S. 111-11, who are physically present in North Carolina may enjoy the
11 benefits of this section or any other related rehabilitation benefits under the ~~Barden-~~
12 Rehabilitation Act. ~~Rehabilitation Act of 1973, as amended.~~"

13 Section 5. G.S. 111-7 reads as rewritten:

14 "**§ 111-7. ~~Promotion visits.~~ In-home services.**

15 The Department of Health and Human Services may ~~ameliorate the condition of the~~
16 ~~blind by promotion visits among them and teaching them in their homes as the~~
17 ~~Department of Health and Human Services may deem advisable. foster maximum~~
18 independence of blind and visually impaired persons through the provision of in-home
19 independent living, development of community-based support groups, and related
20 services as it deems advisable."

21 Section 6. G.S. 111-8 reads as rewritten:

22 "**§ 111-8. Investigations; eye examination and treatment.**

23 ~~It shall be the duty of this [the] The~~ Department of Health and Human Services ~~to~~ shall
24 continue to make inquiries concerning the cause of blindness, to learn what proportion of
25 these cases are ~~preventable~~ preventable, and to inaugurate and cooperate in any ~~such~~
26 measure for the State of North Carolina ~~as may seem wise.~~ it deems advisable. The
27 Department of Health and Human Services may arrange for the examination of the eyes
28 of ~~the individual blind and partially blind~~ visually impaired persons and may secure and
29 pay for medical and surgical treatment for ~~such these~~ persons whenever in the judgment
30 of a qualified ophthalmologist or optometrist the eyes of ~~such this~~ person may be
31 benefited ~~thereby.~~ by the treatment."

32 Section 7. G.S. 111-8.1 is repealed.

33 Section 8. G.S. 111-11 reads as rewritten:

34 "**§ 111-11. ~~Definition of visually handicapped person.~~ Definitions.**

35 For ~~purpose~~ the purposes of this Chapter, ~~visually handicapped persons are those~~
36 ~~persons who are totally blind or whose vision with glasses is so defective as to prevent~~
37 ~~the performance of ordinary activity for which eyesight is essential. Chapter, the~~
38 following definitions apply:

39 (1) "Blind person" means a person who meets any of the following criteria:

40 a. Is totally blind.

41 b. Has central visual acuity that does not exceed 20/200 in the better
42 eye with correcting lenses.

- 1 c. Has a visual field that subtends an angle no greater than 20
2 degrees at its widest diameter.
- 3 (2) "Visually impaired person" means a person who meets any of the
4 following criteria:
- 5 a. Has a visual acuity of 20/100 or less with best correction with a
6 progressive eye condition or a 30 degree field limitation.
- 7 b. Has best corrected central visual acuity of 20/70 or less in the
8 better eye.
- 9 c. Has a chronic progressive eye pathology.
- 10 d. Has visual acuity better than 20/70 without progressive eye
11 pathology that results in a functional handicap."

12 Section 9. G.S. 111-12.6 reads as rewritten:

13 **"§ 111-12.6. Disposition of funds deposited with or transferred to State Treasurer.**

14 All funds required under this Article to be deposited with or which have been
15 ~~heretofore~~ transferred to the State Treasurer by the Bureau of Employment of the
16 Department of Health and Human Services, and all future net earnings and accumulations
17 of ~~said~~ the Bureau or its successor, other than the one hundred thousand dollars
18 (\$100,000) reserve fund ~~herein provided for~~, provided for in G.S. 111-12.5, from whatever
19 source ~~or sources~~ shall be periodically, but not less frequently than annually, paid over to
20 and retained by the State Treasurer as a separate fund or account. The funds deposited
21 with the State Treasurer shall be invested and the income from the corpus shall inure to
22 the sole benefit of the Department of Health and Human Services. The income and
23 corpus shall be expended for services to and for the benefit of ~~visually handicapped blind~~
24 and visually impaired persons in North Carolina upon recommendation of the
25 Commission for the Blind, by and with the approval of the Governor as the Director of
26 the Budget."

27 Section 10. G.S. 111-14 reads as rewritten:

28 **"§ 111-14. Application for benefits under Article; investigation and award by**
29 **county commissioners.**

30 Any person claiming ~~benefit~~ benefits under this ~~Article~~, Article shall file with the
31 commissioners of the county in which he or she is residing an application in writing, in
32 duplicate, upon forms prescribed by the Department of Health and Human ~~Services~~, which
33 Services. This application shall be accompanied by a certificate signed by a reputable
34 physician licensed to practice medicine in the State ~~of North Carolina~~ and who is actively
35 engaged in the treatment of diseases of the human ~~eye~~, eye or by an optometrist,
36 whichever the individual may select, ~~to the effect stating that the applicant is blind or that~~
37 ~~his or her vision with glasses is so defective as to prevent the performance of ordinary activities~~
38 ~~for which eyesight is essential.~~ blind. Such This application may be made on the behalf of
39 any ~~such~~ blind person by the Department of Health and Human ~~Services~~, Services or by
40 any other person. The board of county commissioners shall cause an investigation to be
41 made by a qualified ~~person, or persons,~~ person designated as ~~their agents~~ its agent for this
42 purpose and shall pass upon the ~~said~~ application without delay, determine the eligibility
43 of the applicant, and allow or disallow the relief sought. In passing upon the application,

1 ~~they~~ the board of county commissioners may take into consideration the facts set forth in
2 ~~the said application, application~~ and any other facts that are deemed necessary, and may at
3 any ~~time, within their discretion, time~~ require an additional examination of the applicant's
4 eyes by an ophthalmologist designated by the Department of Health and Human Services.
5 When satisfied with the merits of the application, the board of county commissioners
6 shall allow the ~~same application~~ and grant to the applicant ~~such any proper~~ relief as may be
7 suitable and proper, according to the rules and standards established by the Commission for
8 the Blind, ~~not inconsistent with this Article and in accordance with the further provisions hereof.~~
9 Blind."

10 Section 11. G.S. 111-15(1) is repealed.

11 Section 12. G.S. 111-16 reads as rewritten:

12 **"§ 111-16. Application for aid; notice of award; review.**

13 Promptly after an application for aid is made to the board of county commissioners
14 under this ~~Article Article~~, the Department of Health and Human Services shall be notified
15 ~~thereof of the application by mail, mail by said the county commissioners, and one~~
16 commissioners. One of the duplicate applications for aid made before the board of
17 county commissioners shall be transmitted with ~~said this~~ notice.

18 As soon as any award has been made or any application declined by the board of
19 county commissioners, ~~or any application declined,~~ prompt notice thereof ~~in writing in~~
20 writing of the award or the declined application shall be forwarded by mail to the
21 Department of Health and Human Services and to the applicant, ~~in which shall be fully~~
22 stated applicant. This notice shall fully state the particulars of the award or the facts of
23 denial. An applicant may appeal an award or denial pursuant to Article 3 of Chapter
24 150B of the General Statutes.

25 ~~Within a reasonable time, in accordance with rules and regulations adopted by the~~
26 ~~Commission for the Blind, after action by the board of county commissioners, the~~
27 ~~applicant, if dissatisfied therewith, may appeal directly to the Commission for the Blind.~~
28 ~~Notice of such appeal must be given in writing to the board of county commissioners, and~~
29 ~~within 30 days after the receipt of such notice the board of county commissioners shall~~
30 ~~transmit to the Department of Health and Human Services copies of all proceedings and~~
31 ~~documents, including the award or denial, which may be necessary for the hearing of the~~
32 ~~said appeal, together with the grounds upon which the action was based.~~

33 ~~As soon as may be practicable after the receipt of the said notice of appeal, the~~
34 ~~Commission for the Blind shall notify the applicant of the time and place where the~~
35 ~~hearing of such appeal will be had. The members of the Commission for the Blind shall~~
36 ~~hear the said appeal under such rules and regulations not inconsistent with this Article as~~
37 ~~it may establish, and shall provide for granting an individual whose claim for aid is~~
38 ~~denied an opportunity for fair hearing before said Commission for the Blind, and their~~
39 ~~decision shall be final. Any notice required to be given herein may be given by mail or by~~
40 ~~personally delivering in writing such notice to the clerk of the board of county~~
41 ~~commissioners or the executive director of the Department of Health and Human~~
42 ~~Services, except that notice of the time and place where the hearings of such appeals will~~

1 ~~be had shall be given by mail or by personal delivery of such notice in writing direct to~~
2 ~~the applicant.~~

3 ~~In all cases where an appeal shall have been taken by the applicant, the Commission~~
4 ~~for the Blind shall carefully examine such award or decision, as the case may be, and~~
5 ~~shall in their discretion, approve, increase, allow or disallow any award so made.~~
6 ~~Immediately thereafter they shall notify the board of county commissioners and the~~
7 ~~applicant of such action; and if the award made by the board of county commissioners is~~
8 ~~changed, notice thereof shall be given by mail to the applicant and the board of county~~
9 ~~commissioners, giving the extent and manner in which any award has been changed.~~

10 ~~If, in the absence of any appeal by the applicant, the North Carolina Department of~~
11 ~~Health and Human Services shall make any determination increasing or decreasing the~~
12 ~~award allowing or disallowing the same, not inconsistent with the rules and regulations~~
13 ~~promulgated by the Commission for the Blind, the applicant or board of county~~
14 ~~commissioners shall have the right, within 10 days from notice thereof, to have such~~
15 ~~order reviewed by the Commission for the Blind. The procedure in such cases shall be as~~
16 ~~provided in the section on appeals to the Commission by the applicant."~~

17 Section 13. G.S. 111-18.1(b) reads as rewritten:

18 "(b) In the event of the death of a recipient of a cash payment ~~service, as defined by~~
19 ~~regulation of the N. C. Commission for the Blind, which service that was rendered as a part of~~
20 ~~a program of public assistance for the blind or visually handicapped, impaired, any check~~
21 ~~or checks issued for the payment of such that service made payable to such that recipient,~~
22 ~~but not endorsed prior to his the recipient's death, shall be returned to the issuing agency~~
23 ~~and made void. The issuing agency shall then issue a check payable to the provider of~~
24 ~~such the service for the sum remaining due for this service, not to exceed the amount of~~
25 ~~said the returned and voided check or checks. check."~~

26 Section 14. G.S. 111-27 reads as rewritten:

27 "**§ 111-27. Department of Health and Human Services to promote employment of**
28 **needy-blind persons; vending stands on public property.**

29 For the purpose of assisting blind persons to become self-supporting, the Department
30 of Health and Human Services ~~is hereby authorized to~~ may carry on activities to promote
31 the employment of ~~needy-blind~~ persons, including the licensing and establishment of ~~such~~
32 blind persons as operators of vending stands in public buildings. The ~~said~~ Department of
33 Health and Human Services may cooperate with the federal government in the
34 furtherance of the ~~provisions of the act of Congress known as the Randolph Sheppard Bill~~
35 ~~(H.R. 4688) Randolph-Sheppard Vending Stand Act, 20 U.S.C. § 107-107f, as amended,~~
36 ~~providing for the licensing of blind persons to operate vending stands in federal~~
37 ~~buildings, or any other acts act of Congress which that may be hereafter enacted.~~

38 The board of county commissioners of each county and the commissioners or officials
39 in charge of various State and municipal buildings ~~are hereby authorized and empowered to~~
40 may permit the operation of vending stands by ~~needy-blind~~ persons on the premises of
41 any State, county or municipal property under their respective ~~jurisdictions: Provided, that~~
42 ~~such~~ jurisdictions. These operators shall be first licensed by the Department of Health
43 ~~and Human Services: Provided further, that~~ Services. Additionally, no vending stands may

1 be operated unless, in the opinion of the commissions or officials having control and
2 custody of ~~such the~~ property, ~~such the~~ vending stands may be properly and satisfactorily
3 operated on ~~such the~~ premises without undue interference with the use and needs ~~thereof~~
4 of the premises or property for public purposes."

5 Section 15. G.S. 111-27.1 reads as rewritten:

6 **"§ 111-27.1. Department of Health and Human Services authorized to conduct**
7 **certain business operations.**

8 For the purpose of assisting blind and visually impaired persons to become self-
9 supporting the Department of Health and Human Services ~~is hereby authorized to may~~
10 carry on activities to promote the rehabilitation and employment of the ~~blind, blind and~~
11 visually impaired, including employment in or the operation of various business
12 enterprises suitable for the blind to be employed in or to operate, and visually impaired. The
13 Executive Budget Act ~~shall apply~~ applies to the operation of ~~such these~~ enterprises as to all
14 appropriations made by the State to aid in the organization and the establishment of ~~such~~
15 these businesses. Purchases and sales of merchandise or equipment, the payment of rents
16 and wages to blind and visually impaired persons operating ~~such these~~ businesses, and
17 other expenses ~~thereof, of these businesses~~ from funds derived from local subscriptions
18 and from the day-by-day operations ~~shall not be~~ are not subject to the provisions of law
19 regulating purchases and contracts, or to the deposit and disbursement ~~thereof applicable~~
20 that apply to State funds but shall be supervised by the Department of Health and Human
21 Services. All of the business operations under this law, ~~however, shall be~~ law are subject to
22 the oversight of the State Auditor pursuant to Article 5A of Chapter 147 of the General
23 Statutes.

24 ~~After September 30, 1983, Randolph-Sheppard vendors will no longer be~~ are not State
25 employees. Blind licensees operating vending facilities under contract with the ~~North~~
26 ~~Carolina~~ Department of Health and Human Services, Division of Services for the Blind,
27 are independent contractors."

28 Section 16. G.S. 111-28 reads as rewritten:

29 **"§ 111-28. Department of Health and Human Services authorized to receive federal,**
30 **~~etc.,~~ grants for benefit of ~~needy blind;~~ blind and visually impaired; use of**
31 **information concerning blind persons.**

32 The Department of Health and Human Services ~~is hereby authorized and empowered to~~
33 may receive grants-in-aid from the federal government or any State or federal agency for
34 the purpose of rendering other services to the ~~needy blind-blind, visually impaired,~~
35 and those in danger of becoming blind; and all such blind. ~~All of these grants so made and~~
36 ~~received~~ shall be paid into the State ~~treasury~~ Treasury and credited to the account of the
37 Department of Health and Human Services, to be used in carrying out the provisions of
38 this law.

39 The Commission for the Blind ~~is hereby further authorized and empowered to make such~~
40 may adopt rules ~~and regulations~~ as may be required by the federal government or State or
41 federal agency as a condition for receiving ~~such these~~ federal funds, not inconsistent with
42 the laws of this State.

1 Whenever the words "Social Security Board" appear in G.S. 111-6, 111-13 to 111-26
2 the same shall be interpreted to include any agency of the federal government which may
3 be substituted therefor by law.

4 The Department of Health and Human Services is hereby authorized and empowered to
5 may enter into reciprocal agreements with public welfare agencies in other states relative
6 to the provision of regarding assistance and services to residents, nonresidents, or
7 transients, and cooperate with other agencies of the State and federal governments in the
8 provisions of ~~such~~ assistance and services and in the study of the problems involved.

9 The Department of Health and Human Services is hereby authorized and empowered to
10 may establish and enforce reasonable rules and regulations governing the custody, use and
11 preservation of the records, papers, files, and communications of the Department.

12 It shall be ~~is~~ unlawful, except for purposes directly connected with the administration
13 of aid to the ~~needy-blind~~ and visually impaired and in accordance with the rules and
14 regulations of the Department of Health and Human Services, for any person or persons to
15 solicit, disclose, receive, make use of, or to authorize, knowingly permit, participate in, or
16 acquiesce in the use of, any list of or name of, or any information concerning, persons
17 applying for or receiving aid to the ~~needy-blind~~, blind and visually impaired, directly or
18 indirectly derived from the records, papers, files, or communications of the Department
19 of Health and Human Services or Services, the board of county commissioners
20 commissioners, or the county social services department, or acquired in the course of the
21 performance of official duties.

22 Notwithstanding the above, ~~the~~ The Department of Health and Human Services is
23 authorized to may release to the North Carolina Department ~~Division~~ of Motor Vehicles in
24 the Department of Transportation and to the North Carolina Department of Revenue the
25 name and medical records of any person listed in the register of the blind and visually
26 impaired in this State maintained under the provisions of G.S. 111-4. All information and
27 documents released to the ~~Department Division~~ of Motor Vehicles and the Department of
28 Revenue shall be treated by ~~those departments~~ them as confidential for their use only and
29 shall not be released by them to any person for commercial or political purposes or for
30 any purpose not directly connected with the administration of Chapters 20 and 105 of the
31 General ~~Statutes of this State~~ Statutes. The Department of Health and Human Services
32 may also release to the North Carolina Library for the Blind and Physically Handicapped
33 of the Department of Cultural Resources, the name and address of any person listed in the
34 register of the blind and visually impaired in this State maintained under the provisions of
35 G.S. 111-4. All information released to the North Carolina Library for the Blind and
36 Physically Handicapped shall be treated as confidential for its use only and shall not be
37 released to any person for commercial or political purposes or for any purpose not
38 directly connected with providing information concerning services offered by the North
39 Carolina Library for the Blind and Physically Handicapped."

40 Section 17. G.S. 111-28.1 reads as rewritten:

41 "**§ 111-28.1. Department of Health and Human Services authorized to cooperate**
42 **with federal government in rehabilitation of ~~blind~~ blind and visually**
43 **impaired.**

1 The Department of Health and Human Services ~~is hereby authorized and empowered to~~
2 ~~make~~ may adopt the necessary rules ~~and regulations~~ to cooperate with the federal
3 government in the furtherance of the provisions of the act of Congress known as the Barden-
4 Rehabilitation Act (Volume 57, United States Statutes at Large, Chapter 190) Rehabilitation
5 Act of 1973, Pub. L. No. 93-112, 87 Stat. 355, 29 U.S.C. § 701, et seq., as amended,
6 providing for the rehabilitation of the ~~blind~~ blind and visually impaired."

7 Section 18. G.S. 111-41 reads as rewritten:

8 **"§ 111-41. Preference to ~~visually handicapped~~ blind persons in operation of vending**
9 **facilities; responsibility of Department of Health and Human Services.**

10 In order to promote the employment and the self-sufficiency of ~~visually handicapped~~
11 blind persons in North Carolina, State agencies shall upon the request of the Department
12 of Health and Human Services give preference to ~~visually handicapped~~ blind persons in the
13 operation of vending facilities on State property. The Department of Health and Human
14 Services shall encourage and assist the operation of vending facilities by ~~visually~~
15 handicapped-blind persons."

16 Section 19. G.S. 111-42(e) is repealed.

17 Section 20. G.S. 111-43 reads as rewritten:

18 **"§ 111-43. Installation of coin-operated vending machines.**

19 In locations where the Department of Health and Human Services determines that a
20 vending facility may not be operated or should not continue to operate due to insufficient
21 revenues to support a blind vendor or due to the lack of qualified blind applicants, the
22 Department shall have the first opportunity to secure, by negotiation of a contract with
23 one or more licensed commercial vendors, coin-operated vending machines for the
24 location. Profits from coin-operated vending machines secured by the Department of
25 Health and Human Services shall be used by the Department for the support of programs
26 that enable blind and visually impaired people to live more independently, including
27 medical, rehabilitation, independent living, and educational services offered by the
28 Division of Services for the Blind."

29 Section 21. G.S. 111-44 reads as rewritten:

30 **"§ 111-44. Location and services provided by State agency.**

31 If the Department of Health and Human Services ~~shall determine~~ determines that a
32 location is suitable for the operation of a vending facility by a ~~visually handicapped-blind~~
33 person, the State agency with authority over the location shall provide proper space,
34 plumbing, lighting, and electrical outlets for the vending facility in the original planning
35 and construction, or in the alteration and renovation of the present location. The State
36 agency shall provide necessary utilities, janitorial ~~services~~ service, and garbage disposal
37 for the operation of the vending facility. Space and services for the vending facilities ~~and~~
38 ~~service therefor~~ shall be provided without charge."

39 Section 22. G.S. 111-45 reads as rewritten:

40 **"§ 111-45. Duty of State agency to inform ~~Department~~ the Department of Health and**
41 **Human Services.**

42 It shall be the duty of the State agencies to inform the Department of Health and
43 Human Services of existing and prospective locations for vending facilities and coin-

1 operated vending machines and to ~~prescribe regulations (upon adopt rules, upon request of~~
2 ~~the Department) Department~~, to promote the successful operation of the vending facilities
3 of the ~~visually handicapped-blind~~."

4 Section 23. G.S. 111-46 reads as rewritten:

5 "**§ 111-46. Vending facilities operated by those other than visually handicapped-blind**
6 **persons.**

7 Where vending facilities on State property are operated by those other than ~~the visually~~
8 ~~handicapped-blind~~ persons on the date of enactment of this Article, the contract of these
9 vending facilities shall not be renewed or extended unless the Secretary of the
10 Department of Health and Human Services is notified ~~thereof~~ of the proposed renewal or
11 extension and ~~he~~ the Secretary determines within 30 days of ~~such~~ this notification that the
12 vending facilities are not, or cannot become, suited for operation by the ~~visually~~
13 ~~handicapped-blind~~. ~~However, if~~ If the Secretary of the Department of Health and Human
14 Services within 30 days of the date of ~~such~~ this notification fails to provide for the
15 operation of the vending facilities by the ~~visually handicapped-blind~~, the existing contract
16 may be renewed or extended."

17 Section 24. G.S. 111-50(b)(3) is repealed.

18 Section 25. G.S. 111-50 is amended by adding a new subsection to read:

19 "(c) The Commission for the Blind may adopt rules to change applicable set-aside
20 rates for the Business Enterprises Program consistent with the needs of the Business
21 Enterprises Program."

22 Section 26. G.S. 143B-157(3b) reads as rewritten:

23 "(3b) The Commission shall advise the Department regarding preparation of
24 applications, the State Plan, ~~the strategic plan,~~ amendments to ~~these plans,~~
25 this plan, the State needs assessments, and the evaluations required by
26 the federal rehabilitation program; and in partnership with the
27 Department develop, agree to, and review State goals and priorities;"

28 Section 27. G.S. 143B-157(3e) reads as rewritten:

29 "(3e) The Commission shall coordinate with other councils within the State,
30 including the statewide Independent Living Council established under
31 section 705 of the federal Rehabilitation Act, ~~294-29~~ U.S.C. § 720, et
32 seq., the advisory panel established under section ~~613(a)(12)-612(a)(21)~~
33 of the Individuals with Disabilities Education Act, 20 U.S.C. §
34 1413(A)(12), the ~~State Planning~~ Council on Developmental Disabilities
35 described in section 124 of the Developmental Disabilities Assistance
36 and Bill of Rights Act, 42 U.S.C. § 6024, ~~and~~ the State Mental Health
37 Planning Council established pursuant to section 1916(e) of the Public
38 Health Service Act, 42 U.S.C. § ~~300x-4(e);~~ 300x-4(e), and the
39 Commission on Workforce Preparedness;"

40 Section 28. G.S. 143B-158 reads as rewritten:

41 "**§ 143B-158. Commission for the Blind – members; selection; quorum;**
42 **compensation.**

1 The Commission for the Blind of the Department of Health and Human Services shall
2 consist of ~~11~~13 members appointed by the Governor. ~~No~~A physician, ~~no~~no optometrist, ~~no~~no
3 optician, ~~no~~no oculist, ~~or oculist~~ nor any other person who receives services or funds regulated by
4 ~~the Commission shall be qualified to~~ shall not serve on the Commission for the Blind. Any
5 person who is presently a member of the Commission and is disqualified ~~by reason of the~~
6 ~~preceding sentence~~ under this section shall be deemed to have resigned resign his or her
7 position on the ~~Commission~~. ~~The Commission and the Governor shall appoint a successor~~
8 for the balance of the unexpired term. At all times at least ~~six~~seven members of the
9 Commission shall be persons who are visually ~~handicapped~~ impaired to the minimum
10 extent of being legally blind. The members of the Commission shall be appointed for
11 terms of ~~six~~three years and shall serve until their successors are appointed and qualify.
12 No individual may be appointed to more than two consecutive three-year terms. Any
13 appointment to fill a vacancy on the Commission created by the resignation, dismissal,
14 death, or disability of a member shall be for the balance of the unexpired term.

15 The Governor ~~shall have the power to~~ may remove any member of the Commission
16 from office for misfeasance, malfeasance, or nonfeasance in accordance with ~~the~~
17 ~~provisions of G.S. 143B-13 of the Executive Organization Act of 1973.~~ 143B-13.

18 The members of the Commission shall receive per diem and necessary travel and
19 subsistence expenses in accordance with ~~the provisions of~~ G.S. 138-5.

20 A majority of the Commission ~~shall constitute~~ constitutes a quorum for the transaction
21 of business.

22 All clerical and other services required by the Commission shall be supplied by the
23 Secretary of Health and Human Services."

24 Section 29. This act is effective when it becomes law.