

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 680

Short Title: Voc. Rehab. Rule Making/Hearing.

(Public)

Sponsors: Representative Pope.

Referred to: Government.

March 16, 1989

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THE DEPARTMENT OF HUMAN RESOURCES WITH SPECIFIC RULE MAKING AUTHORITY WITH RESPECT TO REQUIREMENTS OF THE REHABILITATION ACT OF 1973 AND TO EXEMPT HEARINGS REQUIRED BY THE REHABILITATION ACT FROM THE OFFICE OF ADMINISTRATIVE HEARINGS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-546(a) reads as rewritten:

"(a) The Department of Human Resources is authorized:

- (1) To cooperate with the Federal Rehabilitation Services Administration or its successor agency in the administration of the Rehabilitation Act of 1973 (Public Law 93-112) as amended;
- (2) To administer any legislation concerning vocational rehabilitation enacted by the State of North Carolina through an approved State Plan;
- (3) To formulate a program of vocational rehabilitation services through its organizational unit;
- (4) To fix compensation, subject to the approval of the State Personnel Commission, as may be necessary to administer this program and to pay such compensation and other expenses as are necessary from funds appropriated under this law.
- (5) To establish by regulation a schedule of rates and fees to be paid by clients and other third party purchasers for those services established under federal law and regulations for rates or fees which are authorized by federal law.

1 (6) To adopt rules as required by the Rehabilitation Act of 1973 (Public
2 Law 93-112) as amended, and federal regulations promulgated
3 thereunder."

4 Sec. 2. G.S. 150B-1(d) reads as rewritten:

5 "(d) The following are specifically exempted from the provisions of this Chapter: the
6 Administrative Rules Review Commission, the Employment Security Commission, the
7 Industrial Commission, the Occupational Safety and Health Review Board in all actions
8 that do not involve agricultural employers, and the Utilities Commission.

9 The North Carolina National Guard is exempt from the provisions of this Chapter in
10 exercising its court-martial jurisdiction.

11 The Department of Human Resources is exempt from this Chapter in exercising its
12 authority over the Camp Butner reservation granted in Article 6 of Chapter 122C of the
13 General Statutes.

14 The Department of Correction is exempt from the provisions of this Chapter, except
15 for Article 5 of this Chapter and G.S. 150B-13 which shall apply.

16 Articles 2 and 3 of this Chapter shall not apply to the Department of Revenue.
17 Except as provided in Chapter 136 of the General Statutes, Articles 2 and 3 of this
18 Chapter do not apply to the Department of Transportation.

19 Article 4 of this Chapter, governing judicial review of final administrative decisions,
20 shall apply to The University of North Carolina and its constituent or affiliated boards,
21 agencies, and institutions, but The University of North Carolina and its constituent or
22 affiliated boards, agencies, and institutions are specifically exempted from the
23 remaining provisions of this Chapter. Article 4 of this Chapter shall not apply to the
24 State Banking Commission, the Commissioner of Banks, the Savings and Loan Division
25 of the Department of Commerce, and the Credit Union Division of the Department of
26 Commerce.

27 Article 3 of this Chapter shall not apply to agencies governed by the provisions of
28 Article 3A of this Chapter, as set out in G.S. 150B-38(a).

29 Articles 3 and 3A of this Chapter shall not apply to the Governor's Waste
30 Management Board in administering the provisions of G.S. 104E-6.2.

31 Article 2 of this Chapter shall not apply to the North Carolina Low-Level
32 Radioactive Waste Management Authority in administering the provisions of G.S.
33 104G-10 and G.S. 104G-11. Articles 3 and 3A of this Chapter shall not apply to the
34 North Carolina Low-Level Radioactive Waste Management Authority in administering
35 the provisions of G.S. 104G-9, 104G-10, and 104G-11.

36 Article 3 and G.S. 150B-51(a) of this Chapter shall not apply to hearings required
37 pursuant to the Rehabilitation Act of 1973 (Public Law 93-112) as amended."

38 Sec. 3. This act is effective upon ratification.