

GENERAL ASSEMBLY OF NORTH CAROLINA
1993 SESSION

CHAPTER 248
HOUSE BILL 611

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 recommended by the North Carolina Citizens for Business and Industry, ~~two others shall be~~ one other representing 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; who is a vocational rehabilitation counselor, with knowledge of and experience with vocational rehabilitation programs, who is not an employee of the Division, and two others representing disability advocacy groups representing a cross-section of individuals with physical, cognitive, sensory, and mental disabilities. Of the five members appointed by the President Pro Tempore of the Senate, three shall be individuals with disabilities;
- (2) ~~Of the four~~ The five members appointed by the Speaker of the House of Representatives, ~~one shall be from~~ Representatives shall include one

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

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

(b) The Council shall:

- (1) Advise the Division on matters relating to services, the impact of services provided and functions performed by all State agencies that affect or that potentially affect the ability of individuals with disabilities in achieving rehabilitation goals and objectives;
- (2) Advise the Division and, at the discretion of the Division, assist in the preparation of the State Plan, the Strategic Plan, and their amendments;
- (3) Participate in cooperation with the Division in the State Plan public hearing process; and
- (4) Advise the Division on coordination and linkage with the Statewide Independent Living Council and independent living centers within the State.

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

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

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

(d1) Terms of Appointment. –

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

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

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

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

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

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

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

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

a. Eligibility, including order of selection;

b. The extent, scope, and effectiveness of services provided; and

c. Functions performed by State agencies that affect or that potentially affect the ability of individuals with disabilities in achieving rehabilitation goals and objectives under the Act;

(2) Advise the Department of Human Resources and the Division, and, at the discretion of the Department, assist in the preparation of applications, the State Plan, the strategic plan and amendments to the plans, reports, needs assessments, and evaluations required by Title I of the Rehabilitation Act of 1973, as amended by the Rehabilitation Act Amendments of 1992;

(3) To the extent feasible, conduct a review and analysis of the effectiveness of, and consumer satisfaction with:

- a. The functions performed by State agencies and other public and private entities responsible for performing functions for individuals with disabilities; and
- b. Vocational rehabilitation services:
 - 1. Provided, or paid for from funds made available, under the Rehabilitation Act of 1973, as amended by the Rehabilitation Act Amendments of 1992, or through other public or private sources; and
 - 2. Provided by State agencies and other public and private entities responsible for providing vocational rehabilitation services to individuals with disabilities;
- (4) Prepare and submit an annual report to the Governor and the Commissioner of the Rehabilitation Services Administration of the U.S. Department of Education on the status of vocational rehabilitation programs operated within the State and make the report available to the public;
- (5) Coordinate with other councils within the State, including the Division's Statewide Independent Living Council, the advisory panel established under section 613(a)(12) of the Individuals with Disabilities Education Act, 20 U.S.C. § 1413(a)(12), the State Planning Council described in section 124 of the Developmental Disabilities Assistance and Bill of Rights Act, 42 U.S.C. § 6024, and the State Mental Health Planning Council established under section 1916(e) of the Public Health Service Act, 42 U.S.C. § 300x-4(e);
- (6) Advise the Department and provide for coordination and the establishment of working relationships between the Department and the Statewide Independent Living Council and centers for independent living within the State; and
- (7) Perform such other functions, consistent with the purpose of Title I of the Rehabilitation Act of 1973, as amended by the Rehabilitation Act Amendments of 1992, as the Governor and the Secretary may refer to it from time to time.
- (d4) Resources. –
 - (1) The Division shall supply all necessary clerical and staff support to the Council pursuant to G.S. 143B-14(a) and (d), and shall prepare, in conjunction with the Council, a plan for the provision of such resources as may be necessary to carry out the functions of the Council under this Part. The resource plan shall, to the maximum extent possible, rely on the use of resources in existence during the period of implementation of the plan.
 - (2) To the extent that there is a disagreement between the Council and the Division in regard to the resources necessary to carry out the functions of the Council as set forth in this Part, the disagreement shall be resolved by the Governor.

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

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

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

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

In the General Assembly read three times and ratified this the 30th day of June, 1993.

Dennis A. Wicker
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives