

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

S

3

SENATE BILL 507  
Second Edition Engrossed 5/3/89  
House Committee Substitute Favorable 5/31/89

Short Title: Voc. Rehab. Rule Making.

(Public)

Sponsors:

Referred to:

March 20, 1989

A BILL TO BE ENTITLED

AN ACT TO PROVIDE SPECIFIC RULE MAKING AUTHORITY FOR VOCATIONAL REHABILITATION ADMINISTRATION AND TO EXEMPT HEARINGS REQUIRED BY THE REHABILITATION ACT OF 1973 FROM HEARINGS PROCESS.

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-~~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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21

1 under federal law and regulations for rates or fees which are authorized  
2 by federal ~~law~~-law; and

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

6 Sec. 2. G.S. 150B-1(d), as rewritten by Section 29 of Chapter 76, Session  
7 Laws of 1989, and as rewritten by Section 33 of Chapter 168, Session Laws of 1989,  
8 reads as rewritten:

9 "(d) (1) The following are specifically exempted from the provisions  
10 of this Chapter:

- 11 a. The Administrative Rules Review Commission;  
12 b. The Employment Security Commission;  
13 c. The Industrial Commission;  
14 d. The Occupational Safety and Health Review Board in all  
15 actions that do not involve agricultural employers; and  
16 e. The Utilities Commission.
- 17 (2) The North Carolina National Guard is exempt from the provisions of  
18 this Chapter in exercising its court-martial jurisdiction.
- 19 (3) The Department of Human Resources is exempt from this Chapter in  
20 exercising its authority over the Camp Butner reservation granted in  
21 Article 6 of Chapter 122C of the General Statutes.
- 22 (4) The Department of Correction is exempt from the provisions of this  
23 Chapter, except for Article 5 of this Chapter and G.S. 150B-13 which  
24 shall apply.
- 25 (5) Articles 2 and 3 of this Chapter shall not apply to the Department of  
26 Revenue.
- 27 (6) Except as provided in Chapter 136 of the General Statutes, Articles 2  
28 and 3 of this Chapter do not apply to the Department of  
29 Transportation.
- 30 (7) Article 4 of this Chapter, governing judicial review of final  
31 administrative decisions, shall apply to The University of North  
32 Carolina and its constituent or affiliated boards, agencies, and  
33 institutions, but The University of North Carolina and its constituent or  
34 affiliated boards, agencies, and institutions are specifically exempted  
35 from the remaining provisions of this Chapter.
- 36 (8) Article 4 of this Chapter shall not apply to the State Banking  
37 Commission, the Commissioner of Banks, the Savings Institutions  
38 Division of the Department of Commerce, and the Credit Union  
39 Division of the Department of Commerce.
- 40 (9) Article 3 of this Chapter shall not apply to agencies governed by the  
41 provisions of Article 3A of this Chapter, as set out in G.S. 150B-38(a).
- 42 (10) Articles 3 and 3A of this Chapter shall not apply to the Governor's  
43 Waste Management Board in administering the provisions of G.S.  
44 104E-6.2 and G.S. 130A-293.

- 1 (11) Article 2 of this Chapter shall not apply to the North Carolina Low-  
2 Level Radioactive Waste Management Authority in administering the  
3 provisions of G.S. 104G-10 and G.S. 104G-11. Articles 3 and 3A of  
4 this Chapter shall not apply to the North Carolina Low-Level  
5 Radioactive Waste Management Authority in administering the  
6 provisions of G.S. 104G-9, 104G-10, and 104G-11.
- 7 (12) Article 2 of this Chapter shall not apply to the North Carolina  
8 Hazardous Waste Management Commission in administering the  
9 provisions of G.S. 130B-13 and G.S. 130B-14. Articles 3 and 3A of  
10 this Chapter shall not apply to the North Carolina Hazardous Waste  
11 Management Commission in administering the provisions of G.S.  
12 130B-11, 130B-13, and 130B-14.
- 13 (13) Article 3 and G.S. 150B-51(a) of this Chapter shall not apply to  
14 hearings required pursuant to the Rehabilitation Act of 1973, (Public  
15 Law 93-122), as amended and federal regulations promulgated  
16 thereunder."
- 17 Sec. 3. This act is effective upon ratification, and applies to hearings held  
18 and rules adopted on or after that date.