

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 1989**

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SENATE BILL 956  
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Short Title: Services for Hard of Hearing.

(Public)

Sponsors:

Referred to:

April 19, 1989

A BILL TO BE ENTITLED  
AN ACT TO CREATE A NEW COUNCIL AND DIVISION FOR THE DEAF AND  
THE HARD OF HEARING.

The General Assembly of North Carolina enacts:

Section 1. Part 24 of Article 3 of Chapter 143B of the General Statutes is repealed.

Sec. 2. Article 3 of Chapter 143B is amended by adding a new Part to read:

**“PART 29.**

**“COUNCIL FOR THE DEAF AND THE HARD OF HEARING;**

**DIVISION OF SERVICES FOR THE DEAF AND THE HARD OF HEARING.**

**“§ 143B-216.30. Definitions.**

The following definitions shall apply throughout this Part unless otherwise specified:

- (1) ‘Council’ means the Council for the Deaf and the Hard of Hearing of the Department of Human Resources.
- (2) ‘Deaf’ means the inability to hear and/or understand oral communication, with or without assistance of amplification devices.
- (3) ‘Division’ means the Division of Services for the Deaf and the Hard of Hearing of the Department of Human Resources.
- (4) ‘Hard of hearing’ means permanent hearing loss which is severe enough to necessitate the use of amplification devices to hear oral communication.

- 1           (5) 'Ring signaling device' means a mechanism such as a flashing light  
2 which visually indicates that a communication is being received  
3 through a telephone line. This phrase also means mechanisms such as  
4 adjustable volume ringers and buzzers which audibly and loudly  
5 indicate an incoming telephone communication.  
6           (6) 'Speech impaired' means permanent loss of oral communication  
7 ability.  
8           (7) 'Telecommunications device' or 'TDD' means a keyboard mechanism  
9 attached to or in place of a standard telephone by some coupling  
10 device, used to transmit or receive signals through telephone lines.  
11           (8) 'Volume control handset' means a telephone handset or other  
12 telephone listening device which has an adjustable control for  
13 increasing the volume of the sound being produced by the telephone  
14 receiving unit.

15 **"§ 143B-216.31. Council for the Deaf and the Hard of Hearing - creation and**  
16 **duties.**

17       There is hereby created the Council for the Deaf and the Hard of Hearing of the  
18 Department of Human Resources. The Council shall have duties including the  
19 following:

- 20           (1) To make recommendations to the Secretary of the Department of  
21 Human Resources regarding improvement of human services to the  
22 deaf and the hard of hearing;  
23           (2) To study ways to promote public understanding of the problems of the  
24 deaf and the hard of hearing and to consider the need for new State  
25 programs concerning deafness;  
26           (3) To advise the Secretary of the Department of Human Resources in the  
27 preparation of a plan describing the quality, extent and scope of  
28 services provided or to be provided, to deaf and hard of hearing  
29 persons in this State;  
30           (4) To study any State programs that provide educational services for deaf  
31 and hard of hearing persons and to advise the Secretary of the  
32 Department of Human Resources and the Superintendent of Public  
33 Instruction concerning coordination of these programs to prevent  
34 duplication of services; and  
35           (5) To advise and make recommendations to the Secretary of the  
36 Department of Human Resources upon any matter as requested by the  
37 Secretary.

38 **"§ 143B-216.32. Council for the Deaf and the Hard of Hearing - membership;**  
39 **quorum; compensation.**

40       (a) The Council for the Deaf and the Hard of Hearing shall consist of 15  
41 members appointed by the Governor. Three members appointed by the Governor shall  
42 be persons who are deaf and three members shall be persons who are hard of hearing.  
43 One appointment shall be an educator who trains deaf education teachers and one  
44 appointment shall be an audiologist licensed under Article 22 of Chapter 90 of the

1 General Statutes. Three appointments shall be parents of deaf or hard of hearing  
2 children including one parent of a student in a residential school; one parent of a student  
3 in a preschool satellite program; and one parent of a student in a mainstream education  
4 program, with each parent coming from a different region of the three North Carolina  
5 schools for the deaf regions. One member appointed by the Governor shall be  
6 recommended by the President of the North Carolina Association of the Deaf; one  
7 member shall be recommended by the President of the North Carolina Pediatric Society;  
8 one member shall be recommended by the President of the North Carolina Registry of  
9 Interpreters for the Deaf; and one member shall be nominated by the Superintendent of  
10 Public Instruction.

11 (b) The terms of the initial members of the Council shall commence July 1, 1989.  
12 In his initial appointments, the Governor shall designate four members who shall serve  
13 terms of five years, four who shall serve terms of four years, four who shall serve terms  
14 of three years, and three who shall serve terms of two years. After the initial appointees'  
15 terms have expired, all members shall be appointed for a term of four years. No  
16 member appointed by the Governor shall serve more than two successive terms.

17 Any appointment to fill a vacancy on the Council created by the resignation,  
18 dismissal, death, or disability of a member shall be for the balance of the unexpired  
19 term.

20 (c) The chairman of the Council shall be designated by the Secretary of the  
21 Department of Human Resources from the Council members. The chairman shall hold  
22 this office for not more than four years.

23 (d) The Council shall meet quarterly and at other times at the call of the  
24 chairman. A majority of the Council shall constitute a quorum.

25 (e) Council members shall be reimbursed for expenses incurred in the  
26 performance of their duties in accordance with G.S. 138-5.

27 (f) The Secretary of the Department of Human Resources shall provide clerical  
28 and other assistance as needed.

29 **"§ 143B-216.33. Division of Services for the Deaf and the Hard of Hearing -**  
30 **creation, powers and duties.**

31 (a) There is hereby created within the Department of Human Resources, the  
32 Division of Services for the Deaf and the Hard of Hearing. The Division shall have the  
33 powers and duties including the following:

34 (1) To review existing programs for persons who are deaf or hard of  
35 hearing in the State, and make recommendations to the Secretary of  
36 the Department of Human Resources and to the Superintendent of the  
37 Department of Public Instruction for improvements to such programs;

38 (2) To provide comprehensive residential and nonresidential educational  
39 program services for persons who are deaf or hard of hearing, aged  
40 birth to 21 years of age. Such programs shall be in compliance with  
41 the Department of Public Instruction Procedures Governing Programs  
42 and Services for Children with Special Needs, and with G.S. 115C-  
43 325;

- 1           (3) To provide a network of resource centers for local access to services  
2 such as interpreters, information and referral, telephone relay, and  
3 advocacy for persons who are deaf or hard of hearing;
- 4           (4) To collect, study, maintain, publish and disseminate information  
5 relative to all aspects of deafness;
- 6           (5) To promote public awareness of the needs of, resources and  
7 opportunities available to persons who are deaf or hard of hearing;
- 8           (6) To provide technical assistance to agencies and organizations in the  
9 development of services to persons who are deaf or hard of hearing;
- 10          (7) To administer the Telecommunications Program for the Deaf pursuant  
11 to G.S. 143B-216.34; and
- 12          (8) To establish training and evaluation standards for determination of  
13 competency of individuals serving as interpreters for persons who are  
14 deaf or hard of hearing.

15          (b) The Division shall function under the authority of the Department of Human  
16 Resources and the Secretary of the Department of Human Resources as provided in the  
17 Executive Organization Act of 1973 and shall perform such other duties as are assigned  
18 by the Secretary.

19          (c) The Department of Human Resources may receive moneys from any source,  
20 including federal funds, gifts, grants and bequests which shall be expended for the  
21 purposes designated in this Part. Gifts and bequests received shall be deposited in a  
22 trust fund with the State Treasurer who shall hold them in trust in a separate account in  
23 the name of the Division. The cash balance of this account may be pooled for  
24 investment purposes, but investment earnings shall be credited pro rata to this  
25 participating account. Moneys deposited with the State Treasurer in the trust fund  
26 account pursuant to this subsection, and investment earnings thereon, are available for  
27 expenditure without further authorization from the General Assembly. Such funds shall  
28 be administered by the Division under the direction of the director and fiscal officer of  
29 the Division and will be subject to audits normally conducted with the agency.

30          (d) The Secretary of the Department of Human Resources shall adopt rules to  
31 implement this Part.

32 **"§ 143B-216.34. Division of Services for the Deaf and the Hard of Hearing -**  
33 **communication services program established.**

34          (a) There is established a communications services program for the deaf, hard of  
35 hearing, and speech impaired to be developed, administered, and implemented by the  
36 Division of Services for the Deaf and the Hard of Hearing.

37          (b) The Division shall develop rules to implement a schedule for the purchase  
38 and distribution of the telecommunications devices and equipment necessary to  
39 implement the communications services program. The Division shall establish by rule  
40 performance standards for TDDs, ring signaling devices, and volume control handsets.  
41 The Division shall select equipment to be purchased for distribution to qualifying  
42 recipients. The equipment discussed in this section shall be subleased at no cost to  
43 qualifying recipients for a period of time not exceeding five years. Nothing herein shall

1 be construed to prevent the renewal of any lease previously executed with a qualified  
2 recipient.

3 (c) The central communications office of each county sheriff's department  
4 shall purchase and continually operate at least one TDD. The central communications  
5 office of each police department and firefighting agency in municipalities with a  
6 population of 25,000 to 250,000 shall purchase and continually operate at least one  
7 TDD. The central communications office of each police department and firefighting  
8 agency in municipalities with a population exceeding 250,000 persons shall purchase  
9 and continually operate at least two TDDs.

10 At least one hospital in each county shall purchase and continually operate at  
11 least one TDD.

12 Each 911 emergency number system and each agency receiving automatically  
13 routed calls through a 911 emergency system shall purchase and continually operate at  
14 least one TDD.

15 (d) Each public safety office, health care provider, and 911 emergency  
16 number system required to obtain a TDD pursuant to this section shall continually  
17 operate and staff such equipment on a 24-hour basis as follows:

18 (1) Offices and organizations required to purchase TDDs pursuant to this  
19 section may buy such equipment from the Division, or from private  
20 vendors who can supply devices identical to or compatible with those  
21 selected by the Division at a lower price than the Division offers.

22 (2) The purchase price imposed on such offices and organizations by the  
23 Division shall not exceed the actual per unit cost including shipping  
24 and storage charges."

25 Sec. 3. Part 12 of Article 3 of Chapter 143B of the General Statutes is  
26 repealed and a new Part 12A is added to read:

27 **"PART 12A.**

28 **"BOARD OF DIRECTORS OF THE GOVERNOR MOREHEAD SCHOOL.**

29 **"§ 143B-176.1. Board of Directors of the Governor Morehead School - creation,**  
30 **powers and duties.**

31 (a) There is hereby created the Board of Directors of the Governor Morehead  
32 School of the Department of Human Resources with the power and duty to adopt rules  
33 and establish standards to be followed in the conduct of the Governor Morehead School  
34 including rules for the professional care of children admitted to the Governor Morehead  
35 School and rules to make the Governor Morehead School as nearly self-supporting as  
36 consistent with the purposes of its creation.

37 (b) The Board of Directors of the Governor Morehead School may adopt  
38 rules not inconsistent with the laws of this State, as may be required by the federal  
39 government for grants-in-aid that may be available to the State by the federal  
40 government. This subsection is to be liberally construed in order that the State and its  
41 citizens may benefit from such grants-in-aid.

42 **"§ 143B-176.2. Board of Directors of the Governor Morehead School - members;**  
43 **selection; quorum; compensation.**

1 (a) The Board of Directors of the Governor Morehead School of the  
2 Department of Human Resources shall consist of 11 members appointed by the  
3 Governor for terms of six years. Any appointment to fill a vacancy created by the  
4 resignation, dismissal, death or disability of a member shall be for the balance of the  
5 unexpired term. The Governor shall have the power to remove any member of the  
6 Board from office for misfeasance, malfeasance or nonfeasance according to the  
7 provisions of G.S. 143B-13.

8 (b) The Chairman of the Board shall be designated by the Governor from the  
9 Board members to serve as chairman at his pleasure. The vice-chairman shall be  
10 elected by and from the members of the Board and shall serve for a term of two years or  
11 until the expiration of his regularly appointed term.

12 (c) The Board shall meet at least once in each quarter and may hold special  
13 meetings at any time and place at the call of the chairman or upon the written request of  
14 at least a majority of its members. A majority of the Board shall constitute a quorum.

15 (d) Board members shall receive per diem and necessary travel and  
16 subsistence expenses in accordance with G.S. 138-5.

17 (e) The Secretary of the Department of Human Resources shall provide clerical  
18 and other assistance as needed."

19 Sec. 4. G.S. 8B-6 reads as rewritten:

20 **"§ 8B-6. List of interpreters; coordination of interpreter services.**

21 The Department of Human Resources shall prepare and maintain an up-to-date list  
22 of qualified and available interpreters. A copy of the list shall be provided to each clerk  
23 of superior court. When requested by an appointing authority to provide an interpreter  
24 the ~~North Carolina Council for the Hearing Impaired~~ Division of Services for the Deaf and  
25 the Hard of Hearing shall assist in arranging for an interpreter at the time and place  
26 needed through its program of community services for the hearing impaired."

27 Sec. 5. G.S. 8B-8(e) reads as rewritten:

28 "(e) Fees and expenses of interpreters who serve before any State administrative  
29 agency are payable by that agency. The agency shall, upon application to the  
30 ~~Department of Administration~~ Department of Human Resources be reimbursed for  
31 payments made."

32 Sec. 6. G.S. 105-147(25a) reads as rewritten:

33 "(25a) The purchase price of a hearing-ear dog designated as such by the ~~North~~  
34 ~~Carolina Council for the hearing impaired~~ Department of Human Resources, Division of  
35 Services for the Deaf and the Hard of Hearing, actually purchased and used by a person  
36 who is hearing impaired as defined in G.S. 8B-1(2), or purchased by a parent or  
37 guardian for the use of a hearing impaired child and/or all of the cost of maintenance  
38 and upkeep of a hearing-ear dog, including veterinary expenses. The amount claimed  
39 under this subdivision shall not be allowed as a deduction under G.S. 105-147(11)."

40 Sec. 7. G.S. 114-4.2F reads as rewritten:

41 **"§ 114-4.2F. Designation of attorney specializing in the law of the handicapped.**

42 The Attorney General is authorized to designate from his staff an attorney to  
43 specialize in the law of the handicapped. The attorney so designated shall act as advisor  
44 to the Division of Vocational Rehabilitation, the ~~North Carolina Council for the Hearing~~

1 ~~Impaired~~Division of Services for the Deaf and the Hard of Hearing, and the Governor  
2 Morehead School."

3           Sec. 8. This act shall become effective July 1, 1989.