

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 332
Committee Substitute Favorable 5/3/91

Short Title: Council on Disabilities Change.

(Public)

Sponsors:

Referred to:

March 26, 1991

1 A BILL TO BE ENTITLED
2 AN ACT TO CONFORM THE LAW REGARDING THE GOVERNOR'S
3 APPOINTMENTS TO THE GOVERNOR'S ADVOCACY COUNCIL FOR
4 PERSONS WITH DISABILITIES TO FEDERAL LAW.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 143B-403.2 reads as rewritten:

7 "**§ 143B-403.2. Governor's Advocacy Council for Persons with Disabilities –**
8 **members; selection; quorum; compensation.**

9 (a) The Governor's Advocacy Council for Persons with Disabilities of the
10 Department of Administration shall consist of 24 members. ~~The composition of the~~
11 ~~Council shall be as follows: six "ex officio" members from State government agencies~~
12 ~~as follows: the Commissioner of Labor, the Commissioner of Insurance, the Secretary~~
13 ~~of the Department of Human Resources, the Chairman of the Employment Security~~
14 ~~Commission, or their designees, the Exceptional Children's Director of the Department~~
15 ~~of Public Education, and the Chairman of the Protection and Advocacy for the Mentally~~
16 ~~Ill Advisory Committee of the Governor's Advocacy Council for Persons with~~
17 ~~Disabilities. The Governor shall appoint 16 members, at least eight shall be disabled~~
18 ~~persons or family members of disabled persons, with representation as follows: two~~
19 ~~representatives of persons with mental illness, two representatives of persons with~~
20 ~~developmental disabilities, two representatives of persons with mental retardation, and~~
21 ~~one representative of persons with sensory impairment. 21 members, appointed as~~
22 ~~follows:~~

23 (1) Seven members appointed by the Governor;

- 1 (2) One member appointed by the General Assembly upon the
2 recommendation of the President of the Senate;
3 (3) One member appointed by the General Assembly upon the
4 recommendation of the Speaker of the House of Representatives;
5 (4) Twelve members by the Chair of the Council upon the
6 recommendation of, and after consultation with, statewide advocacy
7 and membership organizations associated with persons covered by the
8 federal Developmental Disabilities Assistance and Bill of Rights Act.
9 One of the members appointed by the Chair of the Council shall be the
10 Chair of the Protection and Advocacy for the Mentally Ill Advisory
11 Committee of the Governor's Advocacy Council for Persons with
12 Disabilities, ex officio.

13 (b) Of the members appointed to the Council, at least eight shall be disabled
14 persons or family members of disabled persons, with representation as follows:

- 15 (1) Two representatives of persons with disabilities;
16 (2) Two representatives of persons with mental retardation; and
17 (3) One representative of persons with sensory impairment.

18 (c) Members appointed to fit the representative categories shall be initially appointed
19 as terms expire and as vacancies occur, until all categories are filled. The General
20 Assembly shall appoint two members in accordance with G.S. 120-121, one upon the
21 recommendation of the Speaker of the House of Representatives, and one upon the
22 recommendation of the President of the Senate. Vacancies in appointments made by the
23 General Assembly shall be filled in accordance with G.S. 120-122. The Governor-Chair
24 of the Council shall appoint at least one person from each congressional district in
25 accordance with G.S. 147-12(3)b. An administrator in any branch of State government
26 that delivers services to persons with disabilities is not eligible for membership on the
27 Council except as 'ex officio' members. Council.

28 (d) The initial term for one half of the members appointed by the Governor and
29 the Chair of the Council shall be two years. The initial term for the remaining members
30 appointed by the Governor and the Chair of the Council shall be four years. At the end
31 of the respective terms of office of the initial members of the Council, the appointment
32 of all members with the exception of those from State agencies, shall be for terms of four
33 years and until their successors are appointed and qualify. Any appointment to fill a
34 vacancy on the Council created by the resignation, dismissal, death, or disability of a
35 member shall be filled within 60 days after the date on which the vacancy occurs and
36 shall be for the balance of the unexpired term. The initial members appointed by the
37 General Assembly shall serve for terms to expire June 30, 1983-1993. Subsequently,
38 members appointed by the General Assembly shall serve two-year terms beginning July
39 1, 1983-1993, and biennially thereafter.

40 The Governor may remove any member of the Council appointed by the Governor.

41 The Governor shall designate one member of the Council to serve as ~~chairman~~ chair
42 and one member to serve as ~~vice-chairman~~ vice-chair at his pleasure.

43 Members of the Council shall receive per diem and necessary travel and subsistence
44 expenses in accordance with the provisions of G.S. 138-5.

- 1 A majority of the Council shall constitute a quorum for the transaction of business.
2 All clerical and other services required by the Council shall be supplied by the
3 Secretary of Administration."
4 Sec. 2. This act becomes effective July 1, 1991.