

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 332

Committee Substitute Favorable 5/3/91

Senate State Personnel and State Government Committee Substitute Adopted 7/3/91

Short Title: Council on Disabilities Change.

(Public)

Sponsors:

Referred to:

March 26, 1991

A BILL TO BE ENTITLED

AN ACT TO CONFORM THE LAW REGARDING THE GOVERNOR'S APPOINTMENTS TO THE GOVERNOR'S ADVOCACY COUNCIL FOR PERSONS WITH DISABILITIES TO FEDERAL LAW.

The General Assembly of North Carolina enacts:

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

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

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

- 1 (1) Seven members appointed by the Governor;
2 (2) Seven members appointed by the General Assembly upon the
3 recommendation of the President of the Senate;
4 (3) Seven members appointed by the General Assembly upon the
5 recommendation of the Speaker of the House of Representatives.
6 (b) Of the members appointed to the Council, at least 12 shall be disabled
7 persons or family members of disabled persons, with representation as follows:
8 (1) One representative of persons associated with substance abuse, one
9 representative of persons with sensory impairment, one representative
10 of persons with physical disabilities, one person who shall serve as
11 Chair of the Protection and Advocacy for the Mentally Ill Advisory
12 Committee of the Governor's Advocacy Council for Persons with
13 Disabilities, to be appointed by the Governor;
14 (2) One representative of persons with mental retardation, one
15 representative of persons with developmental disabilities, one
16 representative of persons with mental illness and one representative of
17 persons with sensory impairment, to be appointed upon
18 recommendation of the President of the Senate; and
19 (3) One representative of persons with mental retardation, one
20 representative of persons with developmental disabilities, one
21 representative of persons with mental illness, and one representative of
22 persons with physical disabilities, to be appointed upon
23 recommendation of the Speaker of the House of Representatives.

24 Appointments to the Council under the provisions of this subsection shall be made
25 after consultation with and consideration of recommendations from statewide advocacy
26 and membership organizations associated with persons covered by the federal
27 Developmental Disabilities Assistance and Bill of Rights and the Protection and
28 Advocacy for Mentally Ill Individuals Act.

29 (c) ~~Members appointed to fit the representative categories shall be initially~~
30 ~~appointed as terms expire and as vacancies occur, until all categories are filled. The~~
31 ~~General Assembly shall appoint two members in accordance with G.S. 120-121, one upon the~~
32 ~~recommendation of the Speaker of the House of Representatives, and one upon the~~
33 ~~recommendation of the President of the Senate.—Vacancies in appointments made by the~~
34 ~~General Assembly shall be filled in accordance with G.S. 120-122. The Governor shall~~
35 ~~appoint at least one person from each congressional district in accordance with G.S. 147-~~
36 ~~12(3)b.—An administrator in any branch of State government that delivers services to~~
37 ~~persons with disabilities is not eligible for membership on the Council except as 'ex~~
38 ~~officio' members. Council.~~

39 (d) ~~The initial term for one-half three~~ of the members appointed by the Governor
40 shall be two years. The initial term for the remaining members appointed by the
41 Governor shall be four years. At the end of the respective terms of office of the initial
42 members of the Council, the appointment of all members ~~with the exception of those from~~
43 ~~State agencies,~~ shall be for terms of four years and until their successors are appointed
44 and qualify. Any appointment to fill a vacancy on the Council created by the

1 resignation, dismissal, death, or disability of a member shall be filled within 60 days
2 after the date on which the vacancy occurs and shall be for the balance of the unexpired
3 term. The initial members appointed by the General Assembly shall serve for terms to
4 expire June 30, ~~1983~~—1993. Subsequently, members appointed by the General
5 Assembly shall serve two-year terms beginning July 1, ~~1983~~—1993, and biennially
6 thereafter.

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

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

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

12 A majority of the Council shall constitute a quorum for the transaction of business.

13 All clerical and other services required by the Council shall be supplied by the
14 Secretary of Administration."

15 Sec. 2. This act becomes effective August 1, 1991.