

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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1

HOUSE BILL 635*

Short Title: Comm. for Blind Changes.

(Public)

Sponsors: Representatives Colton, Jarrell, and Nye.

Referred to: State Government.

March 29, 1993

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE LAW REGARDING THE COMPOSITION, POWERS,
3 AND DUTIES OF THE COMMISSION FOR THE BLIND.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 143B-157 reads as rewritten:

6 **"§ 143B-157. Commission for the Blind – creation, powers and duties.**

7 There is ~~hereby~~ recreated the Commission for the Blind of the Department of
8 Human Resources with the power and duty to adopt rules ~~and regulations to be followed in~~
9 governing the conduct of the State's rehabilitative programs for the blind ~~with the power~~
10 ~~and duty to adopt, amend and rescind rules and regulations under and not inconsistent with the~~
11 ~~laws of the State~~ that are necessary to carry out the provisions and purposes of this
12 Article.

13 (1) The Commission ~~for the Blind is authorized and empowered to adopt such~~
14 ~~rules and regulations that may be~~ shall adopt rules that are necessary and
15 desirable for the programs administered by the Department of Human
16 Resources as provided in Chapter 111 of the General Statutes of North
17 Carolina.

18 (2) ~~The Commission for the Blind shall have the power and duty to~~
19 ~~establish standards and adopt rules and regulations for aid to the needy~~
20 ~~blind as contained in Chapter 111 of the General Statutes of North~~
21 ~~Carolina.~~

22 (3) The Commission ~~is authorized and empowered to adopt such~~
23 ~~rules and regulations,~~ shall adopt rules, not inconsistent with the laws
24 of this State, ~~as may be~~ that are required by the federal government

1 for grants-in-aid for rehabilitative purposes for the blind ~~which that~~
2 may be made available ~~for to~~ the State ~~by from~~ the federal
3 government. This section is to be liberally construed in order that the
4 State and its citizens may benefit from such grants-in-aid.

5 (3a) The Commission shall review, analyze, and advise the Department
6 regarding the performance of its responsibilities under the federal
7 rehabilitation program in which the State participates, as it relates to
8 the provision of services to the blind, particularly its responsibilities
9 relating to the following:

10 a. Eligibility for the program;

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

13 c. The functions performed by the Department that affect, or that
14 have the potential to affect, the ability of individuals who are
15 blind or visually impaired to achieve rehabilitative goals and
16 objectives under the federal rehabilitation program;

17 (3b) The Commission shall advise the Department regarding preparation of
18 applications, the State Plan, the strategic plan, amendments to these
19 plans, the State needs assessments, and the evaluations required by the
20 federal rehabilitation program;

21 (3c) The Commission shall, to the extent feasible, conduct a review and
22 analysis (i) of the effectiveness of, and consumer satisfaction with, the
23 functions performed by the Department and other public and private
24 entities responsible for performing functions for individuals who are
25 blind or visually impaired, and (ii) of vocational rehabilitation services
26 provided or paid for from funds made available through other public or
27 private sources and provided by State agencies and other public and
28 private entities responsible for providing vocational rehabilitation
29 services to individuals who are blind or visually impaired;

30 (3d) The Commission shall prepare and submit an annual report to the
31 Governor, the Secretary, and the federal rehabilitation program, and
32 make the report available to the public;

33 (3e) The Commission shall coordinate with other councils within the State,
34 including the statewide Independent Living Council established under
35 section 705 of the federal Rehabilitation Act, 294 U.S.C. §§ 720, et
36 seq., the advisory panel established under section 613(a)(12) of the
37 Individuals with Disabilities Education Act, 20 U.S.C. § 1413(A)(12),
38 the State Planning Council described in section 124 of the
39 Developmental Disabilities Assistance and Bill of Rights Act, 42
40 U.S.C. § 6024, and the State Mental Health Planning Council
41 established pursuant to section 1916(e) of the Public Health Service
42 Act, 42, U.S.C. § 300x-4(e);

1 (3f) The Commission shall advise the Department and provide for
 2 coordination with, and establishment of working relationships
 3 between, the Department and the Independent Living Council;

4 (3g) The Commission shall prepare, in conjunction with the Department, a
 5 plan for the provision of those resources, including staff and other
 6 personnel, that are necessary to carry out the Commission's function
 7 under this Part. The resource plan shall, to the maximum extent
 8 possible, rely on the use of resources in existence during the period of
 9 implementation of the plan. The agreed-upon resources shall be
 10 provided pursuant to G.S. 143B-14. To the extent that there is a
 11 disagreement between the Commission and the Department with
 12 regard to the resources necessary to carry out the functions of the
 13 Commission required by this Part, the Governor shall resolve the
 14 disagreement. The Department or other State agency shall not assign
 15 any other duties to the staff and other personnel who are assisting the
 16 Commission in carrying out its duties that would create a conflict of
 17 interest;

18 (4) ~~The Commission for the Blind shall adopt rules and regulations shall~~
 19 adopt rules consistent with the provisions of this Chapter. All rules
 20 ~~and regulations~~ not inconsistent with the provisions of this Chapter
 21 heretofore adopted by the North Carolina State Commission for the
 22 Blind shall remain in full force and effect unless and until repealed or
 23 superseded by action of the recreated Commission for the Blind. All
 24 rules ~~and regulations~~ adopted by the Commission shall be enforced by
 25 the Department of Human Resources."

26 Sec. 2. G.S. 143B-158 reads as rewritten:

27 **"§ 143B-158. Commission for the Blind – members; selection; quorum;**
 28 **compensation.**

29 The Commission for the Blind of the Department of Human Resources shall consist
 30 of 11 members appointed by the Governor. ~~The initial members of the Commission~~
 31 ~~shall include the members of the existing Commission for the Blind who shall serve for~~
 32 ~~a period equal to the remainder of their current terms on the existing Commission for~~
 33 ~~the Blind, three of whose appointments expire July 2, 1974, three of whose~~
 34 ~~appointments expire July 2, 1975, and three of whose appointments expire July 2, 1977.~~
 35 No physician, no optometrist, no optician, no oculist, nor any other person who receives
 36 services or funds regulated by the Commission shall be qualified to serve on the
 37 Commission for the Blind. Any person who is presently a member of the Commission
 38 and is disqualified by reason of the preceding sentence shall be deemed to have resigned
 39 his position on the Commission. The Governor shall appoint a successor for the balance
 40 of the unexpired term. At all times at least ~~two~~ six members of the Commission shall be
 41 persons who are visually handicapped to the minimum extent of being legally blind. ~~At~~
 42 ~~the end of the respective terms of office of the initial members of the Commission, their~~
 43 ~~successors~~ The members of the Commission shall be appointed for terms of six years
 44 and until their successors are appointed and qualify. Any appointment to fill a vacancy

1 on the Commission created by the resignation, dismissal, death, or disability of a
2 member shall be for the balance of the unexpired term.

3 The Governor shall have the power to remove any member of the Commission from
4 office for misfeasance, malfeasance, or nonfeasance in accordance with the provisions
5 of G.S. 143B-13 of the Executive Organization Act of 1973.

6 The members of the Commission shall receive per diem and necessary travel and
7 subsistence expenses in accordance with the provisions of G.S. 138-5.

8 A majority of the Commission shall constitute a quorum for the transaction of
9 business.

10 All clerical and other services required by the Commission shall be supplied by the
11 Secretary of Human Resources."

12 Sec. 3. This act is effective upon ratification.