

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

S

1

SENATE BILL 507

Short Title: Voc. Rehab. Rule Making.

(Public)

---

Sponsors: Senator Ezzell.

---

Referred to: Judiciary III.

---

March 20, 1989

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE SPECIFIC RULE MAKING AUTHORITY FOR  
2 VOCATIONAL REHABILITATION ADMINISTRATION AND TO EXEMPT  
3 HEARINGS REQUIRED BY THE REHABILITATION ACT OF 1973 FROM  
4 HEARINGS PROCESS.  
5

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 143-546(a) reads as rewritten:

8 "(a) The Department of Human Resources is authorized:

- 9 (1) To cooperate with the Federal Rehabilitation Services Administration  
10 or its successor agency in the administration of the Rehabilitation Act  
11 of 1973 (Public Law 93-112) as amended;  
12 (2) To administer any legislation concerning vocational rehabilitation  
13 enacted by the State of North Carolina through an approved State Plan;  
14 (3) To formulate a program of vocational rehabilitation services through  
15 its organizational unit;  
16 (4) To fix compensation, subject to the approval of the State Personnel  
17 Commission, as may be necessary to administer this program and to  
18 pay such compensation and other expenses as are necessary from  
19 funds appropriated under this ~~law-law~~;  
20 (5) To establish by regulation a schedule of rates and fees to be paid by  
21 clients and other third party purchasers for those services established  
22 under federal law and regulations for rates or fees which are authorized  
23 by federal ~~law-law~~; and

1           (6) To adopt rules as required by the Rehabilitation Act of 1973 (Public  
2           Law 93-112) as amended."

3           Sec. 2. G.S. 150B-1(d) reads as rewritten:

4           "(d) The following are specifically exempted from the provisions of this Chapter:  
5 the Administrative Rules Review Commission, the Employment Security Commission,  
6 the Industrial Commission, the Occupational Safety and Health Review Board in all  
7 actions that do not involve agricultural employers, and the Utilities Commission.

8           The North Carolina National Guard is exempt from the provisions of this Chapter in  
9 exercising its court-martial jurisdiction.

10          The Department of Human Resources is exempt from this Chapter in exercising its  
11 authority over the Camp Butner reservation granted in Article 6 of Chapter 122C of the  
12 General Statutes.

13          The Department of Correction is exempt from the provisions of this Chapter, except  
14 for Article 5 of this Chapter and G.S. 150B-13 which shall apply.

15          Articles 2 and 3 of this Chapter shall not apply to the Department of Revenue.  
16 Except as provided in Chapter 136 of the General Statutes, Articles 2 and 3 of this  
17 Chapter do not apply to the Department of Transportation.

18          Article 4 of this Chapter, governing judicial review of final administrative decisions,  
19 shall apply to The University of North Carolina and its constituent or affiliated boards,  
20 agencies, and institutions, but The University of North Carolina and its constituent or  
21 affiliated boards, agencies, and institutions are specifically exempted from the  
22 remaining provisions of this Chapter. Article 4 of this Chapter shall not apply to the  
23 State Banking Commission, the Commissioner of Banks, the Savings and Loan Division  
24 of the Department of Commerce, and the Credit Union Division of the Department of  
25 Commerce.

26          Article 3 of this Chapter shall not apply to agencies governed by the provisions of  
27 Article 3A of this Chapter, as set out in G.S. 150B-38(a).

28          Articles 3 and 3A of this Chapter shall not apply to the Governor's Waste  
29 Management Board in administering the provisions of G.S. 104E-6.2.

30          Article 2 of this Chapter shall not apply to the North Carolina Low-Level  
31 Radioactive Waste Management Authority in administering the provisions of G.S.  
32 104G-10 and G.S. 104G-11. Articles 3 and 3A of this Chapter shall not apply to the  
33 North Carolina Low-Level Radioactive Waste Management Authority in administering  
34 the provisions of G.S. 104G-9, 104G-10, and 104G-11.

35          Article 3 and G.S. 150B-51(a) of this Chapter shall not apply to hearings required  
36 pursuant to the Rehabilitation Act of 1973, (Public Law 93-122), as amended."

37          Sec. 3. This act shall become effective October 1, 1989, and applies to  
38 hearings held and rules adopted on or after that date.