

NORTH CAROLINA GENERAL ASSEMBLY
1977 SESSION

CHAPTER 872
SENATE BILL 378

AN ACT TO TRANSFER THE GOVERNOR'S COUNCIL ON EMPLOYMENT OF THE HANDICAPPED AND THE GOVERNOR'S ADVOCACY COUNCIL ON CHILDREN AND YOUTH FROM THE DEPARTMENT OF HUMAN RESOURCES TO THE DEPARTMENT OF ADMINISTRATION.

The General Assembly of North Carolina enacts:

Section 1. The Governor's Council on Employment of the Handicapped as created by Part 16 of Article 3 of Chapter 143B of the General Statutes, as the same is found in Volume 3C of the General Statutes, 1974 Replacement, is hereby transferred by a Type I transfer as defined in G.S. 143A-6, from the Department of Human Resources to the Department of Administration.

Sec. 2. Part 16 of Article 3 of Chapter 143B of the General Statutes, as the same is found in Volume 3C of the General Statutes, 1974 Replacement, is transferred and recodified in Article 9 of Chapter 143B of the General Statutes and said transferred Part is deleted and substituted in lieu thereof is the following:

"PART 14.

"Governor's Council on Employment of the Handicapped.

§ 143B-401. Governor's Council on Employment of the Handicapped; creation; powers and duties. — There is hereby created the Governor's Council on the Employment of the Handicapped of the Department of Administration.

The Governor's Council on the Employment of the Handicapped shall have the following functions and duties:

- (1) to advise and assist the department on the continuing program to promote the employment of the physically, mentally, emotionally, and otherwise handicapped citizens of North Carolina by creating statewide interest in the rehabilitation and employment of the handicapped, and by obtaining and maintaining cooperation with all public and private groups and individuals in this field;
- (2) to work in close cooperation with the President's Committee on the Employment of the Physically Handicapped to carry out more effectively the purpose of Article 29A of Chapter 143 of the General Statutes, and with State and federal agencies having responsibilities for employment and rehabilitation of the handicapped;
- (3) to promote and encourage the holding of appropriate ceremonies throughout the State during the 'National Employ the Physically Handicapped Week' the purpose of which ceremony shall be to enlist public support for interest in the employment of the physically handicapped; and
- (4) the Council shall advise the Secretary of Administration upon any matter the Secretary may refer to it.

§ 143B-402. Governor's Council on Employment of the Handicapped; members; selection; quorum; compensation. — The Governor's Council on Employment of the Handicapped of the Department of Administration shall consist of 22 members appointed by

the Governor. The composition of the Council shall be as follows: four members from State government agencies as follows: the Commissioner of Labor, the Commissioner of Insurance, the Chairman of the Employment Security Commission and the Secretary of the Department of Human Resources or his designee; and 18 members to be appointed by the Governor.

The initial members of the council shall be the members of the former Governor's Council on Employment of Handicapped of the Department of Human Resources whose terms shall expire on the dates they would have had said council of Department of Human Resources not been transferred. At the end of the respective terms of office of the initial members of the council, the appointment of all members, with the exception of those from State agencies, shall be for terms of four years and until their successors are appointed and qualify. Any appointment to fill a vacancy on the council created by the resignation, dismissal, death, or disability of a member shall be for the balance of the unexpired term.

The Governor may remove any member of the Council appointed by the Governor. The Governor shall designate one member of the Council to serve as chairman at his pleasure.

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

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

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

Sec. 3. The Employment of the Handicapped Fund as created by G.S. 143-283.7, as the same is found in the 1975 Cumulative Supplement to Volume 3C of the General Statutes, and all records, monies, appropriations, equipment and property connected therewith are transferred from the Department of Human Resources to the Department of Administration.

Sec. 4. G.S. 143-283.7 is amended on lines 4, 8, 18, 21, 22, 27 and 34 by deleting the words "Human Resources" and substituting in lieu thereof the word "Administration".

Sec. 5. The Governor's Advocacy Council on Children and Youth as created by Part 17 of Article 3 of Chapter 143B of the General Statutes, as the same is found in Volume 3C of the General Statutes, 1974 Replacement, is hereby transferred by a Type I transfer, as defined in G.S. 143A-6, from the Department of Human Resources to the Department of Administration.

Sec. 6. Part 17 of Article 3 of Chapter 143B of the General Statutes, as the same is found in Volume 3C of the General Statutes, 1974 Replacement, is transferred and recodified in Article 9 of Chapter 143B of the General Statutes and said transferred Part is deleted and substituted in lieu thereof is the following:

"PART 15.

"Governor's Advocacy Council on Children and Youth.

§ 143B-403. Governors Advocacy Council on Children and Youth; creation; powers and duties. — There is hereby created the Governor's Advocacy Council on Children and Youth of the Department of Administration. The Council shall have the following functions and duties:

- (1) to act as an advocate for children and youth within State and local governments, and with private agencies serving children and youth;
- (2) to provide assistance in the development and coordination of child advocacy systems at the regional and local levels within the State;
- (3) to perform a continuing review of existing programs of State government for children and youth and their families;
- (4) to, in cooperation with State, local or private agencies, identify needs of children and youth and their families that are not currently being met and recommend new programs or improvement of existing programs;
- (5) to review any new programs affecting children and youth proposed by any State agency and recommend changes to avoid duplication of services, to

promote better planning, or otherwise to make more effective use of available resources;

(6) to meet at least annually with the Governor and present a written report concerning the health and well-being of North Carolina's children and the effectiveness of current programs and the need for new programs for children and youth;

(7) to provide information to the general public and State, local and private agencies serving children and youth and their families concerning the activities and findings of the Council; and

(8) to perform such other functions as may be assigned to it by the Secretary of Administration or any legislative committee.

"§ 143B-404. Governors Advocacy Council on Children and Youth; members; selection; quorum; compensation. — The Governor's Advocacy Council on Children and Youth shall consist of 17 members. The composition of the Council shall be as follows: two members appointed by the President of the Senate from the membership of the Senate; two members selected by the Speaker of the House of Representatives from the membership of the House of Representatives; 13 members appointed by the Governor.

In selecting the 13 members of the Council, the Governor shall select nine public-spirited adult citizens who have an interest in and knowledge of children and youth, persons who work with children or representatives of organizations concerned with problems of children and youth. The remaining four members to be appointed by the Governor shall consist of two youths of each sex who are 18 years of age or under at the time of their appointments.

The initial members of the Council shall be the members of the former Governor's Advocacy Council on Children and Youth of the Department of Human Resources whose terms shall expire on the date they would have had said Council of the Department of Human Resources not been transferred. At the end of the respective terms of office of the initial members of the Council, the appointment of all members shall be as provided in this section and for terms of four years and until their successors are appointed and qualify. Any appointment to fill a vacancy on the Council created by the resignation, death, dismissal, or disability of a member shall be for the balance of the unexpired term.

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

The Governor shall designate from the membership of the Council a chairman and a vice-chairman to serve at his pleasure.

The Council shall meet at least quarterly and upon the call of the chairman or upon written request of at least nine members.

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

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

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

"§ 143B-405. Access to information. — Unless otherwise prohibited by law, every State and local agency, department, board, commission, school, or corporation that supervises, administers, or otherwise directs programs or services for children and youth shall provide the Council with any requested information relating to such programs and services."

Sec. 7. Article 6 of Chapter 110 of the General Statutes, as the same is found in Volume 3A of the General Statutes, 1975 Replacement, is hereby repealed.

Sec. 8. Nothing herein contained shall be construed to obligate the General Assembly to make additional appropriation to implement the provisions of this act.

Sec. 9. This act shall become effective on July 1, 1977.

In the General Assembly read three times and ratified, this the 1st day of July, 1977.