

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

S

D

SENATE DRS35226-LU-54A\* (3/25)

Short Title: Deaf/Hard of Hearing Advisory Council.

(Public)

Sponsors: Senator Swindell.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAWS RELATING TO THE COUNCIL FOR THE DEAF  
AND HARD OF HEARING AND TO CHANGE THE APPOINTING  
AUTHORITY AND MEMBERSHIP COMPOSITION OF TWO OF THE  
MEMBERS APPOINTED TO THE COUNCIL.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 143B-216.31 reads as rewritten:

**"§ 143B-216.31. Council for the Deaf and the Hard of Hearing – creation and duties.**

There is hereby created the Council for the Deaf and the Hard of Hearing of the Department of Health and Human Services. The Council shall have duties including the following:

- (1) To make recommendations to the Secretary of the Department of Health and Human Services regarding improvement of human services to the deaf and the hard of hearing; for cost-effective provision, coordination, and improvement of services;
- (2) To study ways to promote public understanding of the problems of the deaf and the hard of hearing and to consider the need for new State programs concerning deafness; create public awareness of the specific needs and abilities of people who are deaf, hard of hearing, or deaf-blind and to consider the need for new State programs concerning the deaf, hard of hearing, and deaf-blind;
- (3) To advise the Secretary of the Department of Health and Human Services in the preparation of a plan describing the quality, extent and scope of services provided or to be provided, to deaf and hard of hearing persons in this State; during planning and implementation of services being provided to North Carolina citizens who are deaf, hard

1 of hearing, or deaf-blind with respect to the quality, extent, and scope  
 2 of those services;

- 3 (4) ~~To study any State programs that provide educational services for deaf~~  
 4 ~~and hard of hearing persons and to advise the Secretary of the~~  
 5 ~~Department of Health and Human Services and the Superintendent of~~  
 6 ~~Public Instruction concerning coordination of these programs to~~  
 7 ~~prevent duplication of services; and advise the Secretary of the~~  
 8 ~~Department of Health and Human Services and the Superintendent of~~  
 9 ~~the Department of Public Instruction regarding planning,~~  
 10 ~~implementation, and cost-effective coordination of State programs~~  
 11 ~~providing educational services for persons who are deaf, hard of~~  
 12 ~~hearing, or deaf-blind; and~~  
 13 (5) ~~To advise and make recommendations to the Secretary of the~~  
 14 ~~Department of Health and Human Services upon any matter as~~  
 15 ~~requested by the Secretary. respond to the Secretary of the Department~~  
 16 ~~of Health and Human Services' requests for advice or~~  
 17 ~~recommendations pertaining to any matter affecting deaf, hard of~~  
 18 ~~hearing, or deaf-blind citizens of North Carolina."~~

19 **SECTION 2.** G.S. 143B-216.32 reads as rewritten:

20 **"§ 143B-216.32. Council for the Deaf and the Hard of Hearing – membership;**  
 21 **quorum; compensation.**

22 (a) The Council for the Deaf and the Hard of Hearing shall consist of 25  
 23 members. ~~Fifteen~~ Seventeen members shall be members appointed by the Governor.  
 24 Three members appointed by the Governor shall be persons who are ~~deaf and deaf,~~ three  
 25 members shall be persons who are hard of hearing. One appointment shall be an  
 26 educator who trains deaf education teachers and one appointment shall be an audiologist  
 27 licensed under Article 22 of Chapter 90 of the General Statutes. Three appointments  
 28 shall be parents of deaf or hard of hearing children including one parent of a student in a  
 29 residential school; one parent of a student in a preschool program; and one parent of a  
 30 student in a mainstream education program, with at least one parent coming from each  
 31 region of the North Carolina schools for the deaf regions. One member appointed by the  
 32 Governor shall be recommended by the President of the North Carolina Association of  
 33 the Deaf; one member shall be recommended by the President of the North Carolina  
 34 Deaf-Blind Associates; one member shall be recommended by the President of the  
 35 North Carolina Pediatric Society; one member shall be recommended by the President  
 36 of the North Carolina Registry of Interpreters for the Deaf; one member shall be  
 37 recommended by a local education agency; and one member shall be nominated by the  
 38 Superintendent of Public Instruction. ~~Two members~~ One member shall be appointed  
 39 from the House of Representatives by the Speaker of the House of Representatives and  
 40 ~~two members~~ one member shall be appointed from the Senate by the President Pro  
 41 Tempore of the Senate. The Secretary of Health and Human Services shall appoint six  
 42 members as follows: one from the Division of Vocational Rehabilitation, one from the  
 43 Division of Aging, one from the Division of Mental Health, Developmental Disabilities,  
 44 and Substance Abuse Services, one from the Division of Social Services, ~~one from a~~

1 ~~North Carolina Chapter of SHHH (Self Help for the Hard of Hearing), and one from~~  
2 ~~SPEAK (Statewide Parents' Education and Advocacy for Kids).one member upon the~~  
3 ~~recommendation of the North Carolina Chapter of Self Help for the Hard of Hearing~~  
4 ~~(SHHH), and one upon the recommendation of the North Carolina Black Deaf~~  
5 ~~Advocates (NCBDA).~~

6 (b) The terms of the initial members of the Council shall commence July 1, 1989.  
7 In his initial appointments, the Governor shall designate four members who shall serve  
8 terms of five years, four who shall serve terms of four years, four who shall serve terms  
9 of three years, and three who shall serve terms of two years. After the initial appointees'  
10 terms have expired, all members shall be appointed for a term of four years. No member  
11 ~~appointed by the Governor~~ shall serve more than two successive ~~terms-terms unless the~~  
12 member is an employee of the Department of Health and Human Services or the  
13 Department of Public Instruction representing his or her agency as a specialist in the  
14 field of service.

15 Any appointment to fill a vacancy on the Council created by the resignation,  
16 dismissal, death, or disability of a member shall be for the balance of the unexpired  
17 term.

18 (c) The chairman of the Council shall be designated by the Secretary of the  
19 Department of Health and Human Services from the Council members. The chairman  
20 shall hold this office for not more than four years.

21 (d) The Council shall meet quarterly and at other times at the call of the  
22 chairman. A majority of the Council shall constitute a quorum.

23 (e) Council members shall be reimbursed for expenses incurred in the  
24 performance of their duties in accordance with G.S. 138-5.

25 (f) The Secretary of the Department of Health and Human Services shall provide  
26 clerical and other assistance as needed."

27 **SECTION 3.** Pursuant to G.S. 143B-216.32(a), as enacted in Section 2 of  
28 this act, when the term of the member appointed by the Secretary of Health and Human  
29 Services who is a representative from Statewide Parents' Education and Advocacy for  
30 Kids (SPEAK) expires, the Secretary of Health and Human Services shall appoint one  
31 member upon the recommendation of the North Carolina Black Deaf Advocates to serve  
32 a four-year term to commence when this act becomes effective.

33 Pursuant to G.S. 143B-216.32(a), as enacted in Section 2 of this act, the  
34 member appointed by the Governor as recommended by the President of the North  
35 Carolina Deaf-Blind Associates shall be appointed for a four-year term to commence  
36 when this act becomes effective and the member appointed by the Governor as  
37 recommended by a local education agency shall be appointed for a four-year term to  
38 commence when this act becomes effective. Members described in this section shall  
39 serve for the terms for which they were appointed and until their successors are  
40 appointed and qualified.

41 **SECTION 4.** This act is effective when it becomes law.