

GENERAL ASSEMBLY OF NORTH CAROLINA  
1989 SESSION

CHAPTER 373  
SENATE BILL 507

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

The General Assembly of North Carolina enacts:

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

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

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

Sec. 2. G.S. 150B-1(d), as rewritten by Section 29 of Chapter 76, Session Laws of 1989, and as rewritten by Section 33 of Chapter 168, Session Laws of 1989, reads as rewritten:

- "(d) (1) The following are specifically exempted from the provisions of this Chapter:
- a. The Administrative Rules Review Commission;
  - b. The Employment Security Commission;
  - c. The Industrial Commission;
  - d. The Occupational Safety and Health Review Board in all actions that do not involve agricultural employers; and

- e. The Utilities Commission.
- (2) The North Carolina National Guard is exempt from the provisions of this Chapter in exercising its court-martial jurisdiction.
  - (3) The Department of Human Resources is exempt from this Chapter in exercising its authority over the Camp Butner reservation granted in Article 6 of Chapter 122C of the General Statutes.
  - (4) The Department of Correction is exempt from the provisions of this Chapter, except for Article 5 of this Chapter and G.S. 150B-13 which shall apply.
  - (5) Articles 2 and 3 of this Chapter shall not apply to the Department of Revenue.
  - (6) Except as provided in Chapter 136 of the General Statutes, Articles 2 and 3 of this Chapter do not apply to the Department of Transportation.
  - (7) Article 4 of this Chapter, governing judicial review of final administrative decisions, shall apply to The University of North Carolina and its constituent or affiliated boards, agencies, and institutions, but The University of North Carolina and its constituent or affiliated boards, agencies, and institutions are specifically exempted from the remaining provisions of this Chapter.
  - (8) Article 4 of this Chapter shall not apply to the State Banking Commission, the Commissioner of Banks, the Savings Institutions Division of the Department of Commerce, and the Credit Union Division of the Department of Commerce.
  - (9) Article 3 of this Chapter shall not apply to agencies governed by the provisions of Article 3A of this Chapter, as set out in G.S. 150B-38(a).
  - (10) Articles 3 and 3A of this Chapter shall not apply to the Governor's Waste Management Board in administering the provisions of G.S. 104E-6.2 and G.S. 130A-293.
  - (11) Article 2 of this Chapter shall not apply to the North Carolina Low-Level Radioactive Waste Management Authority in administering the provisions of G.S. 104G-10 and G.S. 104G-11. Articles 3 and 3A of this Chapter shall not apply to the North Carolina Low-Level Radioactive Waste Management Authority in administering the provisions of G.S. 104G-9, 104G-10, and 104G-11.
  - (12) Article 2 of this Chapter shall not apply to the North Carolina Hazardous Waste Management Commission in administering the provisions of G.S. 130B-13 and G.S. 130B-14. Articles 3 and 3A of this Chapter shall not apply to the North Carolina Hazardous Waste Management Commission in administering the provisions of G.S. 130B-11, 130B-13, and 130B-14.
  - (13) Article 3 and G.S. 150B-51(a) of this Chapter shall not apply to hearings required pursuant to the Rehabilitation Act of 1973, (Public

Law 93-122), as amended and federal regulations promulgated thereunder."

Sec. 3. This act is effective upon ratification, and applies to hearings held and rules adopted on or after that date.

In the General Assembly read three times and ratified this the 21st day of June, 1989.