

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 998

Short Title: Independent Living Act. (Public)

Sponsors: Representatives Gill and Farmer-Butterfield (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Appropriations, Health and Human Services, if favorable, Rules, Calendar, and Operations of the House

April 29, 2019

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH THE STATEWIDE INDEPENDENT LIVING COUNCIL AND
3 IMPLEMENT A STATE PLAN FOR INDEPENDENT LIVING SERVICES.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** The General Statutes are amended by adding a new Chapter to read:

6 **"Chapter 168B.**

7 **"North Carolina Independent Living Act.**

8 **"§ 168B-1. Short title.**

9 This article shall be known and may be cited as the "North Carolina Independent Living Act."

10 **"§ 168B-2. Purpose.**

11 The purpose of this Article is to authorize, facilitate, and provide services and activities that
12 (i) enable individuals with disabilities to live independently in home-based and community-based
13 settings, (ii) promote the philosophy of independent living, including consumer control, peer
14 support, self-help, self-determination, equal access to services, and advocacy, (iii) enhance and
15 maximize leadership abilities, empowerment, independence, and productivity, and (iv) promote
16 and maximize the integration of individuals with disabilities into society. To this end, services
17 provided under this Article shall be offered in integrated settings within available resources.

18 **"§ 168B-3. Definitions.**

19 The following definitions apply in this Article:

- 20 (1) Consumer control. – Circumstances in which individuals with disabilities
21 have the authority to make decisions.
22 (2) Council. – The Statewide Independent Living Council.
23 (3) Independent living center. – Any center that complies with and meets the
24 requirements set forth in the federal Rehabilitation Act of 1973, as amended.
25 (4) Independent living services. – Advocacy, independent living skills, training,
26 information and referrals, peer counseling, peer support, and any other service
27 directed by the State Plan, including the following:
28 a. Assistive devices and equipment.
29 b. Communication services.
30 c. Counseling and other related services.
31 d. Community awareness programs that aid and enhance the
32 understanding and integration of individuals with disabilities into
33 society.
34 e. Environmental modifications.



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- f. Family services.
- g. Mobility training.
- h. Personal assistance services.
- i. Prostheses and other related appliances and devices.
- j. Rehabilitation technology.

(5) Individual with a disability. – As defined in G.S. 168A-3(7a).

(6) State Plan. – The State Plan for Independent Living Services.

"§ 168B-4. Eligibility for services.

Any individual with a significant disability, as defined in the State Plan, is eligible for services included in this Article.

"§ 168B-5. Statewide Independent Living Council.

(a) Establishment. – There is established the Statewide Independent Living Council. The Council shall be established within the Department of Health and Human Services, Division of Vocational Rehabilitation Services.

(b) Purpose. – The Council shall develop, approve, and submit to the appropriate federal agency the State Plan every three years, as required by the federal Rehabilitation Act of 1973, as amended. The Council shall monitor, review, and evaluate the implementation and effectiveness of the State Plan.

(c) Membership; Terms; Vacancies. – The Council shall consist of 24 members appointed by the Governor. The Governor shall appoint members from a list of nominees submitted by the Council. Nominations shall be selected by a nominations subcommittee of the Council each year on or before October 1. A majority of members shall be individuals with a disability. Each member shall serve a term of three years. No member shall serve more than two consecutive terms. Vacancies shall be filled by the Governor within 30 days of the vacancy from the list of nominees.

(d) Non-Voting Members. – The Council shall include the following non-voting members or their designees, appointed by the Governor:

(1) An employee of the Department of Health and Human Services, Division of Vocational Rehabilitation Services.

(2) An employee of the Department of Health and Human Services, Division of Mental Health, Developmental Disabilities, and Substance Abuse Services.

(3) An employee of the State Board of Education.

(4) An employee of the Department of Health and Human Services, Division of Services for the Blind.

(5) An employee of the Department of Health and Human Services, Division of Services for the Deaf and Hard of Hearing.

(e) Membership Subcommittee. – The Council shall form a nominations subcommittee to select individuals to be appointed by the Governor for upcoming vacancies on the Council. The nominations subcommittee shall consist of 10 current members of the Council, and meet at least once per year to select individuals. The nominations subcommittee shall send a list of individuals to the Council for consideration. The Council shall nominate individuals by majority vote to send to the Governor for appointment.

(f) Members of the Council shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5 or G.S. 138-6.

(g) All administrative and professional support and other services required by the Council shall be provided by the Department of Health and Human Services, Division of Vocational Rehabilitation. The Council may employ staff to perform the functions set forth in this Article, including an executive director.

(h) The Council shall select the chair from among the members of the Council. The chair shall serve a one-year term.

1 (i) The Council shall hold the first meeting no later than May 1, 2020. A majority of the
2 council members shall constitute a quorum. A majority vote of a quorum shall be required for
3 any official action of the advisory council. Following the first meeting, the Council shall meet
4 upon the call of the chair or upon the request of a majority of council members. The Council shall
5 meet at least two times each year.

6 **"§ 168B-6. Powers and duties.**

7 The Council shall have the following powers and duties:

- 8 (1) Develop, approve, and submit the State Plan to the appropriate federal agency
9 in conjunction with the Division of Vocational Rehabilitation Services.
- 10 (2) Monitor, review, and evaluate the implementation of the State Plan.
- 11 (3) Coordinate activities with the Department of Health and Human Services to
12 address the needs of targeted populations, including individuals with
13 disabilities.
- 14 (4) Submit periodic reports as required by the appropriate federal agencies to
15 implement the State Plan.
- 16 (5) Develop working relationships with other State agencies and advocacy groups
17 to ensure implementation of the State Plan.

18 **"§ 168B-7. State Plan.**

19 (a) Content. – The State Plan shall direct the use of federal funds provided under the
20 federal Rehabilitation Act of 1973, as amended, and any State funds appropriated to this Council
21 for independent living services. The State Plan, and each amendment to the State Plan, shall
22 address the priorities set forth in the Rehabilitation Act of 1973, as amended, to establish a
23 statewide program of independent living services and a network of independent living centers.
24 The State Plan may be amended at any time with the agreement of the Council and the
25 Department of Health and Human Services, Division of Vocational Rehabilitation Services.

26 (b) Report. – The Council shall submit the State Plan, as amended, to the Joint Legislative
27 Oversight Committee on Health and Human Services and the Fiscal Research Division on July 1
28 of each year. The report shall include the current State Plan for the preceding year, amendments
29 to that State Plan, and outcome data. The outcome data shall include (i) the number of individuals
30 served, (ii) the mix of individuals served, (iii) the types of services provided, and (iv) the costs
31 of providing those services.

32 **"§ 168B-8. Funds.**

33 (a) The federal and State funds granted and appropriated to the Council shall be
34 administered by the Department of Health and Human Services, Division of Vocational
35 Rehabilitation Services, to implement the State Plan, including all of the following:

- 36 (1) Funding and operation of independent living centers in this State.
- 37 (2) Independent living services to eligible individuals with disabilities.
- 38 (3) Methods to expand and improve independent living services.
- 39 (4) Comprehensive approaches or systems to provide independent living services.
- 40 (5) Gather information and data to enhance independent living services for
41 individuals with disabilities.
- 42 (6) Training for individuals with disabilities.
- 43 (7) Outreach to underserved populations.

44 (b) Funds appropriated for the purposes of this Article shall be utilized by the Department
45 of Health and Human Services, Division of Vocational Rehabilitation Services, through grants
46 or contracts with the approval of the Council for the provision of independent living services in
47 conjunction with the State Plan."

48 **SECTION 2.** There is appropriated from the General Fund the sum of one hundred
49 thousand dollars (\$100,000) in recurring funds for the 2019-2020 fiscal year and the sum of one
50 hundred thousand dollars (\$100,000) in recurring funds for the 2020-2021 fiscal year to the
51 Department of Health and Human Services, Division of Vocational Rehabilitation Services, to

1 be allocated to the Statewide Independent Living Council to be used for the implementation of
2 the State Plan for Independent Living Services and to implement this act.

3 **SECTION 3.** The North Carolina Statewide Independent Living Council, Inc., shall
4 continue until the Governor makes all appointments under this act and all assets of the nonprofit
5 corporation are transferred. The current State Plan for Independent Living shall continue in full
6 force and effect until a new State Plan is submitted, approved, and adopted by the Statewide
7 Independent Living Council formed under G.S. 168B-5, as enacted under Section 1 of this act
8 and the appropriate federal agency.

9 **SECTION 4.** This act becomes effective July 1, 2019.