

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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HOUSE BILL 637  
Committee Substitute Favorable 4/6/05

Short Title: Salary Supplement/Certain Ed. Programs.

(Public)

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Sponsors:

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Referred to:

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March 15, 2005

A BILL TO BE ENTITLED

1 AN ACT AUTHORIZING THE SECRETARY OF THE DEPARTMENT OF  
2 HEALTH AND HUMAN SERVICES, THE SECRETARY OF THE  
3 DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION,  
4 AND THE SECRETARY OF THE DEPARTMENT OF CORRECTION TO SET  
5 THE SALARY SUPPLEMENT FOR CERTAIN PERSONNEL WORKING AT  
6 PROGRAMS OPERATED BY THEIR DEPARTMENTS.  
7

8 The General Assembly of North Carolina enacts:

9 **SECTION 1.** G.S. 143B-146.21 is amended by adding a new subsection to  
10 read:

11 "(e) The Secretary of Health and Human Services, in consultation with the Office  
12 of State Personnel, shall set the salary supplement paid to personnel who are employed  
13 in the programs operated by the Department of Health and Human Services and are  
14 licensed by the State Board of Education. The salary supplement shall be at least five  
15 percent (5%)."

16 **SECTION 2.** G.S. 143B-516(b) reads as rewritten:

17 "(b) The Secretary shall have the following powers and duties:

18 (1) Give leadership to the implementation as appropriate of State policy  
19 that requires that youth development centers be phased out as  
20 populations diminish.

21 (2) Close a State youth development center when its operation is no longer  
22 justified and transfer State funds appropriated for the operation of that  
23 youth development center to fund community-based programs, to  
24 purchase care or services for predelinquents, delinquents, or status  
25 offenders in community-based or other appropriate programs, or to  
26 improve the efficiency of existing youth development centers,  
27 provided the Advisory Budget Commission reviews this action.

- 1 (3) Administer a sound admission or intake program for juvenile facilities,  
2 including the requirement of a careful evaluation of the needs of each  
3 juvenile prior to acceptance and placement.
- 4 (4) Operate juvenile facilities and implement programs that meet the needs  
5 of juveniles receiving services and that assist them to become  
6 productive, responsible citizens.
- 7 (5) Adopt rules to implement this Article and the responsibilities of the  
8 Secretary and the Department under Chapter 7B of the General  
9 Statutes. The Secretary may adopt rules applicable to local human  
10 services agencies providing juvenile court and delinquency prevention  
11 services for the purpose of program evaluation, fiscal audits, and  
12 collection of third-party payments.
- 13 (6) Ensure a statewide and uniform system of juvenile intake, protective  
14 supervision, probation, and post-release supervision services in all  
15 district court districts of the State. The system shall provide  
16 appropriate, adequate, and uniform services to all juveniles who are  
17 alleged or found to be undisciplined or delinquent.
- 18 (7) Establish procedures for substance abuse testing for juveniles  
19 adjudicated delinquent for substance abuse offenses.
- 20 (8) Plan, develop, and coordinate comprehensive multidisciplinary  
21 services and programs statewide for the prevention of juvenile  
22 delinquency, early intervention, and rehabilitation of juveniles.
- 23 (9) Develop standards, approve yearly program evaluations, and make  
24 recommendations based on the evaluations to the General Assembly  
25 concerning continuation funding.
- 26 (10) Collect expense data for every program operated and contracted by the  
27 Department.
- 28 (11) Develop a formula for funding, on a matching basis, juvenile court and  
29 delinquency prevention services as provided for in this Article. This  
30 formula shall be based upon the county's or counties' relative ability to  
31 fund community-based programs for juveniles.
- 32 Local governments receiving State matching funds for programs  
33 under this Article must maintain the same overall level of effort that  
34 existed at the time of the filing of the county assessment of juvenile  
35 needs with the Department.
- 36 (12) Assist local governments and private service agencies in the  
37 development of juvenile court services and delinquency prevention  
38 services and provide information on the availability of potential  
39 funding sources and assistance in making application for needed  
40 funding.
- 41 (13) Develop and administer a comprehensive juvenile justice information  
42 system to collect data and information about delinquent juveniles for  
43 the purpose of developing treatment and intervention plans and

- 1 allowing reliable assessment and evaluation of the effectiveness of  
2 rehabilitative and preventive services provided to delinquent juveniles.
- 3 (14) Coordinate State-level services in relation to delinquency prevention  
4 and juvenile court services so that any citizen may go to one place in  
5 State government to receive information about available juvenile  
6 services.
- 7 (15) Appoint the chief court counselor in each district upon the  
8 recommendation of the chief district court judge of that district.
- 9 (16) Develop a statewide plan for training and professional development of  
10 chief court counselors, court counselors, and other personnel  
11 responsible for the care, supervision, and treatment of juveniles. The  
12 plan shall include attendance at appropriate professional meetings and  
13 opportunities for educational leave for academic study.
- 14 (17) Study issues related to qualifications, salary ranges, appointment of  
15 personnel on a merit basis, including chief court counselors, court  
16 counselors, secretaries, and other appropriate personnel, at the State  
17 and district levels in order to adopt appropriate policies and procedures  
18 governing personnel.
- 19 (17a) Set, in consultation with the Office of State Personnel, the salary  
20 supplement paid to personnel who are employed at juvenile facilities  
21 and are licensed by the State Board of Education. The salary  
22 supplement shall be at least five percent (5%).
- 23 (18) Designate persons, as necessary, as State juvenile justice officers, to  
24 provide for the care and supervision of juveniles placed in the physical  
25 custody of the Department."

26 **SECTION 3.** G.S. 148-22.1 reads as rewritten:

27 **"§ 148-22.1. Educational facilities and programs for selected inmates.**

28 (a) The State Department of Correction is authorized to take advantage of aid  
29 available from any source in establishing facilities and developing programs to provide  
30 inmates of the State prison system with such academic and vocational and technical  
31 education as seems most likely to facilitate the rehabilitation of these inmates and their  
32 return to free society with attitudes, knowledge, and skills that will improve their  
33 prospects of becoming law-abiding and self-supporting citizens. The State Department  
34 of Public Instruction is authorized to cooperate with the State Department of Correction  
35 in planning academic and vocational and technical education of prison system inmates,  
36 but the State Department of Public Instruction is not authorized to expend any funds in  
37 this connection.

38 (b) In expending funds that may be made available for facilities and programs to  
39 provide inmates of the State prison system with academic and vocational and technical  
40 education, the State Department of Correction shall give priority to meeting the needs of  
41 inmates who are less than 21 years of age when received in the prison system with a  
42 sentence or sentences under which they will be held for not less than six months nor  
43 more than five years before becoming eligible to be considered for a parole or  
44 unconditional release. These inmates shall be given appropriate tests to determine their

1 educational needs and aptitudes. When the necessary arrangements can be made, they  
2 shall receive such instruction as may be deemed practical and advisable for them.

3 (c) The Secretary of Correction, in consultation with the Office of State  
4 Personnel, shall set the salary supplement paid to personnel who are Division of Prisons  
5 employees that serve in youth facilities and are licensed by the State Board of  
6 Education. The salary supplement shall be at least five percent (5%)."

7 **SECTION 4.** This act becomes effective July 1, 2005.