

1997

**HOUSE
HUMAN RESOURCES**

MINUTES

MINUTES

HOUSE COMMITTEE ON HUMAN RESOURCES

March 25, 1997

11:00 a.m.

Room 643

The House Committee on Human Resources met in Room 643 of the Legislative Office Building on Tuesday, March 25, 1997. Representative Julia Howard, Co-Chair, presided at the meeting. Representative Henry Aldridge, Co-Chair, opened the meeting in prayer.

The following members were present: Representatives Aldridge, Co-Chair; Adams, Bowie, Clary, Creech, Culp, Earle, Easterling, Esposito, Hunter, Ives, McAllister, Nesbitt, Rayfield, Warwick, Watson, and Womble.

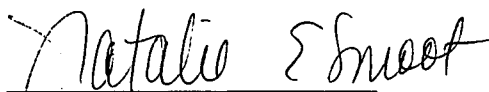
Rep. Howard recognized the page for the day: Mr. Kristian Stedje-Larsen from Union County.

Rep. Howard recognized staff member Carolyn Johnson to explain HB 73, "Reduce County Share/Payments". It is a bill that would allow the counties that are defined as "Tier 1" and "Tier 2" counties for economically disadvantaged counties to reduce their non-federal share of costs borne for medical assistance, public assistance, and social services programs. The reduction would amount to 20% in Tier 1 counties and the reduction would amount to 10% in Tier 2 counties. This is only for the 1997 and 1999 biennium.

Rep. Goodwin, the bill sponsor, defended the bill. Rep. Howard recognized Carol Shaw of Fiscal Research to explain the fiscal note

Rep. Nesbitt sent forward a technical amendment and moved for its adoption. Rep. Howard called upon Rep. Goodwin to explain the amendment to the bill. Rep. Goodwin explained the amendment. Rep. Nesbitt moved to call a question on the amendment. Voice vote on calling the question was unanimous. Rep. Howard called for a vote on amendment (I). All members voted in favor of the amendment.

Rep. Howard moved to offer an amendment (II) to be voted upon on Thursday, March 27, 1997. Rep. Hunter moved to adopt the amendment (II) for the purpose of discussion. All members voted in favor of adopting the amendment (II) for discussion. Rep. Creech requested time for evaluation of the amendment (II) proposed by Rep. Howard. Meeting was adjourned at 11:45 a.m.


Natalie Smoot, Clerk


Rep. Julia Howard, Co-Chair

Date Adopted 3-26-97

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

BILL SPONSOR: Rep. Wayne Goodwin

OFFICE: 502 LOB

DATE: March 20, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Tuesday, March 25, 1997

TIME: 11:00 a.m.

LOCATION: 643 LOB

Your bill will be discussed at this time:

HB 73 "Reduce County Share/Payments"

We would like to have you attend this meeting.

Representative Julia Howard
Representative Henry Aldridge
CoChairs

Gail Stewart
Susan Groh
Committee Clerks

(Please type or use ballpoint pen)

Amend # 2
Withdrawn
3-27

EDITION No. _____

H. B. No. _____

DATE 3/25/97

S. B. No. _____

Amendment No. _____

(to be filled in by
Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.) _____

Sen.) _____

1 moves to amend the bill on page 1, line 17

2 () WHICH CHANGES THE TITLE

3 by rewriting The line to read:

4 "Section 3. Notwithstanding G. S. 143-23.2

5 the Department of Human Resources shall

6 in fiscal years 1997-1998 and 1998-1999

7 fund the reduction in non-federal

8 payments for medical assistance

9 for Tier 1 and Tier 2 counties as

10 authorized in Section 1 of this act

11 from the Medicaid Trust Fund

12 in an amount not to exceed

13 ten million^{dollars} (\$10,000,000)."

14 and by renumbering the remaining

15 section accordingly.

16 _____

17 _____

18 _____

19 _____

SIGNED



ADOPTED _____ FAILED _____ TABLED _____

**HB 73 - TARGETED MEDICAID RELIEF FOR COUNTIES
STATEMENT TO THE HOUSE HUMAN RESOURCES
COMMITTEE AND TO THE PRESS ON MARCH 6, 1997
REP. WAYNE GOODWIN (D-RICHMOND-32ND DISTRICT)**

Good morning.

North Carolina is a wonderfully diverse place – it has the most beautiful mountains, the brightest skies, the finest beaches, and the most incredible people. However, not all of our 100 counties have the same economic conditions. Though all of the state's counties would certainly enjoy the blessings received by Wake and Mecklenburg and Guilford and New Hanover and even Moore County over the years, many counties face a downward spiral when it comes to their county budgets and what they must do with increasingly sparse dollars and expanding unfunded state mandates.

There has been talk about eliminating – or at least reducing – these unfunded state mandates. And there has been some action.

That is why I introduced House Bill 73 last month. Co-sponsored by Reps. Bonner, Hunter, Redwine, Sutton, and Yongue, and agreed with in principle by many others, this legislation is a temporary halt for those counties that are the most economically disadvantaged. As many of you recall, last year the General Assembly passed the William S. Lee Act which provided job tax credits, investment tax credits, and worker training tax credits for counties meeting certain criteria. Those criteria were (1) high unemployment rates, (2) low per capita income, and (3) population growth rate.

That legislation is greatly appreciated by all the affected counties.

But we need immediate relief now.

And we can do more. While the Lee Act and its tier system provides incentives to businesses, it does not address the county budgets that are bleeding to death from state-imposed Medicaid funding responsibilities as well as from additional related mandates.. To give you an idea, listen to

what some of our poorest counties must – I reiterate – must pay the State in 1997-98.

(in millions)	
Richmond	\$4.3
Edgecombe	\$5.7
Anson	\$3.2
Montgomery	\$1.8
Robeson	\$11.0
Scotland	\$3.3
Mitchell	\$1.0
Warren	\$1.8
Northampton	\$2.3
Ashe	\$1.9

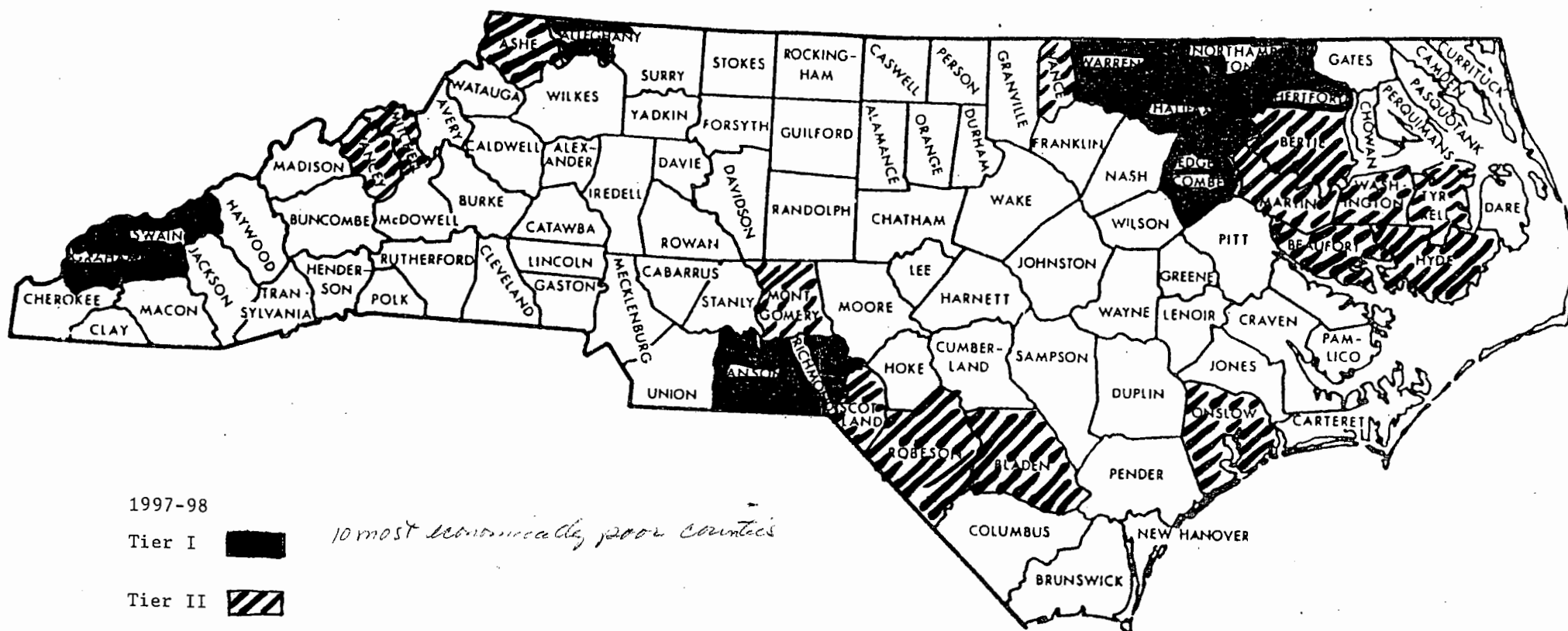
These counties typically have the largest numbers of unemployed citizens. They have above average county property tax rates. Many are strapped trying to provide resources to their citizens as it is. But yet these counties are hit with a greater or more disproportionate impact from these mandates. And as you can see, it is more than a regional dilemma: Low-wealth counties exist in each region.

This legislation – in its current form or even in a revised form – will stop the bleeding for the next two years. HB 73 will provide for a 20 percent savings in Tier One counties and a 10 percent savings in Tier Two counties. It will allow those counties to put the savings into much-needed efforts on the local level to recruit new industry, build the necessary buildings and make the additions needed to industrial parks, retrain workers dislocated by industry that has disappeared or downsized, and many other things.

This legislation will not solve the problem for good. But it is a start. As Governor Hunt, his Administration, and this General Assembly study how best to control spiralling Medicaid costs and limiting any negative impacts on our poorest counties, House Bill 73 will help in the meantime. The N.C. Association of County Commissioners, which represents all 100 counties, has endorsed this proposed legislation and its goal.

Further delay will mean an even greater injustice down the road. And it will mean greater costs to those counties and, ultimately, all the people of North Carolina, in future generations.

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Excerpts from Public Hearing on HB 73

March 24, 1997

4 p.m., Legislative Auditorium

Chairman Aldridge

"Rep. Goodwin has requested this hearing - He's the sponsor of HB 73 - He wanted all interested parties to have an opportunity to voice their concerns, whether they're for it or against it. . . ."

Mr. Charles Archer, Manager, Halifax County

"I have a challenge each year - as does the General Assembly - to prepare a balanced budget. Each year it becomes more and more difficult to do. Halifax County has not enjoyed the economic development that many counties in North Carolina have in recent years. House Bill 73, as proposed, would grant some relief to those 25 counties that have been designated as Tier 1 and Tier 2 by the Department of Commerce. These twenty-five counties are the most economically distressed in the state. We need your assistance to help us break this cycle of no-growth and poverty ... we fully support the welfare initiatives of Governor Hunt and the General Assembly; however, without some assistance we will not be able to meet our WorkFirst goals set by the state."

"Presently, Halifax County's unemployment rate is 8.3 percent. We desperately need quality jobs."

"Halifax County is presently spending \$5.5 million every year in local revenues on mandated medical assistance. This equates to 30 cents on the county's 69 cents tax rate. *If HB 73 is enacted, as proposed, six cents or \$1.12 million will become available for Halifax County. This will allow the county commissioners to invest in other much-needed services in Halifax County.* For example, prior to the passage of the statewide school bond referendum last year, there were \$7 million in school construction needs in Halifax County. We sincerely appreciate the \$25 million the school bonds will bring to Halifax County. However, \$45 million of needs still exist. Also, we need expanded county infrastructure of water/sewer/natural gas to better attract business and industry to Halifax County."

"On behalf of the Halifax County commissioners and the fine citizens of Halifax County, we strongly encourage each of the members of the General Assembly to do the right thing: Support HB 73 as proposed by Rep. Goodwin. This bill goes a long ways toward improving the long-term economic well-being of the entire State of North Carolina. . . ."

Quinton Qualls, Chairman, Halifax County Commissioners

"Good afternoon. I'm Quinton Qualls, chairman of the Halifax County Board of County Commissioners. I'm here with my fellow commissioners - Kenneth Brantley, John Hall, and Bill Pearce - and county manager Charles Archer, to show our support for HB 73 ... The passage of the William S. Lee Quality and Jobs Act [came about] when the legislature saw the need to aid the most-economically disadvantaged counties in this state. [While that Act provided help in diversifying industry], *more help could be given and more help is needed. And House Bill 73 would do just that. . . . [HB 73, when combined with the help given by the William S. Lee Act] would assist us in breaking the cycle of poverty that exists in the poorer North Carolina counties.* To illustrate how [unfunded state Medicaid mandates affect Halifax County, they represent,] ... almost one-half of the property taxes available to Halifax County. Passage of HB 73 would go a long way towards easing the burden placed on the most-economically disadvantaged counties. [Together with other programs you have put into place], HB 73 assures me that Halifax County will move out of Tier One as an economically self-sufficient county in this great state."

Jim Haynes
Manager, Richmond County

"It's interesting to hear the different remarks that come from folks that talk about the growth we experienced in North Carolina and all across the state. It's interesting to compare the growth all over the state with what we experienced in Richmond County. Last month our newspaper reported that we dropped below 10 percent unemployment for the first time in over a year. When you hear the facts and figures for the entire state you would think that kind of bad situation would never exist."

"The William S. Lee Bill has gone a long way towards giving the economically disadvantaged counties a chance to catch up – a jump start, I think was the words used in one of the earlier presentations a couple of weeks ago – I would say that HB 73 would continue that effort."

"Let me give you another example of what's going on in Richmond County: Growth in Richmond County in only one of the last eight years – This is tax-based growth in only one of the last eight years has been enough to cover the cost of the local share of Medicaid growth. So that money, that cost, that's passed on to counties by the state has only been covered one year. It's hard to believe ... it's frustrating to try and deal with budgets every year and see that facing us every year."

"The Richmond County Board of County Commissioners and Richmond County appreciate the job that the legislature has done in creating legislation that gives Tier 1 and Tier 2 counties the "jump start" in economic development. We certainly do appreciate that and we will use it to the best of our ability. *We ask that the legislature please continue the job – continue the work – and give House Bill 73 favorable approval, which would allow us to continue to catch up with the rest of the state.*"

Thad Ussery, Chairman, Richmond Co. Board of County Commissioners

"We are glad to have the opportunity to come and explain what some of us Tier 1 and Tier 2 counties are involved in – certainly Richmond County is 98th in being the most distressed county in the state. Being 98th among counties means that we have a pretty high unemployment rate and we've had a high unemployment rate the last couple of years. Our percentage of people on Medicaid in Richmond County is 20 percent of the population of the county; and when you take 20 percent of the people on Medicaid – and just Medicaid alone – this puts our unfunded mandate portion for Medicaid up to \$2.4 million. *Beginning in January 1995, the state relaxed some of the requirements for going on Medicaid and at one time that put over 4,000 people in Richmond County on Medicaid at one time. ... We just cannot keep up with this type of growth in unfunded programs.* This year alone we'll be looking at \$4.3 million for our portion of unfunded mandates. This will represent approximately 43 cents of our tax dollar, which is 97 cents this year. We have in place some infrastructure that would help us develop our county; however, we do need some help from the state – from the legislature – in order to get our tax rate in a position to try to lure some industries. We are very appreciative for what the legislature has done ... [regarding special tax breaks] ... and I think this will play a big part in bringing industry. But until we can get these mandates under control, and maybe have some control over the amount of spending, this House Bill 73 will go a long ways for Richmond County. First of all, this year alone, it would allow us to have about \$867,000 that we could apply toward the budget and do something to make economic development become more of a reality to Richmond County. And, again, we certainly appreciate anything that this legislature can do for us in these committees in getting this bill out and making it become a reality ..."

Patrice Rossler
N.C. Association of County Commissioners

"I'm here to speak on behalf of House Bill 73, although it will not help a majority of the counties, but will help a modest number of the counties with a modest amount of support for those counties that are least able to generate the revenues on their property tax levy. We would like to suggest two things that are very important: First, that the bill would have to be funded out of general fund appropriations. We cannot take from existing county appropriations to fund this bill. It must have its on stand-alone appropriation for these

twenty-five counties. The second things I would like to impress upon you is you should continue looking at the tiers that are through the formula that the Bill Lee Act has in it now for how the Tier 1 through Tier 5 counties are determined. There are counties on Tiers 3, 4 and 5 that are in serious need and it's pretty apparent as you look at those counties in those tiers that there are some flaws in the system upon which the tiers are determined. I would impress upon you the need to continue looking at how the tiers are determined and to try to keep in mind the needs of those very poor counties that fall out of the special allocations given to Tier 1 and Tier 2 counties if you pass this bill."

Dr. Al Wentzy
Director, Northampton County Social Services

"Mr. Earl Daniels, our county manager, asked me to speak on behalf of Northampton County . . . *The purpose of me speaking to you this afternoon . . . is to seek your support in providing critical assistance for Northampton County in passing HB 73* and provide you with relevant information upon which to support our request. As you are aware, the bill provides the state would absorb a greater portion of Tier 1 and Tier 2 counties share of Medicaid and public assistance and social services costs. We are grateful for the benefits derived from all the social services programs for our citizens, but face a dilemma in Northampton County where the associated program costs are escalating to the point where the county is virtually unable to meet the expected and mandatory, participatory county match. This comes at a time when we are seeing increased citizens' demand in the services and increased expectations from all government levels in the manner to which we provide these government services. In this regard, we have not been idly sitting by and simply watching the escalating costs, but have indeed taken the offensive and on our own initiative to lower or moderate costs. Two significant examples appear readily relevant . . . First, Northampton County is considered a state leader in the WorkFirst program. Through diligent work, we have been successful in reducing the welfare rolls of 22.6 percent over the past 18 month period, compared to the highest percentile of 12.2 percent exhibited by one of our neighboring counties. . . . Innovation and a desire to succeed [led us to be the only rural county out of two counties selected] to serve as a demonstration county to the federal government in proving that WorkFirst's welfare to work program can be successful in a rural environment. And, second, Northampton County was the 44th county in our state – a leader in our area – to embrace the Carolina Access program in an attempt to add managed healthcare to our qualifying Medicaid recipients with the anticipation that implementation would stall the escalation of Medicaid costs. [Since 1985-86 fiscal year to present, Medicaid costs] *escalated 94 percent*. The most expensive county program you might anticipate has been the Medicaid program for some 26 percent of our citizens enrolled. . . . *We have actually seen an 111 percent increase in our county costs for the past six years*. And we are told by the state to budget \$1.2 million this fiscal year – an increase of 25 percent from last year. Unfortunately we were only able to budget \$900,000 this year and honestly do not know how we are able to meet this mandatory, participatory rate. Our county assessment level for county property has increased from about 52 percent in 1987 to about 96 percent in 1996. In addition, our county effective tax rate is reflected as the 11th highest in the state. The reduced county payments as reflected by HB 73 would amount to \$460,624 – or 20 percent of the total anticipated social services costs to the county this year."

"With the facts presented, the criticality of this legislation on Northampton County will not be overstated: *And we therefore request your support and advocacy in facilitating HB 73 into law* and thank you for this opportunity to address this group."

Lois Ray
Director of Social Services, Montgomery County

"I'm Lois Ray from Troy, North Carolina, and I'm representing the Montgomery County Board of Commissioners, the county manager, and the Montgomery County Board of Social Services. . . . I'm also representing some 5,000+ Medicaid and social services recipients in Montgomery County. This 5,000+ represents about 21.7 percent of our county's population. *I speak to you today to encourage you to enact HB 73 . . . [T]he Medicaid program comprises 83.9 percent of our total budget [of the Social Services programs in our county.]* The county's share of this – although it is only 5.555 percent of the total cost of Medicaid – represents an enormous amount in a county as small as we are. "

"Each county has had some interesting statistics to give about economic conditions and certainly I could repeat those ... but let me just mention one factor to you that some of you may not have in your county: If you have been to Montgomery County then you will know that is one of the most beautiful counties in North Carolina. Approximately 38 percent of our land is tied up in the beautiful Uwharrie National Forest and there is no potential for economic development in that much of our county. This is a big factor. "

"We have reduced our AFDC rolls ... by about 20 percent and reduced the expenditures in that program by 27 percent. One of the things we are learning is that these people are going to work without health benefits from employers; therefore, I can't overemphasize the need for medical assistance and good medical care. A healthy population is a productive population. But *we need some relief from the escalating costs in Medicaid and we urge you to seriously consider supporting HB 73.*"

Joe Durham
Manager, Edgecombe County

"On behalf of the Edgecombe County I am here to speak on behalf of HB 73. Hobart Freeman, who is our director of social services, is also here with me. [We are bordered by Nash County and a number of Tier 1 and 2 counties to the north and east. ...] We are concerned about fiscal responsibility ... We have to fund schools, jails, general government, and also public assistance ... It is not an honor to be selected as a Tier 1 county. We do not want to be a Tier 1 county.... Our unemployment rate is 14 percent. ... We'd like to have 7 or 8 percent; that would be good. Over the last two years we have lost more than 2,000 jobs in our county. Keep in mind that we are a medium size county with a total population around 57,000 people. Unfunded federal and state mandates place a severe financial burden on the county's \$40 million budget. [From 1992 through 1996 our part of the budget dedicated to Medicaid and public assistance programs has increased by \$1.6 million - from \$4.4 million in 1992 to \$6 million in 1997.] This represents a 35 percent increase. Living in a distressed area also means that our sales tax revenues are very flat; this means we must rely primarily upon local tax revenues to balance our budget - which means that we have to increase our taxes to pay the bills. We can't pay for [these kinds of] mandated services [when paying] for jails and schools ... In terms of economic development, we are doing as much as we can. ... We spend more than \$225,000 annually on economic development and initiated an aggressive recruitment campaign to make up of the losses. ... Keep in mind, though, that we have about 3,000 fewer jobs than two years ago."

"HB 73, if passed by the General Assembly, would provide us with immediate assistance. It would be like a shot in the arm for us, along with the state's economic development package. It will move us closer to a long-term, sustained economic development. And that's what we need in Edgecombe County. We strongly urge passage of the bill."

Rep. Wayne Goodwin
32nd District (Richmond, Scotland, and Montgomery Counties)
Sponsor of HB 73

[HB 73 is certainly needed. It is an experiment but is definitely needed. I come from a county that has been devastated, not only by the loss of jobs, but also by the spiralling increase in unfunded state mandates. We are not the only county, though, affected by this double impact. ... Whereas the Bill Lee Act provides tax incentives and credits to businesses, HB 73 addresses it from the other end: the county is allowed to retain a portion of monies that would normally go toward the Medicaid and other unfunded mandate costs, which can then be used by that county directly for economic development, re-training of workers, re-education, etc.

The poorest of these counties - They are already have the worst of it all: They have wonderful people with wonderful opportunities and resources that may be developed ... But we keep tacking on 100 percent increases in Medicaid costs - It just rips away, eats away, at the opportunities that those counties have. Any incentives that are available on one end by the Bill Lee Act are stripped away on the other end ... These

counties cannot help the fact that they have so many people on Medicaid and the fact that they have so many people on public assistance. And here these unfunded state mandates are strangling them – The only thing we can do to help right now is to pass this bill.]

Jerry Ayscue
Manager, Vance County

"I bring greetings from the Vance County Board of Commissioners, and my social services director and others there in Vance County. ...*We think that HB 73 is a step in the right direction.* [The cost of local government is challenging Vance County.] Within the last six years we have had a 174 percent increase in medical assistance costs in Vance County. ... The costs to Vance County are staggering. ... Our \$1.9 million Medicaid budget is pretty large for a county of 40,000 people. ... We've seen annual increases as high as 25 percent. ... [The costs] are stifling our ability to meet the needs of our citizens and at the same time show compassion to those who are in need. We too struggle for economic development. *These programs that are increasing double-digit fashion are being supported by a tax base increasing in single digits.* [E.g., 18 percent increase in Medicaid versus 5 percent in tax base increase in a given year] ... We would appreciate your serious ... support for House Bill 73 ... We are a Tier 2 county ... *We urge your support for House Bill 73.*"

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3/25

CAPITAL OPPORTUNITIES FOR SMALL BUSINESSES

1996 DISTRESSED NC COUNTIES AND ASSOCIATED TAX CREDITS

County Ranking	County	Jobs Tax Credit (per job)	Investment Tax Credit	Minimum Investment	Worker Training Tax Credit (per job)
1	Tyrell	\$12,500	7%	\$0	Up to \$1,000
2	Swain	\$12,500	7%	\$0	Up to \$1,000
3	Northampton	\$12,500	7%	\$0	Up to \$1,000
4	Graham	\$12,500	7%	\$0	Up to \$1,000
5	Richmond	\$12,500	7%	\$0	Up to \$1,000
6	Hyde	\$12,500	7%	\$0	Up to \$1,000
7	Mitchell	\$12,500	7%	\$0	Up to \$1,000
8	Bertie	\$12,500	7%	\$0	Up to \$1,000
9	Hertford	\$12,500	7%	\$0	Up to \$1,000
10	Warren	\$12,500	7%	\$0	Up to \$1,000
11	Anson	\$4,000	7%	\$100,000	Up to \$500
12	Bladen	\$4,000	7%	\$100,000	Up to \$500
13	Washington	\$4,000	7%	\$100,000	Up to \$500
14	Halifax	\$4,000	7%	\$100,000	Up to \$500
15	Edgecombe	\$4,000	7%	\$100,000	Up to \$500
16	Montgomery	\$4,000	7%	\$100,000	Up to \$500
17	Robeson	\$4,000	7%	\$100,000	Up to \$500
18	Onslow	\$4,000	7%	\$100,000	Up to \$500
19	Yancey	\$4,000	7%	\$100,000	Up to \$500
20	Beaufort	\$4,000	7%	\$100,000	Up to \$500
20	Perquimans	\$4,000	7%	\$100,000	Up to \$500
22	Scotland	\$4,000	7%	\$100,000	Up to \$500
23	Vance	\$4,000	7%	\$100,000	Up to \$500
24	Columbus	\$4,000	7%	\$100,000	Up to \$500
25	Pamlico	\$4,000	7%	\$100,000	Up to \$500
26	Alleghany	\$3,000	7%	\$200,000	Up to \$500
27	Cherokee	\$3,000	7%	\$200,000	Up to \$500
28	Avery	\$3,000	7%	\$200,000	Up to \$500
29	McDowell	\$3,000	7%	\$200,000	Up to \$500
30	Wilson	\$3,000	7%	\$200,000	Up to \$500
31	Ashe	\$3,000	7%	\$200,000	Up to \$500
32	Chowan	\$3,000	7%	\$200,000	Up to \$500
33	Caswell	\$3,000	7%	\$200,000	Up to \$500
34	Hoke	\$3,000	7%	\$200,000	Up to \$500
35	Clay	\$3,000	7%	\$200,000	Up to \$500
36	Lenoir	\$3,000	7%	\$200,000	Up to \$500

1996 DISTRESSED NC COUNTIES AND ASSOCIATED TAX CREDITS

County Ranking	County	Jobs Tax Credit (per job)	Investment Tax Credit	Minimum Investment	Worker Training Tax Credit (per job)
37	Martin	\$3,000	7%	\$200,000	Up to \$500
38	Brunswick	\$3,000	7%	\$200,000	Up to \$500
39	Madison	\$3,000	7%	\$200,000	Up to \$500
40	Rockingham	\$3,000	7%	\$200,000	Up to \$500
41	Stanly	\$3,000	7%	\$200,000	Up to \$500
42	Jackson	\$3,000	7%	\$200,000	Up to \$500
43	Wayne	\$3,000	7%	\$200,000	Up to \$500
44	Camden	\$3,000	7%	\$200,000	Up to \$500
45	Rutherford	\$3,000	7%	\$200,000	Up to \$500
46	Haywood	\$3,000	7%	\$200,000	Up to \$500
47	Gates	\$3,000	7%	\$200,000	Up to \$500
48	Craven	\$3,000	7%	\$200,000	Up to \$500
49	Jones	\$3,000	7%	\$200,000	Up to \$500
49	Person	\$3,000	7%	\$200,000	Up to \$500
51	Cleveland	\$1,000	7%	\$500,000	Up to \$500
51	Pasquotank	\$1,000	7%	\$500,000	Up to \$500
53	Pender	\$1,000	7%	\$500,000	Up to \$500
54	Wilkes	\$1,000	7%	\$500,000	Up to \$500
55	Granville	\$1,000	7%	\$500,000	Up to \$500
56	Duplin	\$1,000	7%	\$500,000	Up to \$500
57	Carteret	\$1,000	7%	\$500,000	Up to \$500
58	Cumberland	\$1,000	7%	\$500,000	Up to \$500
59	Gaston	\$1,000	7%	\$500,000	Up to \$500
60	Harnett	\$1,000	7%	\$500,000	Up to \$500
61	Franklin	\$1,000	7%	\$500,000	Up to \$500
62	Greene	\$1,000	7%	\$500,000	Up to \$500
63	Caldwell	\$1,000	7%	\$500,000	Up to \$500
64	Macon	\$1,000	7%	\$500,000	Up to \$500
65	Sampson	\$1,000	7%	\$500,000	Up to \$500
66	Surry	\$1,000	7%	\$500,000	Up to \$500
67	Watauga	\$1,000	7%	\$500,000	Up to \$500
68	Pitt	\$1,000	7%	\$500,000	Up to \$500
69	Dare	\$1,000	7%	\$500,000	Up to \$500
70	Burke	\$1,000	7%	\$500,000	Up to \$500
71	Transylvania	\$1,000	7%	\$500,000	Up to \$500
72	Nash	\$1,000	7%	\$500,000	Up to \$500

1996 DISTRESSED NC COUNTIES AND ASSOCIATED TAX CREDITS

County Ranking	County	Jobs Tax Credit (per job)	Investment Tax Credit	Minimum Investment	Worker Training Tax Credit (per job)
73	Rowan	\$1,000	7%	\$500,000	Up to \$500
74	Alamance	\$1,000	7%	\$500,000	Up to \$500
75	Catawba	\$1,000	7%	\$500,000	Up to \$500
76	New Hanover	\$500	7%	\$1,000,000	Up to \$500
77	Alexander	\$500	7%	\$1,000,000	Up to \$500
78	Lincoln	\$500	7%	\$1,000,000	Up to \$500
79	Forsyth	\$500	7%	\$1,000,000	Up to \$500
80	Yadkin	\$500	7%	\$1,000,000	Up to \$500
81	Currituck	\$500	7%	\$1,000,000	Up to \$500
82	Stokes	\$500	7%	\$1,000,000	Up to \$500
83	Lee	\$500	7%	\$1,000,000	Up to \$500
84	Buncombe	\$500	7%	\$1,000,000	Up to \$500
85	Davidson	\$500	7%	\$1,000,000	Up to \$500
86	Randolph	\$500	7%	\$1,000,000	Up to \$500
87	Durham	\$500	7%	\$1,000,000	Up to \$500
88	Gilford	\$500	7%	\$1,000,000	Up to \$500
89	Cabarrus	\$500	7%	\$1,000,000	Up to \$500
90	Iredell	\$500	7%	\$1,000,000	Up to \$500
91	Henderson	\$500	7%	\$1,000,000	Up to \$500
92	Davie	\$500	7%	\$1,000,000	Up to \$500
93	Moore	\$500	7%	\$1,000,000	Up to \$500
94	Johnston	\$500	7%	\$1,000,000	Up to \$500
95	Union	\$500	7%	\$1,000,000	Up to \$500
96	Polk	\$500	7%	\$1,000,000	Up to \$500
97	Chatham	\$500	7%	\$1,000,000	Up to \$500
98	Mecklenburg	\$500	7%	\$1,000,000	Up to \$500
99	Orange	\$500	7%	\$1,000,000	Up to \$500
100	Wake	\$500	7%	\$1,000,000	Up to \$500



RICHMOND COUNTY BOARD OF COMMISSIONERS

125 SOUTH HANCOCK STREET • P.O. BOX 504
ROCKINGHAM, NORTH CAROLINA 28380
TELEPHONE: (910) 997-8211
FAX: (910) 997-8208

Thad Ussery
Chairman
J.C. Lamm
Vice Chairman
John B. Garner
R. Lynn McCaskill
Craig S. McNeill
Kenneth R. Robinette
J.C. Watkins

February 11, 1997

James E. Haynes
County Manager
John T. Page, Jr.
County Attorney
Roger K. Lowery
Finance Officer
Marian S. Savage
Clerk to the Board
F. Gwyn Voss
Economic Developer

Representative Wayne Goodwin
Room 1221, Legislative Building
Raleigh, N.C. 27601-1096

Dear Representative Goodwin:

I am in receipt of your correspondence concerning the legislation you plan to introduce in the North Carolina House of Representatives. The savings in our Medicaid costs would be approximately \$480,000.00 and in Richmond County, the Medicaid portion of the legislation would allow us to lower our ad valorem taxes by approximately five cents. While this is a great amount of money, it is still less than this past year's projected increase in Medicaid costs. The portion of the legislation dealing with administration costs would also assist the county; in that present administrative costs are approximately \$800,000 per year.

As you may imagine, the cost savings, if passed along in tax reductions would allow us to better attract industrial clients who as you know, are always interested in cost savings. The County could also choose to use the funds in other ways; for example the savings could fund the expansion of water and sewer service, or the construction of a shell industrial building to attract industry.

I will assist you in any way I can to assure a fair assessment of the legislation and work to develop as much support in other counties as I can.

Sincerely,

James E. Haynes
County Manager

JEH/se

GS 143-23.2

§ 143-23.2. Transfers to Department of Human Resources.

(a) Political subdivisions may appropriate funds directly to the Department of Human Resources for Medicaid programs. Other public agencies and private sources may transfer funds to the Department for Medicaid programs. The Department may accept unconditional and unrestricted donations of such funds. Notwithstanding the provisions of this Article which might forbid such transfer or donation, the University of North Carolina Hospitals at Chapel Hill may transfer funds as provided by the previous sentence of this section.

(b) Contributed funds shall be subject to the Department of Human Resources administrative control and allocated as provided in the current operations appropriations act, except such contributions shall not reduce State general revenue funding. At the end of any fiscal year, the unobligated balance of any such funds shall not revert to the General Fund, but shall be reappropriated for these purposes in the next fiscal year. (1987, c. 861, s. 1; 1989, c. 141, s. 18, c. 361.)



RICHMOND COUNTY BOARD OF COMMISSIONERS

125 SOUTH HANCOCK STREET • P.O. BOX 504
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 Roger K. Lowery
 Finance Officer
 Marian S. Savage
 Clerk to the Board
 F. Gwyn Voss
 Economic Developer

RESOLUTION

WHEREAS, Richmond County, in the ranking made by the Department of Commerce, was designated a Tier 1 County in 1996 and 1997; and

WHEREAS, the continual increase in unfunded mandates places an increasingly severe financial burden on Richmond County and its taxpayers; and

WHEREAS, in Fiscal Year 1996-97, Richmond County appropriated approximately 4.2 million dollars as the local share of Medicaid and public assistance mandates, which represents almost 42 cent of the County's 97 cent tax rate; and

WHEREAS, the fiscal burden placed upon the citizens of Richmond County by mandates has resulted in severely limiting county government and its efforts and ability to provide other necessary service needs for the citizens of the County; and

WHEREAS, an increasing Ad Valorem tax rate has been cited as one of the primary obstacles faced by Tier 1 Counties in recruiting and retaining industry; thereby perpetuating a downward spiral of poverty and an increasing burden on public assistance programs.

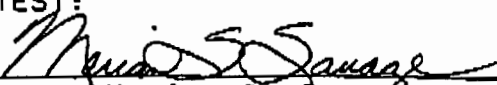
NOW, THEREFORE, BE IT RESOLVED, that the Richmond County Board of Commissioners hereby expresses its support for House Bill 73, which provides that the State would pay a greater portion of the non-federal share of Medicaid, public assistance, and Social Services costs in counties categorized as Tier 1 and Tier 2.

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be transmitted to the Office of the Governor, and to appropriate officials and members of the North Carolina General Assembly.

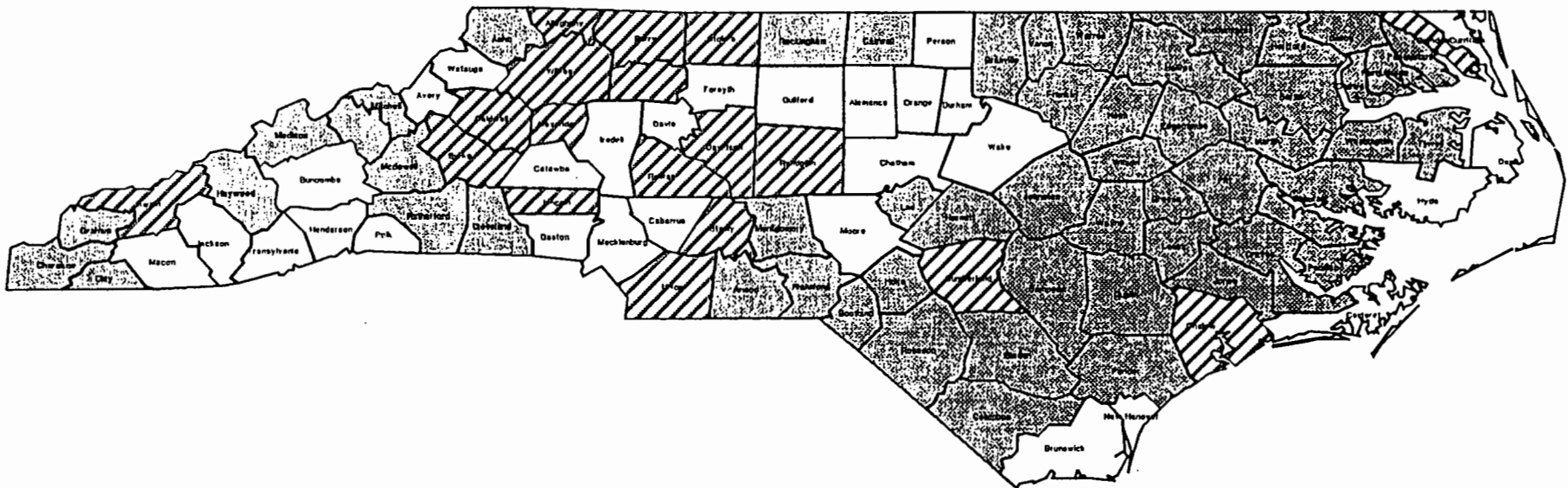
Adopted this the 10th day of March 1997.


 Thad Ussery, Chairman
 Richmond County Board of Commissioners

TEST:


 Marian S. Savage
 Clerk to the Board

LOW-WEALTH COUNTIES: FY1994-95 PER CAPITA PUBLIC ASSISTANCE COSTS



COUNTY ELIGIBILITY	
	Low Wealth Counties < Average
	Low Wealth Counties > Average
	All Other Counties

3-25

MAR-20-97 THU 10:15 AM ALLEGHANY CHAMBER

FAX NO. 9103728251

P. 1

ALLEGHANY COUNTY CHAMBER OF COMMERCE

P.O. Box 1237 • Sparta, N.C. 28675 • (910) 372-5473 • FAX (910) 372-8251

RESOLUTION

WHEREAS, Alleghany County has been designated a Tier 1 County in 1997 by the North Carolina Department of Commerce; and

WHEREAS, Alleghany County and its taxpayers are burdened by the increase of unfunded mandates passed on by federal and state governments; and

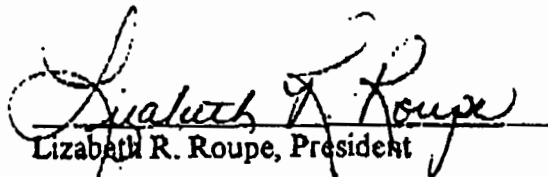
WHEREAS, the local share of Medicaid and public assistance mandates represents approximately 20% of the total County budget; and

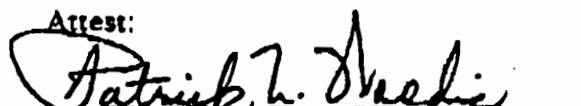
WHEREAS, the ability of county government to provide other necessary services is limited due to the fiscal burden resulting from these mandates; and

WHEREAS, the result of these mandates puts pressure on increasing the ad valorem tax rate which creates yet another obstacle for Tier 1 counties in creating and retaining jobs, resulting in increased demands on social services.

NOW, THEREFORE, BE IT RESOLVED, that the Alleghany County Chamber of Commerce hereby expresses support for House Bill 73, which would provide relief of unfunded mandates on counties categorized as Tier 1 or Tier 2.

Adopted this the 19th day of March, 1997.


Elizabeth R. Roupe, President

Attest:

Patrick N. Woodie, Executive Director

11:10

3/25 Rep Aldridge - prayer

Carolyn Gene explanation

Gardner: conflict

Rep Goodwin - bill sponsor

Moved adopt of Amend I

Nesbitt - call ? on amend

Unanimous fav of call ?

Unanimous fav for amend I

Rep Howard presented amendment II

Rep Hentze moved adopt for purpose of disc.

Unanimous

11:45

Adj.

Carolyn Johnson, staff, explained the bill.

Rep. Goodwin, bill sponsor, defended the bill

Carole Shaw, Fiscal Research, explained
the fiscal note
at the request of the chair.

Rep. Goodwin, bill sponsor, explained the
~~proposed~~ amendment.

Rep. Nesbitt moves to ^{call question on amendment} ~~amend~~ the amendment.
- ~~unanimous~~ for call?
→ ^{vote} aye all in favor of the amendment
as introduced.

Rep. Howard ^{moved} ~~would like~~ to offer an
amendment to be voted upon on
Thursday, March 27.

Carolyn Johnson, staff, explained the amendment
proposed by Rep. Howard.

Rep. ~~Howard~~ Hunter moved to adopt the
amendment proposed by Rep. Howard for disa.
Unanimous aye vote for discussion.

Rep. Creech res. time for evaluation of ^{amendment} proposed
by Howard.

1145A Adjournment

BILL ACTION WORKSHEET FOR COMMITTEE MEETINGS

Bill	<u>73</u>	Sponsor	<u>Goodwin</u>
Favorable	<u>passed</u>	Motion by	
Unfavorable		Motion by	
Amended		Motion by	
Comm. Sub.	<u>✓</u>	Motion by	<u>Howard</u> ^{withdrew orig} _{offered}
Original Bill			<u>Subs. to accept it for discussion</u>
Re-referred		Motion by	
Other Action			

Bill	<u>73 Committee Sub</u>	Sponsor	<u>Goodwin</u>
Favorable		Motion by	
Unfavorable		Motion by	
Amended	<u>to exclude admin costs</u>	Motion by	<u>Rep Gardner</u>
Comm. Sub.		Motion by	
Original Bill			
Re-referred		Motion by	
Other Action	<u>amendment (II)</u>		

Bill	<u>327</u>	Sponsor	<u>Mitchell</u>
Favorable	<u>passed - unanimous</u>	Motion by	<u>Rep Watson</u>
Unfavorable		Motion by	
Amended		Motion by	
Comm. Sub.		Motion by	
Original Bill			
Re-referred		Motion by	
Other Action			

Bill		Sponsor	
Favorable		Motion by	
Unfavorable		Motion by	
Amended		Motion by	
Comm. Sub.		Motion by	
Original Bill			
Re-referred		Motion by	
Other Action			

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE**

REVISED

You are hereby notified that the Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: **Thursday, March 27, 1997**

TIME: **11:00 AM**

LOCATION: **Room 643-LOB**

The following bills will be considered (Bill # & Short Title):

HB 73 - "Reduce County Share/Payments", Rep. Goodwin, Sponsor

HB 327 - "Area Mental Health Bd./Appt.", Rep. Mitchell, Sponsor

Respectfully,

Representative Aldridge, Rep. Howard
Chairman

I hereby certify this notice was filed by the committee clerk at the following offices at
10:40 a.m. on Wednesday, March 26, 1997.

____Principal Clerk
____Reading Clerk - House Chamber

Natalie E. Smoot (Committee Clerk)

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE**

You are hereby notified that the Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: **Thursday, March 27, 1997**

TIME: **11:00 AM**

LOCATION: **Room 643-LOB**

The following bills will be considered (Bill # & Short Title):

HB 73 - "Reduce County Share/Payments", Rep. Goodwin, Sponsor

HB 213 - "Control of Co. Bds./Human Services", Rep. Nichols, Sponsor

HB 327 - "Area Mental Health Bd./Appt.", Rep. Mitchell, Sponsor

Respectfully,

Representative Aldridge, Rep. Howard
Chairman

I hereby certify this notice was filed by the committee clerk at the following offices at
1:00 PM on Tuesday, March 25, 1997.

____Principal Clerk
____Reading Clerk - House Chamber

Susan B. Groh (Committee Clerk)

AGENDA

House Standing Committee
on
HUMAN RESOURCES

Thursday, March 27, 1997



Rep. Henry Aldridge - Opening Prayer

Greetings: Rep. Henry Aldridge, Presiding Chair

Introduction of Pages

Presentation of HB 73 - "Reduce County Share Payments"
Representative Goodwin, Sponsor

Vote

Presentation of HB 327 - "Area Mental Health Bd./Appt."
Representative Mitchell, Sponsor

Vote

Announcements

Adjournment

MINUTES

HOUSE COMMITTEE ON HUMAN RESOURCES

March 27, 1997

11:00 a.m.

Room 643

The House Committee on Human Resources met in Room 643 of the Legislative Office Building on Thursday, March 27, 1997. Representative Henry Aldridge, Co-Chair, presided at the meeting and opened the meeting in prayer.

The following members were present: Representatives Howard, Co-Chair; Ramsey, Adams, Bowie, Clary, Culp, Cunningham, Earle, Esposito, Gardner, Hunter, Insko, Ives, Nesbitt, Warwick, Watson, Wilson, G. and Womble.

Rep. Aldridge recognized the page for the day: Mr. Matthew Wiley from Wake County.

Rep. Howard withdrew her amendment from the Tuesday meeting for HB73 , "Reduce County Share/Payments", and made a motion that Committee Substitute HB 73 PCS-1192 be brought to the floor for discussion. The vote was unanimous in favor of discussion.

Rep. Aldridge called on Rep. Goodwin, the bill sponsor, to explain the Committee Substitute Bill. Rep. Aldridge then called on staff member Linda Attarian to clarify the Substitute with regards to administrative costs.

Rep. Gardner moved to amend the Substitute to exclude administrative costs. Rep. Howard explained the requested change. Rep. Aldridge temporarily displaced the Substitute and amendment for discussion later in the meeting.

Rep. Aldridge called on staff member John Young to explain HB 327, "Area Mental Health Bd./Appt.". Rep. Aldridge then called on Rep. Mitchell, the bill sponsor, to explain the reasons for the bill. Rep. Watson voiced support for the bill and moved for a favorable report. The vote was unanimously in favor of the bill.

Rep. Aldridge called on Rep. Goodwin to open the discussion on the Committee Substitute for HB 73 with the amendment. Rep. Nesbitt moved to present the amendment (I) for discussion. Rep. Aldridge called on Linda Attarian to explain the amendment. Rep. Gardner moved to accept the amendment. The amendment was unanimously voted in.

Rep. Watson moved to add another amendment (II) to include "Tier 4" counties in the Committee Substitute and fix a minor grammatical error. Rep. Watson then moved to discuss this amendment (II). Rep. Aldridge moved to vote on the amendment (II). A Roll Call vote was called and showed 10 in favor and 8 opposed to this amendment (II).

Rep. Ramsey moved to amend (III) the Committee Substitute Bill to include "Tier 3" counties.

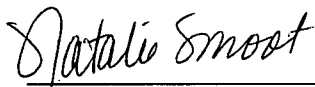
Rep. Nesbitt moved to amend (IV) the Committee Substitute Bill to include "Tier 5" counties.

Rep. Aldridge opened the floor for discussion on amendments (III and IV) to the Substitute.

Rep. Cunningham moved to adjourn the meeting. The motion was not accepted by the chair.

Rep. Hunter moved to postpone HB 73 Committee Substitute (HB73 PCS-1192) and amendments III and IV until the next committee meeting and adjourn.

Meeting adjourned at 11:58.



Natalie Smoot, Clerk



Rep. M.W. (Henry) Aldridge,
Co-Chair

Date Adopted 4-1-97

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

BILL SPONSOR: Rep. Goodwin

OFFICE: Room 502-LOB

DATE: March 25, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Thursday, March 27, 1997

TIME: 11:00 AM

LOCATION: Room 643-LOB

Your Bill (or Bills) will be discussed at this time:
HB 73 - "Reduce County Share/Payments"

We would like to have you attend this meeting.

Representative Aldridge & Rep. Howard
Chairman

Susan B. Groh (Committee Clerk)



Withdrawn

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 73

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of ____

H73-ARM-02.2

Date _____, 1997

Comm. Sub. []
Amends Title []
First

Representative Howard

1 moves to amend the bill on page 1, lines 16-17,
2 by adding between the lines a new section to read:
3 "Section 3. Notwithstanding G.S. 143-23.2, the Department of
4 Human Resources shall in fiscal years 1997-1998 and 1998-1999 fund
5 the reduction in non-federal payments for medical assistance from
6 Tier 1 and Tier 2 counties as authorized in Section 1 of this Act
7 from the Medicaid Trust Fund in an amount not to exceed ten million
8 dollars (\$10,000,000)";
9 and by renumbering the remaining section accordingly.
10

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____



North Carolina General Assembly Legislative Services Office

George R. Hall, Legislative Services Officer
(919) 733-7044

W. Robinson, Director
Administrative Division
Room 5, Legislative Building
16 W. Jones Street
Raleigh, NC 27603-5925
(919) 733-7500

Gerry F. Cohen, Director
Bill Drafting Division
Suite 401, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6660

Thomas L. Covington, Director
Fiscal Research Division
Suite 619, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-4910

Donald W. Fulford, Director
Information Systems Division
Suite 400, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6834

Terrence D. Sullivan, Director
Research Division
Suite 545, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-2578

March 27, 1997

MEMORANDUM

TO: House Human Resources Committee

FROM: Linda Attarian, Committee Counsel

RE: **Proposed Amendment to House Bill 73 - Rep. Howard**

The proposed amendment requires that the Medicaid Trust Fund to be the source of the necessary funding to implement House Bill 73, up to ten million dollars (\$10,000,000.).

G.S. 143-23(a) of the Executive Budget Act (see statute text below) allows public and private hospitals to transfer a portion of federal revenues to the Department of Human Resources for the Medicaid program. The Medicaid Trust Fund has been established to receive these funds. Under the law, the Medicaid Trust Fund can only be used to benefit the Medicaid program and cannot be used to reduce state general fund revenues.

The source of the federal revenues is supplemental payments made to states to help cover the costs of hospitals which have a disproportionate share of patients with little or no insurance. These are called DSH payments (Disproportionate Share Hospital). North Carolina receives the federal dollars by making payments to the five state hospitals for uninsured care by using State Medicaid dollars to pay for the non-federal match. The federal match to these payments are deposited as non-tax revenue.

§ 143-23.2. Transfers to Department of Human Resources.

(a) Political subdivisions may appropriate funds directly to the Department of Human Resources for Medicaid programs. Other public agencies and private sources may transfer funds to the Department for Medicaid programs. The Department may accept unconditional and unrestricted donations of such funds. Notwithstanding the provisions of this Article which might forbid such transfer or donation, the University of North Carolina Hospitals at Chapel Hill may transfer funds as provided by the previous sentence of this section.

(b) Contributed funds shall be subject to the Department of Human Resources administrative control and allocated as provided in the current operations appropriations act, except such contributions shall not reduce State general revenue funding. At the end of any fiscal year, the unobligated balance of any such funds shall not revert to the General Fund, but shall be reappropriated for these purposes in the next fiscal year.

1997, Counties by Tier

Tier 1	110%	Tier 2	110%	Tier 3	110%	Tier 4	110%	Tier 5	110%
SWAIN	308	HYDE	265	COLUMBUS	445	PERSON	453	CATAWBA	479
RICHMOND	387	BERTIE	339	MCDOWELL	430	JONES	352	DAVIE	432
GRAHAM	352	TYRRELL	273	CHEROKEE	366	CRAVEN	429	YADKIN	428
NORTHAMPTON	392	MITCHELL	405	PERQUIMANS	277	GATES	337	ALAMANCE	460
HALIFAX	400	WASHINGTON	329	RUTHERFORD	443	GRANVILLE	457	DAVIDSON	461
WARREN	336	ROBESON	394	CLAY	337	CALDWELL	417	LEE	464
EDGECOMBE	445	MONTGOMERY	382	MADISON	385	SURRY	395	STOKES	405
ALLEGHANY	346	ASHE	364	PAMLICO	300	CUMBERLAND	433	CURRITUCK	323
ANSON	415	BEAUFORT	424	STANLY	432	PENDER	337	RANDOLPH	427
HERTFORD	370	VANCE	403	CASWELL	381	DUPLIN	390	FORSYTH	586
		SCOTLAND	478	WILSON	461	SAMPSON	404	BUNCOMBE	476
		MARTIN	507	AVERY	344	HARNETT	397	DURHAM	725
		ONSLOW	320	JACKSON	357	BURKE	435	NEW HANOVER	472
		BLADEN	379	CHOWAN	400	GREENE	337	GUILFORD	555
		YANCEY	375	LENOIR	440	CARTERET	319	IREDELL	481
				WAYNE	408	FRANKLIN	433	MOORE	439
				CLEVELAND	480	WATAUGA	364	CABARRUS	490
				HOKE	391	NASH	486	HENDERSON	489
				PASQUOTANK	367	MACON	377	UNION	476
				BRUNSWICK	463	LINCOLN	454	JOHNSTON	413
				WILKES	422	TRANSYLVANIA	517	POLK	378
				GASTON	491	DARE	328	CHATHAM	445
				ROCKINGHAM	470	ROWAN	482	MECKLENBURG	655
				CAMDEN	328	PITT	437	ORANGE	464
				HAYWOOD	468	ALEXANDER	417	WAKE	544

3/27

County Estimates

County Name	1997-98 Medical	1997-98 Public Assistance	1997-98 Social Services	1997-98 Program Administration	Total 1997-98
	Assistance	Programs	Programs		Payments
Alamance	\$3,165,916	\$1,489,328	\$336,785	\$1,227,719	\$6,219,748
Alexander	765,999	332,762	16,022	276,544	1,391,327
Alleghany	397,468	131,206	39,888	189,754	758,316
Anson	1,399,661	351,790	70,077	386,605	2,208,133
Ashe	1,105,237	299,905	70,592	381,201	1,856,935
Avery	744,555	167,102	28,770	181,365	1,121,792
Beaufort	2,065,894	593,188	209,126	780,068	3,648,276
Bertie	1,259,472	364,246	76,892	512,338	2,212,948
Bladen	1,710,972	577,327	175,653	703,812	3,167,764
Brunswick	2,077,773	755,460	164,713	764,147	3,762,093
Buncombe	6,499,089	2,943,963	763,382	3,213,151	13,419,585
Burke	2,829,153	1,041,275	252,435	972,342	5,095,205
Cabarrus	2,947,317	1,245,417	413,670	1,373,407	5,979,811
Caldwell	2,410,732	976,687	179,125	740,641	4,307,185
Camden	198,876	67,465	15,372	165,720	447,433
Carteret	1,743,761	550,554	94,060	645,642	3,034,017
Caswell	844,712	354,654	51,174	337,075	1,587,615
Catawba	3,191,691	1,618,383	368,409	1,467,082	6,645,565
Chatham	1,108,889	518,099	145,041	380,702	2,152,731
Cherokee	1,094,435	323,835	85,543	408,323	1,912,136
Chowan	767,284	282,971	44,101	300,754	1,395,110
Clay	344,210	83,885	15,996	94,199	538,290
Cleveland	3,174,898	1,542,345	470,839	1,652,880	6,840,962
Columbus	3,026,279	904,793	233,011	1,212,952	5,377,035
Craven	2,827,193	1,096,252	212,225	1,454,441	5,590,111
Cumberland	7,071,128	4,350,989	757,412	4,310,202	16,489,731
Currituck	376,609	145,033	21,311	258,181	801,134
Dare	608,805	164,922	35,656	363,605	1,172,988
Davidson	3,422,152	1,599,499	181,421	998,341	6,201,413
Davie	796,443	263,600	88,935	317,957	1,466,935
Duplin	1,902,320	784,800	148,380	1,017,423	3,852,923
Durham	5,951,025	3,802,684	1,021,019	3,831,308	14,606,036
Edgecombe	2,837,280	1,153,758	216,522	1,487,619	5,695,179
Forsyth	7,488,710	4,048,294	894,523	3,806,271	16,237,798

County Estimates

County Name	1997-98 Medical	1997-98 Public	1997-98 Social	1997-98	Total 1997-98
	Assistance	Assistance Programs	Services Programs	Program Administration	
Franklin	1,690,441	685,160	96,107	758,411	3,230,119
Gaston	6,105,360	3,297,783	777,297	2,388,511	12,568,951
Gates	431,533	120,986	29,675	173,423	755,617
Graham	450,991	107,470	22,989	142,025	723,475
Granville	1,281,340	615,103	137,534	551,794	2,585,771
Greene	760,140	234,410	54,811	324,227	1,373,588
Guilford	10,516,034	4,857,179	1,609,134	5,737,145	22,719,492
Halifax	2,994,461	1,212,664	7,660	1,411,783	5,626,568
Harnett	2,727,481	1,256,294	179,958	1,366,754	5,530,487
Haywood	1,821,452	773,007	207,482	801,206	3,603,147
Henderson	2,424,677	993,501	232,525	981,156	4,631,859
Hertford	1,407,215	493,204	85,484	521,841	2,507,744
Hoke	1,085,371	486,691	72,267	446,863	2,091,192
Hyde	306,449	90,222	21,269	150,408	568,348
Iredell	2,748,576	1,406,495	311,137	1,242,615	5,708,823
Jackson	1,021,608	282,659	72,218	507,834	1,884,319
Johnston	3,404,112	1,482,101	264,175	1,543,099	6,693,487
Jones	463,607	135,899	28,663	226,749	854,918
Lee	1,465,075	693,969	162,782	843,589	3,165,415
Lenoir	2,872,489	1,136,051	227,381	1,088,592	5,324,513
Lincoln	1,543,776	665,905	129,542	494,544	2,833,767
Macon	939,841	228,057	46,502	383,787	1,598,187
Madison	786,784	288,570	54,589	281,952	1,411,895
Martin	1,246,558	402,541	117,445	558,743	2,325,287
McDowell	1,230,331	529,049	127,991	499,801	2,387,172
Mecklenburg	13,958,478	7,796,890	912,032	9,213,659	31,881,059
Mitchell	623,128	113,379	44,750	210,386	991,643
Montgomery	1,066,170	318,383	75,263	387,285	1,847,101
Moore	2,010,641	844,428	211,069	790,848	3,856,986
Nash	2,920,470	1,176,305	291,667	1,345,157	5,733,599
New Hanover	4,587,507	2,174,507	396,844	2,837,219	9,996,077
Northampton	1,266,764	442,241	86,992	507,124	2,303,121
Onslow	2,852,728	1,484,679	361,700	1,119,723	5,818,830
Orange	1,886,024	808,267	331,978	1,137,360	4,163,629

County Estimates

County Name	1997-98 Medical	1997-98 Public	1997-98 Social	1997-98	Total 1997-98
	Assistance	Assistance Programs	Services Programs	Program Administration	
Pamlico	509,124	143,239	28,398	269,341	950,102
Pasquotank	1,361,132	541,030	80,128	592,009	2,574,299
Pender	1,435,560	427,164	64,978	629,261	2,556,963
Perquimans	438,531	178,288	26,043	273,163	916,025
Person	1,292,801	461,186	131,477	610,076	2,495,540
Pitt	4,775,443	1,700,657	471,484	1,855,690	8,803,274
Polk	540,776	163,389	45,813	181,621	931,599
Randolph	3,103,376	1,239,497	155,300	934,591	5,432,764
Richmond	2,538,700	870,164	169,559	759,136	4,337,559
Robeson	6,355,169	2,116,212	372,510	2,178,451	11,022,342
Rockingham	3,322,654	1,152,957	246,302	1,433,588	6,155,501
Rowan	3,417,140	1,613,213	392,294	1,250,268	6,672,915
Rutherford	2,158,679	1,273,080	171,749	769,985	4,373,493
Sampson	2,368,400	754,628	240,026	966,758	4,329,812
Scotland	1,884,292	681,767	130,138	641,710	3,337,907
Stanly	1,781,923	540,884	107,490	536,677	2,966,974
Stokes	1,122,748	451,311	115,703	441,116	2,130,878
Surry	2,244,846	897,584	187,694	845,146	4,175,270
Swain	639,663	117,015	30,873	211,083	998,634
Transylvania	916,568	408,529	106,304	373,300	1,804,701
Tyrrell	223,651	68,386	18,617	135,522	446,176
Union	2,336,935	1,085,149	175,095	1,579,824	5,177,003
Vance	2,148,043	914,779	102,880	784,952	3,950,654
Wake	8,882,875	4,933,282	1,073,244	5,644,641	20,534,042
Warren	963,328	345,882	67,488	423,875	1,800,573
Washington	630,308	192,799	47,938	379,551	1,250,596
Watauga	883,228	277,993	61,389	415,141	1,637,751
Wayne	3,880,729	1,684,774	408,431	1,431,235	7,405,169
Wilkes	2,406,074	820,360	123,153	584,404	3,933,991
Wilson	2,913,179	1,313,750	335,864	1,794,981	6,357,774
Yadkin	925,893	375,245	52,161	477,300	1,830,599
Yancey	<u>658,629</u>	<u>171,376</u>	<u>32,571</u>	<u>274,423</u>	<u>1,136,999</u>
Total	\$230,113,947	\$100,476,089	\$21,460,086	\$106,868,203	\$458,918,325

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**NC ASSOCIATION OF COUNTY COMMISSIONERS
RANKING OF COUNTIES BY ACTUAL TAX RATES**

County	Nominal Tax Rate	Rank	Effective Tax Rate	School Current Exp./ Avg. Daily Membership	Rank
Tyrrell	\$1.0300	1	\$0.6941	\$717	51
Orange	\$0.9975	2	\$0.8238	\$1,760	2
Richmond	\$0.9700	3	\$0.7275	\$519	85
Hertford	\$0.9600	4	\$0.8305	\$679	58
Durham	\$0.9597	5	\$0.8327	\$1,926	1
Scotland	\$0.9500	6	\$0.9500	\$939	20
Hoke	\$0.9400	7	\$0.7754	\$346	99
Washington	\$0.9200	8	\$0.7174	\$472	93
Franklin	\$0.9000	9	\$0.7404	\$647	63
Hyde	\$0.8900	10	\$0.7472	\$1,205	11
Edgecombe	\$0.8800	11	\$0.8213	\$627	68
Gates	\$0.8800	12	\$0.7542	\$816	36
Warren	\$0.8800	13	\$0.8392	\$523	84
Gaston	\$0.8410	14	\$0.7308	\$760	41
Jones	\$0.8400	15	\$0.7075	\$453	95
Anson	\$0.8350	16	\$0.7157	\$608	75
Greene	\$0.8350	17	\$0.5974	\$563	79
Robeson	\$0.8100	18	\$0.8100	\$475	92
Vance	\$0.8000	19	\$0.7200	\$725	48
Columbus	\$0.7800	20	\$0.5265	\$547	81
Perquimans	\$0.7800	21	\$0.7281	\$609	74
Duplin	\$0.7750	22	\$0.6377	\$476	91
Chowan	\$0.7700	23	\$0.6557	\$826	35
Martin	\$0.7700	24	\$0.7050	\$895	25
Pasquotank	\$0.7700	25	\$0.6160	\$672	60
Wilson	\$0.7700	26	\$0.6845	\$877	28
Bertie	\$0.7600	27	\$0.7456	\$424	96
Northampton	\$0.7600	28	\$0.7323	\$623	70
Camden	\$0.7500	29	\$0.6284	\$662	61
Cumberland	\$0.7500	30	\$0.7500	\$727	46
Lenoir	\$0.7500	31	\$0.6075	\$726	47
Chatham	\$0.7400	32	\$0.6600	\$1,146	13
Johnston	\$0.7400	33	\$0.6712	\$706	55
Bladen	\$0.7375	34	\$0.5695	\$707	54
Buncombe	\$0.7300	35	\$0.6379	\$1,004	16

**NC ASSOCIATION OF COUNTY COMMISSIONERS
RANKING OF COUNTIES BY ACTUAL TAX RATES**

County	Nominal Tax Rate	Rank	Effective Tax Rate	School Current Exp./ Avg. Daily Membership	Rank
Mecklenburg	\$0.7300	36	\$0.6486	\$1,525	6
Forsyth	\$0.7264	37	\$0.6312	\$1,584	3
Granville	\$0.7200	38	\$0.5627	\$748	43
Caswell	\$0.7050	39	\$0.6858	\$501	89
Harnett	\$0.7000	40	\$0.5933	\$398	97
Pamlico	\$0.6943	41	\$0.6906	\$552	80
Halifax	\$0.6900	42	\$0.5382	\$502	88
Brunswick	\$0.6850	43	\$0.6116	\$1,309	8
Lee	\$0.6800	44	\$0.6278	\$782	38
Yadkin	\$0.6800	45	\$0.5622	\$631	66
Montgomery	\$0.6700	46	\$0.6687	\$587	76
Sampson	\$0.6700	47	\$0.6070	\$540	82
Stanly	\$0.6675	48	\$0.5710	\$651	62
Pitt	\$0.6600	49	\$0.6466	\$786	37
Union	\$0.6600	50	\$0.5423	\$567	78
Guilford	\$0.6572	51	\$0.6572	\$1,532	5
Currituck	\$0.6500	52	\$0.5871	\$1,410	7
Madison	\$0.6500	53	\$0.5550	\$618	71
Person	\$0.6500	54	\$0.5980	\$879	27
Wayne	\$0.6500	55	\$0.5844	\$624	69
Caldwell	\$0.6490	56	\$0.4524	\$770	40
New Hanover	\$0.6450	57	\$0.5306	\$1,264	9
Onslow	\$0.6440	58	\$0.5759	\$511	86
Rockingham	\$0.6400	59	\$0.5709	\$746	44
McDowell	\$0.6375	60	\$0.5603	\$672	59
Rowan	\$0.6375	61	\$0.6183	\$866	29
Wake	\$0.6300	62	\$0.5043	\$1,220	10
Wilkes	\$0.6300	63	\$0.4864	\$717	52
Cleveland	\$0.6200	64	\$0.5808	\$494	90
Lincoln	\$0.6150	65	\$0.6055	\$615	72
Cabarrus	\$0.6100	66	\$0.6009	\$724	49
Haywood	\$0.6100	67	\$0.6100	\$1,007	15
Nash	\$0.6100	68	\$0.5357	\$880	26
Pender	\$0.6100	69	\$0.5540	\$717	50
Beaufort	\$0.6000	70	\$0.5700	\$829	34

**NC ASSOCIATION OF COUNTY COMMISSIONERS
RANKING OF COUNTIES BY ACTUAL TAX RATES**

County	Nominal Tax Rate	Rank	Effective Tax Rate	School Current Exp./ Avg. Daily Membership	Rank
Davie	\$0.6000	71	\$0.5837	\$904	23
Graham	\$0.6000	72	\$0.5512	\$578	77
Burke	\$0.5900	73	\$0.4930	\$715	53
Craven	\$0.5850	74	\$0.5360	\$644	64
Alleghany	\$0.5800	75	\$0.3753	\$695	57
Ashe	\$0.5800	76	\$0.4453	\$644	65
Avery	\$0.5800	77	\$0.4761	\$972	18
Stokes	\$0.5700	78	\$0.5273	\$859	31
Swain	\$0.5700	79	\$0.4127	\$302	100
Rutherford	\$0.5500	80	\$0.5123	\$727	45
Transylvania	\$0.5410	81	\$0.5195	\$996	17
Davidson	\$0.5400	82	\$0.4048	\$700	56
Mitchell	\$0.5400	83	\$0.5030	\$540	83
Alamance	\$0.5300	84	\$0.4456	\$897	24
Alexander	\$0.5300	85	\$0.4677	\$610	73
Jackson	\$0.5300	86	\$0.4441	\$770	39
Catawba	\$0.5200	87	\$0.4140	\$909	22
Surry	\$0.5200	88	\$0.4707	\$749	42
Henderson	\$0.5150	89	\$0.4628	\$854	32
Carteret	\$0.5050	90	\$0.3782	\$1,017	14
Yancey	\$0.5000	91	\$0.4066	\$628	67
Macon	\$0.4950	92	\$0.4351	\$833	33
Polk	\$0.4933	93	\$0.4440	\$1,181	12
Cherokee	\$0.4700	94	\$0.4628	\$503	87
Randolph	\$0.4650	95	\$0.3972	\$468	94
Iredell	\$0.4500	96	\$0.4363	\$864	30
Moore	\$0.4500	97	\$0.4327	\$952	19
Watauga	\$0.4350	98	\$0.4024	\$932	21
Clay	\$0.4300	99	\$0.3948	\$381	98
Dare	\$0.4000	100	\$0.4000	\$1,559	4
Total	\$0.6700		\$0.5894	\$944	
Average	\$0.6790		\$0.5925	\$785	
Minimum	\$0.4000		\$0.3753	\$302	
Maximum	\$1.0300		\$0.9500	\$1,926	

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**NORTH CAROLINA ASSOCIATION OF COUNTY COMMISSIONERS
NCACC 1996-97 BUDGET TAX SURVEY**

County	1996-97 Budgeted Gen. Revenue	1995-96 Budgeted Gen. Revenue	Estimated Local Rev.	Property Tax Revenues	Fuel & L. Approp.	Local Rev. to Total	Property Tax to Total	Sales/ Assess. Ratio	1996-97 Assessed Valuation	1995-96 Assessed Valuation
Alamance	\$60,235,182	\$58,789,922	\$49,821,844	\$27,551,642	\$1,805,945	82.7%	45.7%	0.8408	\$5,336,642,000	\$5,184,500,000
Alexander	\$14,295,000	\$13,725,788	\$11,442,783	\$5,858,078	\$0	80.0%	41.0%	0.8824	\$1,150,000,000	\$1,108,000,000
Allegheny	\$7,430,049	\$8,816,631	\$6,085,080	\$3,678,683	\$100,000	68.4%	45.1%	0.8471	\$838,631,000	\$589,214,185
Anson	\$20,305,316	\$22,112,652	\$9,720,541	\$8,877,500	\$1,000,000	47.8%	32.8%	0.8571	\$834,249,944	\$711,533,289
Ashe	\$12,170,069	\$12,713,431	\$10,438,600	\$5,507,100	\$1,513,220	85.8%	45.3%	0.7877	\$1,010,000,000	\$895,000,000
Avery		\$11,530,844						0.8208		\$1,200,000,000
Beaufort	\$31,826,894	\$30,970,114	\$25,487,234	\$12,710,108	\$1,800,000	80.0%	39.8%	0.9508	\$2,230,000,000	\$2,128,315,800
Bertie		\$9,162,758						0.9811		\$580,027,893
Bladen	\$20,110,828	\$18,288,578	\$14,858,274	\$9,097,800	\$1,317,881	73.8%	45.2%	0.7722	\$1,233,600,000	\$1,187,163,000
Brunswick	\$55,888,306	\$52,854,751	\$53,453,987	\$38,185,280	\$2,414,339	85.7%	68.8%	0.8929	\$5,800,000,000	\$5,750,000,000
Buncombe	\$140,084,188	\$135,488,274	\$107,410,740	\$85,265,020	\$3,221,918	78.7%	46.5%	0.8738	\$9,216,921,293	\$8,987,548,440
Burke	\$41,108,352	\$41,410,410	\$28,832,281	\$17,280,000	\$31,000	65.5%	42.0%	0.8358	\$3,050,800,000	\$2,816,383,445
Cabarrus	\$83,084,584	\$70,845,288	\$54,800,000	\$38,372,775	\$3,531,384	85.8%	43.8%	0.8850	\$8,100,000,000	\$5,500,000,000
Caldwell	\$43,559,711	\$43,061,729	\$30,462,560	\$14,589,182	\$0	89.9%	33.5%	0.8970	\$2,353,060,324	\$2,342,686,562
Camden	\$3,070,777	\$2,862,000	\$749,541	\$1,910,947	\$402,289	24.4%	82.5%	0.8378	\$263,561,108	\$261,177,000
Carroll	\$38,317,599	\$34,965,202	\$28,339,378	\$15,894,468	\$2,823,878	78.0%	43.0%	0.7480	\$3,647,582,648	\$3,500,000,000
Caswell	\$14,063,908	\$13,182,287	\$8,728,307	\$4,938,539	\$0	47.8%	35.1%	0.9728	\$748,000,000	\$622,000,000
Catawba	\$116,086,802	\$105,648,905	\$73,343,887	\$34,918,915	\$8,136,564	83.7%	30.3%	0.7981	\$7,080,602,275	\$6,912,822,873
Chatham	\$33,216,025	\$29,287,868	\$22,825,275	\$18,844,025	\$621,844	88.7%	59.7%	0.8918	\$2,348,050,869	\$2,194,125,110
Cherokee	\$13,638,588	\$11,728,185	\$9,189,712	\$3,850,000	\$528,888	67.2%	29.0%	0.9846	\$928,000,000	\$734,900,864
Chowan	\$8,229,350	\$8,830,752	\$7,147,587	\$4,288,818	\$108,379	77.4%	48.3%	0.8515	\$547,407,587	\$525,648,378
Clay		\$5,612,585						0.8181		\$478,902,134
Cleveland	\$60,340,931	\$69,065,838	\$37,876,768	\$21,903,360	\$2,000,000	61.4%	34.3%	0.8387	\$3,880,000,000	\$3,580,000,000
Columbus	\$38,407,752	\$35,264,259	\$23,128,443	\$14,160,750	\$358,341	60.7%	35.8%	0.6750	\$1,880,000,000	\$1,750,389,000
Craven	\$51,383,682	\$49,081,383	\$37,688,703	\$20,128,973	\$188,311	73.2%	38.2%	0.8163	\$3,500,000,000	\$3,380,000,000
Cumberland	\$178,804,817	\$171,807,582	\$128,548,938	\$74,934,211	\$2,807,878	71.8%	41.9%	1.0000	\$10,416,997,341	\$9,761,855,000
Currituck	\$17,537,008	\$15,947,585	\$12,887,022	\$8,778,445	\$893,028	74.1%	50.1%	0.9003	\$1,568,810,258	\$1,485,521,312
Dare	\$38,548,237	\$37,157,161	\$32,348,801	\$16,583,500	\$723,893	83.8%	43.0%	1.0000	\$4,310,000,000	\$4,240,000,000
Davidson	\$65,158,169	\$68,108,831	\$47,914,877	\$28,037,000	\$4,270,808	73.6%	40.0%	0.7496	\$5,000,000,000	\$4,750,000,000
Davie	\$21,880,872	\$18,880,554	\$17,822,811	\$9,180,182	\$1,838,572	80.2%	41.8%	0.8728	\$1,582,150,812	\$1,500,805,562
Duplin	\$24,731,357	\$23,857,254	\$17,536,587	\$12,105,301	\$1,200,000	70.8%	48.4%	0.8228	\$1,684,882,830	\$1,592,837,778
Durham	\$331,251,429	\$288,088,071	\$185,074,888	\$105,282,722	\$0	48.8%	31.8%	0.8677	\$11,262,000,000	\$11,100,000,000
Edgecombe	\$39,722,788	\$38,381,811	\$27,801,648	\$15,280,000	\$1,482,833	68.5%	38.5%	0.8333	\$1,810,000,000	\$1,792,404,171
Forsyth	\$227,573,248	\$217,488,284	\$192,788,355	\$117,104,397	\$10,500,000	44.7%	51.4%	0.8580	\$18,400,000,000	\$15,978,500,000
Franklin	\$29,188,763	\$28,312,332	\$18,800,000	\$12,380,847	\$327,313	64.4%	42.4%	0.8227	\$1,410,000,080	\$1,200,000,000
Gaston	\$117,435,318	\$111,504,080	\$98,218,254	\$58,748,820	\$4,928,112	81.0%	60.8%	0.8690	\$7,378,388,707	\$7,128,126,643

**NORTH CAROLINA ASSOCIATION OF COUNTY COMMISSIONERS
NCACC 1996-97 BUDGET TAX SURVEY**

County	1996-97 Budgeted Gen. Revenue	1995-96 Budgeted Gen. Revenue	Estimated Local Rev.	Property Tax Revenues	Fund Bal. Approp.	Local Rev. to Total	Property Tax to Total	Sales/ Assess. Ratio	1996-97 Assessed Valuation	1995-96 Assessed Valuation
Gates	\$5,314,495	\$6,184,067		\$2,868,801	\$130,000	0.0%	63.9%	0.8570	\$332,000,000	\$320,000,000
Graham	\$4,791,200	\$4,498,504	\$3,762,121	\$1,726,227	\$0	78.6%	38.1%	0.9186	\$301,958,409	\$304,394,480
Granville	\$21,217,618	\$20,080,083	\$17,790,061	\$10,031,624	\$798,658	83.8%	47.3%	0.7815	\$1,466,597,100	\$1,408,873,310
Greene	\$8,891,068	\$8,088,123	\$7,054,618	\$3,874,182	\$0	71.3%	37.1%	0.7164	\$440,021,786	\$439,657,875
Gulford	\$318,477,548	\$291,360,656	\$249,187,148	\$158,891,859	\$14,212,087	78.2%	48.8%	1.0000	\$24,650,000,000	\$20,825,000,000
Hallifax	\$40,234,487	\$38,930,138	\$37,888,729	\$14,743,120	\$2,347,768	84.2%	38.8%	0.7800	\$1,885,402,318	\$1,950,000,000
Harnett	\$37,881,742	\$38,488,483	\$23,587,800	\$14,500,000	\$1,486,687	82.2%	39.3%	0.8476	\$2,184,728,285	\$2,080,005,857
Haywood	\$36,504,962	\$31,881,683	\$26,854,181	\$15,484,740	\$1,030,300	73.0%	42.4%	1.0000	\$2,719,752,424	\$2,185,262,127
Henderson	\$41,887,664	\$48,320,147	\$17,621,812	\$23,740,220	\$693,385	35.1%	47.6%	0.8906	\$4,518,105,510	\$4,359,971,817
Hertford	\$11,388,472	\$10,552,521	\$10,426,000		\$174,000	91.5%	0.0%	0.8651	\$671,001,578	\$538,458,171
Hoke	\$13,959,673	\$13,751,484	\$8,607,200	\$6,183,000	\$8,623	60.9%	44.1%	0.8249	\$688,285,442	\$612,400,500
Hyde	\$6,050,795	\$5,817,764	\$2,848,007	\$2,903,885	\$268,903	47.1%	48.5%	0.8308	\$328,850,000	\$338,000,000
Iredell	\$59,917,887	\$58,358,885	\$50,362,839	\$28,105,940	\$1,300,728	84.1%	43.8%	0.8695	\$6,043,048,420	\$5,780,269,998
Jackson	\$18,522,882	\$17,818,858	\$16,534,513	\$9,182,766	\$0	84.7%	47.0%	0.8380	\$1,813,856,000	\$1,752,000,000
Johnston	\$58,838,024	\$49,810,811	\$45,838,510	\$26,881,838	\$3,189,681	82.8%	46.8%	0.9070	\$3,868,110,255	\$2,886,827,249
Jones	\$8,245,635	\$5,873,446	\$3,883,113	\$2,538,393	\$122,000	63.5%	40.6%	0.8423	\$328,468,364	\$308,997,817
Lee	\$32,127,668	\$29,417,389	\$23,828,915	\$15,045,000	\$2,150,442	74.5%	48.8%	0.9232	\$2,281,000,000	\$2,210,000,000
Lenoir	\$45,644,898	\$40,224,118	\$28,272,812	\$17,540,000	\$1,501,598	61.8%	38.4%	0.8100	\$2,177,417,054	\$2,274,962,262
Lincoln	\$37,172,073	\$33,218,382	\$26,902,443	\$17,238,342	\$0	72.4%	48.4%	0.8848	\$2,878,033,694	\$2,533,322,307
Macon	\$18,835,157	\$17,873,081	\$10,948,233	\$8,967,833	\$0	55.7%	60.8%	0.8790	\$2,097,807,954	\$2,152,323,005
Madison	\$24,381,818	\$20,518,284	\$8,481,483	\$4,170,844	\$0	26.5%	17.1%	0.8538	\$712,365,040	\$412,919,240
Martin	\$28,675,371	\$19,334,833	\$14,444,425	\$8,747,064	\$1,601,374	68.8%	42.3%	0.9158	\$1,195,770,881	\$1,159,244,429
McDowell	\$20,311,216	\$18,658,618	\$17,281,029	\$8,783,183	\$0	85.1%	43.3%	0.8789	\$1,428,350,000	\$1,320,500,000
Mecklenburg	\$858,454,841	\$804,833,887	\$536,134,417	\$308,766,283	\$21,500,000	62.6%	38.0%	0.8885	\$43,050,000,000	\$41,000,000,000
Mitchell	\$8,659,290	\$8,042,813	\$7,235,384	\$3,594,491	\$0	84.6%	42.0%	0.9315	\$865,648,482	\$828,344,074
Montgomery	\$18,202,134	\$14,410,858	\$11,801,480	\$7,513,217	\$1,200,000	72.8%	46.4%	0.9801	\$1,078,099,743	\$884,839,573
Moore	\$43,343,808	\$38,831,808	\$34,841,828	\$20,812,600	\$1,800,000	80.8%	48.0%	0.8816	\$4,200,000,000	\$4,100,000,000
Nash	\$47,425,533	\$48,594,871	\$33,413,242	\$19,514,100	\$2,448,232	70.5%	41.1%	0.8782	\$3,300,000,000	\$3,265,000,000
New Hanover	\$121,745,763	\$104,519,088	\$87,312,466	\$57,842,000	\$3,507,112	78.9%	47.6%	0.8227	\$9,000,000,000	\$8,600,000,000
Northampton	\$13,364,812	\$12,813,170	\$10,044,082	\$5,982,628	\$1,853,221	75.2%	44.8%	0.8638	\$821,344,042	\$620,484,747
Onslow	\$73,267,853	\$68,848,434	\$48,812,381	\$21,835,016	\$2,432,149	67.1%	28.8%	0.8943	\$3,531,002,638	\$3,381,402,554
Orange	\$78,290,072	\$73,089,271	\$69,206,716	\$48,320,671	\$868,458	88.4%	63.0%	0.8268	\$5,046,871,118	\$4,871,049,192
Pamlico	\$8,480,085	\$7,857,812	\$8,804,121	\$4,435,293	\$0	77.8%	52.3%	0.8947	\$685,224,489	\$529,739,341
Pasquotank	\$16,884,172	\$15,798,152	\$15,888,743	\$7,608,000	\$1,488,350	84.2%	44.8%	0.8008	\$1,052,743,195	\$1,012,409,700
Pender	\$20,852,575	\$21,571,713	\$18,881,852	\$11,187,034	\$888,830	80.6%	63.4%	0.9082	\$1,851,000,000	\$1,788,000,000
Perquimans	\$8,765,499	\$8,075,677	\$5,291,385	\$3,408,884	\$538,088	77.0%	50.4%	0.8334	\$440,142,618	\$428,820,484

**NORTH CAROLINA ASSOCIATION OF COUNTY COMMISSIONERS
NCACC 1996-97 BUDGET TAX SURVEY**

County	1996-97 Budgeted Gen. Revenue	1995-96 Budgeted Gen. Revenue	Estimated Local Rev.	Property Tax Revenues	Fund Bal. Approp.	Local Rev. to Total	Property Tax to Total	Sales/ Assess. Ratio	1996-97 Assessed Valuation	1995-96 Assessed Valuation
Person	\$28,742,715	\$27,205,207	\$24,483,807	\$13,290,226	\$1,746,618	85.2%	48.2%	0.8200	\$2,094,000,000	\$2,025,602,455
PIH	\$81,884,307	\$81,481,958	\$53,727,277	\$30,332,621	\$2,640,244	65.8%	37.1%	0.8797	\$4,066,233,563	\$4,113,025,877
Polk	\$8,719,194	\$8,283,879	\$7,585,087	\$4,559,882	\$474,354	88.8%	52.3%	0.9000	\$952,847,224	\$864,989,903
Rendolph	\$83,036,808	\$45,637,108	\$22,253,430	\$23,112,448	\$1,559,932	35.3%	36.7%	0.8543	\$4,850,000,000	\$4,728,000,000
Richmond	\$24,486,485	\$24,487,466	\$18,284,528	\$11,332,253	\$100,000	74.7%	46.3%	0.7500	\$1,228,781,637	\$1,193,186,550
Robeson	\$58,111,803	\$65,222,089	\$42,958,418	\$23,837,363	\$4,881,118	63.1%	35.1%	1.0000	\$3,212,000,000	\$2,387,000,000
Rockingham	\$59,005,398	\$56,630,404	\$34,485,132	\$22,567,388	\$3,500,000	58.4%	38.2%	0.8921	\$3,633,600,000	\$3,509,600,000
Rowan	\$67,424,779	\$63,192,889	\$48,713,850	\$32,978,518	\$658,134	73.7%	48.9%	0.8689	\$5,332,000,000	\$5,032,000,000
Rutherford	\$35,546,342	\$35,071,614	\$30,755,108	\$14,333,805	\$0	88.5%	40.3%	0.8314	\$2,768,850,751	\$2,673,208,885
Sampson	\$22,180,708	\$20,985,858	\$19,155,634	\$12,374,230	\$1,514,340	88.3%	55.8%	0.9060	\$1,944,107,767	\$1,853,430,482
Scotland	\$30,130,283	\$28,774,404	\$19,148,831	\$12,378,784	\$0	83.6%	41.1%	1.0000	\$1,228,534,888	\$1,176,118,547
Stanly	\$28,870,354	\$28,654,019	\$23,781,788	\$13,532,227	\$525,484	82.4%	46.9%	0.8554	\$2,090,000,000	\$2,046,000,000
Stokes	\$24,235,011	\$22,583,048	\$16,338,378	\$9,288,720	\$418,818	87.4%	38.3%	0.9250	\$1,629,600,000	\$1,627,780,792
Surry	\$38,072,222	\$35,379,620	\$27,882,511	\$14,106,810	\$3,878,824	71.4%	36.1%	0.8051	\$2,825,843,181	\$2,721,643,233
Swain	\$4,942,305	\$4,755,204	\$3,983,100	\$1,774,000	\$0	80.2%	35.9%	0.7240	\$325,859,693	\$301,952,669
Transylvania	\$21,499,504	\$20,955,314	\$18,220,647	\$18,887,764	\$387,590	84.7%	83.0%	0.9803	\$2,075,000,000	\$1,950,000,000
Tyrrell	\$3,379,008	\$3,357,683	\$2,267,107	\$1,620,548	\$50,000	87.1%	48.0%	0.6739	\$163,108,673	\$163,795,619
Union	\$60,115,841	\$62,382,508	\$48,420,058	\$31,598,074	\$5,811,385	82.2%	52.6%	0.8217	\$4,641,380,870	\$4,588,059,825
Vance	\$25,854,819	\$24,748,218	\$18,051,138	\$10,649,000	\$1,240,102	78.8%	41.2%	0.8000	\$1,339,788,400	\$1,280,100,000
Wake	\$384,845,675	\$380,347,888	\$321,816,432	\$208,822,307	\$8,880,921	83.8%	53.8%	0.8005	\$32,884,481,000	\$30,748,850,000
Warren	\$14,570,827	\$14,241,844	\$10,944,306	\$8,297,894	\$571,567	75.1%	43.2%	0.9536	\$724,839,059	\$688,212,018
Washington	\$8,550,782	\$8,516,271	\$1,818,390	\$4,028,874	\$0	21.2%	47.1%	0.7788	\$434,817,507	\$421,540,483
Watauga	\$21,639,823	\$19,128,204	\$17,727,172	\$10,516,886	\$1,993,282	81.9%	48.6%	0.9250	\$2,531,811,824	\$2,378,146,000
Wayne	\$83,167,878	\$50,148,952	\$34,815,321	\$18,078,493	\$1,389,634	42.0%	21.7%	0.8990	\$3,156,009,740	\$3,195,626,716
Wilkes	\$38,128,981	\$33,882,340	\$26,102,688	\$13,810,240	\$2,100,000	72.2%	38.6%	0.7720	\$2,294,000,000	\$2,190,030,000
Winston	\$38,885,980	\$48,018,089	\$31,734,123	\$20,539,750	\$2,763,847	88.0%	55.7%	0.8888	\$2,700,000,000	\$2,600,030,000
Yadkin	\$15,361,820	\$18,989,483	\$7,680,190	\$7,500,000	\$181,630	50.0%	48.0%	0.8267	\$1,160,991,000	\$1,138,000,000
Yancey	\$7,010,450	\$6,746,822	\$6,150,076	\$3,761,785	\$1,871,859	87.7%	63.5%	0.8131	\$789,045,252	\$742,554,383
Total	\$5,515,058,423	\$5,179,863,244	\$3,891,483,628	\$2,357,518,821	\$177,604,224	70.8%	42.7%	0.8796	\$380,547,926,836	\$340,177,899,724
12/1/96										
Average								0.8760		
Minimum	\$3,070,777	\$2,082,000	\$749,541	\$1,620,648	\$0	0.0%	0.0%	0.8471	\$163,108,673	\$160,795,619
Maximum	\$858,454,541	\$804,833,607	\$538,134,417	\$308,785,383	\$21,600,009	85.7%	83.0%	1.0000	\$43,050,000,000	\$41,000,000,000

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North Carolina Association of County Commissioners
DSS Costs for 1996-97

County	1996-97 Co. Medicaid Payment	1996-97 Co. Medicaid Administration	1996-97 Budgeted Gen. Revenue	Medicaid Pay as % of Gen. Rev.	Medicaid Pay & Admin as % of Gen. Rev.	1996-97 Total Public Asst. Payments	1996-97 Total Public Asst. Admin. Costs	Admin. Costs as % of Public Asst. Payments	1996-97 Total Services Program Costs	Admin. Costs as % of PA & Prg. Costs	1996-97 Total DSS Costs
Alamance	\$3,159,175	\$432,236	\$60,235,182	5.24%	5.96%	\$67,955,932	\$2,364,313	3.48%	\$2,916,661	3.34%	\$73,236,906
Alexander	\$770,821	\$84,189	\$14,295,000	5.39%	5.98%	\$7,289,907	\$339,707	4.66%	\$387,551	4.42%	\$8,017,165
Alleghany	\$352,679	\$50,526	\$7,430,049	4.75%	5.43%	\$16,524,565	\$449,865	2.72%	\$569,494	2.63%	\$17,543,924
Anson	\$1,307,880	\$141,283	\$19,921,803	6.57%	7.27%	\$29,126,543	\$806,735	2.77%	\$797,701	2.70%	\$30,730,979
Ashe	\$1,024,771	\$146,091	\$12,170,069	8.42%	9.62%	\$21,228,945	\$724,291	3.41%	\$657,639	3.31%	\$22,610,875
Avery	\$734,951	\$40,052	\$12,477,279	5.89%	6.21%	\$14,961,366	\$374,352	2.50%	\$312,401	2.45%	\$15,648,119
Beaufort	\$1,989,728	\$240,776	\$31,826,894	6.25%	7.01%	\$44,663,256	\$1,573,381	3.52%	\$1,997,673	3.37%	\$48,234,310
Bertie	\$1,186,644	\$145,334	\$11,843,801	10.02%	11.25%	\$26,864,724	\$986,370	3.67%	\$760,034	3.57%	\$28,611,128
Bladen	\$1,604,758	\$250,204	\$20,110,928	7.98%	9.22%	\$36,273,238	\$1,324,883	3.65%	\$1,441,324	3.51%	\$39,039,445
Brunswick	\$1,991,953	\$294,760	\$55,868,306	3.57%	4.09%	\$45,080,708	\$1,602,516	3.55%	\$1,717,284	3.42%	\$48,400,508
Buncombe	\$5,942,400	\$1,131,173	\$140,064,109	4.24%	5.05%	\$134,440,901	\$6,119,659	4.55%	\$5,015,874	4.39%	\$145,576,434
Burke	\$2,482,362	\$416,066	\$41,106,352	6.04%	7.05%	\$52,719,149	\$2,054,562	3.90%	\$2,154,671	3.74%	\$56,928,382
Cabarrus	\$2,832,485	\$513,172	\$83,084,584	3.41%	4.03%	\$60,891,691	\$2,901,811	4.77%	\$3,108,636	4.53%	\$66,902,138
Caldwell	\$2,317,130	\$300,432	\$43,559,711	5.32%	6.01%	\$49,740,532	\$1,518,061	3.05%	\$2,224,252	2.92%	\$53,482,845
Camden	\$185,789	\$48,974	\$3,070,777	6.05%	7.65%	\$4,138,574	\$311,300	7.52%	\$233,913	7.12%	\$4,683,787
Carteret	\$1,643,179	\$236,032	\$36,317,599	4.52%	5.17%	\$35,656,882	\$1,384,762	3.88%	\$1,239,841	3.75%	\$38,281,485
Caswell	\$774,074	\$99,901	\$14,063,908	5.50%	6.21%	\$17,662,111	\$667,809	3.78%	\$832,947	3.61%	\$19,162,867
Catawba	\$3,040,209	\$454,115	\$115,086,902	2.64%	3.04%	\$68,914,675	\$2,894,510	4.20%	\$3,620,683	3.99%	\$75,429,868
Chatham	\$1,098,096	\$185,756	\$33,216,025	3.31%	3.87%	\$23,806,817	\$761,183	3.20%	\$1,153,381	3.05%	\$25,721,381
Cherokee	\$985,417	\$172,358	\$13,636,698	7.23%	8.49%	\$21,073,806	\$818,701	3.88%	\$792,325	3.74%	\$22,684,832
Chowan	\$688,250	\$99,068	\$9,229,350	7.46%	8.53%	\$16,086,047	\$566,317	3.52%	\$668,102	3.38%	\$17,320,466
Clay	\$320,774	\$40,059	\$6,069,332	5.29%	5.95%	\$6,705,494	\$202,540	3.02%	\$203,728	2.93%	\$7,111,762
Cleveland	\$2,868,061	\$438,753	\$60,340,931	4.75%	5.48%	\$66,783,935	\$3,177,896	4.76%	\$3,477,460	4.52%	\$73,439,291
Columbus	\$2,971,633	\$473,164	\$39,407,752	7.54%	8.74%	\$65,545,931	\$2,338,113	3.57%	\$2,189,178	3.45%	\$70,073,222
Craven	\$2,723,930	\$427,103	\$51,383,582	5.30%	6.13%	\$62,803,448	\$3,068,891	4.89%	\$2,631,564	4.69%	\$68,503,903
Cumberland	\$6,496,298	\$902,188	\$178,804,917	3.63%	4.14%	\$167,697,608	\$8,206,389	4.89%	\$8,647,111	4.65%	\$184,551,108
Currituck	\$364,681	\$95,542	\$17,537,008	2.08%	2.62%	\$8,392,005	\$537,864	6.41%	\$346,056	6.16%	\$9,275,925
Dare	\$554,084	\$114,292	\$38,546,237	1.44%	1.73%	\$11,472,933	\$623,091	5.43%	\$426,513	5.24%	\$12,522,537
Davidson	\$3,264,910	\$325,318	\$65,159,169	5.01%	5.51%	\$72,439,306	\$1,935,053	2.67%	\$3,129,392	2.56%	\$77,503,751
Davie	\$782,410	\$90,749	\$21,960,672	3.56%	3.98%	\$16,000,741	\$542,523	3.39%	\$575,125	3.27%	\$17,118,389
Duplin	\$1,750,950	\$323,277	\$24,731,357	7.08%	8.39%	\$39,041,914	\$1,898,246	4.86%	\$1,868,035	4.64%	\$42,808,195
Durham	\$5,906,815	\$966,476	\$331,258,429	1.78%	2.07%	\$138,984,729	\$7,300,630	5.25%	\$7,001,791	5.00%	\$153,287,150
Edgecombe	\$2,835,075	\$438,231	\$39,722,799	7.14%	8.24%	\$67,569,468	\$2,929,310	4.34%	\$3,217,365	4.14%	\$73,716,143
Forsyth	\$7,222,324	\$878,483	\$227,673,346	3.17%	3.56%	\$168,951,516	\$6,882,546	4.07%	\$7,047,037	3.91%	\$182,881,099
Franklin	\$1,569,444	\$219,398	\$29,199,763	5.37%	6.13%	\$34,900,940	\$1,437,901	4.12%	\$1,127,715	3.99%	\$37,466,556
Gaston	\$5,661,743	\$745,816	\$117,435,318	4.82%	5.46%	\$129,464,441	\$4,925,641	3.80%	\$6,339,738	3.63%	\$140,729,820
Gates	\$357,781	\$48,696	\$6,240,530	5.73%	6.51%	\$8,085,832	\$345,770	4.28%	\$334,763	4.11%	\$8,766,365
Graham	\$378,221	\$39,895	\$4,791,286	7.89%	8.73%	\$7,984,084	\$264,631	3.31%	\$234,425	3.22%	\$8,483,140
Granville	\$1,308,274	\$171,854	\$21,217,818	6.17%	6.98%	\$29,319,587	\$1,078,010	3.68%	\$1,268,722	3.52%	\$31,666,319
Greene	\$632,222	\$115,796	\$9,891,086	6.39%	7.56%	\$14,299,583	\$642,760	4.49%	\$740,978	4.27%	\$15,683,321
Guilford	\$10,163,307	\$2,000,329	\$318,477,546	3.19%	3.82%	\$231,225,917	\$11,172,248	4.83%	\$12,325,627	4.59%	\$254,723,792

North Carolina Association of County Commissioners
DSS Costs for 1996-97

County	1996-97 Co. Medicaid Payment	1996-97 Co. Medicaid Administration	1996-97 Budgeted Gen. Revenue	Medicaid Pay as % of Gen. Rev.	Medicaid Pay & Admin as % of Gen. Rev.	1996-97 Total Public Asst. Payments	1996-97 Total Public Asst. Admin. Costs	Admin. Costs as % of Public Asst. Payments	1996-97 Total Services Program Costs	Admin. Costs as % of PA & Prg. Costs	1996-97 Total DSS Costs
Halifax	\$2,913,692	\$383,858	\$40,234,487	7.24%	8.20%	\$71,241,936	\$2,866,739	4.02%	\$3,060,254	3.86%	\$77,168,929
Harnett	\$2,644,008	\$443,749	\$37,881,742	6.98%	8.15%	\$61,092,737	\$2,447,992	4.01%	\$2,006,106	3.88%	\$65,546,835
Haywood	\$1,663,760	\$296,141	\$36,504,962	4.56%	5.37%	\$37,341,406	\$1,634,225	4.38%	\$1,457,596	4.21%	\$40,433,227
Henderson	\$2,324,754	\$394,632	\$49,807,664	4.66%	5.45%	\$50,192,376	\$1,983,793	3.95%	\$1,981,314	3.80%	\$54,157,483
Hertford	\$1,266,515	\$167,295	\$11,398,472	11.11%	12.58%	\$29,694,534	\$983,696	3.31%	\$887,732	3.22%	\$31,565,962
Hoke	\$985,259	\$130,021	\$13,959,673	7.06%	7.99%	\$24,229,711	\$844,199	3.48%	\$1,222,632	3.32%	\$26,296,542
Hyde	\$319,163	\$58,837	\$6,050,795	5.27%	6.25%	\$7,224,509	\$353,382	4.89%	\$366,244	4.66%	\$7,944,135
Iredell	\$2,636,888	\$375,684	\$59,917,887	4.40%	5.03%	\$57,877,586	\$2,355,963	4.07%	\$2,710,109	3.89%	\$62,943,658
Jackson	\$953,604	\$202,426	\$19,522,862	4.88%	5.92%	\$20,633,461	\$947,936	4.59%	\$713,848	4.44%	\$22,295,245
Johnston	\$3,375,904	\$529,038	\$56,836,024	5.94%	6.87%	\$74,035,404	\$2,979,652	4.02%	\$3,105,201	3.86%	\$80,120,257
Jones	\$452,672	\$80,323	\$6,245,635	7.25%	8.53%	\$10,127,473	\$458,852	4.53%	\$474,455	4.33%	\$11,060,780
Lee	\$1,411,950	\$258,552	\$32,127,666	4.39%	5.20%	\$31,806,794	\$1,573,038	4.95%	\$1,458,607	4.73%	\$34,838,439
Lenoir	\$2,723,471	\$357,745	\$45,644,898	5.97%	6.75%	\$62,626,587	\$2,211,298	3.53%	\$2,517,023	3.39%	\$67,354,908
Lincoln	\$1,317,155	\$185,496	\$37,172,073	3.54%	4.04%	\$29,383,614	\$959,515	3.27%	\$1,458,385	3.11%	\$31,801,514
Macon	\$821,575	\$110,971	\$19,635,157	4.18%	4.75%	\$17,615,499	\$728,602	4.14%	\$490,451	4.02%	\$18,834,552
Madison	\$731,190	\$97,089	\$24,381,919	3.00%	3.40%	\$15,945,217	\$590,083	3.70%	\$786,365	3.53%	\$17,321,665
Martin	\$1,163,850	\$181,619	\$20,675,371	5.63%	6.51%	\$26,314,322	\$1,102,793	4.19%	\$1,202,854	4.01%	\$28,619,969
McDowell	\$1,116,356	\$200,358	\$20,311,215	5.50%	6.48%	\$24,715,966	\$931,007	3.77%	\$1,190,705	3.59%	\$26,837,678
Mecklenburg	\$13,663,397	\$3,093,054	\$858,454,641	1.59%	1.95%	\$323,027,558	\$18,626,414	5.77%	\$12,828,514	5.55%	\$354,482,486
Mitchell	\$537,613	\$100,005	\$8,559,290	6.28%	7.45%	\$11,153,606	\$425,546	3.82%	\$305,925	3.71%	\$11,885,077
Montgomery	\$976,342	\$179,415	\$16,202,131	6.03%	7.13%	\$21,861,722	\$801,189	3.66%	\$874,535	3.52%	\$23,537,446
Moore	\$1,794,947	\$355,163	\$43,343,808	4.14%	4.96%	\$39,811,718	\$1,609,885	4.04%	\$1,747,636	3.87%	\$43,169,239
Nash	\$2,739,515	\$445,041	\$47,425,533	5.78%	6.71%	\$62,101,388	\$2,603,065	4.19%	\$3,039,956	4.00%	\$67,744,409
New Hanover	\$4,405,546	\$759,539	\$121,745,763	3.62%	4.24%	\$104,457,822	\$5,170,641	4.95%	\$4,629,681	4.74%	\$114,258,144
Northampton	\$1,137,801	\$136,852	\$13,364,812	8.51%	9.54%	\$27,118,212	\$1,050,185	3.87%	\$1,264,062	3.70%	\$29,432,459
Onslow	\$2,784,636	\$361,756	\$73,287,853	3.80%	4.29%	\$66,950,907	\$2,243,524	3.35%	\$3,942,986	3.16%	\$73,137,417
Orange	\$1,859,632	\$404,685	\$79,259,530	2.35%	2.86%	\$40,755,845	\$2,239,711	5.50%	\$2,534,597	5.17%	\$45,530,153
Pamlico	\$495,431	\$89,421	\$8,480,085	5.84%	6.90%	\$10,924,454	\$559,263	5.12%	\$371,940	4.95%	\$11,855,657
Pasquotank	\$1,228,928	\$189,107	\$16,984,172	7.24%	8.35%	\$29,788,426	\$1,237,866	4.16%	\$1,128,701	4.00%	\$32,154,993
Pender	\$1,379,783	\$212,885	\$20,952,575	6.59%	7.60%	\$30,746,879	\$1,206,936	3.93%	\$922,541	3.81%	\$32,876,356
Perquimans	\$399,586	\$90,339	\$6,755,499	5.91%	7.25%	\$9,843,169	\$517,212	5.25%	\$373,931	5.06%	\$10,734,312
Person	\$1,184,142	\$211,115	\$28,742,715	4.12%	4.85%	\$25,084,541	\$1,145,273	4.57%	\$1,066,853	4.38%	\$27,296,667
Pitt	\$4,466,337	\$699,049	\$81,664,307	5.47%	6.33%	\$102,612,215	\$3,763,685	3.67%	\$4,589,551	3.51%	\$110,965,451
Polk	\$447,348	\$57,384	\$8,719,494	5.13%	5.79%	\$9,307,958	\$308,804	3.32%	\$441,562	3.17%	\$10,058,324
Randolph	\$2,931,023	\$339,813	\$63,036,806	4.65%	5.19%	\$62,383,404	\$1,727,609	2.77%	\$2,199,396	2.68%	\$66,310,409
Richmond	\$2,364,690	\$338,367	\$24,486,485	9.66%	11.04%	\$53,034,994	\$1,644,186	3.10%	\$1,519,073	3.01%	\$56,198,253
Robeson	\$5,728,971	\$849,528	\$68,111,903	8.41%	9.66%	\$133,413,797	\$4,472,875	3.35%	\$5,577,665	3.22%	\$143,464,337
Rockingham	\$3,013,036	\$578,479	\$59,005,396	5.11%	6.09%	\$66,089,923	\$2,849,498	4.31%	\$2,660,602	4.14%	\$71,600,023
Rowan	\$3,205,411	\$370,452	\$67,424,779	4.75%	5.30%	\$72,839,549	\$2,385,784	3.28%	\$3,099,260	3.14%	\$78,324,593
Rutherford	\$1,900,529	\$232,767	\$35,546,342	5.35%	6.00%	\$43,453,119	\$1,393,016	3.21%	\$1,832,323	3.08%	\$46,678,458
Sampson	\$2,294,615	\$378,985	\$22,190,708	10.34%	12.05%	\$50,168,094	\$1,952,462	3.89%	\$2,176,118	3.73%	\$54,296,674

**North Carolina Association of County Commissioners
DSS Costs for 1996-97**

County	1996-97 Co. Medicaid Payment	1996-97 Co. Medicaid Administration	1996-97 Budgeted Gen. Revenue	Medicaid Pay as % of Gen. Rev.	Medicaid Pay & Admin as % of Gen. Rev.	1996-97 Total Public Asst. Payments	1996-97 Total Public Asst. Admin. Costs	Admin. Costs as % of Public Asst. Payments	1996-97 Total Services Program Costs	Admin. Costs as % of PA & Prg. Costs	1996-97 Total DSS Costs
Scotland	\$1,669,896	\$197,663	\$30,130,283	5.54%	6.20%	\$39,950,522	\$1,410,923	3.53%	\$1,951,898	3.37%	\$43,313,343
Stanly	\$1,686,584	\$244,040	\$29,395,838	5.74%	6.57%	\$35,660,065	\$1,091,114	3.06%	\$1,458,747	2.94%	\$38,209,926
Stokes	\$1,064,442	\$166,770	\$24,235,011	4.39%	5.08%	\$23,316,436	\$925,772	3.97%	\$860,145	3.83%	\$25,102,353
Surry	\$2,112,984	\$361,895	\$39,072,222	5.41%	6.33%	\$44,618,480	\$1,580,452	3.54%	\$1,619,194	3.42%	\$47,818,126
Swain	\$533,345	\$78,704	\$4,942,305	10.79%	12.38%	\$12,094,328	\$288,107	2.38%	\$311,086	2.32%	\$12,693,521
Transylvania	\$851,502	\$154,382	\$21,887,094	3.89%	4.60%	\$18,991,675	\$841,914	4.43%	\$931,689	4.23%	\$20,765,278
Tyrrell	\$203,512	\$48,132	\$3,379,008	6.02%	7.45%	\$4,622,933	\$270,283	5.85%	\$298,174	5.49%	\$5,191,390
Union	\$2,159,268	\$725,131	\$65,727,206	3.29%	4.39%	\$48,516,179	\$3,303,464	6.81%	\$2,048,300	6.53%	\$53,867,943
Vance	\$1,937,694	\$176,131	\$25,854,919	7.49%	8.18%	\$45,806,957	\$1,473,009	3.22%	\$1,987,830	3.08%	\$49,267,796
Wake	\$8,281,146	\$1,890,241	\$384,945,675	2.15%	2.64%	\$190,963,483	\$11,860,068	6.21%	\$11,038,200	5.87%	\$213,861,751
Warren	\$889,593	\$128,477	\$14,570,827	6.11%	6.99%	\$20,497,327	\$828,938	4.04%	\$790,247	3.89%	\$22,116,512
Washington	\$626,329	\$119,594	\$8,550,792	7.32%	8.72%	\$15,126,720	\$756,473	5.00%	\$752,285	4.76%	\$16,635,478
Watauga	\$839,004	\$158,312	\$21,639,823	3.88%	4.61%	\$18,270,617	\$837,482	4.58%	\$649,349	4.43%	\$19,757,448
Wayne	\$3,495,692	\$485,842	\$83,167,678	4.20%	4.79%	\$80,475,543	\$2,983,309	3.71%	\$4,033,322	3.53%	\$87,492,174
Wilkes	\$2,290,632	\$234,286	\$36,128,981	6.34%	6.99%	\$49,385,038	\$1,168,977	2.37%	\$1,469,143	2.30%	\$52,023,158
Wilson	\$2,767,206	\$618,321	\$36,885,990	7.50%	9.18%	\$63,882,375	\$3,364,357	5.27%	\$3,092,665	5.02%	\$70,339,397
Yadkin	\$935,799	\$208,671	\$15,361,820	6.09%	7.45%	\$20,020,369	\$987,468	4.93%	\$846,442	4.73%	\$21,854,279
Yancey	\$616,252	\$104,100	\$7,010,450	8.79%	10.28%	\$13,319,573	\$493,380	3.70%	\$417,760	3.59%	\$14,230,713
Total	\$216,967,593	\$35,365,644	\$5,553,483,255	3.91%	4.54%	\$4,937,316,833	\$210,408,025	4.26%	\$216,508,475	4.08%	\$5,364,233,333

Medicaid

DISTRIBUTION OF BUDGETED SFY 1996-97 EXPENDITURES
USING SFY 1995-96 RATIOS OF ACTUAL EXPENDITURES AND RECEIPTS BY COUNTY TO STATEWIDE TOTALS

COUNTY	SFY 1995-96 ACTUAL EXPENDITURES BY COUNTY	COUNTY PERCENT OF STATE TOTAL	DISTRIBUTED 1996-97 PROJECTED BUDGET	SFY 1995-96 ACTUAL FED SHARE BY COUNTY	COUNTY PERCENT OF STATE TOTAL	DISTRIBUTED 1996-97 PROJECTED FED SHARE	SFY 1995-96 ACTUAL STATE SHARE BY COUNTY	COUNTY PERCENT OF STATE TOTAL	DISTRIBUTED 1996-97 PROJECTED STATE SHARE	SFY 1995-96 ACTUAL CNTY SHARE BY COUNTY	COUNTY PERCENT OF STATE TOTAL	DISTRIBUTED 1996-97 PROJECTED CNTY SHARE	CALCULATED		
													1996-97 FEDERAL RATIO	1996-97 STATE RATIO	1996-97 COUNTY RATIO
ALABAMA	51,484,851	1.456%	57,789,176	33,499,189	1.456%	37,678,816	15,309,280	1.452%	17,004,646	2,579,178	1.480%	2,211,866	0.880240	0.294253	0.085674
ALEXANDER	12,661,961	0.356%	14,100,229	8,147,340	0.354%	8,139,080	3,741,680	0.355%	4,156,929	673,037	0.372%	807,690	0.848150	0.294742	0.057282
ALLEGANY	9,747,568	0.153%	8,451,384	3,722,365	0.162%	4,175,483	1,741,040	0.165%	1,933,844	284,184	0.157%	341,016	0.647220	0.299756	0.052869
ANSON	21,314,362	0.603%	23,924,369	14,009,207	0.609%	16,714,452	8,221,307	0.500%	6,910,259	1,083,838	0.589%	1,300,678	0.656838	0.298807	0.054366
ASH-E	16,700,561	0.472%	18,745,819	10,868,767	0.472%	12,191,747	8,006,554	0.475%	5,560,984	825,241	0.458%	980,345	0.650378	0.296656	0.052831
AVERY	11,977,395	0.339%	13,444,080	7,747,832	0.337%	8,680,922	3,805,743	0.342%	4,005,046	823,820	0.345%	748,626	0.846450	0.297804	0.056684
BEAUFORT	32,428,330	0.917%	36,297,978	21,064,544	0.915%	23,617,369	8,664,803	0.917%	10,735,091	1,708,982	0.944%	2,048,495	0.848661	0.294844	0.056282
BERTIE	19,338,572	0.547%	21,706,656	12,673,001	0.546%	14,100,480	8,757,809	0.546%	6,396,211	1,007,932	0.557%	1,209,686	0.848729	0.294620	0.056724
BLADEN	26,162,612	0.740%	29,355,009	16,945,953	0.737%	19,008,667	7,836,020	0.743%	8,703,787	1,370,645	0.758%	1,844,746	0.647544	0.296501	0.056029
BRUNSWICK	32,652,591	0.918%	36,437,780	21,091,787	0.917%	23,658,145	8,631,232	0.914%	10,697,602	1,738,572	0.962%	2,087,604	0.649303	0.293591	0.057282
BUNCOMBE	96,842,489	2.739%	108,701,284	63,091,157	2.738%	70,668,854	28,776,174	2.729%	31,962,970	6,065,158	2.802%	8,078,533	0.650129	0.294043	0.056820
BURKE	40,454,711	1.144%	45,408,571	26,210,067	1.140%	29,410,522	12,090,394	1.147%	13,429,294	2,145,261	1.187%	2,574,468	0.647687	0.296744	0.056895
CABARRUS	48,160,624	1.305%	51,813,198	29,970,427	1.300%	33,618,520	13,782,518	1.308%	15,319,913	2,387,878	1.326%	2,877,376	0.648841	0.296678	0.056634
CALDWELL	37,781,960	1.068%	42,386,089	24,566,781	1.068%	27,669,656	11,146,444	1.057%	12,379,700	2,020,775	1.118%	2,425,007	0.850913	0.292070	0.057212
CAMDEN	3,027,782	0.086%	3,388,547	1,965,958	0.085%	2,205,271	910,688	0.086%	1,011,536	151,476	0.084%	181,382	0.648846	0.297838	0.053365
CARTERET	26,778,671	0.757%	30,067,839	17,366,875	0.756%	19,479,704	8,042,736	0.753%	8,933,387	1,370,058	0.758%	1,844,163	0.648074	0.297207	0.054700
CASWELL	12,114,982	0.367%	14,158,743	8,209,916	0.357%	8,209,252	3,718,508	0.353%	4,130,298	666,659	0.380%	823,917	0.650083	0.281683	0.058187
CATAWBA	48,845,880	1.401%	55,612,954	31,820,365	1.397%	36,805,833	15,028,650	1.426%	16,682,804	2,695,846	1.436%	3,118,391	0.643839	0.300162	0.058037
CHATHAM	17,895,524	0.508%	20,088,111	11,679,748	0.508%	13,101,441	5,282,083	0.502%	5,878,132	823,685	0.511%	1,108,497	0.652238	0.292636	0.056185
CHEROKEE	18,069,212	0.454%	19,025,736	10,421,667	0.453%	11,890,113	4,782,768	0.454%	5,312,415	854,877	0.473%	1,025,810	0.848624	0.294713	0.056814
CHOWAN	11,216,323	0.317%	12,683,812	7,303,564	0.317%	8,182,562	3,360,128	0.318%	3,721,124	562,844	0.341%	678,211	0.650729	0.295686	0.053532
CLAY	5,227,606	0.148%	5,867,750	3,474,871	0.151%	3,897,843	1,470,353	0.139%	1,633,181	282,383	0.156%	336,878	0.684282	0.276332	0.057753
CLEVELAND	46,740,402	1.322%	52,463,972	30,552,389	1.326%	34,771,299	13,882,231	1.317%	15,418,561	2,305,801	1.276%	2,767,117	0.653235	0.293808	0.057243
COLLINGSBURY	46,428,298	1.370%	54,368,559	31,510,039	1.370%	36,345,539	14,487,584	1.372%	16,089,736	2,468,876	1.366%	2,840,977	0.650229	0.295625	0.054100
CRAYEN	44,381,516	1.255%	49,627,456	28,868,981	1.255%	32,383,014	13,306,975	1.262%	14,778,469	2,218,560	1.265%	2,680,010	0.649803	0.296813	0.053084
CUMBERLAND	105,889,300	2.994%	118,833,488	68,982,646	2.988%	77,378,316	31,651,715	3.002%	36,158,851	5,235,039	2.896%	6,282,402	0.651158	0.296850	0.052867
CURRITUCK	5,843,180	0.168%	6,670,927	3,858,421	0.168%	4,325,837	1,781,217	0.189%	1,978,470	306,622	0.189%	368,847	0.848461	0.295581	0.054962
DADE	8,929,824	0.256%	10,136,666	5,863,689	0.256%	6,577,838	2,730,216	0.259%	3,032,562	436,919	0.241%	623,133	0.848948	0.299200	0.051814
DAVIDSON	63,207,802	1.896%	68,722,336	34,482,811	1.899%	38,691,384	15,690,106	1.887%	17,849,788	2,824,886	1.867%	3,380,055	0.847814	0.296626	0.056763
DAVIE	12,760,829	0.361%	14,312,225	8,287,223	0.361%	8,307,186	3,811,629	0.362%	4,233,731	611,878	0.366%	770,417	0.650256	0.295812	0.053629

M.A. ZAIP

DISTRIBUTION OF BUDGETED SFY 1996-97 EXPENDITURES

USING SFY 1995-96 RATIOS OF ACTUAL EXPENDITURES AND RECEIPTS BY COUNTY TO STATEWIDE TOTALS

COUNTY	SFY 1995-96 ACTUAL EXPENDITURES BY COUNTY	COUNTY PERCENT OF STATE TOTAL	DISTRIBUTED 1996-97 PROJECTED BUDGET	SFY 1995-96 ACTUAL FED SHARE BY COUNTY	COUNTY PERCENT OF STATE TOTAL	DISTRIBUTED 1996-97 PROJECTED FED SHARE	SFY 1995-96 ACTUAL STATE SHARE BY COUNTY	COUNTY PERCENT OF STATE TOTAL	DISTRIBUTED 1996-97 PROJECTED STATE SHARE	SFY 1995-96 ACTUAL CNTY SHARE BY COUNTY	COUNTY PERCENT OF STATE TOTAL	DISTRIBUTED 1996-97 PROJECTED CNTY SHARE	CALCULATED		
													1996-97 FEDERAL RATIO	1996-97 STATE RATIO	1996-97 COUNTY RATIO
DUPLIN	28,536,001	0.807%	32,029,239	16,588,543	0.608%	20,862,418	8,428,710	0.789%	9,362,111	1,507,748	0.834%	1,808,400	0.661365	0.292299	0.066492
DURHAM	88,262,570	2.722%	108,050,361	62,780,714	2.729%	70,437,160	28,600,968	2.713%	31,771,816	4,884,868	2.681%	5,838,172	0.661892	0.294046	0.064002
EDGEcombe	48,202,838	1.307%	61,860,683	30,088,484	1.308%	33,750,895	13,725,731	1.302%	15,245,729	2,388,844	1.321%	2,868,635	0.660801	0.293975	0.068274
FORSYTH	117,701,240	3.328%	132,114,282	76,625,295	3.330%	86,952,384	34,820,418	3.303%	38,878,459	8,256,528	3.460%	1,507,067	0.650591	0.292750	0.056822
FRANKLIN	25,577,024	0.723%	28,709,045	16,708,797	0.726%	18,742,643	7,539,306	0.715%	8,374,247	1,328,820	0.736%	1,594,794	0.652848	0.291693	0.056660
GASTON	82,268,861	2.605%	103,867,370	60,063,047	2.610%	67,362,891	27,413,211	2.600%	30,448,971	4,802,400	2.666%	6,763,209	0.660426	0.294002	0.066647
GATES	6,830,710	0.185%	8,544,706	3,634,064	0.167%	4,300,758	1,688,729	0.160%	1,876,851	306,916	0.170%	388,320	0.657135	0.286774	0.056278
GRAHAM	8,183,818	0.174%	9,918,606	4,098,007	0.178%	4,650,848	1,812,870	0.172%	2,013,829	311,842	0.173%	374,362	0.654860	0.291045	0.054108
GRANVILLE	21,320,760	0.603%	23,831,582	13,801,174	0.604%	15,593,268	6,308,767	0.598%	7,007,406	1,110,819	0.614%	1,330,068	0.651577	0.292810	0.056703
GREENE	10,303,230	0.291%	11,664,907	6,708,804	0.291%	7,523,177	3,080,816	0.292%	3,421,100	518,410	0.286%	619,727	0.650518	0.293617	0.053587
GUILFORD	166,830,040	4.684%	185,912,178	107,824,414	4.688%	120,849,137	48,529,311	4.698%	56,014,226	8,278,316	4.678%	8,832,140	0.650571	0.295915	0.053474
HALIFAX	47,484,045	1.343%	63,298,879	30,878,361	1.342%	34,636,860	14,144,874	1.342%	16,718,289	2,460,820	1.361%	2,963,151	0.649865	0.294778	0.056408
HARNETT	43,889,048	1.219%	48,366,896	27,834,863	1.214%	31,334,946	12,847,361	1.219%	14,270,021	2,307,094	1.276%	2,768,668	0.647878	0.295045	0.057245
HAYWOOD	27,114,072	0.767%	30,434,311	17,566,788	0.765%	19,737,600	8,080,388	0.769%	8,975,228	1,437,885	0.786%	1,725,560	0.648531	0.294906	0.056888
HENDERSON	37,888,203	1.071%	42,526,537	24,878,807	1.073%	27,884,022	11,263,225	1.068%	12,610,824	1,943,070	1.076%	2,331,816	0.650998	0.294183	0.054833
HERTFORD	20,640,228	0.584%	23,167,715	13,494,860	0.587%	15,137,697	6,144,489	0.583%	6,824,912	1,000,808	0.654%	1,201,039	0.653382	0.294507	0.051841
Hoke	18,058,636	0.454%	18,822,842	10,448,206	0.454%	11,721,116	4,803,912	0.456%	5,336,901	800,518	0.444%	964,276	0.650348	0.296063	0.053603
HYDE	6,201,364	0.147%	6,838,284	3,416,802	0.149%	3,832,852	1,572,542	0.149%	1,748,686	211,690	0.117%	284,282	0.656502	0.291178	0.043564
IREDELL	42,873,810	1.215%	48,336,247	27,845,068	1.210%	31,234,454	12,807,633	1.215%	14,225,560	2,220,311	1.283%	2,784,531	0.647844	0.294929	0.057728
JACKSON	15,640,753	0.440%	17,443,787	10,234,266	0.445%	11,480,811	4,800,748	0.436%	5,110,237	706,742	0.380%	846,938	0.658116	0.292965	0.048552
JOHNSTON	65,018,651	1.668%	81,753,888	36,786,826	1.654%	40,108,370	18,358,231	1.662%	18,188,766	2,901,494	1.606%	3,481,989	0.649506	0.294228	0.056386
JONES	7,377,137	0.209%	8,380,500	4,776,883	0.208%	5,367,218	2,218,211	0.210%	2,481,636	385,043	0.213%	482,878	0.648968	0.291781	0.056883
LEE	23,040,362	0.651%	25,828,072	14,927,026	0.649%	16,743,890	8,882,801	0.653%	7,546,008	1,200,525	0.654%	1,440,711	0.648386	0.296995	0.056781
LENOIR	44,384,843	1.259%	48,818,087	28,820,137	1.253%	32,328,213	13,311,110	1.253%	14,786,193	2,252,786	1.246%	2,700,508	0.646912	0.296778	0.054267
LINCOLN	21,465,480	0.607%	24,894,806	14,006,171	0.608%	15,709,824	8,329,894	0.600%	7,030,883	1,130,324	0.625%	1,354,488	0.652025	0.291614	0.056299
MACOM	13,388,105	0.379%	15,828,569	8,887,508	0.378%	9,756,635	3,878,093	0.377%	4,418,830	714,004	0.395%	868,653	0.648135	0.294014	0.057015
WADSWORTH	11,818,111	0.337%	13,375,291	7,732,682	0.336%	8,873,828	3,542,684	0.336%	3,931,982	640,764	0.354%	768,960	0.648504	0.294198	0.057481
MARTIN	18,987,102	0.536%	21,289,709	12,411,236	0.538%	13,821,871	5,688,563	0.531%	6,218,653	957,300	0.529%	1,189,628	0.653930	0.292092	0.053962
MCDOWELL	16,180,108	0.515%	20,420,003	11,838,121	0.516%	13,280,218	5,361,606	0.509%	5,956,243	892,479	0.649%	1,181,943	0.650324	0.291824	0.056325
MECKLENBURG	222,670,548	6.297%	248,807,660	144,383,174	6.276%	161,867,943	67,017,483	6.357%	74,439,052	11,289,852	6.233%	13,624,834	0.647994	0.297831	0.054112
MITCHELL	8,761,412	0.248%	9,634,287	6,877,829	0.247%	6,368,064	2,621,201	0.249%	2,941,476	462,282	0.256%	564,770	0.647839	0.295054	0.054412

12/24/97
 DISTRIBUTION OF BUDGETED SFY 1996-97 EXPENDITURES
 USING SFY 1995-96 RATIOS OF ACTUAL EXPENDITURES AND RECEIPTS BY COUNTY TO STATEWIDE TOTALS

COUNTY	SFY 1995-96 ACTUAL EXPENDITURES BY COUNTY	COUNTY PERCENT OF STATE TOTAL	DISTRIBUTED 1995-97 PROJECTED BUDGET	SFY 1995-96 ACTUAL FED SHARE BY COUNTY	COUNTY PERCENT OF STATE TOTAL	DISTRIBUTED 1995-97 PROJECTED FED SHARE	SFY 1995-96 ACTUAL STATE SHARE BY COUNTY	COUNTY PERCENT OF STATE TOTAL	DISTRIBUTED 1995-97 PROJECTED STATE SHARE	SFY 1995-96 ACTUAL CNTY SHARE BY COUNTY	COUNTY PERCENT OF STATE TOTAL	DISTRIBUTED 1995-97 PROJECTED CNTY SHARE	CALCULATED		
													1995-97 FEDERAL RATIO	1995-97 STATE RATIO	1995-97 COUNTY RATIO
MONTGOMERY	15,911,307	0.450%	17,869,717	10,335,814	0.449%	11,593,921	4,773,843	0.453%	5,302,502	801,650	0.443%	952,034	0.849166	0.296897	0.053866
MOORE	29,252,008	0.827%	32,834,048	19,029,870	0.827%	21,348,301	8,779,449	0.833%	9,751,692	1,442,840	0.788%	1,731,268	0.650127	0.296009	0.062728
WASH	44,845,604	1.263%	50,112,645	29,008,128	1.281%	32,639,088	13,307,601	1.252%	14,781,296	2,328,776	1.288%	2,786,889	0.649320	0.294982	0.066792
NEW HANOVER	71,736,687	2.001%	80,588,389	48,763,621	2.002%	62,456,835	21,339,290	2.024%	23,702,423	3,693,673	2.043%	4,432,668	0.650910	0.294117	0.066004
NORTHAMPTON	18,542,566	0.524%	20,813,207	12,061,320	0.524%	13,629,482	5,519,064	0.523%	6,130,236	952,211	0.532%	1,154,710	0.650042	0.294536	0.064480
ONslow	45,380,844	1.283%	50,927,931	29,518,236	1.283%	33,107,922	13,646,301	1.294%	15,157,504	2,219,307	1.228%	2,663,319	0.649966	0.297568	0.062286
ORANGE	30,308,166	0.867%	34,047,290	18,785,308	0.860%	22,193,637	8,970,107	0.851%	9,963,464	1,560,750	0.858%	1,861,005	0.652422	0.292894	0.064708
PAMLICO	8,073,987	0.228%	9,082,080	5,257,511	0.229%	5,897,472	2,417,399	0.228%	2,685,104	389,057	0.221%	478,895	0.650744	0.296282	0.062843
PASQUOTANK	20,007,881	0.566%	22,480,180	13,074,811	0.568%	14,968,318	6,860,651	0.664%	6,609,631	1,002,219	0.654%	1,202,731	0.652412	0.294021	0.063602
PENDER	22,488,130	0.639%	25,238,657	14,814,082	0.639%	18,382,854	6,664,799	0.632%	7,402,864	1,207,249	0.658%	1,448,780	0.648482	0.293003	0.067401
PERQUIMANS	6,612,007	0.184%	7,308,431	4,753,059	0.185%	4,770,754	1,819,814	0.182%	2,132,527	339,034	0.186%	406,884	0.652685	0.291750	0.066663
PERSON	19,297,807	0.545%	21,660,910	12,682,778	0.547%	14,125,608	6,877,434	0.639%	6,306,157	1,027,597	0.568%	1,233,186	0.652124	0.291131	0.066931
PIIT	72,787,794	2.069%	81,700,423	47,321,662	2.067%	63,081,802	21,829,683	2.080%	24,358,194	3,535,950	1.856%	4,243,379	0.649713	0.298140	0.061938
POCK	7,290,366	0.208%	8,183,100	4,760,177	0.208%	5,328,383	2,205,063	0.209%	2,449,254	335,125	0.185%	402,173	0.651146	0.298306	0.048142
RANDOLPH	47,666,483	1.361%	53,816,702	31,015,744	1.348%	34,791,077	14,284,137	1.368%	16,877,081	2,458,603	1.368%	2,948,090	0.648897	0.296127	0.064866
RICHMOND	38,537,034	1.080%	43,258,066	25,067,030	1.089%	28,107,049	11,744,478	1.114%	13,045,070	1,735,627	0.960%	2,062,749	0.648783	0.301578	0.048149
ROBESON	80,384,271	2.640%	104,787,143	60,740,843	2.640%	88,134,407	27,884,366	2.643%	30,860,109	4,789,044	2.832%	5,711,176	0.650166	0.296304	0.064487
ROCKINGHAM	49,103,034	1.369%	55,115,919	31,859,230	1.365%	36,737,236	14,685,913	1.393%	16,212,243	2,567,890	1.415%	3,089,842	0.648401	0.296962	0.066894
ROWAN	82,238,158	1.477%	90,634,963	31,868,109	1.472%	37,890,841	15,573,896	1.477%	17,298,582	2,786,152	1.647%	3,356,672	0.647918	0.296021	0.067228
RUTHERFORD	30,972,661	0.876%	34,766,402	20,208,093	0.878%	22,665,641	9,160,878	0.871%	10,187,575	1,585,691	0.877%	1,902,807	0.651960	0.293325	0.064737
SAMPSON	37,386,030	1.058%	41,874,218	24,382,017	1.060%	27,348,872	11,142,538	1.067%	12,378,471	1,678,474	1.036%	2,244,698	0.654587	0.294859	0.063478
SCOTLAND	27,214,074	0.770%	30,646,668	17,814,187	0.774%	19,982,597	8,044,761	0.783%	8,905,844	1,365,115	0.760%	1,626,230	0.654169	0.292525	0.063238
STANLY	27,466,026	0.777%	30,861,612	17,766,066	0.772%	19,928,606	8,268,636	0.784%	9,184,978	1,453,424	0.804%	1,744,207	0.64946	0.297618	0.06836
STOKES	17,347,063	0.491%	19,471,288	11,263,146	0.480%	12,656,668	5,150,278	0.489%	6,720,624	913,608	0.506%	1,096,428	0.650012	0.293798	0.066310
SURRY	34,406,009	0.974%	38,851,728	22,030,666	0.975%	25,161,687	10,281,774	0.976%	11,420,386	1,719,278	0.961%	2,063,250	0.651062	0.295489	0.063081
SWAIN	8,881,849	0.248%	9,798,206	5,843,386	0.254%	6,654,651	2,477,094	0.235%	2,751,409	371,370	0.206%	445,669	0.671845	0.292018	0.045681
TRANSYLVANIA	13,876,018	0.382%	15,578,097	9,010,649	0.392%	10,187,311	4,132,900	0.392%	4,600,581	733,368	0.406%	880,093	0.648901	0.294720	0.065603
TYRRELL	3,316,603	0.084%	3,722,735	2,170,901	0.084%	2,436,190	993,700	0.084%	1,103,743	152,002	0.084%	182,413	0.654129	0.294887	0.048000
UNION	38,189,299	0.996%	42,488,386	22,837,411	0.990%	25,817,251	10,517,222	0.998%	11,681,808	1,831,666	1.015%	2,201,724	0.648565	0.295757	0.066742
VANCE	31,578,337	0.890%	35,445,246	20,611,362	0.891%	23,008,283	9,392,782	0.891%	10,432,946	1,873,993	0.896%	2,008,806	0.649122	0.294340	0.066676
WAKE	134,868,714	3.817%	151,482,788	88,625,421	3.848%	98,301,011	39,921,873	3.787%	44,342,853	8,509,420	3.600%	7,811,746	0.656527	0.292725	0.061566

Med. Aid

DISTRIBUTION OF BUDGETED SFY 1996-97 EXPENDITURES
USING SFY 1995-96 RATIOS OF ACTUAL EXPENDITURES AND RECEIPTS BY COUNTY TO STATEWIDE TOTALS

COUNTY	SFY 1995-96 ACTUAL EXPENDITURES BY COUNTY	COUNTY PERCENT OF STATE TOTAL	DISTRIBUTED 1996-97 PROJECTED BUDGET	SFY 1995-96 ACTUAL FED SHARE BY COUNTY	COUNTY PERCENT OF STATE TOTAL	DISTRIBUTED 1996-97 PROJECTED FED SHARE	SFY 1995-96 ACTUAL STATE SHARE BY COUNTY	COUNTY PERCENT OF STATE TOTAL	DISTRIBUTED 1996-97 STATE SHARE	SFY 1995-96 ACTUAL CNTY SHARE BY COUNTY	COUNTY PERCENT OF STATE TOTAL	DISTRIBUTED 1996-97 PROJECTED CNTY SHARE	CALCULATED 1996-97 FEDERAL RATIO	1996-97 STATE RATIO	1996-97 COUNTY RATIO
WARREN	14,497,572	0.410%	18,272,864	9,445,692	0.611%	10,586,309	4,301,615	0.408%	4,777,879	750,365	0.415%	900,488	0.651106	0.793816	0.065337
WASHINGTON	10,207,199	0.268%	11,457,118	8,664,483	0.290%	7,475,706	3,010,556	0.286%	3,343,949	532,159	0.294%	638,626	0.652494	0.291857	0.065741
WATAUGA	13,673,127	0.387%	15,347,463	8,880,890	0.386%	9,972,892	4,145,318	0.393%	4,604,374	637,119	0.362%	764,586	0.646807	0.300009	0.048918
WAYNE	56,969,820	1.611%	63,944,906	37,107,140	1.873%	41,623,837	16,911,007	1.604%	18,783,745	2,960,673	1.632%	3,541,008	0.650904	0.293749	0.065376
WILKES	37,330,127	1.059%	41,901,362	24,281,500	1.056%	27,237,120	11,203,618	1.063%	12,444,638	1,844,804	1.020%	2,213,890	0.650029	0.298996	0.062936
WILSON	45,006,780	1.275%	50,619,093	29,300,456	1.273%	32,868,999	13,515,771	1.282%	15,012,618	2,280,563	1.261%	2,738,831	0.649300	0.296678	0.064067
YADKIN	15,250,568	0.431%	17,118,091	9,966,491	0.433%	11,179,843	4,568,777	0.432%	5,060,283	728,320	0.403%	874,034	0.653089	0.296811	0.061056
YANCEY	10,042,970	0.284%	11,272,776	6,528,220	0.284%	7,322,855	2,999,778	0.285%	3,331,876	514,971	0.285%	618,000	0.649605	0.296577	0.064822
STATEWIDE TOTAL	3,536,881,587	1.000000	3,868,877,285	2,300,814,784	1.000000	2,580,877,138	1,054,280,888	1.000000	1,171,832,565	180,798,117	1.000000	218,987,583	0.650278	0.295064	0.064657

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NORTH CAROLINA ASSOCIATION OF COUNTY COMMISSIONERS
NCACC 1996-97 BUDGET TAX SURVEY

Tax Rate

County	Adjusted Assess. Value	Tax Rate Per \$100	Effective Tax Rate Per \$100	1 Cent Levy Equivalent	Tax Levy (100% Coll)	Reptd Taxes/ 100% Levy	1995 Population	Gen. Rev. Per Cap.	Valuation Per Cap.	1994 Per Capita Income	Tax Levy Per Cap.
Alamance	\$6,347,100,381	\$0.5300	\$0.4458	\$533,884	\$20,284,203	97.4%	115,295	\$522	\$48,287	\$19,505	\$245
Alexander	\$1,303,283,828	\$0.5300	\$0.4677	\$115,000	\$8,005,000	96.1%	30,188	\$474	\$38,120	\$17,074	\$202
Alfgharry	\$888,303,189	\$0.5000	\$0.3753	\$83,953	\$3,708,280	88.4%	9,518	\$773	\$66,493	\$15,001	\$396
Anson	\$973,340,268	\$0.8350	\$0.7157	\$83,125	\$8,865,887	86.9%	23,828	\$852	\$35,011	\$15,897	\$292
Ashe	\$1,315,818,080	\$0.5800	\$0.4453	\$101,000	\$6,858,009	94.0%	22,892	\$529	\$43,928	\$18,258	\$255
Avery	\$0	\$0.5800	\$0.4781	\$0	\$0		15,188	\$0	\$0	\$17,490	\$0
Beaufort	\$2,347,368,421	\$0.5800	\$0.6700	\$223,000	\$13,380,000	85.9%	43,330	\$735	\$51,485	\$16,699	\$309
Bertie	\$0	\$0.7800	\$0.7466	\$0	\$0		20,838	\$0	\$0	\$15,330	\$0
Bhden	\$1,597,513,698	\$0.7375	\$0.5685	\$123,380	\$9,087,600	100.0%	28,790	\$675	\$41,410	\$15,851	\$305
Brunswick	\$8,607,682,831	\$0.8850	\$0.8118	\$590,000	\$40,415,000	95.3%	60,739	\$920	\$97,137	\$15,618	\$665
Buncombe	\$10,540,080,287	\$0.7300	\$0.8379	\$821,892	\$87,283,526	97.0%	188,738	\$742	\$48,835	\$20,202	\$358
Burke	\$3,651,029,201	\$0.5900	\$0.4930	\$305,080	\$17,889,720	98.0%	81,440	\$505	\$37,481	\$17,330	\$221
Cabarrus	\$8,152,693,401	\$0.6100	\$0.6008	\$410,000	\$37,210,000	97.8%	110,338	\$753	\$55,285	\$19,888	\$337
Caldwell	\$3,378,011,843	\$0.6490	\$0.4524	\$235,308	\$15,271,491	85.6%	73,728	\$591	\$31,917	\$17,671	\$207
Camden	\$314,567,143	\$0.7600	\$0.6284	\$28,358	\$1,978,708	87.1%	8,318	\$488	\$41,729	\$15,278	\$313
Carteret	\$4,869,838,780	\$0.6050	\$0.3782	\$364,758	\$18,420,292	88.3%	57,812	\$630	\$63,313	\$17,128	\$320
Caswell	\$768,914,474	\$0.7050	\$0.6858	\$74,800	\$5,273,400	83.8%	21,372	\$658	\$34,998	\$15,084	\$247
Catawba	\$8,879,038,155	\$0.6200	\$0.4140	\$708,880	\$38,758,732	95.0%	126,240	\$912	\$55,883	\$21,710	\$291
Chatham	\$2,832,639,182	\$0.7400	\$0.6800	\$234,805	\$17,375,578	96.9%	42,814	\$774	\$54,715	\$20,721	\$405
Cherokee	\$940,483,446	\$0.4700	\$0.4628	\$92,600	\$4,352,200	90.8%	21,824	\$825	\$42,430	\$13,435	\$189
Chowan	\$642,474,418	\$0.7700	\$0.6557	\$54,741	\$4,215,038	101.3%	14,831	\$858	\$39,014	\$16,931	\$300
Clay	\$0	\$0.4300	\$0.3948	\$0	\$0		7,732	\$0	\$0	\$14,248	\$0
Cleveland	\$3,928,885,812	\$0.8200	\$0.6808	\$368,000	\$22,818,000	88.0%	89,138	\$677	\$41,285	\$17,282	\$256
Columbus	\$2,785,185,185	\$0.7800	\$0.5265	\$188,000	\$14,884,000	88.5%	81,260	\$769	\$38,870	\$16,528	\$288
Craven	\$3,819,709,702	\$0.5850	\$0.5360	\$350,000	\$20,475,000	88.3%	85,818	\$599	\$40,705	\$17,825	\$238
Cumberland	\$10,418,897,341	\$0.7500	\$0.7500	\$1,041,700	\$78,127,480	95.9%	294,010	\$608	\$35,431	\$18,785	\$288
Currituck	\$1,738,865,112	\$0.6500	\$0.5871	\$158,891	\$10,187,917	86.1%	15,818	\$1,109	\$49,185	\$16,872	\$645
Dare	\$4,310,000,000	\$0.4000	\$0.4000	\$431,000	\$17,240,000	88.3%	25,768	\$1,488	\$187,327	\$18,565	\$889
Davidson	\$8,670,224,120	\$0.8100	\$0.4048	\$500,000	\$27,000,000	88.4%	138,804	\$477	\$30,602	\$17,888	\$188
Davie	\$1,627,418,542	\$0.8020	\$0.5837	\$158,315	\$8,498,805	98.8%	29,735	\$738	\$63,242	\$22,398	\$319
Duplin	\$2,059,653,415	\$0.7750	\$0.6377	\$189,488	\$13,133,782	92.8%	42,772	\$578	\$39,821	\$18,299	\$307
Durham	\$13,084,307,481	\$0.9587	\$0.8327	\$1,138,200	\$109,841,114	96.8%	182,808	\$1,717	\$58,889	\$22,418	\$563
Edgecombe	\$1,930,354,977	\$0.8800	\$0.8213	\$181,000	\$16,928,000	95.9%	58,811	\$899	\$31,860	\$18,280	\$280
Forsyth	\$18,872,266,974	\$0.7284	\$0.8312	\$1,840,000	\$118,128,800	98.3%	278,804	\$813	\$58,582	\$24,587	\$428
Franklin	\$1,713,868,868	\$0.8000	\$0.7404	\$141,000	\$12,890,000	97.6%	41,849	\$701	\$33,864	\$15,437	\$385
Gaston	\$8,490,883,844	\$0.8410	\$0.7308	\$737,839	\$82,052,232	88.3%	178,442	\$858	\$41,349	\$18,524	\$348

NORTH CAROLINA ASSOCIATION OF COUNTY COMMISSIONERS
NCACC 1996-97 BUDGET TAX SURVEY

Tax Rate

County	Adjusted Assess. Value	Tax Rate Per \$100	Effective Tax Rate Per \$100	1 Cent Levy Equivalent	Tax Levy (100% Coll)	Reptd Taxes/ 100% Levy	1995 Population	Gen. Rev. Per Cap.	Valuation Per Cap.	1994 Per Capita Income	Tax Levy Per Cap.
Gates	\$387,097,900	\$0.8000	\$0.7642	\$33,200	\$2,021,600	88.1%	8,798	\$542	\$33,834	\$16,002	\$296
Graham	\$328,715,082	\$0.8000	\$0.5512	\$30,198	\$1,811,760	95.4%	7,488	\$642	\$40,414	\$12,578	\$243
Granville	\$1,876,643,762	\$0.7200	\$0.5627	\$146,680	\$10,559,499	85.0%	41,130	\$518	\$35,658	\$15,959	\$257
Greene	\$615,071,004	\$0.8350	\$0.6974	\$44,002	\$3,674,182	100.0%	18,784	\$589	\$28,201	\$16,405	\$219
Guilford	\$24,850,000,000	\$0.6572	\$0.6672	\$2,486,000	\$161,989,800	98.1%	372,097	\$858	\$66,246	\$23,717	\$435
Hallifax	\$2,545,387,587	\$0.6900	\$0.5382	\$198,540	\$13,689,276	107.6%	57,468	\$700	\$34,648	\$16,016	\$238
Harnett	\$2,564,251,684	\$0.7000	\$0.6833	\$218,473	\$15,153,088	95.7%	78,850	\$492	\$28,128	\$15,108	\$197
Haywood	\$2,719,752,424	\$0.6100	\$0.6100	\$271,976	\$16,590,490	93.4%	49,948	\$731	\$54,464	\$16,973	\$332
Henderson	\$5,027,038,471	\$0.5160	\$0.4628	\$451,811	\$23,288,243	102.0%	76,250	\$654	\$59,254	\$20,332	\$305
Hertford	\$775,834,809	\$0.8600	\$0.8305	\$67,100	\$6,441,815		22,460	\$507	\$29,865	\$14,098	\$287
Hoke	\$831,937,740	\$0.8400	\$0.7764	\$60,827	\$4,450,895	95.6%	27,334	\$511	\$25,107	\$11,038	\$238
Hyde	\$392,627,442	\$0.6900	\$0.7472	\$32,985	\$2,933,886	100.0%	5,211	\$1,181	\$83,280	\$16,846	\$583
Iredell	\$6,233,159,794	\$0.4500	\$0.4383	\$804,305	\$27,183,718	98.0%	100,462	\$578	\$58,408	\$19,245	\$263
Jackson	\$2,164,505,987	\$0.5300	\$0.4441	\$181,388	\$9,813,437	95.5%	28,788	\$878	\$62,985	\$15,253	\$334
Johnston	\$4,374,883,743	\$0.7400	\$0.6712	\$398,811	\$29,384,016	90.8%	95,413	\$596	\$41,689	\$18,415	\$308
Jones	\$389,863,628	\$0.8400	\$0.7076	\$32,847	\$2,759,117	92.0%	9,602	\$657	\$34,688	\$19,509	\$290
Lee	\$2,470,753,899	\$0.6800	\$0.6278	\$228,100	\$15,510,800	97.0%	46,014	\$680	\$49,572	\$20,704	\$337
Lenoir	\$2,688,169,202	\$0.7500	\$0.6075	\$217,742	\$16,330,828	107.4%	59,083	\$773	\$38,854	\$18,036	\$276
Lincoln	\$2,921,017,381	\$0.8180	\$0.8055	\$287,803	\$17,687,807	97.5%	55,582	\$669	\$51,735	\$17,880	\$318
Macon	\$2,386,357,172	\$0.4850	\$0.4361	\$209,781	\$10,283,159	96.0%	26,204	\$747	\$79,808	\$16,303	\$395
Madison	\$834,346,488	\$0.8600	\$0.5550	\$71,237	\$4,830,373	80.1%	17,778	\$1,371	\$40,070	\$15,140	\$280
Martin	\$1,305,997,000	\$0.7700	\$0.7050	\$118,677	\$9,207,436	95.0%	25,842	\$900	\$46,272	\$16,374	\$358
McDowell	\$1,628,284,231	\$0.6375	\$0.5803	\$142,035	\$9,112,108	86.5%	37,244	\$545	\$38,378	\$15,619	\$245
Mecklenburg	\$48,452,447,848	\$0.7300	\$0.8488	\$4,305,000	\$314,286,000	98.3%	577,479	\$1,487	\$74,540	\$25,993	\$544
Mitchell	\$714,586,331	\$0.5400	\$0.5030	\$88,565	\$3,594,491	100.0%	14,838	\$577	\$44,881	\$15,271	\$242
Montgomery	\$1,080,152,032	\$0.6700	\$0.6687	\$107,810	\$7,223,268	104.0%	23,828	\$680	\$45,245	\$16,058	\$300
Moore	\$4,388,174,727	\$0.4500	\$0.4327	\$420,000	\$18,800,000	110.1%	68,680	\$650	\$63,006	\$22,719	\$284
Nash	\$3,757,008,178	\$0.8100	\$0.6357	\$330,000	\$20,130,000	98.9%	83,046	\$565	\$39,302	\$19,042	\$240
New Hanover	\$10,839,589,158	\$0.6450	\$0.5908	\$900,000	\$58,050,000	99.8%	139,577	\$872	\$84,481	\$19,887	\$416
Northampton	\$852,370,322	\$0.7600	\$0.7323	\$82,134	\$6,242,215	86.0%	20,726	\$645	\$39,828	\$15,264	\$301
Onslow	\$3,948,342,319	\$0.6440	\$0.6759	\$363,100	\$22,738,656	98.0%	147,912	\$495	\$23,872	\$13,548	\$154
Orange	\$6,110,753,268	\$0.8976	\$0.8238	\$504,687	\$50,342,639	98.0%	105,821	\$740	\$47,803	\$23,108	\$476
Perdico	\$688,788,865	\$0.6943	\$0.6908	\$68,522	\$4,618,654	96.0%	11,889	\$714	\$58,047	\$15,807	\$389
Person	\$1,315,953,894	\$0.7700	\$0.6160	\$105,278	\$8,108,277	93.5%	33,280	\$540	\$31,624	\$18,168	\$244
Pender	\$2,148,205,241	\$0.6100	\$0.6540	\$195,100	\$11,801,100	94.0%	34,871	\$604	\$58,272	\$16,497	\$343
Perquimans	\$471,547,894	\$0.7800	\$0.7281	\$44,014	\$3,433,112	99.2%	10,650	\$634	\$41,328	\$15,827	\$322

NORTH CAROLINA ASSOCIATION OF COUNTY COMMISSIONERS
NCACC 1996-97 BUDGET TAX SURVEY

Tax Rate

County	Adjusted Assess. Value	Tax Rate Per \$100	Effective Tax Rate Per \$100	1 Cent Levy Equivalent	Tax Levy (100% Coll)	Reptd Taxes/ 100% Levy	1995 Population	Gen. Rev. Per Cap.	Valuation Per Cap.	1994 Per Capita Income	Tax Levy Per Cap.
Person	\$2,278,086,957	\$0.6500	\$0.5980	\$209,400	\$13,611,000	97.6%	32,138	\$894	\$65,154	\$17,448	\$424
Pin	\$4,867,064,982	\$0.6800	\$0.6468	\$488,623	\$32,117,142	94.4%	117,420	\$686	\$41,443	\$16,535	\$274
Polk	\$1,058,830,249	\$0.4933	\$0.4440	\$95,295	\$4,700,889	97.0%	15,743	\$554	\$80,531	\$23,265	\$209
Randolph	\$5,784,217,488	\$0.4650	\$0.3972	\$495,000	\$23,017,600	100.4%	115,648	\$548	\$42,839	\$18,210	\$189
Richmond	\$1,639,882,183	\$0.8700	\$0.7275	\$122,876	\$11,828,688	95.0%	46,404	\$539	\$27,095	\$14,866	\$263
Robeson	\$3,212,000,000	\$0.8100	\$0.8100	\$321,200	\$26,017,200	82.0%	110,980	\$614	\$28,840	\$14,844	\$234
Rockingham	\$4,073,085,877	\$0.6400	\$0.5709	\$383,380	\$23,255,040	97.0%	88,834	\$688	\$41,135	\$17,785	\$263
Rowan	\$4,497,473,988	\$0.6376	\$0.6183	\$533,200	\$33,891,600	97.0%	118,876	\$567	\$44,854	\$17,608	\$286
Rutherford	\$2,873,857,388	\$0.5500	\$0.5123	\$276,885	\$16,234,179	94.1%	59,082	\$802	\$48,881	\$16,481	\$256
Sampson	\$2,145,814,312	\$0.6700	\$0.6070	\$194,411	\$13,026,522	95.0%	50,523	\$439	\$38,480	\$19,977	\$258
Scotland	\$1,228,554,808	\$0.9500	\$0.8600	\$122,855	\$11,871,271	108.1%	34,718	\$888	\$35,387	\$18,158	\$336
Stanly	\$2,443,301,379	\$0.6675	\$0.6710	\$209,000	\$13,950,750	97.0%	53,784	\$537	\$38,859	\$16,798	\$258
Stokes	\$1,781,729,730	\$0.5700	\$0.5273	\$162,980	\$9,288,720	100.0%	41,071	\$590	\$38,878	\$17,085	\$226
Surry	\$3,122,133,668	\$0.6200	\$0.4707	\$282,584	\$14,584,385	98.0%	65,078	\$600	\$43,424	\$18,241	\$228
Swain	\$450,082,448	\$0.6700	\$0.4127	\$32,588	\$1,857,400	95.5%	11,688	\$427	\$28,169	\$12,716	\$161
Transylvania	\$2,160,783,089	\$0.6410	\$0.5195	\$207,500	\$11,225,760	170.1%	27,188	\$791	\$76,377	\$18,021	\$413
Tyrrell	\$242,008,809	\$1.0000	\$0.6941	\$16,311	\$1,880,018	86.5%	3,812	\$808	\$12,788	\$16,825	\$441
Union	\$5,848,522,417	\$0.6600	\$0.5423	\$484,138	\$30,833,180	103.1%	98,102	\$612	\$47,269	\$17,951	\$312
Vance	\$1,488,028,333	\$0.5000	\$0.7200	\$133,877	\$10,718,131	89.4%	48,041	\$648	\$33,480	\$16,332	\$268
Wake	\$41,064,841,811	\$0.8300	\$0.6043	\$3,288,448	\$207,048,230	99.9%	618,271	\$743	\$63,412	\$24,841	\$359
Warren	\$768,815,121	\$0.8800	\$0.8392	\$72,468	\$8,376,865	98.8%	18,137	\$803	\$39,855	\$12,591	\$352
Washington	\$587,728,670	\$0.8200	\$0.7174	\$43,482	\$4,001,242	100.7%	13,766	\$621	\$31,594	\$18,853	\$291
Watauga	\$2,738,877,648	\$0.4350	\$0.4024	\$263,181	\$11,012,611	95.5%	46,133	\$539	\$83,081	\$16,083	\$274
Wayne	\$3,508,489,855	\$0.6500	\$0.5844	\$318,504	\$20,607,768	88.2%	111,018	\$748	\$28,418	\$15,777	\$185
Wilkes	\$2,971,502,591	\$0.6300	\$0.4864	\$228,400	\$14,452,300	98.2%	82,058	\$582	\$38,987	\$17,139	\$233
Wilson	\$3,037,120,380	\$0.7700	\$0.6845	\$270,000	\$20,790,000	98.8%	87,839	\$644	\$39,800	\$19,454	\$308
Yadkin	\$1,404,367,869	\$0.6800	\$0.5622	\$118,099	\$7,884,339	95.0%	33,672	\$458	\$34,479	\$17,507	\$234
Yancey	\$871,299,892	\$0.5000	\$0.4068	\$78,985	\$3,849,228	95.0%	18,143	\$434	\$48,928	\$14,548	\$245
Total 12/1/86	\$409,878,705,181	\$0.6705	\$0.6898	\$38,054,783	\$2,417,428,174	97.5%	7,184,238	\$767	\$50,116	\$19,567	\$336
Average		\$0.6780	\$0.5926	\$360,548	\$24,174,282	89.7%	71,942	\$672	\$45,748	\$19,567	\$301
Minimum	\$0	\$0.4000	\$0.3753	\$0	\$0	0.0%	3,812	\$0	\$0	\$11,938	\$0
Maximum	\$48,452,447,846	\$1.0000	\$0.8500	\$4,305,000	\$314,265,000	178.1%	577,479	\$1,717	\$187,327	\$25,893	\$669

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Table 9
North Carolina Medicaid
State Fiscal Year 1996
Total Expenditures and Eligibles by County

COUNTY NAME	1996 EST. COUNTY POPULATION	NUMBER OF MEDICAID ELIGIBLES	TOTAL EXPENDITURES	EXPENDITURE PER ELIGIBLE	PER CAPITA EXPENDITURE AMOUNT	RANKING	ELIGIBLES PER 1,000 POPULATION	% of Eligibles on Medicaid by county, based on 1996 population (Column D / Column C)
ALAMANCE	117,115	14,845	\$ 51,484,651	\$ 3,468	\$ 439.61	74	127	12.68%
ALEXANDER	30,766	4,039	12,561,961	3,110	408.31	87	131	13.13%
ALLEGHANY	9,555	1,514	5,747,568	3,796	601.52	39	158	15.85%
ANSON	23,786	6,444	21,314,352	3,308	896.09	9	271	27.09%
ASHE	23,166	4,219	16,700,561	3,958	720.91	27	182	18.21%
AVERY	15,205	2,760	11,977,395	4,340	787.73	15	182	18.15%
BEAUFORT	43,645	9,965	32,426,330	3,254	742.96	26	228	22.83%
BERTIE	20,701	6,399	19,338,572	3,022	934.19	7	309	30.91%
BLADEN	30,063	8,511	26,152,517	3,073	869.92	8	283	28.31%
BRUNSWICK	62,750	11,888	32,462,591	2,731	517.33	38	189	18.95%
BUNCOMBE	191,798	29,128	96,842,489	3,325	504.92	60	152	15.19%
BURKE	82,866	12,300	40,454,711	3,289	488.19	63	148	14.84%
CABARRUS	113,031	13,498	46,160,624	3,420	408.39	79	119	11.94%
CALDWELL	74,338	10,893	37,761,950	3,467	507.98	55	147	14.65%
CAMDEN	6,445	987	3,027,782	3,068	469.79	75	153	15.31%
CARTERET	58,562	8,200	26,778,671	3,266	457.27	73	140	14.00%
CASWELL	21,311	4,000	12,614,982	3,154	591.95	43	188	18.77%
CATAWBA	127,942	16,657	49,545,880	2,974	387.25	91	130	13.02%
CHATHAM	43,712	5,068	17,895,524	3,531	409.40	76	116	11.59%
CHEROKEE	22,243	4,991	16,059,212	3,218	721.99	23	224	22.44%
CHOWAN	14,140	3,596	11,216,323	3,119	793.23	18	254	25.43%
CLAY	7,862	1,437	5,227,606	3,638	664.92	40	183	18.28%
CLEVELAND	90,053	16,211	46,740,402	2,883	519.03	67	180	18.00%
COLUMBUS	51,556	16,298	48,428,298	2,971	939.33	2	316	31.61%
CRAVEN	86,789	15,361	44,391,516	2,890	511.49	61	177	17.70%
CUMBERLAND	298,810	48,304	105,869,300	2,192	354.30	95	162	16.17%
CURRITUCK	16,257	2,366	5,943,160	2,512	365.58	93	146	14.55%
DARE	26,516	2,579	9,029,824	3,501	340.54	94	97	9.73%
DAVIDSON	138,501	18,045	53,207,802	2,949	384.17	89	130	13.03%
DAVIE	30,203	3,183	12,750,829	4,006	422.17	85	105	10.54%
DUPLIN	43,413	10,271	28,535,001	2,778	657.29	31	237	23.66%
DURHAM	194,685	29,036	96,262,570	3,315	494.45	68	149	14.51%
EDGECOMBE	56,714	17,567	46,202,839	2,630	814.66	16	310	30.97%
FORSYTH	284,157	38,421	117,701,240	3,063	414.21	84	135	13.52%
FRANKLIN	42,605	7,907	25,577,024	3,235	600.33	29	186	18.56%
GASTON	179,018	29,046	92,268,661	3,177	515.42	59	162	16.23%
GATES	9,835	1,902	5,830,710	3,066	592.85	44	193	19.34%
GRAHAM	7,556	1,816	6,163,819	3,394	815.75	17	240	24.03%
GRANVILLE	41,523	6,571	21,320,760	3,245	513.47	56	158	15.82%
GREENE	17,106	3,618	10,303,230	2,848	602.32	34	212	21.15%
GUILFORD	378,067	52,311	165,630,041	3,166	438.10	81	138	13.84%
HALIFAX	57,700	18,521	47,484,046	2,564	822.95	13	321	32.10%
HARNETT	78,967	14,937	43,089,049	2,885	545.66	49	189	18.92%
HAYWOOD	50,443	8,662	27,114,072	3,130	537.52	51	172	17.17%
HENDERSON	77,549	11,328	37,886,203	3,344	488.55	71	146	14.61%
HERTFORD	22,363	7,354	20,640,228	2,807	922.96	4	329	32.88%
HOKE	28,526	6,960	16,056,635	2,307	562.88	41	244	24.40%
HYDE	5,109	1,478	5,201,364	3,519	1,018.08	3	289	28.93%
IREDELL	105,957	14,098	42,973,010	3,048	405.57	83	133	13.31%
JACKSON	29,268	4,863	15,540,753	3,196	530.98	57	166	16.62%
JOHNSTON	98,845	17,180	55,016,651	3,202	556.60	50	174	17.38%
JONES	9,519	2,252	7,377,137	3,276	774.99	10	237	23.66%

North Carolina Medicaid
State Fiscal Year 1996 Cont'd
Total Expenditures and Eligibles by County

COUNTY NAME	1996 EST. COUNTY POPULATION	NUMBER OF MEDICAID ELIGIBLES	TOTAL EXPENDITURES	EXPENDITURE PER ELIGIBLE	PER CAPITA EXPENDITURE AMOUNT	RANKING	ELIGIBLES PER 1,000 POPULATION	% of Eligibles on Medicaid by county, based on 1996 population (Column D / Column C)
LEE	47,014	8,699	23,010,352	2,645	489.44	65	185	18.50%
LENOIR	59,466	14,847	44,384,043	2,989	746.38	22	250	24.97%
LINCOLN	56,782	7,604	21,465,490	2,823	378.03	86	134	13.39%
MACON	37,696	4,485	13,389,105	2,985	355.19	96	119	11.90%
MADISON	26,757	3,778	11,916,111	3,154	445.35	58	141	14.12%
MARTIN	18,020	6,474	18,967,102	2,930	1,052.56	1	359	35.93%
MCDOWELL	25,895	5,913	18,193,106	3,077	702.57	32	228	22.83%
MECKLENBURG	592,634	76,508	222,670,548	2,910	375.73	88	129	12.91%
MITCHELL	14,864	2,464	8,761,413	3,556	589.44	30	166	16.58%
MONTGOMERY	24,090	5,605	15,911,307	2,839	660.49	45	233	23.27%
MOORE	68,732	9,596	29,252,009	3,048	425.60	78	140	13.96%
NASH	85,588	15,020	44,645,504	2,972	521.63	66	175	17.55%
NEW HANOVER	144,043	22,994	71,796,587	3,122	498.44	54	160	15.96%
NORTHAMPTON	20,714	6,733	18,542,585	2,754	895.17	5	325	32.50%
ONSWLOW	150,714	18,513	45,380,844	2,451	301.11	100	123	12.28%
ORANGE	107,992	7,985	30,306,165	3,795	280.63	98	74	7.39%
PAMLICO	11,972	2,177	8,073,967	3,709	674.40	28	182	18.18%
PASQUOTANK	33,501	7,772	20,027,681	2,577	597.82	48	232	23.20%
PENDER	35,773	7,586	22,486,130	2,964	628.58	35	212	21.21%
PERQUIMANS	10,716	2,682	6,512,007	2,428	607.69	46	250	25.03%
PERSON	32,608	5,637	19,297,807	3,423	591.81	33	173	17.29%
PITT	119,276	23,644	72,787,294	3,078	610.24	37	198	19.82%
POLK	15,931	1,966	7,290,365	3,708	457.62	72	123	12.34%
RANDOLPH	117,405	14,896	47,766,483	3,207	406.85	90	127	12.69%
RICHMOND	45,619	11,889	38,537,034	3,241	844.76	19	261	26.06%
ROBESON	111,894	34,751	93,364,271	2,687	834.40	12	311	31.06%
ROCKINGHAM	89,345	14,912	49,103,034	3,293	549.59	52	167	16.69%
ROWAN	121,032	17,127	52,238,158	3,050	431.61	82	142	14.15%
RUTHERFORD	59,479	9,987	30,972,661	3,101	520.73	69	168	16.79%
SAMPSON	51,177	12,501	37,395,030	2,991	730.70	25	244	24.43%
SCOTLAND	34,916	10,311	27,214,074	2,639	779.42	20	295	29.53%
STANLY	54,301	8,498	27,486,026	3,234	506.18	70	156	15.65%
STOKES	42,146	5,319	17,347,063	3,261	411.59	80	126	12.62%
SURRY	66,110	9,752	34,435,007	3,531	520.87	62	148	14.75%
SWAIN	11,662	3,078	8,691,849	2,824	745.31	21	264	26.39%
TRANSYLVANIA	27,447	4,292	13,876,818	3,233	505.59	53	156	15.64%
TYRRELL	3,752	1,111	3,316,603	2,985	883.96	6	296	29.61%
UNION	101,507	12,638	35,189,299	2,784	346.67	92	125	12.45%
VANCE	40,297	11,803	31,578,337	2,675	783.64	14	293	29.29%
WAKE	538,131	47,922	134,956,714	2,816	250.79	99	89	8.91%
WARREN	18,331	4,825	14,497,572	3,005	790.88	11	263	26.32%
WASHINGTON	13,675	3,821	10,207,199	2,671	746.41	24	279	27.94%
WATAUGA	40,607	3,802	13,673,127	3,596	336.72	97	94	9.36%
WAYNE	112,331	20,889	56,968,820	2,727	507.15	64	186	18.60%
WILKES	62,438	10,054	37,330,122	3,713	597.88	47	161	16.10%
WILSON	68,583	16,458	45,096,790	2,740	657.55	36	240	24.00%
YADKIN	34,464	4,390	15,250,588	3,474	442.51	77	127	12.74%
YANCEY	16,278	3,096	10,042,970	3,244	616.97	42	190	19.02%
STATE TOTAL	7,322,317	1,176,589	\$3,535,891,597	\$3,005	\$482.89	N/A	161	16.07%

Source: Medicaid Cost Calculation Fiscal Y-T-D June 1996.

Note: Data reflect only net vendor payments for which the county
is billed for its computable share.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

Never
Presented

EDITION No. _____

H. B. No. 73 PCS 1192DATE 3-27-97

S. B. No. _____

Amendment No. _____

(to be filled in by
Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.)

Sen.)

Ramsey1 moves to amend the bill on page 1, line 8

2 () WHICH CHANGES THE TITLE

3 by rewriting the line to read:4
5 "biennium for Tier 1, Tier 2, and Tier 3
6 counties, as defined by G.S. 105-129.3,
7 as follows: "; and8
9 on line 10 by rewriting the line to read:
10 "(2) For Tier 2 and Tier 3 counties,
11 by 10 percent (10%)."; and ~~on line 12~~12
13 on line 12, by substituting the
14 word "of" for the word "on".

15

16

17

18

19

SIGNED

Lister B. Ramsey

ADOPTED _____ FAILED _____ TABLED _____

3-27-97

ROLL CALL VOTE

10 8 = _____ (TOTAL)
 YES NO

HB# 73 PCS1192
 SB# _____ Amend II
 (Watson)

HOUSE STANDING COMMITTEE ON HUMAN RESOURCES

YES	NO	MEMBER (last name)	YES	NO	MEMBER (last name)
<u>✓</u>	_____	Aldridge, Chair	_____	_____	
<u>✓</u>	_____	Howard, Chair	_____	_____	
_____	<u>✓</u>	Ramsey, RMM	_____	_____	
_____	<u>✓</u>	Adams	_____	_____	
_____	<u>✓</u>	Bowie	_____	_____	
<u>✓</u>	_____	Clary	_____	_____	
_____	_____	Creech	_____	_____	
<u>✓</u>	_____	Culp	_____	_____	
_____	<u>✓</u>	Cunningham	_____	_____	
_____	<u>✓</u>	Earle	_____	_____	
_____	_____	Easterling	_____	_____	
<u>✓</u>	_____	Esposito	_____	_____	
<u>✓</u>	_____	Gardner	_____	_____	
_____	<u>✓</u>	Hunter	_____	_____	
_____	_____	Insko	_____	_____	
<u>✓</u>	_____	Ives	_____	_____	
_____	_____	McAllister	_____	_____	
_____	<u>✓</u>	Nesbitt	_____	_____	
_____	_____	Rayfield	_____	_____	
<u>✓</u>	_____	Warwick	_____	_____	
<u>✓</u>	_____	Watson	_____	_____	
<u>✓</u>	_____	Wilson, G.	_____	_____	Ex officio Members
_____	<u>✓</u>	Womble	_____	_____	Speaker Pro Tem (Wood)
_____	_____		_____	_____	Majority Leader (Daughtry)
_____	_____		_____	_____	Majority Whip (Howard)

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

BILL SPONSOR: Rep. Frank Mitchell

OFFICE: Room 638 - LOB

DATE: Tuesday, March 25, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Thursday, March 27, 1997

TIME: 11:00 AM

LOCATION: Room 643-LOB

Your Bill (or Bills) will be discussed at this time:
HB 327 - "Area Mental Health Bd./Appt."

We would like to have you attend this meeting.

Representative Aldridge & Rep. Howard
Chairman

Susan B. Groh (Committee Clerk)

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

BILL SPONSOR: Rep. Nichols

OFFICE: Room 616-LOB

DATE: March 25, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Thursday, March 27, 1997

TIME: 11:00 AM

LOCATION: Room 643-LOB

Your Bill (or Bills) will be discussed at this time:
HB 213 - "Control of Co. Bds./Human Services"

We would like to have you attend this meeting.

Representative Aldridge & Rep. Howard
Chairman

Susan B. Groh (Committee Clerk)

*Called 3/26 @ 11 a.m. to cancel his attendance.
This bill has been delayed due to the
continuance of HB 73. O'Smoat*

VISITOR REGISTRATION SHEET

HUMAN RESOURCES

Thursday, March 27, 1997

Name of Committee

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS[illegible]

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE**

You are hereby notified that the Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: **Tuesday, April 1, 1997**

TIME: **11:00 AM**

LOCATION: **Room 643-LOB**

The following bills will be considered (Bill # & Short Title):

HB 73 - "Reduce County Share Payments", Rep. Goodwin, Sponsor

HB 235 - "Increase fee for Birth/Death Certificate", Rep. Easterling, Sponsor

Respectfully,

Representative Howard, Rep. Aldridge
Chairman

I hereby certify this notice was filed by the committee clerk at the following offices at
2:25 p.m. on Thursday, March 27, 1997.

____ Principal Clerk
____ Reading Clerk - House Chamber

Natalie E. Smoot (Committee Clerk)

AGENDA

House Standing Committee on HUMAN RESOURCES

Tuesday, April 1, 1997

Rep. Henry Aldridge - Opening Prayer

Greetings: Rep. Julia Howard, Presiding Chair

Introduction of Pages

Presentation of HB 73 - "Reduce County Share Payments"
Representative Goodwin, Sponsor

Vote

Presentation of HB 235 - "Increase Fee for Birth/Death Cert."
Representative Easterling, Sponsor

Announcements

Adjournment

MINUTES

HOUSE COMMITTEE ON HUMAN RESOURCES

April 1, 1997

11:00 a.m.

Room 643

The House Committee on Human Resources met in Room 643 of the Legislative Office Building on Tuesday, April 1, 1997. Representative Julia Howard, Co-Chair, presided at the meeting. Representative Henry Aldridge, Co-Chair opened the meeting in prayer.

The following members were present: Representatives Aldridge, Co-Chair; Ramsey, Adams, Bowie, Clary, Creech Culp, Cunningham, Earle, Esposito, Gardner, Hunter, Ives, McAllister, Nesbitt, Warwick, Watson, Wilson, G. and Womble.

Rep. Howard recognized the pages for the day: Mr. Bill Mick from Johnston County and Mr. Chad Swanson from Harnett County.

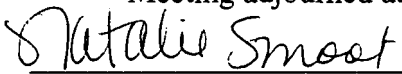
Rep. Howard introduced Rep. Goodwin to discuss a new Committee Substitute (H73-CSRK-002) for HB 73 and called on staff member Carolyn Johnson to explain the Committee Substitute. Rep. Nesbitt moved to adopt Committee Substitute H73-CSRK-002 for the purpose of discussion. Carolyn Johnson explained the Committee Substitute. Rep. Howard called on Rep. Goodwin to further discuss the Committee Substitute. Rep. Goodwin explained the bill.

Rep. McAllister moved for a favorable report to the Committee Substitute and unfavorable as to the original bill. Rep. Nesbitt moved to add to the motion to re-refer the bill to the Committee on Appropriations. Rep. Howard called for a vote. The vote was unanimously in favor of the Committee Substitute (H73-CSRK-002) and unfavorable as to the original bill.

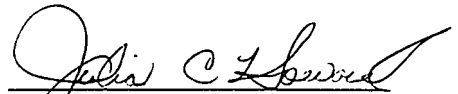
Rep. Howard introduced Rep. Earle to discuss HB235 on behalf of Rep. Easterling and asked staff member Sue Floyd to explain the Bill. Rep. Hunter moved for a favorable report and re-referral of this bill to the Committee on Finance. Floor was opened for discussion. Judy Gibson, Mecklenberg Register of Deeds and State Association of Registers of Deed Legislative Committee Co-Chair spoke in favor of the bill.

Rep. Howard called for a vote on Rep. Hunter's motion for a favorable report. The motion failed.

Meeting adjourned at 11:43.



Natalie Smoot, Clerk


Rep. Julia Howard, Co-Chair

Date Adopted 4-2-97

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

BILL SPONSOR: Rep. Wayne Goodwin

OFFICE: 502 LOB

DATE: March 27, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Tuesday, April 1, 1997

TIME: 11:00 a.m.

LOCATION: 643 LOB

Your bill will be discussed at this time:

HB 73 "Reduce County Share/Payments"

We would like to have you attend this meeting.

Representative Julia Howard
Representative Henry Aldridge
Co-Chairs

Natalie Smoot
Susan Groh
Committee Clerks

Natalie Smoot (Rep. Howard)

From: Natalie Smoot (Rep. Howard)
Sent: Thursday, March 27, 1997 2:14 PM
To: Rep. Wayne Goodwin
Cc: Natalie Smoot (Rep. Howard)
Subject: HR Committee Meeting

Attached please find a Bill Sponsor HUMAN RESOURCES COMMITTEE Meeting notice.

If you have any questions please call me at 3-5904.

Thank you,
Natalie Smoot
Committee Clerk



Goodwin 04-01-97.do

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 73

Proposed Committee Substitute H73-CSRK-002

WARNING: LINE NUMBERS MAY CHANGE AFTER ADOPTION

Short Title: Reduce County Share/Payments.

(Public)

Sponsors:

Referred to: Human Resources.

February 10, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO REDUCE THE COUNTY SHARE OF NONFEDERAL PAYMENTS FOR
3 MEDICAL ASSISTANCE.
4 The General Assembly of North Carolina enacts:
5 Section 1. Notwithstanding G.S. 108A-54, the nonfederal
6 share of the Medical Assistance Program, excluding administrative
7 costs, borne by the counties is reduced for the 1997-99 fiscal
8 biennium as follows:
9 (1) By twenty percent (20%) for Tier 1 counties as
10 designated by G.S. 105-129.3;
11 (2) By ten percent (10%) for Tier 2, Tier 3, Tier 4 and
12 Tier 5 counties as designated by G.S. 105-129.3.
13 Section 2. Notwithstanding G.S. 143-23.2, the
14 Department of Human Resources shall fund the reduction of non-
15 federal payments for medical assistance as authorized in Section
16 1 of this act from the fund established pursuant to G.S. 143-23.2
17 for fiscal year 1997-98 in an amount not to exceed twenty-five
18 million dollars (\$25,000,000) and for fiscal year 1998-99 in an
19 amount not to exceed twenty-seven million dollars (\$27,000,000).
20 Section 3. This act becomes effective July 1, 1997.

County Estimates

County Name	1997-98 Medical Assistance	1997-98 20%/10% Reduction	1998-99 Medical Assistance	1998-99 20%/10% Reduction
Alleghany	\$397,468	\$79,494	\$437,215	\$87,443
Anson	\$1,399,661	\$279,932	\$1,539,627	\$307,925
Edgecombe	\$2,837,280	\$567,456	\$3,121,008	\$624,202
Graham	\$450,991	\$90,198	\$496,090	\$99,218
Halifax	\$2,994,461	\$598,892	\$3,293,907	\$658,781
Hertford	\$1,407,215	\$281,443	\$1,547,937	\$309,587
Northampton	\$1,266,764	\$253,353	\$1,393,440	\$278,688
Richmond	\$2,538,700	\$507,740	\$2,792,570	\$558,514
Swain	\$639,663	\$127,933	\$703,629	\$140,726
Warren	\$963,328	\$192,666	\$1,059,661	\$211,932
Alamance	\$3,165,916	\$316,592	\$3,482,508	\$348,251
Alexander	\$765,999	\$76,600	\$842,599	\$84,260
Ashe	\$1,105,237	\$110,524	\$1,215,761	\$121,576
Avery	\$744,555	\$74,456	\$819,011	\$81,901
Beaufort	\$2,065,894	\$206,589	\$2,272,483	\$227,248
Bertie	\$1,259,472	\$125,947	\$1,385,419	\$138,542
Bladen	\$1,710,972	\$171,097	\$1,882,069	\$188,207
Brunswick	\$2,077,773	\$207,777	\$2,285,550	\$228,555
Buncombe	\$6,499,089	\$649,909	\$7,148,998	\$714,900
Burke	\$2,829,153	\$282,915	\$3,112,068	\$311,207
Cabarrus	\$2,947,317	\$294,732	\$3,242,049	\$324,205
Caldwell	\$2,410,732	\$241,073	\$2,651,805	\$265,181
Camden	\$198,876	\$19,888	\$218,764	\$21,876
Carteret	\$1,743,761	\$174,376	\$1,918,137	\$191,814
Caswell	\$844,712	\$84,471	\$929,183	\$92,918
Catawba	\$3,191,691	\$319,169	\$3,510,860	\$351,086
Chatham	\$1,108,889	\$110,889	\$1,219,778	\$121,978
Cherokee	\$1,094,435	\$109,444	\$1,203,879	\$120,388
Chowan	\$767,284	\$76,728	\$844,012	\$84,401
Clay	\$344,210	\$34,421	\$378,631	\$37,863
Cleveland	\$3,174,898	\$317,490	\$3,492,388	\$349,239
Columbus	\$3,026,279	\$302,628	\$3,328,907	\$332,891
Craven	\$2,827,193	\$282,719	\$3,109,912	\$310,991
Cumberland	\$7,071,128	\$707,113	\$7,778,241	\$777,824

Currituck	\$376,609	\$37,661	\$414,270	\$41,427
Dare	\$608,805	\$60,881	\$669,686	\$66,969
Davidson	\$3,422,152	\$342,215	\$3,764,367	\$376,437
Davie	\$796,443	\$79,644	\$876,087	\$87,609
Duplin	\$1,902,320	\$190,232	\$2,092,552	\$209,255
Durham	\$5,951,025	\$595,103	\$6,546,128	\$654,613
Forsyth	\$7,488,710	\$748,871	\$8,237,581	\$823,758
Franklin	\$1,690,441	\$169,044	\$1,859,485	\$185,949
Gaston	\$6,105,360	\$610,536	\$6,715,896	\$671,590
Gates	\$431,533	\$43,153	\$474,686	\$47,469
Granville	\$1,281,340	\$128,134	\$1,409,474	\$140,947
Greene	\$760,140	\$76,014	\$836,154	\$83,615
Guilford	\$10,516,034	\$1,051,603	\$11,567,637	\$1,156,764
Harnett	\$2,727,481	\$272,748	\$3,000,229	\$300,023
Haywood	\$1,821,452	\$182,145	\$2,003,597	\$200,360
Henderson	\$2,424,677	\$242,468	\$2,667,145	\$266,714
Hoke	\$1,085,371	\$108,537	\$1,193,908	\$119,391
Hyde	\$306,449	\$30,645	\$337,094	\$33,709
Iredell	\$2,748,576	\$274,858	\$3,023,434	\$302,343
Jackson	\$1,021,608	\$102,161	\$1,123,769	\$112,377
Johnston	\$3,404,112	\$340,411	\$3,744,523	\$374,452
Jones	\$463,607	\$46,361	\$509,968	\$50,997
Lee	\$1,465,075	\$146,508	\$1,611,583	\$161,158
Lenoir	\$2,872,489	\$287,249	\$3,159,738	\$315,974
Lincoln	\$1,543,776	\$154,378	\$1,698,154	\$169,815
Macon	\$939,841	\$93,984	\$1,033,825	\$103,383
Madison	\$786,784	\$78,678	\$865,462	\$86,546
Martin	\$1,246,558	\$124,656	\$1,371,214	\$137,121
McDowell	\$1,230,331	\$123,033	\$1,353,364	\$135,336
Mecklenburg	\$13,958,478	\$1,395,848	\$15,354,326	\$1,535,433
Mitchell	\$623,128	\$62,313	\$685,441	\$68,544
Montgomery	\$1,066,170	\$106,617	\$1,172,787	\$117,279
Moore	\$2,010,641	\$201,064	\$2,211,705	\$221,171
Nash	\$2,920,470	\$292,047	\$3,212,517	\$321,252
New Hanover	\$4,587,507	\$458,751	\$5,046,258	\$504,626
Onslow	\$2,852,728	\$285,273	\$3,138,001	\$313,800
Orange	\$1,886,024	\$188,602	\$2,074,626	\$207,463
Pamlico	\$509,124	\$50,912	\$560,036	\$56,004
Pasquotank	\$1,361,132	\$136,113	\$1,497,245	\$149,725
Pender	\$1,435,560	\$143,556	\$1,579,116	\$157,912

Perquimans	\$438,531	\$43,853	\$482,384	\$48,238
Person	\$1,292,801	\$129,280	\$1,422,081	\$142,208
Pitt	\$4,775,443	\$477,544	\$5,252,987	\$525,299
Polk	\$540,776	\$54,078	\$594,854	\$59,485
Randolph	\$3,103,376	\$310,338	\$3,413,714	\$341,371
Robeson	\$6,355,169	\$635,517	\$6,990,686	\$699,069
Rockingham	\$3,322,654	\$332,265	\$3,654,919	\$365,492
Rowan	\$3,417,140	\$341,714	\$3,758,854	\$375,885
Rutherford	\$2,158,679	\$215,868	\$2,374,547	\$237,455
Sampson	\$2,368,400	\$236,840	\$2,605,240	\$260,524
Scotland	\$1,884,292	\$188,429	\$2,072,721	\$207,272
Stanly	\$1,781,923	\$178,192	\$1,960,115	\$196,012
Stokes	\$1,122,748	\$112,275	\$1,235,023	\$123,502
Surry	\$2,244,846	\$224,485	\$2,469,331	\$246,933
Transylvania	\$916,568	\$91,657	\$1,008,225	\$100,822
Tyrrell	\$223,651	\$22,365	\$246,016	\$24,602
Union	\$2,336,935	\$233,694	\$2,570,629	\$257,063
Vance	\$2,148,043	\$214,804	\$2,362,847	\$236,285
Wake	\$8,882,875	\$888,288	\$9,771,163	\$977,116
Washington	\$630,308	\$63,031	\$693,339	\$69,334
Watauga	\$883,228	\$88,323	\$971,551	\$97,155
Wayne	\$3,880,729	\$388,073	\$4,268,802	\$426,880
Wilkes	\$2,406,074	\$240,607	\$2,646,681	\$264,668
Wilson	\$2,913,179	\$291,318	\$3,204,497	\$320,450
Yadkin	\$925,893	\$92,589	\$1,018,482	\$101,848
Yancey	\$658,629	\$65,863	<u>\$724,492</u>	\$72,449
Total	\$230,113,947	\$24,500,948	\$253,125,342	\$26,951,043

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

BILL SPONSOR: Rep. Ruth Easterling

OFFICE: 606 LOB

DATE: March 27, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Tuesday, April 1, 1997

TIME: 11:00 a.m.

LOCATION: 643 LOB

Your bill will be discussed at this time:

HB 235 "Increase fee for Birth/Death Cert."

We would like to have you attend this meeting.

Representative Julia Howard
Representative Henry Aldridge
CoChairs

Natalie Smoot
Susan Groh
Committee Clerks

Natalie Smoot (Rep. Howard)

From: Natalie Smoot (Rep. Howard)
Sent: Thursday, March 27, 1997 2:12 PM
To: Rep. Ruth Easterling
Cc: Natalie Smoot (Rep. Howard)
Subject: HR Committee Meeting

Attached please find a Bill Sponsor HUMAN RESOURCES COMMITTEE Meeting notice.

If you have any questions please call me at 3-5904.

Thank you,
Natalie Smoot
Committee Clerk



Easterling
04-01-97.doc

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 235*

Short Title: Birth/Death Certificate Fee Upped.

(Public)

Sponsors: Representatives Easterling, Alexander, Gulley, Saunders, Cunningham, McMahan, Black; and Adams.

Referred to: Human Resources, if favorable, Finance.

February 17, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO INCREASE THE UNIFORM FEE FOR A CERTIFIED BIRTH,
3 DEATH, OR MARRIAGE CERTIFICATE.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 161-10(a) reads as rewritten:

6 "(a) Except as provided in G.S. 161-11.1 or 161-11.2, all fees collected under this
7 section shall be deposited into the county general fund. In the performance of his
8 duties, the register of deeds shall collect the following fees which shall be uniform
9 throughout the State:

10 (1) Instruments in General. -- For registering or filing any instrument
11 for which no other provision is made by this section, whether
12 written, printed, or typewritten, the fee shall be six dollars (\$6.00)
13 for the first page, which page shall not exceed 8 1/2 inches by 14
14 inches, plus two dollars (\$2.00), for each additional page or
15 fraction thereof. A page exceeding 8 1/2 inches by 14 inches shall
16 be considered two pages.

17 When a document is presented for registration that consists
18 of multiple instruments, the fee shall be ten dollars (\$10.00) for
19 each additional instrument. A document consists of multiple
20 instruments when it contains two or more instruments with
21 different legal consequences or intent, each of which is separately
22 executed and acknowledged and could be recorded alone.

(1a) Deeds of Trust, Mortgages, and Cancellation of Deeds of Trust and Mortgages. -- For registering or filing any deed of trust or mortgage, whether written, printed, or typewritten, the fee shall be ten dollars (\$10.00) for the first page, which page shall not exceed 8 1/2 inches by 14 inches, plus two dollars (\$2.00) for each additional page or fraction thereof. A page exceeding 8 1/2 inches by 14 inches shall be considered two pages.

When a deed of trust or mortgage is presented for registration that contains one or more additional instruments, the fee shall be ten dollars (\$10.00) for each additional instrument. A deed of trust or mortgage contains one or more additional instruments if such additional instrument or instruments has or have different legal consequences or intent, each of which is separately executed and acknowledged and could be recorded alone.

For recording records of satisfaction, or the cancellation of record by any other means, of deeds of trust or mortgages, there shall be no fee.

- (2) Marriage Licenses. -- For issuing a license forty dollars (\$40.00); for issuing a delayed certificate with one certified copy five dollars (\$5.00); and for a proceeding for correction of names in application, license or certificate, with one certified copy five dollars (\$5.00).
- (3) Plats. -- For each original or revised plat recorded nineteen dollars (\$19.00); for furnishing a certified copy of a plat three dollars (\$3.00).
- (4) Right-of-Way Plans. -- For each original or amended plan and profile sheet recorded five dollars (\$5.00). This fee is to be collected from the Board of Transportation.
- (5) Registration of Birth Certificate One Year or More after Birth. -- For preparation of necessary papers when birth to be registered in another county five dollars (\$5.00); for registration when necessary papers prepared in another county, with one certified copy five dollars (\$5.00); for preparation of necessary papers and registration in the same county, with one certified copy ten dollars (\$10.00).
- (6) Amendment of Birth or Death Record. -- For preparation of amendment and affecting correction two dollars (\$2.00).
- (7) Legitimations. -- For preparation of all documents concerned with legitimations seven dollars (\$7.00).
- (8) Certified Copies of Birth and Death Certificates and Marriage Licenses. -- For furnishing a certified copy of a death or birth certificate or marriage license ~~three dollars (\$3.00)~~ five dollars (\$5.00). Provided however, a Register of Deeds may issue without

- 1 charge a certified Birth Certificate to any person over the age of 62
2 years.
- 3 (9) Certified Copies. -- For furnishing a certified copy of an
4 instrument for which no other provision is made by this section
5 three dollars (\$3.00) for the first page, plus one dollar (\$1.00) for
6 each additional page or fraction thereof.
- 7 (10) Comparing Copy for Certification. -- For comparing and certifying
8 a copy of any instrument filed for registration, when the copy is
9 furnished by the party filing the instrument for registration and at
10 the time of filing thereof two dollars (\$2.00).
- 11 (11) Uncertified Copies. -- When, as a convenience to the public, the
12 register of deeds supplies uncertified copies of instruments, or
13 index pages, he may charge fees that in his discretion bear a
14 reasonable relation to the quality of copies supplied and the cost of
15 purchasing and maintaining copying and/or computer equipment.
16 These fees may be changed from time to time, but the amount of
17 these fees shall at all times be prominently posted in his office.
- 18 (12) Notarial Acts. -- For taking an acknowledgment, oath, or
19 affirmation or performing any other notarial act the maximum fee
20 set in G.S. 10A-10. This fee shall not be charged if the act is
21 performed as a part of one of the services for which a fee is
22 provided by this subsection; except that this fee shall be charged in
23 addition to the fees for registering, filing, or recording instruments
24 or plats as provided by subdivisions (1) and (3) of this subsection.
- 25 (13) Uniform Commercial Code. -- Such fees as are provided for in
26 Chapter 25, Article 9, Part 4, of the General Statutes.
- 27 (14) Torrens Registration. -- Such fees as are provided in G.S. 43-5.
- 28 (15) Master Forms. -- Such fees as are provided for instruments in
29 general.
- 30 (16) Probate. -- For certification of instruments for registration as
31 provided in G.S. 47-14 two dollars (\$2.00).
- 32 (17) Qualification of Notary Public. -- For administering the oaths of
33 office to a notary public and making the appropriate record entries
34 as provided in G.S. 10A-8 five dollars (\$5.00).
- 35 (18) Reinstatement of Articles of Incorporation. -- For filing
36 reinstatements of Articles of Incorporation prepared pursuant to
37 G.S. 105-232; such fees as provided for instruments in general.
38 The fee shall be paid by the corporation affected."

39 Section 2. This act becomes effective July 1, 1997.



North Carolina General Assembly
Legislative Services Office

George R. Hall, Legislative Services Officer
(919) 733-7044

Gene W. Robinson, Director
Administrative Division
Room 5, Legislative Building
16 W. Jones Street
Raleigh, NC 27603-5925
(919) 733-7500

Gerry F. Cohen, Director
Bill Drafting Division
Suite 401, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6660

Thomas L. Covington, Director
Fiscal Research Division
Suite 619, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-4910

Donald W. Fulford, Director
Information Systems Division
Suite 400, LOB
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Raleigh, NC 27603-5925
(919) 733-6834

Terrence D. Sullivan, Director
Research Division
Suite 545, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-2578

March 31, 1997

MEMORANDUM

TO: House Human Resources Committee

FROM: Sue Floyd, Committee Staff

RE: HB 235 - Birth/Death Certificate Fee Upped

G.S. 161-10 establishes uniform fees for collection by county registers of deeds across the State for the recording and registration of documents and for furnishing certified copies of documents on record.

Currently, a certified copy of a birth certificate, a death certificate, or a marriage license can be obtained in the county where recorded from the register of deeds for a fee of \$3.00. There is no charge for issuing a certified birth certificate to any person over 62 years of age. There are exceptions in four counties, Durham, Guilford, Mecklenburg, and Wake, where the local health department issues copies of birth and death certificates only.

All fees collected by a health department or a register of deeds of a county for issuing certified copies are deposited in the general fund of the county and are then available for appropriation by the county.

These local fees for a certified copy of a birth certificate, a death certificate, or a marriage certificate were last increased in 1981 when they were increased from \$1.00 to \$3.00. **HB 235 would increase the fee from \$3.00 to \$5.00.**

The State Registrar of Vital Statistics is empowered to secure and maintain all vital records of the State. G.S. 130A-93.1 authorizes the Registrar to collect a \$10.00 fee for providing a certified copy of any of the same documents.

H235-SMRI-01

VISITOR REGISTRATION SHEET

HUMAN RESOURCES

April 1, 1997

Name of Committee

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

[illegible]

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE**

You are hereby notified that the Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: **Tuesday, April 8, 1997**

TIME: **11:00 AM**

LOCATION: **Room 643-LOB**

The following bills will be considered (Bill # & Short Title):

HB 564 - "Supervising Dental Hygienists", Rep. Gardner, Sponsor

HB 152 - "Child Abuse Report Penalty", Rep. Easterling, Sponsor-

HB 469 - "Permit Fees/AB", Rep. Tallent, Sponsor

Respectfully,

Representative Aldridge, Rep. Howard
Co-Chairman

I hereby certify this notice was filed by the committee clerk at the following offices at
9:45 a.m. on Thursday, April 3, 1997.

____Principal Clerk
____Reading Clerk - House Chamber

Natalie E. Smoot (Committee Clerk)

Natalie Smoot (Rep. Howard)

From: Natalie Smoot (Rep. Howard)
Sent: Thursday, April 03, 1997 9:31 AM
To: Anne Cole; Annecia Norwood; Barbara Hocutt; Barbara Phillips; Betty Anne Lennon; Carolyn Honeycutt; Dot Barber; Ebern Watson; Gail Stewart; House Sgt of Arms; Janette Lee; Jayne Walton; Jo Malone; John Young; Judy Willis; Karen George; Legislative Press; Linda Attarian; Linda Johnson; Mary Jamison; Melissa Jackson; Monica McClain; Natalie Smoot; Pat Baker; Phyllis Cameron; Rebecca Jones; Sharon Gaudette; Sue Floyd; Susan Groh; Sylvia Green; Waneta Lord
Cc: Natalie Smoot (Rep. Howard)
Subject: HUMAN RESOURCES COMMITTEE MEETING 4-8-97



MEETING NOTICE
4-08-97.doc

Natalie Smoot
Committee Clerk
3-5904

AGENDA

House Standing Committee on HUMAN RESOURCES

Tuesday, April 8, 1997

Rep. Henry Aldridge- Opening Prayer

Greetings: Rep. Julia Howard, Presiding Chair

Introduction of Pages

Presentation of HB 564 - "Supervising Dental Hygienists" - *Contd to 4-10*
Representative Gardner, Sponsor

Reading of written remarks submitted by J. Scott Kaedle, DDS of Salisbury

Discussion

Vote

Presentation of HB 152 - "Child Abuse/No Report Misdem." *Moved to 4-10*
Representative Easterling, Sponsor - *Rep Lusko on her behalf -*
She's in room 544 LOB - Education Comm.

Vote

Presentation of HB 469 - "Permit Fees/AB" - *moved to 4-15*
Representative Tallent, Sponsor

Vote

Announcements

Adjournment

MINUTES

HOUSE COMMITTEE ON HUMAN RESOURCES

April 8, 1997

11:00 a.m.

Room 643

The House Committee on Human Resources met in Room 643 of the Legislative Office Building on Thursday, April 8, 1997. Representative Julia Howard, Co-Chair, presided at the meeting. Representative Henry Aldridge, Co-Chair opened the meeting in prayer and then read a statement removing himself from chairing the meeting and voting on HB 564 "Supervising Dental Hygienists".

The following members were present: Representatives Aldridge, Co-Chair; Ramsey, Adams, Bowie, Clary, Culp, Earle, Easterling, Esposito, Gardner, Hunter, Insko, Ives, McAllister, Nesbitt, Rayfield, Warwick, Watson, Wilson, G. and Womble.

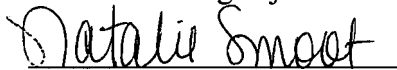
Rep. Aldridge recognized the page for the day: Ms. Bekah Thompson from Cherokee County.

Rep. Howard called on staff member Linda Attarian to explain HB 564 "Supervising Dental Hygienists". Rep. Howard then called on Rep. Gardner, bill sponsor, to present the bill to the committee. Rep. Howard recognized written remarks sent in by J. Scott Kaedle, DDS from Salisbury and called on Rep. Gardner to read the remarks. Rep. Gardner further explained the bill and deferred reading of Dr. Kaedle's remarks to the members.

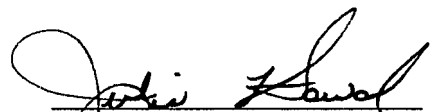
Rep. Howard then opened the floor for discussion of the bill and recognized Jan Ramquist of the NC Association of Dental Hygienists, staff member, Linda Attarian, and William Potter, attorney for the NC Dental Society to assist in answering members' questions.

Because of time constraints Rep. Howard stated that the bill would have to be carried over to the next meeting of the Human Resources Committee which will take place on Thursday, April 10, 1997.

Meeting adjourned at 11:52.


Natalie Smoot, Clerk

Date Adopted 4-8-97


Rep. Julia Howard, Co-Chair

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

BILL SPONSOR: Rep. Charlotte Gardner

OFFICE: 417B LOB

DATE: April 3, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Tuesday, April 8, 1997

TIME: 11:00 a.m.

LOCATION: 643 LOB

Your bill will be discussed at this time:

HB 564 "Supervising Dental Hygienists"

We would like to have you attend this meeting.

Representative Julia Howard
Representative Henry Aldridge
Co-Chairs

Natalie Smoot
Susan Groh
Committee Clerks

4/18

**NORTH CAROLINA DENTAL SOCIETY OPPOSITION
TO HB 564 -- SUPERVISING DENTAL HYGIENISTS**

APRIL 8, 1997, MEETING
HOUSE COMMITTEE ON HUMAN RESOURCES

SPEAKERS AGAINST HB 564

1. DR. BETTIE R. MCKAIG, DDS, MPH
415 VICK AVE., RALEIGH, NC 27612
PHONE: (919) 787-0355
PAST PRESIDENT/NC ACADEMY GENERAL DENTISTRY
PAST PRESIDENT/NC DENTAL SOCIETY
PAST PRESIDENT/NC BOARD OF DENTAL EXAMINERS
2. DR. WILLIAM E. MILNER, JR., DDS, MPH
2222-B S. FAYETTEVILLE STREET
ASHEBORO, NC 27203
PHONE: (910) 318-6220
CHAIRMAN/NC DENTAL SOCIETY COMMITTEE ON AGING
3. MR. WILLIAM H. POTTER, JR., ESQ.
115 SOUTH SAINT MARY'S STREET
RALEIGH, NC 27603
PHONE: (919) 828-0684
ATTORNEY & LOBBYIST/NC DENTAL SOCIETY

OTHER LEADERS OF OPPOSITION:

DR. CARLE W. MASON, JR., DDS
603 W. NASH ST.
WILSON, NC 27893
PHONE: (919) 291-6313
PRESIDENT/NC DENTAL SOCIETY

DR. GARY D. OYSTER, DDS
4901 LEIGH DR.
RALEIGH, NC 27604
PHONE: (919) 876-2087
CHAIRMAN/NCDS LEGISLATION COMMITTEE

DR. BENJAMIN W. BROWN, DDS
2310 MYRON DR.
RALEIGH, NC 27607
PHONE: (919) 782-8603
ISSUE COORDINATOR/NCDS LEGISLATION COMMITTEE

DR. RONALD H. STEELMAN, DDS
1710 WALKER ST.
SALISBURY, NC 28144
PHONE: (704) 636-5829
PAST COORDINATOR/NCDS LEGISLATION COMMITTEE

My name is Scott Keadle and I am a dentist in Rowan county. Representative Gardner has asked me to give my opinion regarding the dental practice legislation before your committee.

In paragraph #2 of the North Carolina Dental Society Comprehensive Policy Statement on Dental Auxiliaries (ref. Exhibit 1), it is stated in bold capital letters that **THE DENTIST IS ULTIMATELY RESPONSIBLE FOR PATIENT CARE**. It further states that the dentist may delegate functions to auxiliaries and that the decision to delegate should be based on: (1.) the best interests of the patient; (2.) the education, training and credentials of the dental auxiliary; (3.) considerations of cost effectiveness and efficiency in delivery patterns; and (4.) valid research demonstrating the feasibility and practicality of utilizing auxiliaries in such roles in actual practice settings.

The bill before you involves how the individual dentist may utilize dental hygienists (the auxiliary who cleans your teeth and provides the great majority of patient education regarding how to keep them clean). Dental hygienists have a very limited scope of duty which is narrowly defined by current law and administrative code. This bill will not change that scope of duty at all. Dental hygienists are limited to cleaning teeth, giving direct assistance to a dentist, administering topical fluoride, and giving oral hygiene instruction. None of these activities have, to my knowledge, produced harm which could be prevented by the immediate physical presence of a dentist.

What this bill will do, is give each individual dentist, who I would hope is capable of making responsible decisions, the ability to supervise a dental hygienist in the manner that the dentist determines to be in the best interest of the patients. Specifically, this would allow dentists to instruct their dental hygienists to visit nursing homes without the physical presence of the dentist. It would also allow the dentist to let the dental hygienist continue to work at the office if the dentist were sick or called away for an emergency. What this bill will not do is confer any additional discretion upon the dental hygienist, who remains a dental auxiliary and is subject at all times to the responsible decision-making of the dentist.

The argument could be made that all dentists are not responsible. This is, (sadly), probably accurate; however, if we are going to discuss this small minority of dentists who cannot be trusted to make responsible decisions, are patients really any better off because these folks are physically present in the office? These dentists should be addressed and dealt with in some other fashion, but this bill has nothing to do with them.

4/8

Further comments from J. Scott Kaedle, DDS

There is a great need for better oral hygiene in nursing homes and long term care facilities. Often in my practice I see residents of nursing homes that have not had any thought whatsoever given to their teeth by the nursing staff. For those of you who have ever had a toothache, imagine what it must be like to go for weeks without being able to brush your teeth or to have a toothache that persists until the presence of swelling or fever finally alerts the nursing staff. The ability to send a dental hygienist to a nursing home to give instruction in the care of the teeth, as well as providing routine cleaning of the teeth would go a long way toward a cost-effective solution to this problem. The fact that someone, albeit not a dentist, was looking in the mouths of these residents on a routine basis would (1.) encourage the nursing staff to provide better daily care; (2.) provide more opportunity for oral pathology to be detected and referred to the dentist.

Further comments from J. Scott Kaedle, DDS

Allowing the dentist more flexibility in determining the amount of supervision needed for a hygienist would increase efficiency and economy for the people of North Carolina when they visit the dentist. Who better to determine what works best in any given circumstance than the dentist, who is bound by ethics to only allow good and proper treatment for his patients, and, working within that constraint, must produce a good value for the patient or go out of business? Anyone who recognizes the value of a free economy must realize that, if left to themselves and subject to competition, people will necessarily be motivated to produce the best service for the least amount of money. This is the principle that has kept the United States ahead of everyone else for all these years and produced idea after idea about how to do things better, faster, and for less money. The people of North Carolina won't have it any other way, and they don't need the government to tell them what is good for them or their teeth. That's what they hire me to do. I won't let them down, and I don't think 99.99 percent of the other dentists in this state will either.

April 3, 1997

Representative Charlotte A. Gardner
General Assembly of North Carolina
417-B Legislative Office Bldg.
Raleigh, NC 27601-1096

Re: HB564

Dear Representative Gardner:

This letter is written to support your efforts with House Bill 564. I am writing you as a practicing surgeon within this state. I have been struck by the emotional response of organized dentistry to this issue. I am enclosing a copy of recent news letter from the dental society which states "this is the beginning of the end of dental practice as we know it...".

Throughout communications on this issue, the dental society frequently implies that dental hygienists appear not to be capable of recognizing oral disease or integrating a basic knowledge base with medically compromised individuals. If that is the case, then this is a sad commentary on our educational system. If the University of North Carolina system is used as an example, dental hygienists undergo a two year education period. I know at UNC-Chapel Hill, these individuals are exposed to oral pathology as are the freshmen dental students. They certainly are capable of recognizing significant oral conditions which would need to be referred for evaluation by a physician, dentist, or directly for specialty evaluation and care. If the hygienists' education is so lacking, then perhaps the legislature should investigate dental education and bring it up to par with that of other states. I personally doubt that the hygienists' education is poor. I believe the opposite to be true. I believe that they are an example of a profession that is over trained to provide the services that they are allowed to perform in the marketplace due to restrictions placed on them by organized dentistry.

Sadly, there is poor access to care in this state of individuals who perhaps need it the most. I believe if your staff contacted the Department of Human Resources, particularly the individuals that deal with the administration of dental Medicaid in North Carolina, you will find a history of significant problems to access of care. Presently, the dental budget in the Medicaid system of this state is a paltry 1.4-1.8% of the total. Though the dental society has been contacted in the past by various specialty groups to hopefully improve the system, that support has been poor. Your staff should check for dental care that is provided within nursing homes of this state. Despite the appearance of representation, I doubt that you will find many practicing dentists who go to nursing homes or see nursing home patients. Most of these people are wards of the Medicaid system. Due to the small percentage of licensed dentists in this state that accept Medicaid patients, I doubt that this group of citizens are being served well. Likewise, one is not likely to see much dental activity in rehabilitation centers, intensive care units of hospitals, etc. There are vast numbers of patients at any time that do not have basic access for screening and dental hygiene treatment simply because practicing dentists do not actively participate.

If the dental society is truly interested in public protection as it claims, then perhaps the legislature should ask the dental society and the dental state board to defend their current practice of licensure for dental specialists. In North Carolina, any and all dental specialists are deemed competent to practice that specialty by taking a *general dentistry* examination. Existent code of ethics within the society prohibit any specialist from performing general dentistry. All dental specialists (orthodontist, periodontist, endodontist, pediatric dental specialist, oral & maxillofacial surgeons) are required to take a general dentistry examination to determine competence. Then after such testing, they are legally prohibited from practicing general dentistry if they wish to declare themselves as a specialist. In other words, a specialist with the necessity for an expanded knowledge base and practical clinical performance base is determined competent in that field by an examination that determines competence that is measured by filling teeth or making tooth crowns or bridge. Though both the dental society and state board are aware of these problems, nothing much has changed over the past 20 years despite significant changes of scope of practice and knowledge base in the specialties of dentistry. If this dental society were truly interested in public protection, perhaps they would behave more as a leader in acknowledging necessary change due to an expanding knowledge and performance base as is performed in other states.

Another defensive position of the dental society is that there are a number of unscrupulous dentists that practice that would take advantage of this act. Again, this is a very poor professional commentary on a professions' ability to police itself. If there are a significant number of dentists in this state that have violated laws, etc. then the dental society should answer as to why they still are allowed to practice. Unfortunately for many dentists, "unscrupulous dentist" generally refers to individuals who may have a different entrepreneurial or competitive idea aimed at adapting to an ever changing marketplace and/or creating access to care in certain instances.

Dental hygiene activity provides much activity within established general dental practices. In many ways, dentistry is becoming a victim of its own public health successes. Fluoridation of water, etc. has cut down on the amount of dental decay. There are not as many technical procedures that may be necessary as there were 30-40 years ago. The ironic thing about dental hygiene is that most general dentists do not like to perform it and are quite anxious to delegate this activity as soon as their businesses are capable. Unfortunately, we continue to have a segment of underserved which still do not have access for this basic health care need. If society can acknowledge and accept that registered nurses, licensed practical nurses, midwives, optometrists, podiatrists, chiropractors, etc. are all individuals who are capable of being educated to perform a basic service, then perhaps it is time for society to acknowledge that perhaps a dental hygienist can be educated well enough to assist people in cleaning their teeth.

This bill most likely faces difficulty in passage. I hope you will continue to pursue this issue. Unfortunately, I would guess that it would be defeated for all of the wrong reasons. The basic issue here is professional control, protection of individual general dental practices and not public protection in my opinion. Activities of organized dentistry and other areas of the profession speak contrary to this.

I write this letter as a health care provider in support of the dental hygienist. This opinion is unpopular and otherwise would be subject to retribution, hence its anonymous form.

Exhibit #1 4/8

**NORTH CAROLINA DENTAL SOCIETY
COMPREHENSIVE POLICY STATEMENT
ON DENTAL AUXILIARIES**

As a health profession, dentistry is committed to improving the health of North Carolinians by providing the public with the highest quality comprehensive dental care. Comprehensive dental care must include the inseparable components of dental and medical history, examination, diagnosis, treatment planning, treatment services and health maintenance. Dental preventive procedures are an integral part of the comprehensive practice of dentistry and should be rendered in accordance with the needs of the patient as determined by a diagnosis and treatment plan developed and executed by a dentist.

THE DENTIST IS ULTIMATELY RESPONSIBLE FOR PATIENT CARE. In carrying out that responsibility, the dentist may delegate to auxiliary personnel certain patient care functions for which the auxiliary has been trained. Appropriate functions may be delegated to dental auxiliaries in order to improve the availability of dental services with assurances of quality under the direct supervision of a dentist. The three recognized categories of dental auxiliaries include: (1) Dental Hygienists; (2) Dental Assistants; and (3) Dental Laboratory Technicians (when employed within a dental office). These auxiliaries assist the dentist in performing delegated procedures under rules which are formulated and regulated by the NC State Board of Dental Examiners in accordance with the Dental Laws of North Carolina.

The primary purpose of delegating functions to dental auxiliaries is to increase the capacity of the profession to provide patient care while retaining full responsibility for the quality of care. This responsibility includes the identification of the need for specific types of auxiliaries and establishment of appropriate controls on the patient care services provided by auxiliaries. Decisions on delegation should be based on: (1) the best interests of the patient; (2) the education, training and credentialing of the dental auxiliary; (3) considerations of cost effectiveness and efficiency in delivery patterns; and (4) valid research demonstrating the feasibility and practicality of utilizing auxiliaries in such roles in actual practice settings.

The dental profession has the responsibility to provide guidance to all agencies, organizations and government bodies that have interest in, or responsibility and authority for, decisions on utilization of dental auxiliaries. The profession also has an important responsibility that decisions on auxiliary utilization will not adversely affect the health and well-being of the public or cause an increased risk to the patient.

TRAINING FOR PUBLIC HEALTH DENTAL HYGIENISTS

4/8
Slide

Phase I: basic job description and assessment: salary, benefits, insurance, working hours, holidays, merit raises, orientation to the Department, Division and Regional Office and Division of Dental Health, and lines of communication and supervision

Phase II: orientation to the Division's scope of services: oral health screening of schoolchildren, referral and follow-up protocols, dental assessment techniques, school-based sealant projects, dental health education and promotion, and media/exhibit training

Phase III: a training session to promote the public health services which differs from personal health services: community organization, dental health education techniques, dental assessment calibration, dental survey techniques, population-based program planning, and evaluation, preventive techniques, and problem solving

Phase IV: assessment of the hygienist's individual needs are appraised and supplemental experiences and training are planned: competency, administration, and program planning, education, prevention, dental care, and evaluation

Note: The additional training is program orientation, not additional clinical training.

COMPARISON OF LICENSED REGISTERED DENTAL HYGIENISTS/LICENSED PRACTICAL NURSES

4/8
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PROFESSION	LICENSED REGISTERED DENTAL HYGIENE *	LICENSED PRACTICAL NURSE
COURSES	94-104 quarter hours credits: anatomy, physiology, microbiology, chemistry, English, communications, social science, mathematics, head and neck anatomy, dental radiograph, tooth morphology and histology, general and oral pathology, nutrition, office emergencies, periodontology, pharmacology, community dentistry	64-71 quarter hours credit: anatomy, physiology, microbiology, microcomputers, nursing, psychology, sociology, English communications, sociology, pharmacology, nutrition
CLINICAL TRAINING	20 to 29 quarter hours	21 quarter hours credit
SUPERVISION DURING CLINICAL TRAINING	The dentist is not present. A dentist must be available to provide supervisory, diagnostic, consultative, and referral services.	A registered nurse is present
INSTRUCTORS	dental hygienists, dentists	registered nurses
PATIENT CARE WHICH MAY INCLUDE:	prophylaxis, preventive agents; radiographs; preparation written records of oral conditions for interpretation by the dentist scaling and root planing	administer injections, administer medication, catheterization, monitor IV drip medication, suction documentation, , personal hygiene, nasogastric/gastric feeding, tracheostomy care, cardiopulmonary resuscitation
SUPERVISION	Dentist must be on the premises and order the procedure.	Charge nurse supervises but does not have to be on the premises.
REGULATED BY	State Board of Dental Examiners, American Dental Association, Commission on Dental Accreditation	Board of Nursing and National League of Nursing

Sources: Accreditation Standards for Dental Hygiene Education Program, American Dental Association, 1992; University of North Carolina at Chapel Hill, School of Dentistry, North Carolina Community College System Office-Academic and Student

* Over 34% of dental hygienists have a bachelor's or master's degree. (National Commission on Allied Health, US Dept. of Health & Human Services, 1995).

SCOPE OF PRACTICE OF DENTAL HYGIENE

⇒ performed pursuant to the dentist's order, control, and approval

4/8
Slide

preventive oral prophylaxis: a process that includes (1) periodontal and oral hygiene assessment, (2) client instruction in personal oral hygiene procedures, and (3) scaling above and below the gum line, often followed by polishing, to remove acquired deposits from all tooth surfaces

scaling: the instrumentation of the crown and root surfaces of the teeth to remove bacterial plaque, calculus, and superficial stains from these surfaces.

root planing: a treatment designed to remove surface dentin that is rough, impregnated with hard deposits, or contaminated with toxins or microorganisms

applying preventive agents: fluoride, sealants, etc. to prevent decay

applying medicaments: any non-prescription medicine placed on the oral tissue(ie. topical anesthesia, mouthwash, desensitizing and cleansing solutions)

exposure and processing of radiographs: x-rays

Dental hygiene removes the deposits in which bacteria grows, causing infection. Patient flossing/brushing and regular dental hygiene almost always prevents the development of infections. Bleeding indicates that infection is present prior to treatment.

OMNIBUS BUDGET RECONCILIATION ACT (OBRA) OF 1987

Congress passed detailed requirements on nursing homes, including certain dental provisions. Certain dental care must be provided by nursing home facilities for residents. If facilities do not comply with the regulations, they are subject to fines up to \$10,000 per day.

All nursing facilities must use an initial comprehensive assessment to determine the specific health care needs of the nursing facility residents who participate in Medicare or Medicaid reimbursement. This includes a dental assessment. This assessment is made utilizing a "Residential Assessment Instrument" with an assessment protocol, which includes a check list of possible detrimental conditions that could be present in the resident's mouth. Specific answers "trigger" if a potential dental problem may exist and if a further evaluation or examination by a dentist is required. A comprehensive assessment must be performed yearly including the dental assessment. The assessments are conducted by the registered nurse with input from a physician or other health care practitioners as necessary. A dentist or a dental hygienist could perform these assessments.

Source: Health Care Financing Administration (HCFA)

458

North Carolina Citizens for Public Health, Inc.
4314 Berlini Drive
Durham, North Carolina 27705

March 28, 1997

C. W. Mason, Jr. DDS, President
North Carolina Dental Society
603 W. Nash Street
Wilson, NC 27893

Dear Dr. Mason:

North Carolina Citizens for Public Health, Inc. is a statewide organization concerned with improving the health of our citizens by promoting public health. Our membership is very concerned about the increasing number of North Carolinians who are not able to get dental care. We feel that increasing flexibility in the laws governing dental hygienists' practice would be a very helpful to meet this public health need.

Our membership urges the North Carolina Dental Society to work together with other organizations to meet the needs of the citizens of our state and to support the passage of HB 564.

Sincerely,

H H B
(Mrs.) Harriet H. Barr, Chair

cc: Ms. Carol A. Roberts, RDH President, NCDHA ✓
M. W. Aldridge, North Carolina General Assembly

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

BILL SPONSOR: Rep. Verla Insko

OFFICE: 1319 LB

DATE: April 3, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Tuesday, April 8, 1997

TIME: 11:00 a.m.

LOCATION: 643 LOB

Rep. Easterling's Bill will be discussed at this time:

HB 152 "Child Abuse Report Penalty"

We would like to have you attend this meeting on her behalf.

Representative Julia Howard
Representative Henry Aldridge
Co-Chairs

Natalie Smoot
Susan Groh
Committee Clerks

Natalie Smoot (Rep. Howard)

From: Natalie Smoot (Rep. Howard)
Sent: Thursday, April 03, 1997 10:18 AM
To: Rep. Verla Insko
Cc: Susan Groh (Rep. Aldridge)
Subject: HUMAN RESOURCES COMMITTEE Sponsor Notice

Attached is a Bill Sponsor Notice for the HUMAN RESOURCES COMMITTEE Meeting on April 8, 1997.



Insko for Easterling
04-08-97.doc

Natalie Smoot
Committee Clerk
3-5904

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

BILL SPONSOR: Rep. Tim Tallent

OFFICE: 1104 LB

DATE: April 3, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Tuesday, April 8, 1997

TIME: 11:00 a.m.

LOCATION: 643 LOB

Your bill will be discussed at this time:

HB 469 "Permit Fees/AB"

We would like to have you attend this meeting.

Representative Julia Howard
Representative Henry Aldridge
Co-Chairs

Natalie Smoot
Susan Groh
Committee Clerks

VISITOR REGISTRATION SHEET

HUMAN RESOURCES

, 1997

Name of Committee

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

<u>NAME</u>	<u>FIRM OR AGENCY AND ADDRESS</u>
Grant H. Service DDS	NCDS, Durham NC
MONICA R. HUNTER DDS	NCDS, DURHAM NC
Karen Bruggers DDS	NCDS, Cary NC
JOHN B. SOUTER, DDS	NCDS, Cary N.C.
DELMA H. KINLAID DDS	NCDS, CARY NC
ROBERT W. SUGG, DDS	NCDS, DURHAM
W. Kimball Griffin, DDS	NCDS - Durham, N.C.
John R. Wyllie DDS	N.C.D.S. Durham, N.C.
Charles Willis DDS	N.C.D.S. Durham N.C.
Mary Hunt DDS	N.C.D.S. Durham NC
Bernie McKaig DDS	NCDS - Raleigh
Bill Milner, DDS	NCDS - Asheville
Morris H. Griffith DDS	NCDS - Durham N.C.
Marietta S. Noel	ANCDs - Henderson, NC
Larry F. Tilley DDS	NCDS - Raleigh, N.C.
Craig F. Long DDS	NCDS - Gastonia, N.C.
Frances Chambers Griffin	MTASCP Durham N.C.
Tolbert Lacey DDS	210 S. Willow, Gastonia, NC
JACK McCLURE	Member of Inter. R. Medical Soc
DAVE BURTON	DHR
CLARE W. Mason Jr	NCDS Wilson, NC
Gary Austin	NCDS Raleigh
Sharon Oyster	NCDS Raleigh
Pamela Horne	Member of NC Board of Health - Raleigh
Jennifer Hudgens, RDH	RDH in Charlotte, NC
Paula Wolf	Covenant with NC's Children
Patience	CCSL
Janet Long	Aspirer of the Carolinas
Steve Shore	NC Primary Health Care Assoc.

VISITOR REGISTRATION SHEET

HUMAN RESOURCES

April 8, 1997

Name of Committee

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Haris Black	Speaker, Sr. Tarheel Legislature
Donet Henderson	NCDHHA
Carol A. Roberts	NCDHHA 9521 Dixie River Rd. Char. NC 28208
Debra S. Hall RDH	NCDHHA- 1955 Sowers Rd. Linwood NC 27295
Janis Ramgurns	NCDHHA
Wendy Kelly	INTERN
Debbie Roberts	NCDHHA
Joel Hayes	State Auditor's Office
John Price	State Auditor's Office
Teresa Thornton	RDH
Hibby Royal	RDH
Dan Otkenson	DSS
Megan Carney	BSW Student - Meredith College
Barbara Goodman	Blair Ridge Community Health Services
Janie Martin	Hendersonville NC
Andrea Owensby	28792
Easter Maynard	Prevent Child Abuse NC
Jimmy North	Carolina Health Care System
Andy Brown DDS	NCDS CARY, NC
Faye Marley	NCDS, Cary, NC
Mike Hoyt	NCDS, Cary, NC
Angela Hertzberg	NC State Board of Dental Examiners Raleigh NC
Gil MONTANA	NCDS CARY, NC
Ronald Spain DDS	NCDS 2212 Holloway St Durham 27703
Ken Drell DMD	NCDS Durham NC
DANIEL CHEEK, DDS	NCDS 118 MILLSBORO DRIVE MILLSBORO, NC
Will Long	NC HHA

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE**

You are hereby notified that the Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: **Thursday, April 10, 1997**

TIME: **11:00 AM**

LOCATION: **Room 643-LOB**

The following bills will be considered (Bill # & Short Title):

HB 564 - "Supervising Dental Hygienists", Rep. Gardner, Sponsor

HB 152 - "Child Abuse Report Penalty", Rep. Easterling, Sponsor

Respectfully,

Representative Howard, Rep. Aldridge
Co-Chairman

I hereby certify this notice was filed by the committee clerk at the following offices at
1:30 p.m. on Tuesday, April 8, 1997.

____Principal Clerk
____Reading Clerk - House Chamber

Natalie E. Smoot (Committee Clerk)

Natalie Smoot (Rep. Howard)

From: Natalie Smoot (Rep. Howard)
Sent: Tuesday, April 08, 1997 1:29 PM
To: Anne Cole; Annecia Norwood; Barbara Hocutt; Barbara Phillips; Betty Anne Lennon; Carolyn Honeycutt; Dot Barber; Ebern Watson; Gail Stewart; House Sgt of Arms; Janette Lee; Jayne Walton; Jo Malone; John Young; Judy Willis; Karen George; Legislative Press; Linda Attarian; Linda Johnson; Mary Jamison; Melissa Jackson; Monica McClain; Natalie Smoot; Pat Baker; Phyllis Cameron; Rebecca Jones; Sharon Gaudette; Sue Floyd; Susan Groh; Sylvia Green; Waneta Lord
Cc: Gail Stewart (Rep. Howard)
Subject: HUMAN RESOURCES COMMITTEE Meeting 4-10-97



MEETING NOTICE
4-10-97.doc

AGENDA

House Standing Committee on HUMAN RESOURCES

Thursday, April 10, 1997

Rep. Henry Aldridge - Opening Prayer

Greetings: Rep. Julia Howard, Presiding Chair

Introduction of Pages

Presentation of HB 564 - "Supervising Dental Hygienists"
Representative Gardner, Sponsor

Discussion

Vote

Presentation of HB 152 - "Child Abuse/No Report Misdem."
Representative Insko for Representative Easterling, Sponsor

Vote

Announcements

Adjournment

APRIL 10, 1997, MEETING
HOUSE COMMITTEE ON HUMAN RESOURCES

NORTH CAROLINA DENTAL SOCIETY OPPOSITION
TO HB 564 -- SUPERVISING DENTAL HYGIENISTS

NEW SPEAKERS:

SPEAKERS AGAINST HB 564

1. DR. BETTIE R. MCKAIG, DDS, MPH (UNAVAILABLE) Ms Angela B. Hertzberg
415 VICK AVE., RALEIGH, NC 27612
PHONE: (919) 787-0355
PAST PRESIDENT/NC ACADEMY GENERAL DENTISTRY
PAST PRESIDENT/NC DENTAL SOCIETY
PAST PRESIDENT/NC BOARD OF DENTAL EXAMINERS
Consumer member
NC Board of Dental Exam.
2. DR. WILLIAM E. MILNER, JR., DDS, MPH
2222-B S. FAYETTEVILLE STREET
ASHEBORO, NC 27203
PHONE: (910) 318-6220
CHAIRMAN/NC DENTAL SOCIETY COMMITTEE ON AGING
DR. Steve J. Cline, DDS
Director, Division/Dent. H.
NC DEHNR
3. MR. WILLIAM H. POTTER, JR., ESQ.
115 SOUTH SAINT MARY'S STREET
RALEIGH, NC 27603
PHONE: (919) 828-0684
ATTORNEY & LOBBYIST/NC DENTAL SOCIETY

OTHER LEADERS OF OPPOSITION:

DR. CARLE W. MASON, JR., DDS
603 W. NASH ST.
WILSON, NC 27893
PHONE: (919) 291-6313
PRESIDENT/NC DENTAL SOCIETY

DR. GARY D. OYSTER, DDS
4901 LEIGH DR.
RALEIGH, NC 27604
PHONE: (919) 876-2087
CHAIRMAN/NCDS LEGISLATION COMMITTEE

DR. BENJAMIN W. BROWN, DDS
2310 MYRON DR.
RALEIGH, NC 27607
PHONE: (919) 782-8603
ISSUE COORDINATOR/NCDS LEGISLATION COMMITTEE

DR. RONALD H. STEELMAN, DDS
1710 WALKER ST.
SALISBURY, NC 28144
PHONE: (704) 636-5829
PAST COORDINATOR/NCDS LEGISLATION COMMITTEE

APRIL 10, 1997, MEETING
HOUSE COMMITTEE ON HUMAN RESOURCES

NORTH CAROLINA DENTAL SOCIETY OPPOSITION
TO HB 564 -- SUPERVISING DENTAL HYGIENISTS

SPEAKERS AGAINST HB 564

1. DR. BETTIE R. MCKAIG, DDS, MPH
415 VICK AVE., RALEIGH, NC 27612
PHONE: (919) 787-0355
PAST PRESIDENT/NC ACADEMY GENERAL DENTISTRY
PAST PRESIDENT/NC DENTAL SOCIETY
PAST PRESIDENT/NC BOARD OF DENTAL EXAMINERS -
2. DR. WILLIAM E. MILNER, JR., DDS, MPH
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PHONE: (910) 318-6220
CHAIRMAN/NC DENTAL SOCIETY COMMITTEE ON AGING
3. MR. WILLIAM H. POTTER, JR., ESQ.
115 SOUTH SAINT MARY'S STREET
RALEIGH, NC 27603
PHONE: (919) 828-0684
ATTORNEY & LOBBYIST/NC DENTAL SOCIETY

Possible
SUBSTITUTE

OTHER LEADERS OF OPPOSITION:

DR. CARLE W. MASON, JR., DDS
603 W. NASH ST.
WILSON, NC 27893
PHONE: (919) 291-6313
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PAST COORDINATOR/NCDS LEGISLATION COMMITTEE

Speakers List
HUMAN RESOURCES COMMITTEE Meeting
Thursday, April 10, 1997

Announcement of written comments from interested parties
(all committee members have copies):

Dr. Bettie McKaig (oppose)
Dr. Bill Tapp (oppose)

SEE SPEAKER LIST FROM WILLIAM PORTER (5 speakers
wish to speak in **OPPOSITION.**)

Speakers who would like to speak in FAVOR of Bill:

Doris Dick
Dr. Fitts
Diane Pendergrast
Lacey Presnell
Janice Ramquist would like to be called upon
Dr. David Bruton

MINUTES

HOUSE COMMITTEE ON HUMAN RESOURCES

April 10, 1997

11:00 a.m.

Room 643

The House Committee on Human Resources met in Room 643 of the Legislative Office Building on Thursday, April 10, 1997. Representative Julia Howard, Co-Chair, presided at the meeting. Rep. Howard called the meeting to order and recognized Representative Henry Aldridge, Co-Chair to open the meeting in prayer.

The following members were present: Representatives Aldridge, Co-Chair; Ramsey, Adams, Bowie, Clary, Earle, Easterling, Gardner, Hunter, Insko, Ives, Nesbitt, Warwick, Watson, Wilson, G. and Womble.

Rep. Howard recognized the pages for the day: Ms. Bekah Thompson from Cherokee County and Seth Sutton from Rowan County.

Rep. Howard read list of individuals who provided written comments regarding HB 564 and then asked that all person present to speak about the bill limit their speaking time to three minutes. Rep. Howard then recognized Mr. William Potter of the NC Dental Society to begin discussion of the bill. Mr. Potter made some comments and then introduced Angela Hertzberg, Consumer Member of the NC Board of Dental Examiners. Rep. Howard then called on the following speakers to deliver their comments:

Dr. Steve Cline, Director/Dental Services NC DEHNR

Dr. William Milner, Chairman, NC Dental Society Commission on Aging

Mr. William Potter

Ms. Doris Duke, Speaker, Senior Tarheel Legislature

Dr. Fitts

Diane Pendergrast, Licensed Dental Hygienist

Dr. David Bruton, Director, NC Department of Human Resources

Rep. Howard called Rep. Gardner, bill sponsor, to the floor and offered a Committee Substitute. Rep. Clary made a motion to adopt the Committee Substitute for discussion. The motion was adopted and Rep. Gardner explained the Committee Substitute.

Rep. Howard opened the floor for discussion. Rep. Clary moved for a favorable report as to the Committee Substitute, unfavorable as to the original Bill.

Rep. Nesbitt offered an amendment to the Committee Substitute and made a motion to adopt the amendment. A vote was unanimous to adopt the amendment to the Committee Substitute.

Rep. Howard referred to Rep. Clary's move for a favorable report as to the Committee Substitute, as amended, unfavorable as to the original bill. The vote passed.

Because of time constraints Rep. Howard stated that HB 152 would have to be carried over to the next meeting of the Human Resources Committee which will take place on Tuesday, April 15, 1997.

Meeting adjourned at 11:50.

Natalie Smoot

Natalie Smoot, Clerk

Date Adopted 4-10-97

Julia Howard

Rep. Julia Howard, Co-Chair

MINUTES

ADDENDUM

HOUSE COMMITTEE ON HUMAN RESOURCES

April 10, 1997

11:00 a.m.

Room 643

A meeting of the Human Resources Committee was called to order on the floor of the General Assembly at 2:50 p.m. on April 10. Representative Julia Howard, Co-Chair presided.

Rep. Bowie moved to call a vote to reconsider the favorable report to the Committee Substitute, as amended, to HB 564. A roll call vote was taken and the motion was struck down.

Rep Nesbitt moved to adjourn. The meeting adjourned at 2:55 p.m.

Natalie Smoot

Natalie Smoot, Clerk

Date Adopted 4-10-97

Julia Howard

Rep. Julia Howard, Co-Chair

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 564

Short Title: Supervising Dental Hygienists.

(Public)

Sponsors: Representatives Gardner, Thompson, Earle (Cosponsors); Allred, Beall, Berry, Boyd-McIntyre, Braswell, Buchanan, Capps, Carpenter, Cole, Culp, Culpepper, Davis, Decker, Easterling, Hurley, Insko, Jarrell, Jeffus, Kinney, Luebke, McCrary, Mitchell, Morris, Mosley, Oldham, Owens, Rayfield, Sexton, Sherrill, Tallent, Tolson, Wainwright, Warner, and Watson.

Referred to: Human Resources.

March 20, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW DENTAL HYGIENISTS TO PERFORM ACTS WITHOUT
3 THE DIRECT SUPERVISION OF A LICENSED DENTIST AND TO ALLOW
4 DENTISTS TO EMPLOY MORE THAN TWO DENTAL HYGIENISTS AT
5 ONE TIME.

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 90-221 reads as rewritten:

8 "§ 90-221. Definitions.

9 (a) ~~"Dental hygiene" as used in this Article shall mean the~~ The following
10 definitions apply in this Article:

11 (1) Dental hygiene. -- ~~The~~ performance of the following functions:

- 12 a. Complete oral ~~prophylaxis,~~ prophylaxis.
13 b. ~~application~~ Application of preventive agents to oral
14 ~~structures, exposure~~ structures.
15 c. Exposure and processing of ~~radiographs,~~ administration
16 radiographs.
17 d. Administration of medicaments prescribed by a licensed
18 ~~dentist, preparation~~ dentist.
19 e. Preparation of diagnostic ~~aids,~~ aids and written records of
20 oral conditions for interpretation by the ~~dentist, together~~

~~with such other and further functions as may be permitted by rules and regulations of the Board not inconsistent herewith.~~ dentist.

f. Any other functions permitted by rules of the Board consistent with this Article.

~~(b) "Dental hygienist" as used in this Article, shall mean any~~

(2) Dental hygienist. -- A person who is a graduate of a ~~Board-accredited~~ an accredited and Board-approved school of dental hygiene, who has been licensed by the Board, and who practices dental hygiene as prescribed by the Board.

~~(c) "License" shall mean a~~

(3) License. -- A certificate issued to any applicant upon completion of requirements for admission to practice dental hygiene.

~~(d) "Renewal certificate" shall mean the~~

(4) Renewal certificate. -- The annual certificate of renewal of license to continue practice of dental hygiene in the State of North Carolina.

~~(e) "Board" shall mean "The~~

(5) Board. -- The North Carolina State Board of Dental ~~Examiners~~ Examiners created by Chapter 139, Public Laws of 1879, and Chapter 178, Public Laws of 1915 as continued in existence by G.S. 90-22.

~~(f) "Supervision" as used in this Article shall mean that acts are deemed to be under the~~

(6) Supervision. -- Acts are under the supervision of a licensed dentist when if either of the following conditions are met:

a. The acts are performed in a locale where a licensed dentist is physically present during the performance of such acts and such the acts are being performed pursuant to the dentist's order, ~~control~~ control, and approval.

b. A licensed dentist, using professional discretion, chooses not to be physically present at the locale where the acts are being performed, but the acts are performed pursuant to the dentist's order, control, and approval."

Section 2. G.S. 90-233 reads as rewritten:

"§ 90-233. Practice of dental hygiene.

(a) A dental hygienist may practice only under the supervision of one or more licensed dentists. ~~Provided, however, that this subsection (a) shall be deemed to be complied with in the case of dental~~ Dental hygienists employed by the Department of Environment, Health, and Natural Resources and especially trained by ~~said~~ that Department as public health hygienists are considered to be practicing under the supervision of a licensed dentist while performing their duties in the public schools under the direction of a duly licensed dentist.

1 ~~(b) A dentist in private practice may not employ more than two dental hygienists~~
2 ~~at one and the same time who are employed in clinical dental hygiene positions.~~

3 (c) Dental hygiene may be practiced only by the holder of a license or provisional
4 license currently in effect and duly issued by the Board. The following acts, practices,
5 functions or operations, however, shall not constitute the practice of dental hygiene
6 within the meaning of this Article:

7 (1) The teaching of dental hygiene in a school or college approved by
8 the Board in a board-approved program by an individual licensed
9 as a dental hygienist in any state in the United States.

10 (2) Activity which would otherwise be considered the practice of
11 dental hygiene performed by students enrolled in a school or
12 college approved by the Board in a board-approved dental hygiene
13 program under the direct supervision of a dental hygienist or a
14 dentist duly licensed in North Carolina or qualified for the
15 teaching of dentistry pursuant to the provisions of G.S. 90-29(c)(3),
16 acting as an instructor.

17 (3) Any act or acts performed by an assistant to a dentist licensed to
18 practice in this State when said act or acts are authorized and
19 permitted by and performed in accordance with rules and
20 regulations promulgated by the Board.

21 (4) Dental assisting and related functions as a part of their instructions
22 by students enrolled in a course in dental assisting conducted in
23 this State and approved by the Board, when such functions are
24 performed under the supervision of a dentist acting as a teacher or
25 instructor who is either duly licensed in North Carolina or
26 qualified for the teaching of dentistry pursuant to the provisions of
27 G.S. 90-29(c)(3)."

28 Section 3. This act is effective when it becomes law.

4/10

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 564

Proposed Committee Substitute H564-PCSRM-01
WARNING: LINE NUMBERS MAY CHANGE AFTER ADOPTION.

Short Title: Supervising Dental Hygienists.

(Public)

Sponsors:

Referred to: Human Resources.

March 20, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW DENTAL HYGIENISTS TO PERFORM ACTS WITHOUT THE
3 DIRECT SUPERVISION OF A LICENSED DENTIST AND TO ALLOW DENTISTS
4 TO EMPLOY MORE THAN TWO DENTAL HYGIENISTS AT ONE TIME.
5 The General Assembly of North Carolina enacts:
6 Section 1. G.S. 90-221 reads as rewritten:
7 "§ 90-221. Definitions.
8 ~~{a} "Dental hygiene" as used in this Article shall mean the~~ The
9 following definitions apply in this Article:
10 (1) Dental hygiene. -- The performance of the following
11 functions:
12 a. Complete oral prophylaxis, prophylaxis.
13 b. ~~application~~ Application of preventive agents
14 to oral ~~structures, exposure~~ structures.
15 c. Exposure and processing of ~~radiographs,~~
16 ~~administration~~ radiographs.
17 d. Administration of medicaments prescribed by a
18 licensed ~~dentist,~~ preparation dentist.
19 e. Preparation of diagnostic ~~aids,~~ aids and
20 written records of oral conditions for
21 interpretation by the ~~dentist,~~ together with
22 ~~such other and further functions as may be~~

1 ~~permitted by rules and regulations of the~~
2 ~~Board not inconsistent herewith. dentist.~~

3 f. Any other functions permitted by rules of the
4 Board consistent with this Article.

5 ~~(b) "Dental hygienist" as used in this Article, shall mean any~~
6 (2) Dental hygienist. -- A person who is a graduate of
7 a Board-accredited an accredited and Board-approved
8 school of dental hygiene, who has been licensed by
9 the Board, and who practices dental hygiene as
10 prescribed by the Board.

11 ~~(c) "License" shall mean a~~
12 (3) License. -- A certificate issued to any applicant
13 upon completion of requirements for admission to
14 practice dental hygiene.

15 ~~(d) "Renewal certificate" shall mean the~~
16 (4) Renewal certificate. -- The annual certificate of
17 renewal of license to continue practice of dental
18 hygiene in the State of North Carolina.

19 ~~(e) "Board" shall mean "The~~
20 (5) Board. -- The North Carolina State Board of Dental
21 Examiners" Examiners created by Chapter 139, Public
22 Laws of 1879, and Chapter 178, Public Laws of 1915
23 as continued in existence by G.S. 90-22.

24 ~~(f) "Supervision" as used in this Article shall mean that acts~~
25 ~~are deemed to be under the~~

26 (6) Supervision.-- supervision of a licensed dentist
27 when

28 a. Direct supervision of a dental hygienist by a
29 licensed dentist is when the acts performed by
30 the dental hygienist are perfomed in a locale
31 where a licensed dentist is physically present
32 during the performance of such the acts and
33 such the acts are being performed pursuant to
34 the dentist's order, control control, and
35 approval- approval; and

36 b. General supervision of a dental hygienist by a
37 licensed dentist is when a licensed dentist,
38 using professional discretion, chooses not to
39 be physically present at the locale where the
40 acts are being performed, but the acts are
41 performed pursuant to the dentist's order,
42 control, and approval."

43 Section 2. G.S. 90-233 reads as rewritten:
44 "§ 90-233. Practice of dental hygiene.

1 (a) A dental hygienist may practice only under the direct or
2 general supervision of one or more licensed dentists. ~~Provided,~~
3 ~~however, that this subsection (a) shall be deemed to be complied~~
4 ~~with in the case of dental~~ Dental hygienists employed by the
5 Department of Environment, Health, and Natural Resources and
6 especially trained by ~~said~~ that Department as public health
7 hygienists are practicing under the general supervision of a
8 licensed dentist while performing their duties in the public
9 schools under the direction of a duly licensed dentist.

10 ~~(b) A dentist in private practice may not employ more than two~~
11 ~~dental hygienists at one and the same time who are employed in~~
12 ~~clinical dental hygiene positions.~~

13 (c) Dental hygiene may be practiced only by the holder of a
14 license or provisional license currently in effect and duly
15 issued by the Board. The following acts, practices, functions or
16 operations, however, shall not constitute the practice of dental
17 hygiene within the meaning of this Article:

18 (1) The teaching of dental hygiene in a school or
19 college approved by the Board in a board-approved
20 program by an individual licensed as a dental
21 hygienist in any state in the United States.

22 (2) Activity which would otherwise be considered the
23 practice of dental hygiene performed by students
24 enrolled in a school or college approved by the
25 Board in a board-approved dental hygiene program
26 under the direct supervision of a dental hygienist
27 or a dentist duly licensed in North Carolina or
28 qualified for the teaching of dentistry pursuant to
29 the provisions of G.S. 90-29(c)(3), acting as an
30 instructor.

31 (3) Any act or acts performed by an assistant to a
32 dentist licensed to practice in this State when
33 said act or acts are authorized and permitted by
34 and performed in accordance with rules and
35 regulations promulgated by the Board.

36 (4) Dental assisting and related functions as a part of
37 their instructions by students enrolled in a course
38 in dental assisting conducted in this State and
39 approved by the Board, when such functions are
40 performed under the supervision of a dentist acting
41 as a teacher or instructor who is either duly
42 licensed in North Carolina or qualified for the
43 teaching of dentistry pursuant to the provisions of
44 G.S. 90-29(c)(3)."

1 Section 3. This act is effective when it becomes law.



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 564

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of ____

h564-arm-02.1

Date _____, 1997

Comm. Sub. [yes]
Amends Title []
H564-PCSRM-01

Representative

1 moves to amend the bill on page 3, lines 10-12, by rewriting those
2 lines to read: "(b) A dentist in private practice may not employ
3 utilize more ~~than two~~ dental hygienists at one and the same time
4 ~~who are employed in clinical dental hygiene positions.~~ than the
5 dentist can reasonably supervise."
6
7
8
9
10

SIGNED 
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 564
Proposed Committee Substitute H564-PCS2252

Short Title: Supervising Dental Hygienists.

(Public)

Sponsors:

Referred to:

March 20, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW DENTAL HYGIENISTS TO PERFORM ACTS WITHOUT
3 THE DIRECT SUPERVISION OF A LICENSED DENTIST AND TO ALLOW
4 DENTISTS TO EMPLOY MORE THAN TWO DENTAL HYGIENISTS AT
5 ONE TIME.

6 The General Assembly of North Carolina enacts:

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12 a. Complete oral ~~prophylaxis,~~ prophylaxis.

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14 ~~structures, exposure~~ structures.

15 c. Exposure and processing of ~~radiographs,~~ administration
16 radiographs.

17 d. Administration of medicaments prescribed by a licensed
18 ~~dentist, preparation~~ dentist.

19 e. Preparation of diagnostic ~~aids,~~ aids and written records of
20 oral conditions for interpretation by the ~~dentist, together~~
21 ~~with such other and further functions as may be permitted~~
22 ~~by rules and regulations of the Board not inconsistent~~
23 ~~herewith.~~ dentist.

- 1 f. Any other functions permitted by rules of the Board
2 consistent with this Article.
- 3 ~~(b) "Dental hygienist" as used in this Article, shall mean any~~
4 (2) Dental hygienist. -- A person who is a graduate of a
5 ~~Board-accredited~~ an accredited and Board-approved school of
6 dental hygiene, who has been licensed by the Board, and who
7 practices dental hygiene as prescribed by the Board.
- 8 ~~(c) "License" shall mean a~~
9 (3) License. -- A certificate issued to any applicant upon completion of
10 requirements for admission to practice dental hygiene.
- 11 ~~(d) "Renewal certificate" shall mean the~~
12 (4) Renewal certificate. -- The annual certificate of renewal of license
13 to continue practice of dental hygiene in the State of North
14 Carolina.
- 15 ~~(e) "Board" shall mean "The~~
16 (5) Board. -- The North Carolina State Board of Dental ~~Examiners"~~
17 Examiners created by Chapter 139, Public Laws of 1879, and
18 Chapter 178, Public Laws of 1915 as continued in existence by
19 G.S. 90-22.
- 20 ~~(f) "Supervision" as used in this Article shall mean that acts are deemed to be~~
21 ~~under the~~
- 22 (6) Supervision. -- ~~supervision of a licensed dentist when~~
23 a. Direct supervision of a dental hygienist by a licensed dentist
24 is when the acts performed by the dental hygienist are
25 performed in a locale where a licensed dentist is physically
26 present during the performance of such the acts and such
27 the acts are being performed pursuant to the dentist's order,
28 ~~control control, and approval.~~ approval; and
29 b. General supervision of a dental hygienist by a licensed
30 dentist is when a licensed dentist, using professional
31 discretion, chooses not to be physically present at the locale
32 where the acts are being performed, but the acts are
33 performed pursuant to the dentist's order, control, and
34 approval."

35 Section 2. G.S. 90-233 reads as rewritten:

36 "**§ 90-233. Practice of dental hygiene.**

37 (a) A dental hygienist may practice only under the direct or general supervision of
38 one or more licensed dentists. ~~Provided, however, that this subsection (a) shall be~~
39 ~~deemed to be complied with in the case of dental~~ Dental hygienists employed by the
40 Department of Environment, Health, and Natural Resources and especially trained by
41 ~~said that~~ that Department as public health hygienists are practicing under the general
42 supervision of a licensed dentist while performing their duties in the public schools
43 under the direction of a duly licensed dentist.

1 (b) A dentist in private practice may not ~~employ~~ utilize more ~~than two~~ dental
2 hygienists at one and the same time ~~who are employed in clinical dental hygiene~~
3 ~~positions.~~ than the dentist can reasonably supervise.

4 (c) Dental hygiene may be practiced only by the holder of a license or provisional
5 license currently in effect and duly issued by the Board. The following acts, practices,
6 functions or operations, however, shall not constitute the practice of dental hygiene
7 within the meaning of this Article:

- 8 (1) The teaching of dental hygiene in a school or college approved by
9 the Board in a board-approved program by an individual licensed
10 as a dental hygienist in any state in the United States.
- 11 (2) Activity which would otherwise be considered the practice of
12 dental hygiene performed by students enrolled in a school or
13 college approved by the Board in a board-approved dental hygiene
14 program under the direct supervision of a dental hygienist or a
15 dentist duly licensed in North Carolina or qualified for the
16 teaching of dentistry pursuant to the provisions of G.S. 90-29(c)(3),
17 acting as an instructor.
- 18 (3) Any act or acts performed by an assistant to a dentist licensed to
19 practice in this State when said act or acts are authorized and
20 permitted by and performed in accordance with rules and
21 regulations promulgated by the Board.
- 22 (4) Dental assisting and related functions as a part of their instructions
23 by students enrolled in a course in dental assisting conducted in
24 this State and approved by the Board, when such functions are
25 performed under the supervision of a dentist acting as a teacher or
26 instructor who is either duly licensed in North Carolina or
27 qualified for the teaching of dentistry pursuant to the provisions of
28 G.S. 90-29(c)(3)."

29 Section 3. This act is effective when it becomes law.

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

BILL SPONSOR: Rep. Charlotte Gardner

OFFICE: 417B LOB

DATE: April 8, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Thursday, April 10, 1997

TIME: 11:00 a.m.

LOCATION: 643 LOB

Your bill will be discussed at this time:

HB 564 "Supervising Dental Hygienists"

We would like to have you attend this meeting.

Representative Julia Howard
Representative Henry Aldridge
Co-Chairs

Natalie Smoot
Susan Groh
Committee Clerks



North Carolina General Assembly
Legislative Services Office

George R. Hall, Legislative Services Officer
(919) 733-7044

4/10

W. Robinson, Director
Administrative Division
Room 5, Legislative Building
16 W. Jones Street
Raleigh, NC 27603-5925
(919) 733-7500

Gerry F. Cohen, Director
Bill Drafting Division
Suite 401, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6660

Thomas L. Covington, Director
Fiscal Research Division
Suite 619, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-4910

Donald W. Fulford, Director
Information Systems Division
Suite 400, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6834

Terrence D. Sullivan, Director
Research Division
Suite 545, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-2578

April 10, 1997

MEMORANDUM

TO: Members, House Human Resources Committee

FROM: Linda Attarian, Committee Counsel

RE: PROPOSED COMMITTEE SUBSTITUTE for House Bill 564
Sponsor: Representative Gardner

The Proposed Committee Substitute makes the following changes to House Bill 564:

- **On page 2, line 26**, the definition of "Supervision" is clarified by defining the description of supervision as provided by subdivision (6)(a) of G.S. 90-221 in the original bill as "Direct Supervision"; and
- by defining the description of supervision as provided by subdivision (6)(b) in the original bill as "General Supervision";
- **And on page 3, lines 1 through 9**, so that subsection (3) of G.S. 90-233 on the original bill is rewritten for clarification purposes to provide that a dental hygienist must work under direct OR general supervision of a licensed dentist; and
- By clearly stating that when a dental hygienist is employed and practicing as a dental hygienist by DEHNR, they are practicing under the general supervision of a licensed dentist.

HB 564 -- Supervising Dental Hygienists would eliminate the current North Carolina law requirements for on-site dentist supervision of no more than two dental hygienists in a clinical situation. Much of the information that has been provided in support of HB 564 is misleading and distorted, and some of it is just plain untrue.

It has been said by supporters of the bill that 44 States, including South Carolina, permit dental hygienists to practice without a dentist present, and that those other states' laws support passing HB 564 to change the law in North Carolina. Supporters have further asserted that North Carolina is one of only six states that still require a dentist to be physically present to supervise a hygienist. Supporters have also stated that only Virginia and North Carolina have the most restrictive laws and regulations on supervision and ratios.

It is true that many states, including North Carolina, allow some hygienists to provide some treatments, to certain types of patients, in limited settings or locations, most times under strict dentist pre-examination and follow-up controls. South Carolina laws on supervision are very restrictive, and Virginia laws are appropriate and similar to those in many other states. Except for what is explained here, the supporting statements for HB 564 are misleading and wrong!

North Carolina already allows dental hygienists employed by DEHNR and especially trained as public health hygienists to work in the public schools without the on-site presence but under the direction of a licensed dentist. G.S. 90-233(a). South Carolina does not allow completely unsupervised hygiene practice; its laws allow some school and nursing home work, with express requirements for pre-examination of patients and written treatment plans by a dentist who employs the hygienist (no prophylaxis in nursing homes, and treatment of school kids requires written permission from parent or guardian). S.C. Code 40-15-80.

Current North Carolina laws on dentist supervision of hygienists are in the mainstream of other state laws, and they conform to the sound, scientifically supported policies of the North Carolina Dental Society and the American Dental Association. With the possible exception of Colorado, there is no other state that would allow what would be permitted under HB 564 -- an unlimited number of limited trained hygienists providing any treatment to any patient in any setting without any specified dentist involvement with the patient!

1/1/84

RESPONSIBLE DENTISTS OPPOSE HB 564 -- SUPERVISING DENTAL HYGIENISTS

4/10

If enacted, the provisions of this bill would,
on the unrestricted discretion of any dentist,

allow hygienists educated and trained to work
under direct, on-site dentist supervision:

- to administer oral prophylaxis and other infection-potential treatments;
- to a patient who has never been examined by a dentist or even had his or her medical-dental history and records reviewed by a dentist;
- without any informed consent or acknowledgement of no-dentist-direct-supervision by the patient;
- in any office, or institution, or even non-traditional setting or location;
- without a dentist being available on-site for emergencies or dangerous condition discoveries;
- without any requirement that a dentist be continuously available by direct communication by phone or radio;
- without any required dentist input into, or specification of, a treatment plan;
- without any requirement of a written treatment protocol from a dentist;
- without any requirement of any employment or other legal relationship between the hygienist and a dentist;
- without any requirement of a premedication or antibiotic therapy or other drug protocol review of at-risk patients, and no prohibition of treatment of some types of patients, at least without premedication; and
- without any specific requirement of any indicated follow-up review or treatment of the patient by a dentist!

In addition, the bill would allow any dentist, who in his or her discretion were to permit "unsupervised" hygiene treatment, to at the same time permit an unlimited number of other hygienists to administer similar "unsupervised" treatments to many other patients, with the same or greater attendant risks to the patients!

HB 564 WOULD ALLOW HYGIENISTS TO WORK OUTSIDE OF THEIR EDUCATION AND TRAINING, AT THE EXPENSE OF INCREASED RISK AND DANGER TO THE PATIENTS THAT THEY WOULD TREAT; THE BILL SHOULD BE DEFEATED!

MADAM CHAIRMAN AND COMMITTEE MEMBERS:

MY NAME IS ANGELA HERTZBERG AND I AM THE CONSUMER MEMBER OF THE NORTH CAROLINA BOARD OF DENTAL EXAMINERS. I HAVE SERVED IN THAT CAPACITY FOR ALMOST 3 YEARS.

TODAY, I STAND BEFORE YOU TO SPEAK NOT IN MY CAPACITY AS A DENTAL BOARD MEMBER, BUT AS A CONSUMER. I WAS HERE ON TUESDAY OBSERVING THE PROCEEDINGS FOR THE BOARD BECAUSE, NEEDLESS TO SAY, THE MEMBERS ARE MOST INTERESTED IN ANY PROPOSED LEGISLATION THAT WE MIGHT ULTIMATELY HAVE TO ADMINISTER. I HAVE READ ABOUT THIS BILL, I HAVE LISTENED TO OTHERS SPEAK FOR AND AGAINST IT, AND AS A RESULT, FIND MYSELF COMPELLED TO SPEAK IN OPPOSITION TO **HOUSE BILL #564**---NOT, MIND YOU, IN OPPOSITION TO THE DENTAL HYGIENE PROFESSION---JUST IN OPPOSITION TO THIS BILL.

BEING ONE WHO IS UNDER OATH TO SERVE AS A WATCHDOG, SO TO SPEAK, FOR THE PUBLIC INTEREST, I AM VERY SENSITIVE TO AREAS WHERE IT APPEARS THAT THE BEST INTEREST OF THE PUBLIC MAY NOT BE MET AND I BELIEVE THAT THIS PROPOSED BILL IS A CLEAR EXAMPLE OF THAT CONCEPT.

WE ARE DEALING HERE WITH A PROFESSION WHOSE TRAINING IS STRUCTURED WITH AN UMBRELLA OF DIRECT SUPERVISION BY A DENTIST IN MIND. IF THE PROFESSION DESIRES TO WORK IN AN UNRESTRICTED, UNSUPERVISED ENVIRONMENT, THEN I PROPOSE TWO ALTERNATIVES: (1) THAT THE

EDUCATIONAL REQUIREMENTS BE ALTERED TO ACCOMMODATE HYGIENISTS WORKING UNSUPERVISED; OR (2) THAT THEY SEEK TO BECOME LICENSED DENTISTS. IN MY MIND, TRAINING IS THE MAJOR ISSUE. DIRECT, ON-SITE SUPERVISION BY THE MORE HIGHLY-TRAINED DENTIST IS CRUCIAL TO PROVIDING OPTIMUM PROTECTION FOR THE PUBLIC. THAT IS NOT TO SAY THAT THERE ARE NOT HYGIENISTS OUT THERE WHO ARE, BECAUSE OF THEIR YEARS OF EXPERIENCE, CAPABLE OF WORKING IN AN UNSUPERVISED ENVIRONMENT; BUT, LADIES AND GENTLEMEN, WE MUST NOT FORGET THAT A CHANGE IN THIS ACT WOULD ALSO PLACE THE JUST-OUT-OF-SCHOOL, NEWLY-LICENSED HYGIENIST IN THE SAME POTENTIALLY UNSUPERVISED ENVIRONMENT.

WEAKENING THIS LINK IN THE DENTAL CARE CHAIN IS ILL-ADVISED AND COULD POTENTIALLY EXPOSE THE PATIENT TO GREATER RISKS, ESPECIALLY THE MEDICALLY-COMPROMISED PATIENT OR THE PATIENT WITH SPECIAL NEEDS. THE PROPONENTS OF THIS BILL SEEM TO FOCUS UPON THE ELDERLY SEGMENT OF OUR POPULATION FOR THE UNSUPERVISED WORK. DO WE WANT THIS SEGMENT, OR ANY SEGMENT OF OUR POPULATION, TO RECEIVE A LESSER QUALITY OF DENTAL CARE THAN THE GENERAL PUBLIC?

THE OTHER CHANGE IN THE BILL CONCERNS ME ALSO. EXPECTING A DENTIST TO SUPERVISE TWO (2) HYGIENISTS IS QUITE ENOUGH. UNLIMITED NUMBERS OF HYGIENISTS IN ANY OFFICE WOULD COMPROMISE THE DENTIST'S ABILITY TO RESPONSIBLY AND CAREFULLY EVALUATE THE NEEDS OF EACH PATIENT UNDER HIS CARE. WITHIN THE FRAMEWORK OF A TYPICAL DAY IN A DENTAL OFFICE, THERE ARE ONLY SO MANY TIME SLOTS IN WHICH DENTISTS CAN SEE HYGIENE PATIENTS. OTHERWISE, THERE WOULD BE NO TIME FOR THE

DENTIST TO PERFORM THE PROCEDURES THAT HE OR SHE IS TRAINED TO DO.

IN ADDITION, I DO NOT BELIEVE THAT MOST DENTISTS WOULD DESIRE TO SUPERVISE MORE THAN TWO (2) HYGIENISTS. BASED ON THE DATA AT MY DISPOSAL, IF WE PUT EVERY LICENSED HYGIENIST IN NORTH CAROLINA TO WORK TOMORROW MORNING, THERE WOULD STILL NOT BE ENOUGH TO ALLOCATE TWO (2) PER LICENSED DENTIST. IN ADDITION, TO SUGGEST THAT A DENTIST CAN SUPERVISE MULTIPLE HYGIENISTS AT MULTIPLE LOCATIONS CLEARLY MEANS THAT AT ANY GIVEN TIME ON ANY GIVEN DAY, THERE IS A GREAT DEAL OF UNSUPERVISED WORK BEING DONE BY PERSONS WHO WERE TRAINED TO DO SUPERVISED WORK.

THINK THE CONCEPT THROUGH CAREFULLY. IF THIS BILL BECOMES LAW, ANY HYGIENIST COULD WORK IN ANY LOCATION WITH ANY PATIENT WITHOUT THAT PATIENT HAVING DIRECT ACCESS TO A DENTIST!

LADIES AND GENTLEMEN, I SUBMIT TO YOU THAT THIS IS AN UNACCEPTABLE CONCEPT AND WILL SURELY WEAKEN THE STANDARD OF CARE THAT NOW EXISTS IN THE DENTAL PROFESSION---A STANDARD THAT YOUR DENTAL BOARD WORKS DILIGENTLY TO MAINTAIN.

THANK YOU FOR YOUR ATTENTION TO MY COMMENTS. I AM PREPARED TO PROVIDE YOU WITH A COPY OF THESE COMMENTS FOR YOUR PERUSAL.

April 10, 1997

ANGELA B. HERTZBERG

ROLL CALL VOTE

3 10 = 13 (TOTAL)
YES NO

HB# 564
SB# _____

HOUSE STANDING COMMITTEE ON HUMAN RESOURCES

House Subcommittee on _____

YES	NO	MEMBER (last name)	YES	NO	MEMBER (last name)
☒	☐	Aldridge, Chair	☐	☐	
☐	☒	Howard, Chair	☐	☐	
☐	☒	Ramsey, RMM	☐	☐	
☐	☒	Adams	☐	☐	
☒	☐	Bowie	☐	☐	
☐	☒	Clary	☐	☐	
☐	☐	Creech	☐	☐	
☐	☐	Culp	☐	☐	
☐	☐	Cunningham	☐	☐	
☐	☐	Earle	☐	☐	
☒	☐	Easterling	☐	☐	
☐	☒	Esposito	☐	☐	
☐	☒	Gardner	☐	☐	
☐	☒	Hunter	☐	☐	
☐	☐	Insko	☐	☐	
☐	☐	Ives	☐	☐	
☐	☐	McAllister	☐	☐	
☐	☒	Nesbitt	☐	☐	
☐	☒	Rayfield	☐	☐	
☐	☒	Warwick	☐	☐	
☐	☒	Watson	☐	☐	
☐	☐	Wilson, G.	☐	☐	Ex officio Members
☐	☒	Womble	☐	☐	Speaker Pro Tem (Wood)
☐	☐		☐	☐	Majority Leader (Daughtry)
☐	☐		☐	☐	Majority Whip (Howard)

*motion to reconsider the favorable report
as to the Committee Substitute, as amended, to
HB564.*

1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Howard and Aldridge** for the Committee on **Human Resources**.

☐ Committee Substitute for

H.B. 564 A BILL TO BE ENTITLED AN ACT TO ALLOW DENTAL HYGIENISTS TO PERFORM ACTS WITHOUT THE DIRECT SUPERVISION OF A LICENSED DENTIST AND TO ALLOW DENTISTS TO EMPLOY MORE THAN TWO DENTAL HYGIENISTS AT ONE TIME.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☒ With a favorable report as to committee substitute bill (#), ☒ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

BILL SPONSOR: Rep. Verla Insko

OFFICE: 1319 LB

DATE: April 8, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Thursday, April 10, 1997

TIME: 11:00 a.m.

LOCATION: 643 LOB

Rep. Easterling's Bill will be discussed at this time:

HB 152 "Child Abuse Report Penalty"

We would like to have you attend this meeting on her behalf.

Representative Julia Howard
Representative Henry Aldridge
Co-Chairs

Natalie Smoot
Susan Groh
Committee Clerks

VISITOR REGISTRATION SHEET

HUMAN RESOURCES

April 10, 1997

Name of Committee

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Meris Hicks	Speaker, Jr. Tar Heel Legislature
Kibby Bayal	RDH
Faye Marlow	NCDs
GARY OYSTER	NCDs
Marietta Noel	Alliance of NCDs
Blackie Hughes	Alliance of NCDs
CARLE W. MASO &	NCDs
Tommy Worth	Cambria Health Care System
Larry Miller	NCDs
Christie Skelwood	NC Board of Dental Examiners
Angela Hertzberg	NC Board of Dental Examiners
Reuben A. Hall RDH	NCDHA 1955 Souther Pk. Linwood NC 27295
Frank H. Hudson RDH	NCDHA 17325 Youngwood Rd CLT 28278
Earl Mainard	NCPCA ; 3344 Hillsborough St, Raleigh
Martha Lilegood	YALIO / DOA
Suzi Adams Bowden RDH	BS NCDHA and as Private Clinician 26 yrs. 1313 Granada Drive, Raleigh, NC
Diane Prendergast RDH	NC DHA
Wanda Kelly	Intern
DAVE BIRSON	DNR
Donna Emack	NCDHA
Don M. Wilcox	NCDs
Lou Davis	DEHNR
Steve Cline	DEHNR
Bill Miller	NCDs
David Ottensen	DSS
Stan Williams	United Healthcare of NC
Jim Blackburn and Patrice Roessler	Association of County Commissioners

VISITOR REGISTRATION SHEET

HUMAN RESOURCES

Name of Committee

April 10, 1997
Date

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS[illegible]

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE**

You are hereby notified that the Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: **Tuesday, April 15, 1997**

TIME: **11:00 AM**

LOCATION: **Room 643-LOB**

The following bills will be considered (Bill # & Short Title):

HB 469 - "Permit Fees", Rep. Tallent, Sponsor

HB 152 - "Child Abuse Report Penalty", Rep. Easterling, Sponsor

Respectfully,

Representative Howard, Rep. Aldridge
Co-Chairman

I hereby certify this notice was filed by the committee clerk at the following offices at
2:30 p.m. on Thursday, April 10, 1997.

____Principal Clerk
____Reading Clerk - House Chamber

Natalie E. Smoot (Committee Clerk)

Natalie Smoot (Rep. Howard)

From: Natalie Smoot (Rep. Howard)
Sent: Thursday, April 10, 1997 3:10 PM
To: Anne Cole; Annecia Norwood; Barbara Hocutt; Barbara Phillips; Betty Anne Lennon; Carolyn Honeycutt; Dot Barber; Ebern Watson; Gail Stewart; House Sgt of Arms; Janette Lee; Jayne Walton; Jo Malone; John Young; Judy Willis; Karen George; Legislative Press; Linda Attarian; Linda Johnson; Mary Jamison; Melissa Jackson; Monica McClain; Natalie Smoot; Pat Baker; Phyllis Cameron; Rebecca Jones; Sharon Gaudette; Sue Floyd; Susan Groh; Sylvia Green; Waneta Lord
Cc: Gail Stewart (Rep. Howard)
Subject: HUMAN RESOURCES COMMITTEE Meeting Notice 4-15-97



MEETING NOTICE
4-15-97.doc

Natalie Smoot
Committee Clerk
3-5904

Natalie Smoot (Rep. Howard)

From: Sharon Gaudette (Rep. Bowie) *
Sent: Thursday, April 10, 1997 3:10 PM
To: Natalie Smoot (Rep. Howard)
Subject: Read: HUMAN RESOURCES COMMITTEE Meeting Notice 4-15-97

Your message

To: Anne Cole; Annecia Norwood; Barbara Hocutt; Barbara Phillips; Betty Anne Lennon; Carolyn Honeycutt; Dot Barber; Ebern Watson; Gail Stewart; House Sgt of Arms; Janette Lee; Jayne Walton; Jo Malone; John Young; Judy Willis; Karen George; Legislative Press; Linda Attarian; Linda Johnson; Mary Jamison; Melissa Jackson; Monica McClain; Natalie Smoot; Pat Baker; Phyllis Cameron; Rebecca Jones; Sharon Gaudette; Sue Floyd; Susan Groh; Sylvia Green; Waneta Lord
Cc: Gail Stewart (Rep. Howard)
Subject: HUMAN RESOURCES COMMITTEE Meeting Notice 4-15-97
Sent: 4/10/97 3:10:50 PM

was read on 4/10/97 3:10:57 PM

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE**

**REVISED
Bill Added**

You are hereby notified that the Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Tuesday, April 15, 1997

TIME: 11:00 AM

LOCATION: Room 643-LOB

The following bills will be considered (BN# & Short Title):

HB 469 - "Permit Fees", Rep. Tallent, Sponsor

HB 456 - "Reg Deeds - No Abuse Info", Rep. Dockham, Sponsor

HB 152 - "Child Abuse Report Penalty", Rep. Easterling, Sponsor

Respectfully,

Representative Howard, Rep. Aldridge
Co-Chairman

I hereby certify this notice was filed by the committee clerk at the following offices at
3:45 p.m. on Thursday, April 10, 1997.

____ Principal Clerk
____ Reading Clerk - House Chamber

Natalie E. Smoot (Committee Clerk)

AGENDA

House Standing Committee
on
HUMAN RESOURCES

Tuesday, April 15, 1997

Rep. Henry Aldridge - Opening Prayer

Greetings: Rep. Henry Aldridge, Presiding Chair

Introduction of Pages

Presentation of HB 469 - "Permit Fees"

Representative Tallent, Sponsor

Vote

Presentation of HB 152 "Child Abuse Report Penalty"

Representative Insko for Representative Easterling, Sponsor

Vote

Announcements

Adjournment

MINUTES
HOUSE COMMITTEE ON HUMAN RESOURCES
April 15, 1997
11:00 a.m.
Room 643

The House Committee on Human Resources met in Room 643 of the Legislative Office Building on Tuesday, April 15, 1997. Representative Henry Aldridge, Co-Chair, presided at the meeting. Rep. Aldridge opened the meeting in prayer and called the meeting to order.

The following members were present: Representatives Howard, Co-Chair; Ramsey, Adams, Bowie, Clary, Culp, Easterling, Gardner, Hunter, Insko, Ives, McAllister, Nesbitt, Warwick, Watson, and Womble.

Rep. Aldridge recognized the pages for the day: Ms. Elisha Savchak from Randolph County and Mr. Chris Breedlove from Davidson County. He also recognized staff and faculty from Bennett College in Greensboro.

Rep. Aldridge presented HB 469, "Permit Fees" for committee discussion and called on staff member Sue Floyd to explain the bill. Sue Floyd explained the bill and Rep. Aldridge recognized the bill sponsor, Rep. Tallent, to discuss the bill. Rep. Tallent offered a Committee Substitute to the bill.

Rep. Womble moved to accept the Committee Substitute for discussion. Rep. Aldridge called for a vote; the motion was unanimously accepted. Rep. Aldridge called on Rep. Tallent to discuss the Committee Substitute and opened the floor for discussion. Rep. Tallent discussed the Committee Substitute, and, in response to a question, called on Michael Rhodes from the Division of Environmental Health to further explain the bill.

Rep. McAllister made a motion for a favorable report as to the Committee Substitute, unfavorable as to the original bill with a re-referral to the Committee on Finance.

The discussion continued and Mr. T. Jerry Williams from the NC Restaurant Association and Linda Sewell of DEHNR/DHR were called upon to answer questions posed by the committee.

Rep. Aldridge called for a vote on Rep. McAllister's motion. When a voice vote taken was not decisive, a roll call vote was immediately called for by Rep. Aldridge. Clerk called the vote and the motion passed with 8 ayes and 6 noes.

Rep. Aldridge called on staff member Linda Attarian to explain HB 152 "Child Abuse Report Penalty". Linda explained that there was a Committee Substitute being offered for this bill. Rep. Clary made a motion to open discussion the Committee Substitute. The motion passed unanimously. Linda Attarian explained the bill. Rep. Aldridge called on Rep. Insko to explain the Committee Substitute.

Rep. Easterling moved for a favorable report as to the committee substitute.
Discussion on the bill continued.

Rep. Aldridge adjourned meeting at 11:51.

Natalie Smoot
Natalie Smoot, Clerk

Henry Aldridge
Rep. M. W. (Henry) Aldridge
Co-Chair

Date Adopted 4-17-97

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

BILL SPONSOR: Rep. Timothy Tallent

OFFICE: 1104 LB

DATE: April 10, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Tuesday, April 15, 1997

TIME: 11:00 a.m.

LOCATION: 643 LOB

Your bill will be discussed at this time:

HB 469 "Permit Fees"

We would like to have you attend this meeting.

Representative Julia Howard
Representative Henry Aldridge
Co-Chairs

Natalie Smoot
Susan Groh
Committee Clerks

Natalie Smoot (Rep. Howard)

From: Natalie Smoot (Rep. Howard)
Sent: Thursday, April 10, 1997 2:48 PM
To: Rep. Timothy Tallent
Cc: Susan Groh (Rep. Aldridge)
Subject: HUMAN RESOURCES COMMITTEE Meeting 4-15-97

Attached is a Bill Sponsor notice for your bill, which will be heard on 4-15-97. Your bill will be **1st** on the agenda.



Tallent 04-15-97.doc

Natalie Smoot
Committee Clerk
3-5904

THE CURRENT FEE STRUCTURE DOES NOT ACT AS A DETERRENT TO LATE PAYMENT.

GS §130A-248 directs the Department to impose an annual permit fee of \$25 on "non-exempt" food establishments. This fee is charged to all food establishments "... except nutrition programs for the elderly administered by the Division of Aging of the Department of Human Resources, establishments that prepare and sell meat food products or poultry products, and public school cafeterias." The statutes further allow the Department to impose a late payment fee of an additional \$25 if the permit fee is not paid within forty-five days of the renewal date. During fiscal year 1994-95, a total of 2,112 fees were delinquent.

Department personnel pursue a delinquent permittee by issuing a "letter of intent to suspend the permit" if the fee plus the late payment fee is not paid within ninety days of the due date. Once the letter of intent to suspend has been issued, the permittee has an additional thirty days to remit payment before the permit is suspended. If an establishment operates without a permit, the state has the right to initiate court action. During fiscal year 1994-95, 364 permits were suspended.

When a permit is suspended, Branch personnel contact the environmental health department of the county in which the establishment is located to request that a local environmental health specialist visit the facility to see if it is still operating. If it is still operating, the Branch notifies the regional environmental health specialist responsible for that county. The Branch also notifies the owner/operator of the establishment that he/she is violating the law. If the fees are not paid immediately upon this notification, the regional environmental health specialist initiates court action. If the case goes to court, the local environmental health specialist, the regional environmental health specialist, and the Branch's manager of the Inspections, Statistics, and Fees Unit must all appear in court to testify.

TABLE 5 FOOD SANITATION INSPECTION PROGRAM SUSPENSION PROCESS COSTS		
ACTION	COST*	COMMENTS
FIRST INVOICE (45 DAYS)	\$1.81	
SECOND INVOICE (15 DAYS)	1.45	
INTENT TO SUSPEND LETTER (30 DAYS)	3.63	CERTIFIED/RETURN RECEIPT
SUSPENSION OF PERMIT LETTER	2.73	CERTIFIED/RETURN RECEIPT
CALL COUNTY FOR VERIFICATION OF OPERATION	13.53	CALL FROM RALEIGH
COUNTY EHS VISITS FACILITY/VERIFIES IF OPEN AND OPERATING	11.00	
COUNTY EHS CALLS RALEIGH TO REPORT FINDINGS	6.14	
RALEIGH CALLS TO INFORM OWNER THEY ARE VIOLATING LAW	9.53	
CALLS REHS TO INFORM AND ASK TO SWEAR OUT WARRANT	20.06	
REHS GOES TO MAGISTRATE, COMPLETES WARRANT PAPERWORK	208.08	
CALL TO LOCAL JUDICIAL SYSTEM TO SET COURT DATE	9.53	GIVES DISTRICT ATTORNEY BACKGROUND ON CASE
COURT DATE: REHS; COUNTY EHS; MANAGER - FEES ARE ALL PRESENT	578.45	EACH TESTIFIES TO THEIR INVOLVEMENT IN THE CASE
TOTAL	\$865.94	
*All costs include personnel time and are shown in the average. Source: Environmental Health Services Section		

Table 5 shows the approximate cost of action at each level of the suspension process. As shown, it costs the State approximately \$866 to take a permittee to court. *Since these costs are not recovered*, the State has averaged taking only two establishments to court per year for the last five years. Interviews with state and county personnel, as well as

FINDINGS AND RECOMMENDATIONS (CONTINUED)

restaurant owners, revealed that some owners do not see the fee structure as a deterrent since they know they will only have to pay \$50 even if their permit is suspended and they are taken to court.

RECOMMENDATION

Legislation should be changed to increase the late payment penalty to an amount substantial enough to serve as a deterrent to late payment. A reinstatement fee should be charged for establishments whose permits have been suspended. This reinstatement fee should be structured to allow the State to recover the additional costs associated with suspending the permit. A graduated fee schedule should be developed to correlate the reinstatement fee to the additional costs associated with each step of the suspension process.

ROLL CALL VOTE

8 6 = 14 (TOTAL)
YES NO

HB# 469 comm.
SB# sub.

HOUSE STANDING COMMITTEE ON HUMAN RESOURCES

House Subcommittee on _____

YES	NO	MEMBER (last name)	YES	NO	MEMBER (last name)
☒	☐	Aldridge, Chair	☐	☐	
☐	☐	Howard, Chair	☐	☐	
☐	☒	Ramsey, RMM	☐	☐	
☒	☐	Adams	☐	☐	
☒	☐	Bowie	☐	☐	
☒	☐	Clary	☐	☐	
☐	☐	Creech	☐	☐	
☒	☐	Culp	☐	☐	
☐	☐	Cunningham	☐	☐	
☐	☐	Earle	☐	☐	
☒	☐	Easterling	☐	☐	
☐	☐	Esposito	☐	☐	
☒	☐	Gardner	☐	☐	
☐	☒	Hunter	☐	☐	
☐	☐	Insko	☐	☐	
☐	☐	Ives	☐	☐	
☒	☐	McAllister	☐	☐	
☐	☒	Nesbitt	☐	☐	
☐	☐	Rayfield	☐	☐	
☐	☒	Warwick	☐	☐	
☐	☒	Watson	☐	☐	
			Ex officio Members		
☐	☐	Wilson, G.	☐	☐	Speaker Pro Tem (Wood)
☐	☒	Womble	☐	☐	Majority Leader (Daughtry)
☐	☐		☐	☐	Majority Whip (Howard)

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

BILL SPONSOR: Rep. Verla Insko

OFFICE: 1319 LB

DATE: April 10, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Tuesday, April 15, 1997

TIME: 11:00 a.m.

LOCATION: 643 LOB

Rep. Easterling's Bill will be discussed at this time:

HB 152 "Child Abuse Report Penalty"

We would like to have you attend this meeting on her behalf.

Representative Julia Howard
Representative Henry Aldridge
Co-Chairs

Natalie Smoot
Susan Groh
Committee Clerks

Natalie Smoot (Rep. Howard)

From: Natalie Smoot (Rep. Howard)
Sent: Thursday, April 10, 1997 3:06 PM
To: Rep. Verla Insko
Cc: Rep. Ruth Easterling; Susan Groh (Rep. Aldridge)
Subject: HUMAN RESOURCES COMMITTEE Meeting 4-15-97

Attached is the Bill Sponsor Notice for the HUMAN RESOURCES COMMITTEE Meeting for 4-15-97. This bill will be **2nd** on the agenda.



Insko for Easterling
04-15-97.doc

Natalie Smoot
Committee Clerk
3-5904

Natalie Smoot (Rep. Howard)

From: Natalie Smoot (Rep. Howard)
Sent: Thursday, April 10, 1997 5:35 PM
To: Rep. Jerry Dockham
Subject: House Bill 456

Rep. Dockham,

Rep. Howard decided to move your bill back. We will try to get it on the schedule for April 17 or 22. Please let us know if you have a conflict for either of these days.

Thank you,

Natalie Smoot
Committee Clerk
3-5904

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

BILL SPONSOR: Rep. Jerry Dockham

OFFICE: 1106 LB

DATE: April 10, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Tuesday, April 15, 1997

TIME: 11:00 a.m.

LOCATION: 643 LOB

Your bill will be discussed at this time:

HB 456 "Reg Deeds - No Abuse Info"

We would like to have you attend this meeting.

Representative Julia Howard
Representative Henry Aldridge
Co-Chairs

Natalie Smoot
Susan Groh
Committee Clerks

Natalie Smoot (Rep. Howard)

From: Susan Groh (Rep. Aldridge)
Sent: Tuesday, April 08, 1997 3:35 PM
To: Natalie Smoot (Rep. Howard)
Subject: RE: Stuff

Thank you so much for the information...it helps me that you keep me informed, since we're not in the same building!! Thanks again-Susan

From: Natalie Smoot (Rep. Howard)
Sent: Tuesday, April 08, 1997 1:58 PM
To: Susan Groh (Rep. Aldridge)
Subject: Stuff

Susan,

I just wanted to touch base with you on the bills for 4-10-97. I e-mailed you a copy of the agenda. You can see that HB 469 was **not** carried over b/c Rep. Tallent was not ready for it. It will be tentatively scheduled for 4-15. I am **not** sending you copies of HB 564 and HB 152 again, since you already have them from today's meeting. There is a Proposed Committee Substitute for HB 152 which I have been holding onto until it is presented in committee; I will continue to hold that and, if we get to it, it will be passed out at the next meeting.

The minutes for today's meeting have been completed and I have two copies of those for you. On Thursday the only thing I will be doing to the binders is changing the agenda and pulling the copies of HB 469 (I'll hold them until it does come up in committee).

Let me know if there's anything else you need.

Natalie

VISITOR REGISTRATION SHEET

HUMAN RESOURCES

April 15, 1997

Name of Committee

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

<u>NAME</u>	<u>FIRM OR AGENCY AND ADDRESS</u>
T. J. Williams	NC Permit Assoc.
Betsy M. Clayton	DEHNR
Malcolm Blalock	DEHNR / DEH
Kimberley Foster	Bennett College 900 E Washington Greensboro
Rhonda Davis	Bennett College 900 E Washington Greensboro
Sherline McKeon	Bennett College 900 E. Washington Greensboro
Sherry N. Evans	Bennett College 900 E Washington Greensboro
Heather Rouse	Bennett College Greensboro, NC
Carla D. Wall	Bennett College - Greensboro, NC
Victoria Burke	Bennett College
Ingrid McMillan	"
Kimberly Livingston	BENNETT College
Megan Carney	BSU Intern - Meredith College
Andi L. Edwards	Christian Service Committee on Publicity for NC
Sherry Dillard	Div. of Social Services
Tonya Solteson	Bennett College Greensboro N.C.
Susan Aldridge	Concerned Citizen
Kathleen Duggins	Bennett College
Theresa L. Hill	NASW-NC
George Reed	NC Council of Churches
Adam Seaving	NCHAC
John Price	Office of the State Auditor
Glenn Nelson	Chief Patroling Task Force
Thomas V. Bennett	" " " "
Mike Hill	" " " "
Linda Sewell	DEHNR / DEH
Barbara Holt	NCRIZ
Linda Furdon	Amer Diabetes Assoc.
Jennifer Cochran	ADA

VISITOR REGISTRATION SHEET

HUMAN RESOURCES

April 15, 1997
Date

Name of Committee

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS[illegible]

AGENDA

House Standing Committee
on
HUMAN RESOURCES

Thursday, April 17, 1997

Rep. Henry Aldridge - Opening Prayer

Greetings: Rep. Julia Howard, Presiding Chair

Introduction of Pages

Presentation of HB 152 "Child Abuse Report Penalty"
Representative Insko for Representative Easterling, Sponsor

Forwarded to JII

Presentation of HB 110 "Adult Care/Nursing Home Penalties"
Representative Earle, Sponsor

Vote

Presentation of HB 536 "Abortion/Right to Know"
Representative C. Wilson, Sponsor

SEE SPEAKER'S LIST

Discussion

Vote

Announcements

Adjournment

Speakers List

HUMAN RESOURCES COMMITTEE Meeting

Thursday, April 17, 1997

Speakers who would like to speak in FAVOR of Bill (all from the Network of Politically Active Christian Women):

Eileen Hunt

Angela Reed

Bertha Thornton

Vinis Walker

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE**

You are hereby notified that the Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: **Thursday, April 17, 1997**

TIME: **11:00 AM**

LOCATION: **Room 643-LOB**

The following bills will be considered (Bill # & Short Title):

HB 152 - "Child Abuse Report Penalty", Rep. Easterling, Sponsor

HB 110 - "Adult Care/Nursing Home Penalties", Rep. Earle, Sponsor

HB 536 - "Abortion/Right to Know", Rep. C. Wilson, Sponsor

Respectfully,

Representative Howard, Rep. Aldridge
Co-Chairman

I hereby certify this notice was filed by the committee clerk at the following offices at
1:00 p.m. on Tuesday, April 15, 1997.

____Principal Clerk
____Reading Clerk - House Chamber

Natalie E. Smoot (Committee Clerk)

Natalie Smoot (Rep. Howard)

From: Natalie Smoot (Rep. Howard)
Sent: Tuesday, April 15, 1997 1:23 PM
To: Anne Cole; Annecia Norwood; Barbara Hocutt; Barbara Phillips; Betty Anne Lennon; Carolyn Honeycutt; Dot Barber; Ebern Watson; Gail Stewart; House Sgt of Arms; Janette Lee; Jayne Walton; Jo Malone; John Young; Judy Willis; Karen George; Legislative Press; Linda Attarian; Linda Johnson; Mary Jamison; Melissa Jackson; Monica McClain; Natalie Smoot; Pat Baker; Phyllis Cameron; Rebecca Jones; Sharon Gaudette; Sue Floyd; Susan Groh; Sylvia Green; Waneta Lord
Cc: Natalie Smoot (Rep. Howard)
Subject: HUMAN RESOURCES COMMITTEE Meeting 4-17-97



MEETING NOTICE
4-17-97.doc

Natalie Smoot
Committee Clerk
3-5904

MINUTES
HOUSE COMMITTEE ON HUMAN RESOURCES
April 17, 1997
11:00 a.m.
Room 643

The House Committee on Human Resources met in Room 643 of the Legislative Office Building on Thursday, April 17, 1997. Representative Julia Howard, Co-Chair, presided at the meeting. Rep. Aldridge opened the meeting in prayer. Rep. Howard called the meeting to order.

The following members were present: Representatives Aldridge, Co-Chair; Ramsey, Adams, Bowie, Clary, Creech, Culp, Cunningham, Earle, Easterling, Esposito, Gardner, Hunter, Insko, Ives, McAllister, Nesbitt, Rayfield, Watson, Wilson, G. and Womble.

Rep. Howard recognized the page for the day: Ms. Cookie Barbour from Columbus County.

Rep. Howard introduced Rep. Earle to discuss HB 110 "Adult Care Nursing Home Penalties". Staff member John Young stated there was a Committee Substitute. Rep. Clary moved to discuss the Committee Substitute; the motion passed unanimously. Rep. Howard called on staff member John Young to explain the Committee Substitute.

Rep. Howard called on Rep. Earle to discuss the bill. Rep. Ramsey called for an amendment. Rep. Clary moved for a Favorable Report as to the Committee Substitute, as amended, unfavorable as to the original bill. Rep. Howard opened the floor for discussion of the bill. Rep. Earle called on Linda McDaniels of the Division of Facilities Services to assist in floor discussion. Rep. Howard presented the amendment proposed by Rep. Ramsey. Rep. Ramsey made a motion to accept the amendment to the Committee Substitute. The motion passed unanimously.

Rep. Howard called the motion made by Rep. Clary to the floor. Voice vote was unanimous to. HB 110 was directed to the floor of the House under Rule 36.

Rep. Howard called on Rep. Connie Wilson to present HB 536 "Abortion/Right to Know". Rep. Esposito presented a technical amendment to the bill (H536-002). Rep. Howard recognized Rep. Esposito to explain her amendment. Rep. Esposito deferred the explanation to Rep. Connie Wilson. Rep. Howard recognized Rep. Connie Wilson for an explanation. Rep. Esposito moved for the adoption of the amendment. The motion passed.

Rep. Howard opened the floor for discussion of HB 536. Rep. Howard then recognized an error in the amendment that had been passed; the amendment was a two-page amendment and the committee only considered page one. Rep. Howard called for an additional vote on to adopt page two the amendment (H536-002.2), which

incorporated all of page one of amendment H536-002 and added another technical change. A vote was called and passed.

Rep. Howard adjourned the meeting at 11:52.

Natalie Smoot

Natalie Smoot, Clerk

Date Adopted

4-30-97

Julia Howard

Rep. Julia Howard

Co-Chair

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

BILL SPONSOR: Rep. Verla Insko

OFFICE: 1319 LB

DATE: April 15, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Thursday, April 17, 1997

TIME: 11:00 a.m.

LOCATION: 643 LOB

Rep. Easterling's Bill will be discussed at this time:

HB 152 "Child Abuse Report Penalty"

We would like to have you attend this meeting on her behalf.

Representative Julia Howard
Representative Henry Aldridge
Co-Chairs

Natalie Smoot
Susan Groh
Committee Clerks

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

BILL SPONSOR: Rep. Beverly Earle

OFFICE: 602 LOB

DATE: April 15, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Thursday, April 17, 1997

TIME: 11:00 a.m.

LOCATION: 643 LOB

Your bill will be discussed at this time:

HB 110 - "Adult Care/Nursing Home Penalties"

We would like to have you attend this meeting.

Representative Julia Howard
Representative Henry Aldridge
Co-Chairs

Natalie Smoot
Susan Groh
Committee Clerks

Natalie Smoot (Rep. Howard)

From: Natalie Smoot (Rep. Howard)
Sent: Tuesday, April 15, 1997 1:02 PM
To: Rep. Beverly Earle
Cc: Susan Groh (Rep. Aldridge)
Subject: HUMAN RESOURCES COMMITTEE Meeting 4-17-97

Attached is a Sponsor Notice. Your bill will be **2nd** on the agenda for 4-17-97.



Earle 04-17-97.doc

Natalie Smoot
Committee Clerk
3-5904

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. _____

H. B. No. 110

DATE _____

S. B. No. _____

Amendment No. _____

(to be filled in by
Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.) Ramsey
Sen.) _____

1 moves to amend the bill on page 2, line 3

2 () WHICH CHANGES THE TITLE

3 by adding between the words "administrator"
4 and "of" the words "the facility."
5 _____

6 _____
7 and further amends
8 on page 7 line 3 by
9 adding between the words "administrator"
10 and "of" the words "the facility."
11 _____

12 _____

13 _____

14 _____

15 _____

16 _____

17 _____

18 _____

19 _____

SIGNED Linton B Ramsey

ADOPTED _____ FAILED _____ TABLED _____

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

BILL SPONSOR: Rep. Connie Wilson

OFFICE: 529 LOB

DATE: April 15, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Thursday, April 17, 1997

TIME: 11:00 a.m.

LOCATION: 643 LOB

Your bill will be discussed at this time:

HB 536 - "Abortion/Right to Know"

We would like to have you attend this meeting.

Representative Julia Howard
Representative Henry Aldridge
Co-Chairs

Natalie Smoot
Susan Groh
Committee Clerks



APR 21 1997

passed
4-17-97

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 536

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of ____

H536-ARM-002.2

Date _____, 1997

Comm. Sub. [☐
Amends Title [☐

Representative Esposito

- 1 moves to amend the bill on page 2, line 33, by inserting the word
2 "licensed" in front of the word "psychologist"; and
3
4 further moves to amend the bill on page 2, line 42, by deleting the
5 word "woman" and inserting the phrase "woman, by telephone or in
6 person,"; and
7
8 further moves to amend the bill on page 3, line 15,
9 by deleting the word "orally" and substituting the phrase "orally,
10 by telephone or in person,"; and
11
12 further moves to amend the bill on page 4, line 34,
13 by deleting the words "and in a private room"; and
14
15 further moves to amend the bill on page 4, line 38,
16 by inserting the following new sentence to read: "If, at the time
17 the information is provided, the woman is on the premises of the
18 physician who is to perform the abortion, then the information shall
19 be provided in a private room in order to further the protections
20 and purposes of this subdivision.";
21



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 536

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 2 of ____

H536-ARM-002.2

1 and further moves to amend the bill on page 6, line 35,
2 by deleting the words "for the 1997-98 fiscal year".
3
4
5

SIGNED *Theresa A. Esposito*
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____



passed
4-17-97

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 536

AMENDMENT NO. _____
(to be filled in by
Principal Clerk).
Page 1 of _____

H536-ARM-002

Date _____, 1997

Comm. Sub. [☐
Amends Title [☐

Representative Csposito -

- 1 moves to amend the bill on page 2, line 33, by inserting the word
2 "licensed" in front of the word "psychologist"; and
3
4 further moves to amend the bill on page 2, line 42, by deleting the
5 word "woman" and inserting the phrase "woman, by telephone or in
6 person,"; and
7
8 further moves to amend the bill on page 3, line 15,
9 by deleting the word "orally" and substituting the phrase "orally,
10 by telephone or in person,"; and
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12 further moves to amend the bill on page 4, line 34,
13 by deleting the words "and in a private room"; and
14
15 further moves to amend the bill on page 4, line 38,
16 by inserting the following new sentence to read: "If, at the time
17 the information is provided, the woman is on the premises of the
18 physician who is to perform the abortion, then the information shall
19 be provided in a private room in order to further the protections
20 and purposes of this subdivision.".
21
22

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

VISITOR REGISTRATION SHEET

HUMAN RESOURCES

April 17, 1997

Name of Committee

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

<u>NAME</u>	<u>FIRM OR AGENCY AND ADDRESS</u>
<i>Carolyn Smith</i>	<i>NARAL</i>
<i>Beth Elving</i>	<i>NARAL</i>
<i>Lynda McDaniel</i>	<i>DHR/DFS</i>
<i>Don McCom</i>	<i>Student</i>
<i>E.D. WICKHAM</i>	<i>RALEIGH</i>
<i>Megan Carney</i>	<i>BSW Intern - NASW</i>
<i>Shirley Tole</i>	<i>Child Fatality Task Force</i>
<i>Deborah Koo</i>	<i>ASL</i>
<i>Elizabeth Hollers</i>	<i>NABW - NC Intern</i>
<i>Johnny Wirth</i>	<i>Carolina Health Care Syst</i>
<i>Aileen Lipman</i>	<i>Meck DSS</i>
<i>Anne Wilson</i>	<i>Bow Vassar LTC</i>
<i>Angella N. Reed</i>	<i>4409 Durham Road, Raleigh</i>
<i>John R. Shi</i>	<i>NCFPC</i>
<i>Skip Stan</i>	<i>Self</i>
<i>Bill Brooks</i>	<i>NCFPC</i>
<i>Birde Rad</i>	<i>Common Sense Foundation</i>
<i>Jane Gray</i>	<i>DOJ</i>
<i>Craig Sander</i>	<i>NCRIC</i>
<i>Bertha Thornton</i>	<i>NPAC</i>
<i>Caren Walker</i>	<i>N.C. State</i>
<i>Eric Bates</i>	<i>THE INDEPENDENT</i>
<i>Jeffrey H. Owen</i>	<i>NC State University</i>
<i>Thomas F. Smith</i>	<i>Natural Resources Leadership Inst.</i>
<i>Vickery Wade</i>	<i>" " " "</i>
<i>Sandra Long</i>	<i>Hospice of Carolinas</i>

VISITOR REGISTRATION SHEET

HUMAN RESOURCES

April 17, 1997
Date

Name of Committee

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS[illegible]

AGENDA

House Standing Committee
on
HUMAN RESOURCES

Tuesday, April 22, 1997

*All bills
Carried
Forward
to
4-23-97*

Rep. Henry Aldridge - Opening Prayer

Greetings: Rep. Julia Howard, Presiding Chair

Introduction of Pages

Presentation of HB 536 "Abortion/Right to Know"
Representative C. Wilson, Sponsor

Vote

Presentation of HB 303 "Ban Partial Birth Abortions"
Representative Aldridge, Sponsor

Vote

Presentation of HB 456 "Reg. Deeds - No Abuse Info."
Representative Dockham, Sponsor

Vote

Presentation of HB 949 "Improve Child Protection Records"
Representative Gardner, Sponsor

Vote

Presentation of HB 948 "Pharmacy Rehabilitation Program"
Representative Gardner, Sponsor

Vote

Presentation of HB 576 "Needle Exchange Pilot Program"
Representative Wright, Sponsor

Vote

Presentation of HB 478 "Health to DHR/DEHNR Name Change"
Representative Baddour, Sponsor

Vote

Announcements

**Referral of HB 682 "Home Care Pharmacy Services", Rep. Gardner, Sponsor, to
HR Sub-Committee on Families**

**Referral of HB 896 "Large Day Care Home Change", Rep. Gardner, Sponsor, to
HR Sub-Committee on Families**

**Referral of HB 897 "Nursing/Rest Home Adv. Comm. Apts.", Rep. McComas,
Sponsor, to HR Sub-Committee on Aging**

Adjournment

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE**

REVISED NOTICE

You are hereby notified that the Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: **Tuesday, April 22, 1997**

TIME: **7:30 AM and 11:00 AM**

LOCATION: **Room 643-LOB**

The following bills will be considered (Bill # & Short Title):

HB 536 - "Abortion/Right to Know", Rep. C. Wilson, Sponsor
HB 303 - "Ban Partial Birth Abortions", Rep. Aldridge, Sponsor
HB 456 - "Reg. Deeds - No Abuse Info.", Rep. Dockham, Sponsor
HB 949 - "Improve Child Protection Records", Rep. Gardner, Sponsor
HB 948 - "Pharmacy Rehabilitation Program", Rep. Gardner, Sponsor
HB 576 - "Needle Exchange Pilot Program", Rep. Wright, Sponsor
HB 478 - "Health to DHR/DEHNR Name Change", Rep. Baddour, Sponsor

Respectfully,

Representative Howard
Representative Aldridge
Co-Chairman

I hereby certify this notice was filed by the committee clerk at the following offices at
3:00 p.m. on Thursday, April 17, 1997.

____Principal Clerk
____Reading Clerk - House Chamber

Natalie E. Smoot (Committee Clerk)

Natalie Smoot (Rep. Howard)

From: Natalie Smoot (Rep. Howard)
Sent: Monday, April 21, 1997 11:55 AM
To: Anne Cole; Annecia Norwood; Barbara Hocutt; Barbara Phillips; Betty Anne Lennon; Carolyn Honeycutt; Carolyn Johnson; Dot Barber; Ebern Watson; Gail Stewart; House Sgt of Arms; Janette Lee; Jayne Walton; Jo Malone; John Young; Judy Willis; Karen George; Legislative Press; Linda Attarian; Linda Johnson; Mary Jamison; Melissa Jackson; Monica McClain; Natalie Smoot; Pat Baker; Phyllis Cameron; Rebecca Jones; Sharon Gaudette; Sue Floyd; Susan Groh; Sylvia Green; Waneta Lord
Cc: Susan Groh (Rep. Aldridge)
Subject: REVISED HUMAN RESOURCES COMMITTEE Meeting Notice

REVISED AGENDA ONLY FOR HUMAN RESOURCES COMMITTEE MEETINGS ON 4-22-97.

TIMES REMAIN THE SAME!!!



Revised MEETING
OTICE 4-22-97-both.d

Natalie Smoot
3-5904

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE**

You are hereby notified that the Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: **Tuesday, April 22, 1997**

TIME: **7:30 AM**

LOCATION: **Room 643-LOB**

The following bills will be considered (Bill # & Short Title):

HB 536 - "Abortion/Right to Know", Rep. C. Wilson, Sponsor

HB 303 - "Ban Partial Birth Abortions", Rep. Aldridge, Sponsor

HB 896 - "Large Day Care Home Change", Rep. Gardner, Sponsor

HB 576 - "Needle Exchange Pilot Program", Rep. Wright, Sponsor

Respectfully,

Representative Howard
Representative Aldridge
Co-Chairman

I hereby certify this notice was filed by the committee clerk at the following offices at
3:00 p.m. on Thursday, April 17, 1997.

____ Principal Clerk
____ Reading Clerk - House Chamber

Natalie E. Smoot (Committee Clerk)

Natalie Smoot (Rep. Howard)

From: Natalie Smoot (Rep. Howard)
Sent: Thursday, April 17, 1997 3:22 PM
To: Anne Cole; Annecia Norwood; Barbara Hocutt; Barbara Phillips; Betty Anne Lennon; Carolyn Honeycutt; Carolyn Johnson; Dot Barber; Ebern Watson; Gail Stewart; House Sgt of Arms; Janette Lee; Jayne Walton; Jo Malone; John Young; Judy Willis; Karen George; Legislative Press; Linda Attarian; Linda Johnson; Mary Jamison; Melissa Jackson; Monica McClain; Natalie Smoot; Pat Baker; Phyllis Cameron; Rebecca Jones; Sharon Gaudette; Sue Floyd; Susan Groh; Sylvia Green; Waneta Lord
Subject: HUMAN RESOURCES COMMITTEE Meeting Notice

PLEASE NOTE THIS COMMITTEE WILL BE MEETING TWO TIMES ON 4-22-97. PLEASE REVIEW BOTH NOTICES.



MEETING NOTICE
4-22-97-1st.doc



MEETING NOTICE
4-22-97-2nd.doc

Natalie Smoot
Committee Clerk
3-5904

**MINUTES
HOUSE COMMITTEE ON HUMAN RESOURCES**

April 22, 1997

7:30 a.m.

Room 643

The House Committee on Human Resources met in Room 643 of the Legislative Office Building on Tuesday, April 22, 1997, at 7:30 a.m. Representative Julia Howard, Co-Chair, presided at the meeting. Rep. Aldridge opened the meeting in prayer. Rep. Howard called the meeting to order.

The following members were present: Representatives Aldridge, Co-Chair; Adams, Clary, Creech, Culp, Cunningham, Earle, Easterling, Esposito, Gardner, Gulley, Hunter, Insko, Ives, Nesbitt, Rayfield, Warwick, Watson, Wilson, G. and Womble.

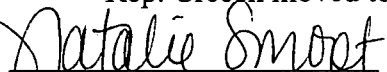
Rep. Howard introduced Rep. Connie Wilson to discuss HB 536 "Abortion/Right to Know. Rep. Esposito requested to be recognized to introduce a technical amendment, #H536-ARM-004.1. The amendment was adopted for discussion. Rep. Howard recognized Rep. Esposito and Rep. Esposito moved for the favorable adoption of the amendment. The motion passed unanimously.

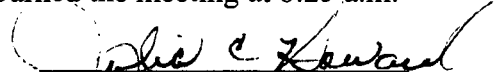
Rep. Howard called on Rep. C. Wilson to further discuss HB 536 and Rep. C. Wilson turned the floor over to staff member Linda Attarian for an explanation. Rep. Howard then opened the floor for discussion. Rep. Howard recognized Rep. Hunter to send forth an amendment (Hunter #1). The amendment was adopted for discussion and Rep. Hunter was recognized to explain the amendment. Rep. Hunter moved for adoption of the amendment. Discussion of the amendment ensued and Rep. Hunter withdrew the amendment.

Rep. Howard recognized Rep. Adams to introduce her amendment (Adams 4-22-97). The amendment was adopted for discussion. Rep. Adams moved for adoption of her amendment. Rep. Howard opened the floor for discussion of the amendment. Rep. Howard then called for a vote on Rep. Adams' motion. A roll call vote was taken and the motion failed with 8 ayes and 12 noes.

Rep. Culp made a motion for a favorable report to HB 536, as amended. Discussion continued on the floor. Rep. Nesbitt was recognized to introduce an amendment (Nesbitt #1). Rep. Howard delayed further discussion of bill and Nesbitt #1 amendment to 11 a.m. meeting.

Rep. Creech moved to adjourn. Rep. Howard adjourned the meeting at 8:25 a.m.


Natalie Smoot, Clerk


Rep. Julia Howard
Co-Chair

Date Adopted 4-30-97

MINUTES
HOUSE COMMITTEE ON HUMAN RESOURCES

April 22, 1997

11:00 a.m.

Room 643

The House Committee on Human Resources met in Room 643 of the Legislative Office Building on Tuesday, April 22, 1997, at 11:00 a.m. Representative Julia Howard, Co-Chair, presided at the meeting. Rep. Aldridge opened the meeting in prayer. Rep. Howard called the meeting to order.

The following members were present: Representatives Aldridge, Co-Chair; Ramsey, Adams, Bowie, Clary, Creech, Culp, Cunningham, Earle, Easterling, Esposito, Gardner, Gulley, Hunter, Insko, Ives, McAllister, Nesbitt, Rayfield, Warwick, Watson, Wilson, G. and Womble. Also present were Rep. Wood, Speaker Pro-Tem and Rep. Daughtry, Majority Leader.

Rep. Howard called on Rep. Nesbitt to discuss his amendment (Nesbitt #1). Rep. Nesbitt withdrew this amendment but requested to submit another amendment (#H536-ARI-01). Amendment was adopted for discussion and Rep. Howard called on Rep. Nesbitt to explain the amendment. Rep. Howard then called on Rep. Connie Wilson to discuss the amendment (#H536-ARI-01). Rep. Nesbitt Called for a favorable vote on his amendment (#H536-ARI-01). The amendment failed on a roll call vote with 12 ayes and 13 noes.

Rep. Nesbitt asked to be recognized to introduce another amendment (#H536-ARM-007). The amendment was adopted for discussion and Rep. Nesbitt explained this amendment. Rep. Howard called on Rep. C. Wilson to discuss it. Rep. Nesbitt called for a favorable vote on this amendment (#H536-ARM-007). The amendment passed on a roll call vote with 14 ayes and 12 noes.

Rep. Howard called on Rep. Nesbitt to introduce another amendment (Nesbitt #4). The amendment was adopted for discussion. Rep. Nesbitt explained the amendment and Rep. Howard called on Rep. C. Wilson to discuss it. Rep. Nesbitt then withdrew his amendment (Nesbitt #4).

Rep. Howard recognized Rep. Nesbitt to introduce his next amendment (#H536-ARM-008). The amendment was adopted for discussion. Rep. Nesbitt explained the amendment and Rep. Howard called on Rep. C. Wilson to discuss this amendment. Rep. Nesbitt moved to adopt this amendment (#H536-ARM-008). The amendment failed on a roll call vote with 12 ayes and 14 noes.

Rep. Howard called on Rep. Hunter to introduce his amendment (#H536-ARI-05). The amendment was adopted for discussion. Rep. Hunter explained the amendment and moved for its adoption by the committee. Rep. Howard called on Rep. C. Wilson to discuss the amendment and then opened the floor for discussion. Rep. Howard called on

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

PLEASE NOTICE TWO MEETING TIMES

BILL SPONSOR: Rep. Connie Wilson

OFFICE: 529 LOB

DATE: April 17, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Tuesday, April 22, 1997

TIME: 7:30 a.m.
-also-
TIME: 11:00 a.m.

LOCATION: 643 LOB

Your bill will be discussed at this time:

HB 536 - "Abortion/Right to Know"

We would like to have you attend this meeting.

Representative Julia Howard
Representative Henry Aldridge
Co-Chairmen

Natalie Smoot
Susan Groh
Committee Clerks



4/12
passed

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 536

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of ____

H536-ARM-004.1

Date _____, 1997

Comm. Sub. []
Amends Title []

Representative _____

- 1 moves to amend the bill on page 3, lines 37 and 38, by rewriting
2 those lines to read:
3 " b. That public assistance programs, such as the Work
4 First Cash Assistance Program established pursuant to
5 the federal waivers received by the Department of
6 Human Resources on February 5, 1996 or the Temporary
7 Assistance to Needy Families federal block grant, may
8 or may not".
9

SIGNED *Theresa H. [Signature]*
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

Adams
04-22-97

Page 1 of 2
failed

EDITION No. 1

H. B. No. 536

DATE 4-22-97

S. B. No. _____

Amendment No. _____

(to be filled in by
Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.) Adams
Sen.) _____

1 moves to amend the bill on page 2, line 1

2 () WHICH CHANGES THE TITLE

3 by inserting the following:

4 "(2) 'Agency providing abortion alternatives'
5 means any organization or individual who
6 provides advertised pregnancy counseling or
7 information who does not provide abortion
8 services or referrals for abortion services;"

9
10 and by renumbering subsequent subsections;

11
12 and on page 4, line 34, by changing
13 the number "21.40" to "21.41"; and

14
15 and on page 4, line 41, by inserting
16 the following

17 "§ 90-21.40. Requirements for agency
18 providing abortion alternatives.

19 Any agency providing abortion alternatives

SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

page 2 of 2

EDITION No. _____

H. B. No. _____

DATE _____

S. B. No. _____

Amendment No. _____

(to be filled in by
Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.)

)

Sen.)

1 moves to amend the bill on page _____, line _____

2 () WHICH CHANGES THE TITLE

3 by _____

4 must inform the woman seeking the5 agency's services that she has the6 right to review the materials7 described under G. S. 90-21.41. This8 information must be provided by a9 physician, referring physician, or10 qualified person. ;

11

12 and by renumbering subsequent13 sections ;

14

15 and on page 5, line 2, by inserting16 the following at the end of the line:17 "in obtaining an abortion and to18 assist her" .

19

SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____

all
ameral
4-22-97
Adams

HB# _____
SB# _____

all
america
4-22-97
Adams

Ex officio Members

_____	_____	Speaker Pro Tem (Wood)	—
_____	_____	Majority Leader (Daughtry)	—
_____	_____	Majority Whip (Howard)	

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

Nesbitt #1
4:22
Intro at
7:30
Withdrawn
at 11:00

EDITION No. _____

H. B. No. 536

DATE _____

S. B. No. _____

Amendment No. _____

(to be filled in by
Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.) Nesbitt
)
Sen.)

1 moves to amend the bill on page 2, line 3 2 & 3

2 () WHICH CHANGES THE TITLE

3 by omitting the words "or an omission
4 of a statutorily required act;"

5 _____

6 _____

7 _____

9 _____

10 _____

11 _____

12 _____

13 _____

14 _____

15 _____

16 _____

17 _____

18 _____

19 _____

SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____



4/22
failed

Failed

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 536

H536-ARI-01 ✓

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of ____

Date _____, 1997

Comm. Sub. [☐
Amends Title [☐

Representative Nesbitt

- 1 moves to amend the bill on page 2, lines 1 and 2, by rewriting the
2 lines to read:
3 "(2) 'Attempt to perform an abortion' means an act that, under
4 the circumstances as the actor".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

==
==
==

==
==
==

ROLL CALL VOTE

12 13 = 25 (TOTAL)
YES NO

HB# 536-
SB# Nesbitt

AMEND.

H 536-
ARI-01

HOUSE STANDING COMMITTEE ON HUMAN RESOURCES

YES	NO	MEMBER (last name)	YES	NO	MEMBER (last name)
<u> </u>	<u> </u> ✓	Aldridge, Chair	<u> </u>	<u> </u>	
<u> </u>	<u> </u> ✓	Howard, Chair	<u> </u>	<u> </u>	
<u> </u> ✓	<u> </u>	Ramsey, RMM	<u> </u>	<u> </u>	
<u> </u> ✓	<u> </u>	Adams	<u> </u>	<u> </u>	
<u> </u>	<u> </u>	Bowie	<u> </u>	<u> </u>	
<u> </u>	<u> </u> ✓	Clary	<u> </u>	<u> </u>	
<u> </u>	<u> </u> ✓	Creech	<u> </u>	<u> </u>	
<u> </u>	<u> </u> ✓	Culp	<u> </u>	<u> </u>	
<u> </u> ✓	<u> </u>	Cunningham	<u> </u>	<u> </u>	
<u> </u> ✓	<u> </u>	Earle	<u> </u>	<u> </u>	
<u> </u> ✓	<u> </u>	Easterling	<u> </u>	<u> </u>	
<u> </u>	<u> </u> ✓	Esposito	<u> </u>	<u> </u>	
<u> </u>	<u> </u> ✓	Gardner	<u> </u>	<u> </u>	
<u> </u> ✓	<u> </u>	Hunter	<u> </u>	<u> </u>	
<u> </u> ✓	<u> </u>	Insko	<u> </u>	<u> </u>	
<u> </u> ✓	<u> </u>	Ives	<u> </u>	<u> </u>	
<u> </u> ✓	<u> </u>	McAllister	<u> </u>	<u> </u>	
<u> </u> ✓	<u> </u>	Nesbitt	<u> </u>	<u> </u>	
<u> </u>	<u> </u> ✓	Rayfield	<u> </u>	<u> </u>	
<u> </u> ✓	<u> </u>	Warwick	<u> </u>	<u> </u>	
<u> </u>	<u> </u> ✓	Watson	<u> </u>	<u> </u>	
<u> </u>	<u> </u> ✓	Wilson, G.	<u> </u>	<u> </u> ✓	Speaker Pro Tem (Wood)
<u> </u> ✓	<u> </u>	Womble	<u> </u>	<u> </u> ✓	Majority Leader (Daughtry)
<u> </u>	<u> </u>		<u> </u>	<u> </u>	Majority Whip (Howard)

Ex officio Members

✓ *Aulley*

4-22
Parrish



2

4-23-
Failed
on re-
consideration

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 536

H536-ARM-007

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of ____

Date _____, 1997

Comm. Sub. ☐
Amends Title ☐

- 1 moves to amend the bill on page 2, lines 20 and 21, by rewriting
2 those lines to read:
3
4 "which delay will create a serious risk to her health."; and
5
6 further moves to amend the bill on page 5, lines 39 and 40, by
7 rewriting those lines to read:
8
9 "or that a 24-hour delay will create a serious risk to her health.
10 As soon as feasible the physician shall".
11

SIGNED Nesbitt
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

N
||||
||||
||

A

ROLL CALL VOTE

14 YES 12 NO = 26 (TOTAL)

HB# 536 Nesbitt
SB# Amend
H 536
ARM-007

HOUSE STANDING COMMITTEE ON HUMAN RESOURCES

YES	NO	MEMBER (last name)	YES	NO	MEMBER (last name)
<u> </u>	<u>✓</u>	Aldridge, Chair	<u> </u>	<u> </u>	
<u> </u>	<u>✓</u>	Howard, Chair	<u> </u>	<u> </u>	
<u>✓</u>	<u> </u>	Ramsey, RMM	<u> </u>	<u> </u>	
<u>✓</u>	<u> </u>	Adams	<u> </u>	<u> </u>	
<u>✓</u>	<u> </u>	Bowie	<u> </u>	<u> </u>	
<u> </u>	<u>✓</u>	Clary	<u> </u>	<u> </u>	
<u> </u>	<u>✓</u>	Creech	<u> </u>	<u> </u>	
<u> </u>	<u>✓</u>	Culp	<u> </u>	<u> </u>	
<u>✓</u>	<u> </u>	Cunningham	<u> </u>	<u> </u>	
<u>✓</u>	<u> </u>	Earle	<u> </u>	<u> </u>	
<u>✓</u>	<u> </u>	Easterling	<u> </u>	<u> </u>	
<u> </u>	<u>✓</u>	Esposito	<u> </u>	<u> </u>	
<u> </u>	<u>✓</u>	Gardner	<u> </u>	<u> </u>	
<u>✓</u>	<u> </u>	Hunter	<u> </u>	<u> </u>	
<u>✓</u>	<u> </u>	Insko	<u> </u>	<u> </u>	
<u> </u>	<u>✓</u>	Ives	<u> </u>	<u> </u>	
<u>✓</u>	<u> </u>	McAllister	<u> </u>	<u> </u>	
<u>✓</u>	<u> </u>	Nesbitt	<u> </u>	<u> </u>	
<u>✓</u>	<u> </u>	Rayfield	<u> </u>	<u> </u>	
<u>✓</u>	<u> </u>	Warwick	<u> </u>	<u> </u>	
<u>✓</u>	<u> </u>	Watson	<u> </u>	<u> </u>	
<u> </u>	<u>✓</u>	Wilson, G.	<u> </u>	<u>✓</u>	Speaker Pro Tem (Wood)
<u>✓</u>	<u> </u>	Womble	<u> </u>	<u>✓</u>	Majority Leader (Daughtry)
<u> </u>	<u>✓</u>	Gulley	<u> </u>	<u> </u>	Majority Whip (Howard)

Ex officio Members

PLEASE PRESS HARD - 5 COPIES

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

Nesbitt #1
with-drawn

EDITION No. _____

H. B. No. 536

DATE _____

S. B. No. _____

Amendment No. _____

(to be filled in by
Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.) Nesbitt
)
Sen.) _____

1 moves to amend the bill on page 2, lines ~~36~~ 37 & 38

2 () WHICH CHANGES THE TITLE

3 by omitting the words "to undergo
4 an abortion "

5 _____

6 _____

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16 _____

17 _____

18 _____

19 _____

SIGNED _____

ADOPTED _____ FAILED _____ TABLED _____



4-22
failed

(3)

(4)

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 536

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of ____

H536-ARM-008

Date _____, 1997

Comm. Sub. ☐
Amends Title ☐

1 moves to amend the bill on page 2, line 32, by rewriting that line
2 to read:
3 " (10) 'Qualified person' means a person designated by
4 the physician who is a".
5

SIGNED [Signature]
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

N	A

ROLL CALL VOTE

$\frac{12}{\text{YES}}$
 $\frac{14}{\text{NO}}$
 = _____ (TOTAL)

HB# 536 *Nesbitt*
 SB# _____ *amend.*
H 536-
ARM-
008

HOUSE STANDING COMMITTEE ON HUMAN RESOURCES

YES	NO	MEMBER (last name)	YES	NO	MEMBER (last name)
_____	<u>/</u>	Aldridge, Chair	_____	_____	
_____	<u>✓</u>	Howard, Chair	_____	_____	
<u>✓</u>	_____	Ramsey, RMM	_____	_____	
<u>✓</u>	_____	Adams	_____	_____	
_____	<u>✓</u>	Bowie	_____	_____	
_____	<u>✓</u>	Clary	_____	_____	
_____	<u>✓</u>	Creech	_____	_____	
_____	<u>✓</u>	Culp	_____	_____	
<u>✓</u>	_____	Cunningham	_____	_____	
<u>✓</u>	_____	Earle	_____	_____	
<u>✓</u>	_____	Easterling	_____	_____	
_____	<u>✓</u>	Esposito	_____	_____	
_____	<u>✓</u>	Gardner	_____	_____	
<u>✓</u>	_____	Hunter	_____	_____	
<u>✓</u>	_____	Insko	_____	_____	
<u>✓</u>	_____	Ives	_____	_____	
<u>✓</u>	_____	McAllister	_____	_____	
<u>✓</u>	_____	Nesbitt	_____	_____	
_____	<u>✓</u>	Rayfield	_____	_____	
<u>✓</u>	_____	Warwick	_____	_____	
_____	<u>✓</u>	Watson	Ex officio Members		
<u>✓</u>	<u>✓</u>	Wilson, G.	_____	<u>✓</u>	Speaker Pro Tem (Wood)
_____	<u>✓</u>	Womble	_____	<u>✓</u>	Majority Leader (Daughtry)
_____	<u>✓</u>	Gulley	_____	_____	Majority Whip (Howard)



4/22
with-
drawn

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 536

H536-ARI-05

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of ____

Date _____, 1997

Comm. Sub. []
Amends Title []

Representative Howard Hunter

- 1 moves to amend the bill on
- 2 page 1, lines 9 and 11;
- 3 page 2, line 42;
- 4 page 4, line 39;
- 5 by changing "woman" to "parent".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____



2/22
Withdrawn

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 536

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of ____

H536-ARM-003.1

Date _____, 1997

Comm. Sub. [☐
Amends Title [☐

Representative Insko

1 moves to amend the bill on page 4, line 17,
2 by inserting the following subdivision:
3 " g. That Medicaid and the State Abortion Fund covers the
4 cost of an abortion if the pregnancy was the result of
5 rape or incest or if the abortion is necessary to save
6 the life of the mother."

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

PLEASE NOTICE TWO MEETING TIMES

BILL SPONSOR: Rep. M.W. (Henry) Aldridge

OFFICE: 640 LOB

DATE: April 17, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Tuesday, April 22, 1997



LOCATION: 643 LOB

Your bill will be discussed at this time:

HB 303 "Ban Partial Birth Abortions"

We would like to have you attend this meeting.

Representative Julia Howard
Representative Henry Aldridge
Co-Chairmen

Natalie Smoot
Susan Groh
Committee Clerks

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

PLEASE NOTE TWO MEETING TIMES

BILL SPONSOR: Rep. Jerry Dockham

OFFICE: 1106 LB

DATE: April 18, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Tuesday, April 22, 1997

TIME:	7:30 a.m.
-also-	
TIME:	11:00 a.m.

LOCATION: 643 LOB

Your bill will be discussed at this time:

HB 456 "Reg Deeds - No Abuse Info"

We would like to have you attend this meeting.

Representative Julia Howard
Representative Henry Aldridge
Co-Chairmen

Natalie Smoot
Susan Groh
Committee Clerks

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

REVISED

PLEASE NOTICE TWO MEETING TIMES

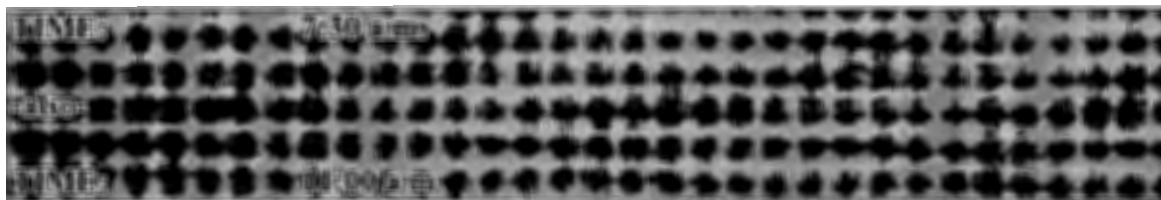
BILL SPONSOR: Rep. Charlotte Gardner

OFFICE: 417B LOB

DATE: April 18, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Tuesday, April 22, 1997



LOCATION: 643 LOB

Your bill will be discussed at this time:

HB 949 - "Improve Child Protection Records"

HB 948 - "Pharmacy Rehabilitation Program"

We would like to have you attend this meeting.

Please also note that your bill HB 896 "Large Day Care Home Change" has been removed from the agenda. This bill is being referred to the HR Sub-Committee on Families.

Representative Julia Howard
Representative Henry Aldridge
Co-Chairmen

Natalie Smoot
Susan Groh

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

PLEASE NOTICE TWO MEETING TIMES

BILL SPONSOR: Rep. Charlotte Gardner

OFFICE: 417B LOB

DATE: April 17, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Tuesday, April 22, 1997

TIME:	7:30 a.m.
also:	
TIME:	11:00 a.m.

LOCATION: 643 LOB

Your bill will be discussed at this time:

HB 896 - "Large Day Care Home Change"

We would like to have you attend this meeting.

Representative Julia Howard
Representative Henry Aldridge
Co-Chairmen

Natalie Smoot
Susan Groh
Committee Clerks

*Removed fr.
sched. referred
to Sub. Comm.
on Aging*

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

PLEASE NOTICE TWO MEETING TIMES

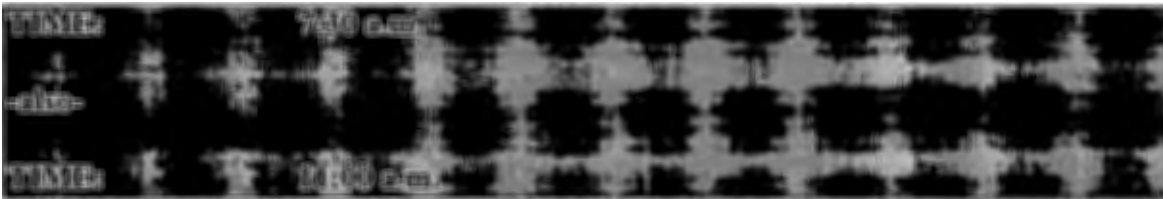
BILL SPONSOR: Rep. Thomas Wright

OFFICE: 528 LOB

DATE: April 17, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Tuesday, April 22, 1997



LOCATION: 643 LOB

Your bill will be discussed at this time:

HB 576 "Needle Exchange Pilot Program"

We would like to have you attend this meeting.

Representative Julia Howard
Representative Henry Aldridge
Co-Chairmen

Natalie Smoot
Susan Groh
Committee Clerks

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

PLEASE NOTE TWO MEETING TIMES

BILL SPONSOR: Rep. Phil Baddour

OFFICE: 501 LOB

DATE: April 18, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Tuesday, April 22, 1997

TIME: 7:30 a.m.
-also-
TIME: 11:00 a.m.

LOCATION: 643 LOB

Your bill will be discussed at this time:

HB 478 "Health to DHR/DEHNR Name Change"

We would like to have you attend this meeting.

Representative Julia Howard
Representative Henry Aldridge
Co-Chairmen

Natalie Smoot
Susan Groh
Committee Clerks

Natalie Smoot (Rep. Howard)

From: Natalie Smoot (Rep. Howard)
Sent: Friday, April 18, 1997 11:47 AM
To: Rep. Phil Baddour
Cc: Susan Groh (Rep. Aldridge)
Subject: HUMAN RESOURCES COMMITTEE MEETING

Attached is a bill sponsor notice for the HR Committee Meeting on 4-22-97.



Baddour 4-22-97.doc

Natalie Smoot
Committee Clerk
3-5904

VISITOR REGISTRATION SHEET

HUMAN RESOURCES

April 22, 1997

Name of Committee

Date 11am.
meeting

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

<u>NAME</u>	<u>FIRM OR AGENCY AND ADDRESS</u>
Carolyn Smith	NARAL-NC
Beth Ising	NARAL-NC
Patricia Chamings	UNCG / PPT
Dan Besse	PPNC-W
Ed Regan	N.C.A.C.C.
Myra Mill	NASW-NC
Anne Kinds	NCRTL
Megan Carney	BSW Intern- NASW-NC
Nolan Wood	E.H.N.R./A.E.H.
Martha Livenood	YAI/O/DOA
SHERY DILLARD	DIV OF SOCIAL SERVICES
Bertha Thornton	N-PAC
Vin's Walker	N-PAC
J. Chas. Chas	PCPA
David D. Dumbure	Citizen
Lucie Aldridge	Citizen
Theresa Walters	PRO-LIFE
Barbara Dodson	Pro-life
Martha Kauffman	Pro-life
DAVID HARDIN	Pro-LIFE
Greg Kaufman	PRO-LIFE
John	ACLU
Blummeis	NC Equality
Susan Hill	NWHD
Kay Michaels	Planned Parenthood
Janet Hulse	Citizen

VISITOR REGISTRATION SHEET

HUMAN RESOURCES

, 1997

Name of Committee

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS[illegible]

VISITOR REGISTRATION SHEET

HUMAN RESOURCES

April 22, 1997

Name of Committee

Date 7:30 a.m.
meeting

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

<u>NAME</u>	<u>FIRM OR AGENCY AND ADDRESS</u>
MICHAEL MILLON	UNSW-NC
Patricia Chamings	UNCG
Megan Carney	BSW Intern - NASW - NC
Deborah Doss	ACLU
Grand - Summer	NC State
MK Cullen	NC PMAA
KIMBERLY SWAN	EASTERN N.C. HW AIDS CONSORTIUM
DAVID JONES	NC AIDS Advisory Council
MAT DESPARD	PIEDMONT HIV HEALTH CARE CONSORTIUM
Tommy Worth	Carolina's Health Care System
Theresa Walters	Pro-Life
Barbara Dodson	Respect Life
Martha Kawffman	Respect Life
Dore Kawffman	Respect Life
JOE LEANON	CHRISTIAN ACTION LEAGUE
Joe Harmon	Christian Action League
Bertha Shonten	Network of Politically Active Women (N-PAC)
Dore Aldridge	Citizen
Eileen Hunt	N-PAC
Barbara	N-PAC
Sam Bess	PPNC-W
Adam Searing	NC PAC
Susan Hill	NWFO -

AGENDA

House Standing Committee on HUMAN RESOURCES

Wednesday, April 23, 1997

Rep. Henry Aldridge - Opening Prayer

Greetings: Rep. Julia Howard, Presiding Chair

Introduction of Pages

Presentation of HB 536 "Abortion/Right to Know"
Representative C. Wilson, Sponsor

Vote

Presentation of HB 303 "Ban Partial Birth Abortions"
Representative Aldridge, Sponsor

Vote

Presentation of HB 456 "Reg. Deeds - No Abuse Info."
Representative Dockham, Sponsor

Vote

Presentation of HB 949 "Improve Child Protection Records"
Representative Gardner, Sponsor

Vote

Presentation of HB 948 "Pharmacy Rehabilitation Program"
Representative Gardner, Sponsor

Vote

Presentation of HB 576 "Needle Exchange Pilot Program"
Representative Wright, Sponsor

Vote

Presentation of HB 478 "Health to DHR/DEHNR Name Change"
Representative Baddour, Sponsor

Vote

Announcements

**Referral of HB 682 "Home Care Pharmacy Services", Rep. Gardner, Sponsor, to
HR Sub-Committee on Families**

**Referral of HB 896 "Large Day Care Home Change", Rep. Gardner, Sponsor, to
HR Sub-Committee on Families**

**Referral of HB 897 "Nursing/Rest Home Adv. Comm. Apts.", Rep. McComas,
Sponsor, to HR Sub-Committee on Aging**

Adjournment

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE**

You are hereby notified that the Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: **Wednesday, April 23, 1997**

TIME: **7:30 AM**

LOCATION: **Room 643-LOB**

The following bills will be considered (Bill # & Short Title):

HB 536 - "Abortion/Right to Know", Rep. C. Wilson, Sponsor
HB 303 - "Ban Partial Birth Abortions", Rep. Aldridge, Sponsor
HB 456 - "Reg. Deeds - No Abuse Info.", Rep. Dockham, Sponsor
HB 949 - "Improve Child Protection Records", Rep. Gardner, Sponsor
HB 948 - "Pharmacy Rehabilitation Program", Rep. Gardner, Sponsor
HB 576 - "Needle Exchange Pilot Program", Rep. Wright, Sponsor
HB 478 - "Health to DHR/DEHNR Name Change", Rep. Baddour, Sponsor

Respectfully,

Representative Howard
Representative Aldridge
Co-Chairman

I hereby certify this notice was filed by the committee clerk at the following offices at
1:00 p.m. on Tuesday, April 22, 1997.

____ Principal Clerk
____ Reading Clerk - House Chamber

Natalie E. Smoot (Committee Clerk)

Natalie Smoot (Rep. Howard)

From: Natalie Smoot (Rep. Howard)
Sent: Tuesday, April 22, 1997 1:07 PM
To: Anne Cole; Annecia Norwood; Barbara Hocutt; Barbara Phillips; Betty Anne Lennon; Carolyn Honeycutt; Carolyn Johnson; Dot Barber; Ebern Watson; Gail Stewart; House Sgt of Arms; Janette Lee; Jayne Walton; Jo Malone; John Young; Judy Willis; Karen George; Legislative Press; Linda Attarian; Linda Johnson; Lucille Carter; Mary Jamison; Melissa Jackson; Monica McClain; Natalie Smoot; Pat Baker; Phyllis Cameron; Rebecca Jones; Sharon Gaudette; Sue Floyd; Susan Groh; Sylvia Green; Waneta Lord
Cc: Bernice Bullard (Rep. Daughtry); Sylvia Perkins (Rep. Wood)
Subject: HUMAN RESOURCES COMMITTEE Meeting



MEETING NOTICE
4-23-97.doc

Natalie Smoot
Committee Clerk
3-5904

MINUTES
HOUSE COMMITTEE ON HUMAN RESOURCES
April 23, 1997
7:30 a.m.
Room 643

The House Committee on Human Resources met in Room 643 of the Legislative Office Building on Wednesday, April 23, 1997, at 7:30 a.m. Representative Julia Howard, Co-Chair, presided at the meeting. The page for this meeting was Mary-Katherine Hackney of Iredell County. Rep. Aldridge opened the meeting in prayer. Rep. Howard called the meeting to order.

The following members were present: Representatives Aldridge, Co-Chair; Ramsey, Adams, Bowie, Clary, Creech, Culp, Cunningham, Earle, Easterling, Esposito, Gardner, Gulley, Insko, Ives, Nesbitt, Rayfield, Warwick, Watson, Wilson, G. and Womble. Also present was Rep. Wood, Speaker Pro-Tem.

Rep. Howard recognized Rep. C. Wilson to discuss HB 536. Rep. Bowie moved to reconsider the April 22nd vote on amendment #H536-ARM-007 by which the amendment passed. The vote to reconsider passed unanimously. Rep. Bowie was recognized to introduce her amendment (Bowie #1). Rep. Bowie moved to adopt the amendment. Rep. Howard opened the floor for discussion of the amendment. Rep. Howard called on staff member Linda Attarian to further explain the amendment (Bowie #1). Rep. Howard called for a vote on the motion by Rep. Bowie. The amendment passed on a roll call vote with 11 ayes and 3 noes.

Rep. Howard recognized Rep. C. Wilson to further discuss HB 536. Rep. Howard called for a vote on the motion made by Rep. Culp at the April 22nd meeting for a favorable report as to HB 536, as amended. The motion passed with 12 ayes and 4 noes.

Rep. Howard recognized Rep. Aldridge to discuss his HB 303. Rep. Aldridge presented a Committee Substitute. Rep. Esposito moved to adopt the committee substitute for discussion. The motion passed. Rep. Howard called on staff member Linda Attarian to explain the committee substitute.. Rep. Howard recognized Rep. Aldridge to further discuss the committee substitute.

Rep. Aldridge moved for a favorable report as to the committee substitute, unfavorable as to the original bill.

Rep. Howard opened the floor for discussion. Rep. Womble was recognized to introduce an amendment (Womble #1). Rep. Womble presented his amendment and moved for the favorable vote. The amendment (Womble #1) failed on a roll call vote with 9 ayes and 13 noes.

The discussion of the committee substitute for HB 303 continued on the floor. Rep. Howard called on Dr. Ron Levine, State Health Director, to help answer questions. Dr. Levine declined. Discussion continued on the floor.

Rep. Howard made announcements regarding the referral of bills to sub-committees.

Rep. Howard adjourned the meeting at 8:26 a.m.

Natalie S Smoot
Natalie Smoot, Clerk

Julia Howard
Rep. Julia Howard
Co-Chair

Date Adopted 4-30-97

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

BILL SPONSOR: Rep. Connie Wilson

OFFICE: 529 LOB

DATE: April 22, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Wednesday, April 23, 1997

TIME: 7:30 a.m.

LOCATION: 643 LOB

Your bill will be discussed at this time:

HB 536 - "Abortion/Right to Know"

We would like to have you attend this meeting.

Representative Julia Howard
Representative Henry Aldridge
Co-Chairmen

Natalie Smoot
Susan Groh
Committee Clerks



Today's Date: _____

Is patient a minor? NO YES

Rep Inako 4/22
Greensboro

Personal Data

Name (last, first, middle initial) _____ Age _____
What is your height: _____ feet _____ inches Weight: _____ lbs Date of Birth: _____
Address (street) _____
City: _____ State: _____ Zip: _____ County: _____
Home Telephone: () _____ Work Telephone: () _____
Employer's Name: _____ Occupation: _____
Marital Status: _____ Race: _____
Religion: _____ Education (highest grade completed): _____

Emergency Contact

Emergency Contact Name: _____
Relationship: _____ Telephone: () _____
Are they aware you are having this procedure? ☐ yes ☐ no

Who referred you to Options?

☐ Friend/Relative
☐ Physician (Name/City) _____
☐ Yellow Pages (What City) _____
☐ Here Before (when) _____
☐ Family Planning (who) _____
☐ Other _____

FOR OFFICE USE ONLY

INTAKE	SPECIFIC PROBLEMS
LMP: _____ Was it normal ☐ YES ☐ NO	Bleeding/Spotting since LMP: _____
Ultrasound consistent with LMP ☐ YES ☐ NO	Allergies: _____
Blood type known: ☐ YES _____ ☐ NO	Medications: _____
Last Food Intake: _____ AM/PM	Notes: _____
COUNSELOR: _____	

Suite 150, 823 N. Elm Street, Greensboro, North Carolina 27401. Tel: (910) 274-3771

This is the first page of our patient chart. To follow, you will find not only medical history forms but several pages dealing with informed consent.

Attach ID forms here

☐ Certification of Age - "non-minors"

I, _____ hereby certify that I am 18 years old, or older, and have produced _____ as identification. (Copy provided).

X _____
Patient's Signature

Minors

Effective October 1, 1995, the General Assembly of North Carolina enacted in Section 1, Article 1A of Chapter 20, Part 2 of the General Statutes, "Parental or Judicial Consent for Abortion." This means that, in the State of North Carolina, any woman under the age of 18 years of age, must have parental or judicial consent for an abortion. 1) If you are 18 years of age or older you will be required to supply a picture I.D. showing your date of birth. 2) If you are a minor, parental consent may be provided by: a parent with custody of the minor; a legal guardian or legal custodian of the minor; a parent with whom the minor is living; or a grandparent with whom the minor has been living for at least six months immediately preceding the date of the minor's written consent. 3) If you are a minor, you must be accompanied by one of the above parties who will be required to show a picture I.D. and must certify that they are authorized to provide parental consent. The guardian/custodian/grandparent will be requested to provide proof of guardianship. Additionally, the minor should bring proof of identity such as a birth certificate or picture I.D. (if available). 4) If the pregnant minor so wishes, she may petition the district court judge in an attempt to obtain a waiver of parental consent, and thus obtain judicial consent for the abortion. Upon request, we will provide information and assistance in the pursuit of a waiver of consent from the court.

☐ Parental Certification and Consent (for minors):

Pursuant to the above referenced statute, I certify that I, _____ am

- ☐ a parent with custody of the minor,
- ☐ the legal guardian of the minor,
- ☐ a parent with whom the minor is living,
- ☐ a grandparent with whom the minor has been living for at least six months immediately preceding the date of the minor's written consent.

and that I am authorized to make health care decisions, provide consent to medical treatment and admission or transfer to a health care facility on behalf of the above named minor and I hereby request and consent to the performance of a pregnancy termination procedure upon same at Options by Dr. _____ or a designated associate physician.

I understand that by my signature below I assume all such risks and consequences and hereby release Options, its staff, officers, agents, servants & employees and attending physicians from any responsibility and/or liability which may result now and at any future time from any misrepresentations of my authority for such treatment.

X _____
Parent / Grandparent / Legal Guardian Signature

☐ Minor with judicial consent

I, _____, have produced _____ to certify that I hereby have received judicial consent for an abortion procedure.

X _____
Patient's Signature

THIS SECTION IS FOR OPTIONS OFFICE PERSONNEL ONLY

X _____
Witness Signature

This consent form is for compliance with NC state law requiring parental or judicial consent for abortion.

We require current valid picture ID from ALL PATIENTS as proof of age.



Important Information Which
Every Patient Should Know
Concerning the Termination
of Pregnancy Procedure

Patient
Initials

☐ I do not want individual counseling

Patient
Initials

☐ I hereby request individual counseling

1. **SURGICAL PROCEDURE.** A termination of pregnancy procedure, of any kind, is a surgical procedure that like all surgical procedures of both major and minor importance involve certain risks to the patient. These risks are outlined below.

2. **PROPER INFORMATION.** The physician who performs a pregnancy termination procedure must be provided with complete information by the patient to correctly evaluate her medical needs and her physical condition. In addition, the physician must be provided with the results of laboratory tests to better prepare him/her for performing the procedure. Failure to provide the treating physician with adequate and accurate information may lead to unnecessary complications. Every patient considering any surgical procedure should provide her physician with a complete medical history including allergies, blood conditions, prior medications or drugs taken, adverse reaction to anesthetics, medicines or drugs. Patients should also permit their physician to have taken any and all other tests that the physician deems advisable for the evaluation or treatment of her case. Of particular importance for pregnancy termination cases is a complete and accurate history of menstruation for the six months prior to the termination procedure.

3. **ANESTHESIA.** Anesthesia is used in most surgical procedures to eliminate or reduce the pain from the performance of the surgical procedure. Anesthesia is not foolproof, and in some cases the patient will suffer pain and discomfort even though anesthesia is administered. In termination of pregnancy procedures either a local anesthetic or a general anesthetic can be used in most cases. Local anesthetics have particular problems as follows:

A local anesthetic does not always eliminate all pain. In some cases, local anesthetics cause severe reactions or even shock. No guarantee can be given that the use of a local anesthetic will make a pregnancy termination procedure painless or that unfavorable or even severe reactions will not result.

4. **COMPLICATIONS IN GENERAL.** The complications associated with pregnancy termination procedures are generally less severe than those associated with childbirth. Nevertheless, as with all surgical procedures, there are inherent risks of minor and major complications that may occur without the fault of the physician. No guarantee can be given that complications will not result. With respect to pregnancy termination procedures the following complications may occur: incomplete removal of pregnancy tissue which may require a second D&E procedure, heavy bleeding that may require hospitalization, repeat D&E, blood transfusion and/or hysterectomy (removal of the womb), infection, which if not treated with antibiotics in the early stages, may require hospitalization and/or hysterectomy, damage or perforation of the wall of the uterus which may require an operation to assess and repair damage to the uterus or other internal organs, laceration or weakening of the cervix (mouth of the womb) which may cause problems in carrying later pregnancies to term, emotional distress which may be severe and require psychological therapy. Deaths have occurred from complications of abortion.

5. **FOLLOW-UP VISIT.** In order to minimize the risk of complications from the pregnancy termination procedure and to limit the severity of side effects which do occur, a follow-up visit and repeat pregnancy test in 2-4 weeks is necessary for all patients, and is provided free of charge at Options.

6. **PATIENT'S RESPONSIBILITY.** The standard of medical practice of any physician is to be judged in accordance with those standards reasonably acceptable to other physicians practicing in similar facilities in the United States. This means, that the physician attending the patient at Options, while fully qualified to perform the procedure, can not be expected to have unusual or extraordinary talents but can only be expected to be of the same caliber as other physicians who perform procedures in other centers. Unless the physician or Options commits gross negligence, the patient will be fully responsible for the costs, including physician and hospital charges, of any complications that occur as a result of the pregnancy termination procedure.

7. **OPTION'S RESPONSIBILITY.** Options will attempt to maintain a reasonable level of financial responsibility. However, there can be no assurance that Options will maintain or will be able to maintain insurance coverage sufficient to satisfy all claims.

The undersigned patient acknowledges that she has read and fully understands the foregoing information regarding the termination of pregnancy procedure.

Patient Signature

Date

Witness Signature

Date

Obstetrician/Physician/Parent/Guardian Signature

Date

This page reviews what we consider important information every patient should know before proceeding with TAB procedure. It is provided in writing AND presented orally by a trained health educator to all patients.



Request and Informed Consent to Treatment, Anesthetic, and other Medical Services

I, _____, am _____ years old, and request and consent to the performance upon me of a pregnancy termination procedure, Dilation and Suction Curettage, Dilation and Evacuation, other _____, at Options by Dr. _____ or a designated associate physician.

- 2 I hereby acknowledge that I have read and fully understand "Important Information Which Every Patient Should Know Concerning the Termination of Pregnancy Procedure". I fully understand and accept the various risks set forth therein, and I have had an opportunity to discuss these risks and all other questions that I may have concerning the pregnancy termination procedure with a member of the Options staff. My signature at the end of the Information sheet indicates my approval and acceptance of all risks set forth therein.
- 3 I further consent to the taking of cultures and performance of reasonably indicated tests and procedures in addition to pregnancy termination, whether or not relating to presently known conditions, if my medical attendants find these necessary or advisable in the course of evaluation or treatment, for management of complications or otherwise.
- 4 I have fully and completely disclosed my medical history, including allergies, blood conditions, prior medications or drugs taken as well as reactions I have had to anesthetics, medicine or drugs. I consent to my physician's relying on this disclosure as complete.
- 5 I consent to the administration of such anesthesia as may be deemed necessary or advisable by my physician or associates.
- 6 I understand that the Pregnancy Termination procedure requires the removal of the products of conception and other tissue, and I consent to the disposal or use of these products and tissue by Options and/or physician in any manner they deem appropriate.
- 7 I fully understand that the purpose of the procedure is to terminate my pregnancy, and I affirm that I have personally chosen pregnancy termination in light of the alternative of continuing the pregnancy to term. Options has advised me of the availability of the services of social agencies should I desire to continue the pregnancy to term. No member of the staff of the clinic and no one else has coerced or compelled me to decide to terminate the pregnancy at Options.
- 8 I understand that any questions I have will be answered by my physician and/or counselor, and I will ask such questions before leaving the facility.
- 9 If I have any questions or complications after leaving, I agree to call the physician or Options immediately.
- 10 I agree to make no claims against the physician or Options for complications that may occur, except in the event of gross negligence on their part. If I should make any other claims, I agree to be responsible for the payment of all costs and attorney's fees incurred by the physician and/or Options in investigating or defending the claims, and to post a bond in advance for such sums.
- 11 I understand that the availability of a follow up visit/appointment at Options is for my benefit. I agree that if I should seek treatment for complications resulting from the termination procedure from any other physician before consulting with a physician at Options, then Options will not be able to assist me further. I understand and agree that Options is under no obligation to provide me with any kind of treatment or hospitalization for complications that arise from the pregnancy termination procedure.
- 12 I understand that this Informed Consent and the Information Statement which have also been furnished are legal documents and are binding upon me. These legal documents reflect my wishes, and if any part of these documents is held to be invalid, it is my desire and agreement that all other parts continue in force.

I certify that I have read and fully understand the above Informed Consent and I agree in light of that consent and the information concerning the pregnancy termination procedure that has been furnished to me, to the pregnancy termination procedure I have requested.

Patient Signature

Date

Witness Signature

Date

Counselor/Interpreter/Parent/Guardian Signature

Date

Physician's Signature

Date

After patient has understood and accepted info on previous page, she then moves on to this one. A staff member reviews this & witnesses the consent w/ each patient individually. The physician, upon meeting the patient, questions her about whether she understands & agrees w/ info provided, then also witnesses this.

COUNSELING :

PRE-OP INFORMATION GIVEN ☐ YES ☐ NOUNDERSTANDS AND DESIRES TOP ☐ YES ☐ NOCONTRACEPTION INFO GIVEN ☐ YES ☐ NOPOST-OPERATIVE INFORMATION GIVEN ☐ YES ☐ NOUNDERSTANDS MUST RETURN FOR POST-OPERATIVE
CHECK UP IN TWO WEEKS ☐ YES ☐ NO

LMP _____ EGA _____

COUNSELOR _____

PATIENT INTERESTED IN:

☐ ORAL CONTRACEPTIVES (PILL)☐ CONDOMS & SPERMICIDE☐ DIAPHRAGM☐ STERILIZATION MALE FEMALE☐ NONE☐ IUD☐ MOPPLANT☐ DEPO PROVERA☐ OTHER

NOTES

Date

REC

Comments

Before the patient enters the operating area, a staff member gives her the opportunity to voice any concerns or questions she may have, and records those here.

If patient seems unsure, she is asked to take more time considering her options and then to call and reschedule an appointment for abortion OR arrange for pre-natal care, depending on what she decides.

We offer referrals as appropriate for each patient.

Some examples of literature, brochures we frequently use are to follow.

We have found this to
be a very helpful
brochure for those
patients who know
they are pregnant,
but are not sure
what they want to
do next.

(10 pages)

What if

I'm Pregnant



Planned Parenthood Federation of America, the world's oldest and largest voluntary reproductive health care organization, is dedicated to the principle that every individual has a fundamental right to choose when or whether to have a child.

Planned Parenthood's 168 not-for-profit affiliates operate 922 clinics in 49 states and the District of Columbia. Planned Parenthood centers provide medical and educational services for nearly five million Americans each year, regardless of race, age, gender, sexual orientation, disability, or economic circumstances. Through its international program, Family Planning International Assistance*, Planned Parenthood helps meet the family planning needs of women and men in the developing world.

Contact your nearest Planned Parenthood center to find out how you can support reproductive rights for women and men worldwide.

Sexuality Education Editor: Trish Moylen Terracella

Medical Editor: Michael S. Poller, M.D., M.P.H.

Editor: Barbara Swetz

Sexual Health Writer: Jan Knowles

Designer: Kirby Goss

Table of Contents

WHAT IF I'M PREGNANT?	2
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WHAT ABOUT RAISING A CHILD?	5
WHAT ABOUT PLACING THE BABY FOR ADOPTION?	9
WHAT ABOUT ABORTION?	14
GLOSSARY	17

if I'm pregnant?



Most women want to become mothers when they are ready and can plan for it. Adult and teenage women often face difficult decisions when pregnancy is unplanned.

"What if I'm pregnant?" Women may ask this question at many times in their lives — especially when their periods are late. If you think you're pregnant, you may be asking yourself lots of other questions, too —

"Is having a baby the best choice for me?"

"Is raising a child by myself the best choice for me?"

"Is raising a child with a partner the best choice for me?"

"Is placing the baby for adoption the best choice for me?"

"Is having an abortion the best choice for me?"

You want to choose what's right for you. But first, be sure you are pregnant.

be sure I'm pregnant?

A urine or blood test performed by medical professionals is the surest way to find out.

You can get home pregnancy tests at most drugstores. They are simple to use. But they are not always accurate. To be sure, have your pregnancy test done at your doctor's office or at a Planned Parenthood center or other family planning clinic.

If your test is "positive," you will need a physical exam to be sure. The exam will also tell how long you have been pregnant. Then you will need to decide what you want to do.

What are my choices?

You have three choices if you are pregnant.

- You can choose to have a baby and raise the child.
- You can choose to have a baby and place your child for adoption.
- You can choose to end the pregnancy.

There is no right or wrong choice for everyone. Only you can decide which choice is right for you.

How can I decide which choice is best for me?

Consider each of your choices carefully. Ask yourself:

- Which choice(s) could I live with?
- Which choice(s) would be impossible for me?
- How would each choice affect my everyday life?
- What would each choice mean to the people closest to me?

It may help to take time and ask yourself:

- What is going on in my life?
- What are my plans for the future?
- What are my spiritual and moral beliefs?
- What do I believe is best for me in the long run?
- What can I afford?

Talk about your feelings with your partner, someone in your family, or a trusted friend. All family planning clinics have specially trained counselors. These counselors can talk with you about your options. Your counselor will try to make sure that you are not being pressured into any decision against your will. You may bring your partner, your parents, or someone else if you wish.

Look for a clinic that will give you complete information about your options. If you need help, call your local Planned Parenthood. Beware of so-called "crisis pregnancy centers" that are anti-abortion.

- They may perform your pregnancy tests without medical supervision.
- They won't give you complete and correct information about all options.
- They will try to frighten you with films that are designed to keep you from choosing abortion.
- They will lie to you about the medical and emotional effects of abortion.

- They may tell you that you are not pregnant even if you are, to fool you into continuing your pregnancy without knowing. The delay would make abortion more risky and keep you from getting prenatal care.
- They will discourage you from using the most reliable methods of birth control.

Find out as much as you can about all your choices. Here is some information to consider:

soon do I have to decide?

If there is a chance that you will continue the pregnancy — you should begin prenatal care as soon as possible. You should have a medical exam early in your pregnancy to make sure that you are healthy and the pregnancy is normal.

If you are considering abortion — you should make your decision as soon as possible. Abortion is very safe, but the risks increase the longer a pregnancy goes on.

While you are deciding what to do, take good care of yourself. If you do decide to have a child, you will want it to be healthy and well.

- Get enough good food — fruits, vegetables, cereals, breads, beans, rice, and dairy products as well as fish, meat, and poultry.
- Keep your body in good shape. Stay active and get regular exercise.
- Get plenty of sleep.
- Do not smoke.
- Do not drink alcohol or drinks with caffeine, like coffee and cola.
- Do not eat junk food.
- Don't take any drugs or medications — not even aspirin — without checking with your clinician or doctor.

You can get complete information about prenatal care and how to pay for it from your family doctor, your local Planned Parenthood center, other family planning clinics, women's health centers, and your state's department of family services. Good prenatal care is very important for a baby's health.

What about raising a child?



One of your choices is to continue your pregnancy and raise a child. Being a parent is exciting, rewarding, and demanding. It can help you grow, understand yourself better, and enhance your life.

There are two ways to raise a child.

- You might want to raise the child with a partner.
- You might want to raise the child without a partner.

Parenting With a Partner

Most of us look forward to finding a life partner — someone with whom we can share the pleasures, responsibilities, and difficulties of family life. You may want to consider marriage if you intend to parent with a partner.

Marriage is a serious legal contract binding both partners. Each one accepts legal as well as moral and emotional obligations to the other. Every state has its own laws about marriage. If you are under 18, contact your local marriage license bureau or consult your religious adviser to find out about the laws in your state.

Consider premarital counseling if marriage is one of your choices. Taking the time to talk about marriage with a counselor can make a big difference. See a private counselor or get counseling through your church, temple, mosque, or some other community service. Family counseling is also beneficial for all couples, married or not — whenever they consider beginning or expanding a family.

With or without marriage, a life partnership can succeed if both people:

- are deeply committed to make it work
- understand what each expects from the relationship.

REMEMBER: A child can bring joy, stability, and many other rewards to a relationship. A child can also strain the best relationship. If your commitment is not solid, the relationship may fail.

Here are some things to consider if you are thinking about parenting with a partner:

	True	False
1. I'll get what I want in life if I start a family now.	☐	☐
2. My/his parents are pushing us into marriage.	☐	☐
3. We're both financially and emotionally ready.	☐	☐
4. We get upset when we talk about a long-term, committed relationship.	☐	☐
5. I know what to expect of my partner.	☐	☐
6. He knows what to expect of me.	☐	☐
7. Marriage will make us feel less guilty about sex.	☐	☐
8. He knows that he's responsible for child care and housework, too.	☐	☐
9. We'd stay together even if I weren't pregnant.	☐	☐
10. I'm prepared to be a single parent if things don't work out between us.	☐	☐

Think about what your answers mean to you. You may want to discuss your answers with your partner, someone in your family, a trusted friend, or your counselor.

Parenting Without a Partner

The challenge of raising a child alone can also be exciting and rewarding. It is easier if you find and use all the support you can. Be sure to let family and friends know that you hope for their support before you decide to become a single parent.

Even with the help of your family and friends, being a single parent is not easy. It is often complicated and frustrating. Your child's needs will constantly change, and so will your ability to meet those needs. You may want to consider counseling to help you through these changes. You may find out about counseling from your local department of children's services.

Your child will look to you for love and care — all day, every day. And you can take great pleasure helping your child grow into a happy, independent, and responsible adult. But there will be no breaks. It takes years for children to become responsible for themselves. And convenient, affordable child care is difficult to find.

It takes a lot of money to raise a child. Earning a living for you and your child will be a real challenge — even if you have finished school and can get a good job. Your own parent(s) may find it hard to help you out with all the bills. Welfare payments barely cover the basics.

Because your child will need you so much, you may become more dependent on your own family and friends — for help with the child, for money, and for emotional support. You may have to give up a lot of freedom to be a good single parent. On the other hand, because you will not have to make compromises with a partner, you can raise the child as you wish — with your values, principles, and beliefs.

Parenting requires lots of love and unlimited energy and patience. There will be times when you may feel that you are not doing a good job at it. To feel good about being a single parent, it must be what you want to do — for a long time. You already know what that means if you have other children. If you don't, talk with a single mother or with a counselor who works with single mothers.

Here are some things to consider if you are thinking about parenting without a partner:

	True	False
1. Loving my baby will get me through hard times.	☐	☐
2. I'm being pressured to keep the baby.	☐	☐
3. I'm willing to put school and career on hold.	☐	☐
4. I'll be more dependent on other people.	☐	☐
5. Money won't be a problem.	☐	☐
6. My baby will give me all the love I need.	☐	☐
7. I know someone who is always available and who I can trust to take care of the child when I'm at work or school or when I'm sick.	☐	☐
8. Having another child will strengthen my family.	☐	☐
9. I'll find a life partner more easily with a child.	☐	☐
10. My family and friends will be supportive.	☐	☐

Think about what your answers mean to you. You may want to discuss your answers with someone in your family, a trusted friend, or your counselor.

What about placing the baby for adoption?



One of your choices is to complete your pregnancy and let someone else raise your child. Many women who make this choice are happy knowing that their children are loved and living in good homes. But some women find that the pain of being separated from their children is deeper and more long-lasting than they expected.

There are two kinds of adoption:

- Closed Adoption — the names of the birth mother and the adoptive parents are kept secret from one another.
- Open Adoption — the birth mother may select the adoptive parents for her child. She and the adoptive parents may choose to get to know one another. They may also choose to have an ongoing relationship.

Adoption is legal and binding whether it is open or closed. Few adoptions are reversed by the courts. You will have to sign "relinquishment papers" some time after your baby is born. In most states, minors do not need a parent's consent to choose adoption. However, the child's father can demand custody of the child unless he signs release papers before the adoption takes place.

Adoption laws are different in every state. Find out in advance what they are in your state. Talk with an adoption counselor or lawyer before deciding on any arrangement. Be sure to read everything very carefully before you sign. It is always best to have a lawyer review all documents first.

There are thousands of women and men waiting to adopt newborn children. However, there is no guarantee that homes will be found for all children waiting to be adopted. This is especially true of children of color and children who are disabled.

Adoption is arranged in three ways:

- Agency (licensed) adoption: the birth parents relinquish their child to the agency. The agency places the child into the adoptive home.
 - Independent (unlicensed) adoption: the birth parents relinquish their child directly into the adoptive home.
 - Adoption by relatives: the court grants legal adoption to relatives.
- All adoptions must be approved by a judge in a family or surrogate court.

ption

You could place your child through a public or private agency that is licensed by the government. These agencies:

- provide counseling
- handle legal matters
- make hospital arrangements for your child's birth
- select a home for your child
- refer you to agencies that may help you financially.

Sometimes an agency is able to help find a home for you during your pregnancy. In agency adoption, your name and the adoptive parents' names are usually kept secret. However, some licensed agencies also offer various open adoption options.

Most religious organizations can help you locate a licensed adoption agency. You can also look in the *Yellow Pages* under "Adoption Agencies" and "Social Service Organizations." You can also contact your state, county, or local department of family or child services, or your local Planned Parenthood.

The National Committee for Adoption hotline can refer you to licensed agencies in your area. Call: 1-202-328-8072. If you are pregnant you can call collect. Or you can write to the National Committee for Adoption, 1940 17th Street, N.W., Washington, D.C., 20009.

Independent Adoption

You can arrange an independent adoption through a doctor or lawyer or someone else who knows a couple that wants to adopt. Some states have private, independent adoption centers that provide counseling. These centers are run by women and men who want to adopt. Independent adoptions are not legal in some states because there is a risk that birth mothers and adoptive parents may be exploited.

An independent adoption is usually an open adoption. The adoptive parents will often agree to pay for your hospital and medical bills until the child is born. They may even pay for your living expenses during that time. Usually the adoptive parents hire one lawyer to represent them and you. If you choose independent adoption, you should consider having a lawyer of your own. To find one, contact your local state bar association, Family Court, local family service organization, or the Legal Aid Society. A social worker can also help you find a lawyer.

You will be asked to sign a "take into care" form after you give birth. This allows the adoptive parents to take the child home while the state studies their family life and home environment. The study takes six to eight weeks. During this time, both you and the prospective parents can change your minds. When the study is over, you will be asked to sign "relinquishment papers."

For information and referrals about independent adoption, call the Independent Adoption Center hotline: 1-800-577-OPEN. Or write to the Independent Adoption Center, 319 Taylor Boulevard, Suite 100, Pleasant Hill, California 94523. Planned Parenthood and other family planning centers can also provide information about independent adoption.

ly Relatives

You may want your child to stay in your own family. However, independent adoptions with a relative must also be approved by a family- or surrogate-court judge. Your relatives will have to be studied by a state agency before the adoption can be finalized. And you will have no more right to the child than if you placed it with strangers.

Here are some things to consider if you are thinking about adoption:

	True	False
1. I can accept my child living with someone else.	☐	☐
2. Going through pregnancy and delivery won't change my mind.	☐	☐
3. I'm willing to have good prenatal care.	☐	☐
4. I'm choosing adoption because abortion scares me.	☐	☐
5. The child's father will approve of adoption.	☐	☐
6. No one is pressuring me to choose adoption.	☐	☐
7. I'll know my child will be treated well.	☐	☐
8. I won't be jealous of the adoptive parents.	☐	☐
9. I care what other people will think.	☐	☐
10. I respect women who place their children for adoption.	☐	☐

Think about what your answers mean to you. You may want to discuss your answers with your partner, someone in your family, a trusted friend, or your counselor.

For more information about adoption, contact the National Adoption Information Clearinghouse, 1400 "I" Street, N.W., Suite 600, Washington, D.C., 20005, (202) 842-1919 or call your local Planned Parenthood.

Foster Care

In some cities and counties, temporary foster care may be available for the children of mothers who need more time to decide between adoption and parenting.

You and the child's father must both sign a legal foster care agreement to have another family care for your child. It's a good idea to consider a legal contract even if someone in your family provides the foster care. Legal contracts can help prevent misunderstandings.

Foster care agreements include:

- how often you agree to visit your child
- how long your child will stay with the foster care family
- how much money you may have to pay for the child's care
- how often you must see the social worker.

You could lose your child if you don't keep your part of the agreement. It is important to remember that foster care is only temporary and is not a good substitute for a permanent home.

Laws about foster care vary from state to state. To find out more about foster care, consult your state's Department of Child Welfare or talk to someone at your local Planned Parenthood.

about abortion?



One of your choices is abortion. Abortion is a legal and safe medical procedure. More than 90 percent of abortions occur during the first 12 weeks of pregnancy.

Vacuum aspiration is the usual method of early abortion. First, the cervix is numbed. Then the embryo or fetus is removed through a narrow tube with vacuum suction. It takes about five minutes. It is usually done in a clinic, doctor's office, or hospital. You don't need to stay overnight. Most likely, you can return to your normal activities the next day. Abortions performed later in pregnancy may be more complicated.

Abortion is one of the safest operations available. Serious complications are rare. But the risk of complications increases the longer a pregnancy continues.

Most women say that early abortion feels like menstrual cramps. Other women say it feels very uncomfortable. Still others feel very little.

You will need to sign a form that says you:

- have been informed about all your options
- have been counseled about the procedure, its risks, and how to care for yourself afterward
- have chosen abortion of your own free will.

Most teenagers consult their parents before an abortion. But telling a parent is not required in most states. Some states do require a woman under 18 to tell a parent or get a parent's permission. If she cannot talk with her parents, or chooses not to, she can speak with a judge. The judge will decide whether she is mature enough to make her own decision about abortion. If she is not mature enough, the judge will decide if abortion is in her best interest. Find out about the law in your state. Your local Planned Parenthood can help you with this process.

Most women feel relieved after an abortion. Some experience anger, regret, guilt, or sadness for a short time. These feelings may be complicated by the abrupt hormonal changes that take place after abortion. Serious, long-term emotional problems after abortion are rare. They are more likely after childbirth.

Uncomplicated abortion should not affect future pregnancies.

You are more likely to experience serious regrets after abortion if you have strong religious feelings against it. Be sure to examine your moral concerns before choosing abortion. Counseling is available before and after abortion.

Some doctors perform abortions during the first 12 weeks of pregnancy in their offices. Abortions are also available in many Planned Parenthood clinics, in many other reproductive health clinics, and in hospitals. Most large cities and many smaller communities have abortion providers. Look in the *Yellow Pages* under "abortion."

Ask beforehand about payment. Some places want to be paid in advance. Some accept credit cards. Sometimes installment plans can be worked out. Some insurance covers some or all of the cost. In all states, Medicaid will pay for abortion if the woman's life is in danger. In some states, Medicaid will pay for abortion for other reasons, too. Check with your local Planned Parenthood or your state or local health or welfare department for the kind of Medicaid coverage in your state.

Here are some things to consider if you are thinking about abortion:

	True	False
1. No one is pressuring me to choose abortion.	☐	☐
2. I have strong religious beliefs against abortion.	☐	☐
3. I look down on women who have abortions.	☐	☐
4. I'd rather have a child at another time.	☐	☐
5. I can afford to have another child.	☐	☐
6. I can afford to have an abortion.	☐	☐
7. I care about what other people will think.	☐	☐
8. I can handle the abortion experience.	☐	☐
9. I'll go before a judge if necessary.	☐	☐
10. I would do anything to end this pregnancy.	☐	☐

Think about what your answers mean to you. You may want to discuss your answers with your partner, someone in your family, a trusted friend, or your counselor.

You can get abortion information and assistance at Planned Parenthood and other family planning centers, women's health centers, youth centers, and departments of health or social services. Or you can call the National Abortion Federation hot line: 1-800-772-9100.

GLOSSARY

CERVIX — the lower part of the uterus (womb), with an opening connecting the uterus to the vagina.

EMBRYO — the organism that develops from the pre-embryo and begins to share the woman's blood supply about 14 days after fertilization; after eight weeks of pregnancy the embryo becomes a fetus.

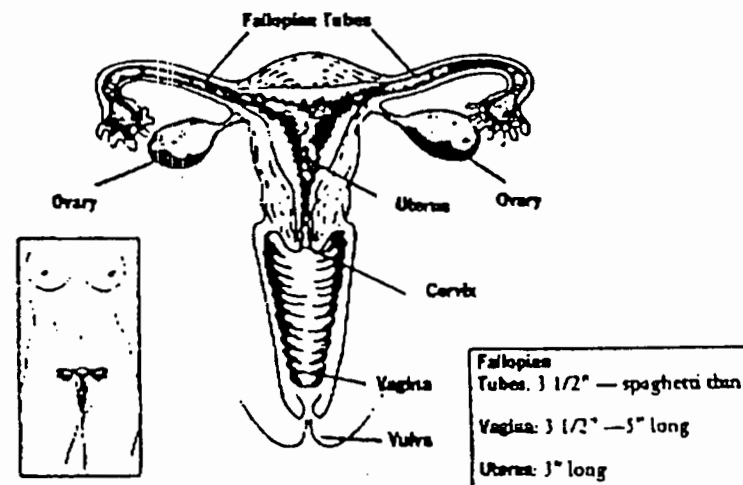
FETUS — the organism that develops from the embryo at the end of eight weeks of pregnancy and receives nourishment through the placenta; the fetus continues to develop until the pregnancy ends.

PLACENTA — the organ that unites the fetus with the woman's uterus and through which nourishment passes from the woman to her fetus.

PRE-EMBRYO — the ball of cells that develops from the fertilized egg until about 14 days after fertilization when the embryo is formed.

UTERUS — the pear-shaped reproductive organ from which women menstruate, and where normal pregnancy develops (womb).

VAGINA — the passage that connects a woman's outer sex organs with the cervix and uterus.



This is a copy of the
front cover of a
brochure we use often.

It comes from the
NC Dep't of
Human Resources, so
we feel it provides
straight forward info
to those considering
adoption.

Raleigh, North Carolina

The Adoption Program In North Carolina



Social Services Agency
North Carolina Department
of Human Resources

Pregnancy Choices:

Raising the Baby,
Adoption, and Abortion



This Patient Education Pamphlet was developed under the direction of the Committee on Patient Education of the American College of Obstetricians and Gynecologists. Designed as an aid to patients, it sets forth current information and opinions on subjects related to women's health. The information in this pamphlet does not dictate an exclusive course of treatment or procedure to be followed and should not be construed as excluding other acceptable methods of practice. Variations taking into account the needs of the individual patient, resources, and limitations unique to the institution or type of practice may be appropriate.

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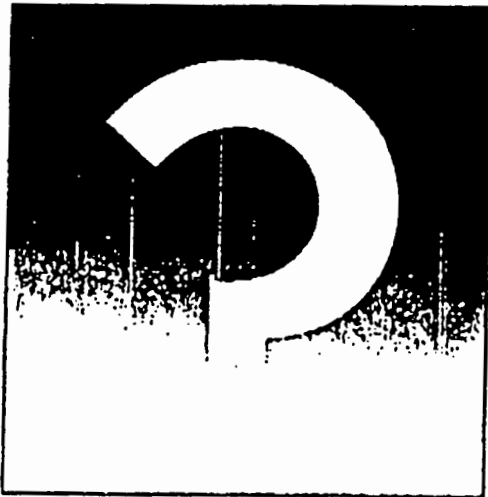


**ACOG
Patient
Education**

This brochure is helpful to patients who are considering their options... it is posted with all other brochures for patients to easily see.

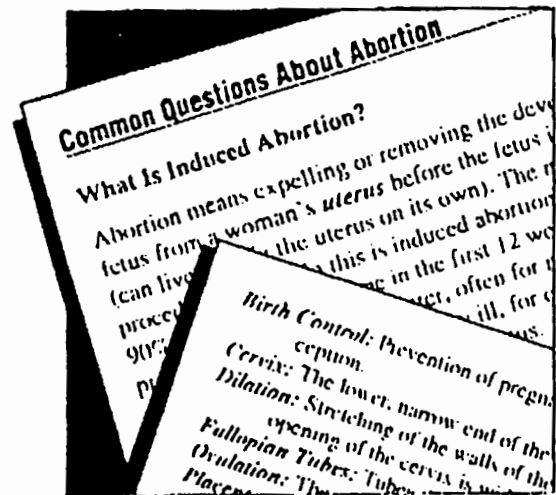
Pregnancy Choices:

Raising the Baby,
Adoption, and Abortion



Induced Abortion:

Important Medical Facts



These are the front covers of 2 very frequently used brochures at Options. They are from ACOG, updated, easy to read, thorough, un-biased.

Many women have mixed feelings when they find out that they are pregnant. They may wonder if they are ready and willing to accept the responsibility of bringing up a child.

When you find out you are pregnant, you have several options. You can have the baby and raise it. You can have the baby and place it for adoption. Or, you can have an abortion (end the pregnancy). This pamphlet is designed to help you sort through your options, your feelings, and the short- and long-term effects of the choices you have to help you make a decision that is right for you.

Making a Decision

First, you need to be sure that you are pregnant. You should go to a clinic or see a doctor to confirm that you

are pregnant, find out how far along you are, and get information about your options.

There are many factors that you will need to think about as you make your decision. Your own health, values, and circumstances will play an important part. You may have medical problems to consider—there may be a risk to the fetus or signs that something might go wrong with the pregnancy. You need to consider how far along you are in your pregnancy. Your personal values and beliefs are important in making a decision. Financial factors also play a role—you need to think about how much it costs to raise a child, pay for prenatal care and delivery, or have an abortion. In the end, you have to think about what your choice will mean for you.

Talk your decision over with your doctor and with others that you trust, such as your partner, a friend, or a parent. If you need help finding someone to talk to about your options, you can get information from a family



planning clinic, a family services agency, or an adoption agency. Be sure that the counselor covers all of your options. Counseling at these places is usually free or costs very little.

Make your decision as early as you can. If you choose either to raise the baby or place it for adoption, it is best to begin prenatal care as soon as possible. If you choose to have an abortion, it is simpler and safer for you to have it as soon as possible. Before you make any decision, explore your feelings to make sure that what you decide is right for you.

Raising a Child

Raising a child can be a wonderful and rewarding experience. It also demands much physical and emotional energy.

The better the support system you have, the easier it will be for you to raise a child. Will you need help with child care? Is a partner or other family member there to help you? Will you have to change your living arrangements? If so, can you afford to do this? If your income falls below a certain level, you may be eligible for government programs, such as the Women, Infants and Children (WIC) program, which provides food vouchers for nutritional foods for pregnant women and children up to a certain age.

Consider whether you are prepared for the long-term commitment. Raising a child can be stressful. You will have less time for yourself and may need to change your life style. The demands of motherhood may make it harder to reach goals that you have set for yourself. For example, you may need to change the amount of time you spend at your job or at school, and you will have less time for other things.

If you plan to have the baby, prenatal care—a program of care for a pregnant woman before the birth of her baby—is important. Good prenatal care makes it more likely that you will have a healthy baby. In every pregnancy, however, there is a chance of risk to your health and to the health of the baby. Some pregnancies have complications that need special medical attention. Tests during early pregnancy can help find some problems that affect the fetus. If your baby is likely to have a mental or physical problem, you can receive counseling about the disorder.



Adoption

If you cannot raise a child but do not want to have an abortion, adoption may be a good option. In an adoption, a child legally gets new parents. The baby will get a new birth certificate with the new parents' names on it.

If you choose adoption, prenatal care is as important as if you were going to raise the child yourself. Be sure to start care early and see your doctor regularly.

Not all babies are readily adoptable. Babies of color may be harder to place with adoptive parents. Some adoption agencies specialize in finding families for children of color. Babies with disabilities may also be harder to place. An agency may need to place a child in a foster home until a family can be found.

You may have a variety of feelings when the baby is adopted—anger, grief, a sense of loss, or relief—that may continue for a long time. These feelings could return to you on the child's birthday, even years after the baby has been adopted. Counseling can help you come to terms with this decision. It may be available from the agency providing the adoption service or from a local family services agency.

The Process

Shortly after the baby is born, the birth mother (the woman who gives birth to the baby) signs papers that

Types of Adoption

[illegible]

There are two kinds of adoptions—open and closed. In open adoption, the birth mother and the adoptive parents know something about each other. They may meet and exchange names and addresses. The birth father may also be included. In a closed adoption, the birth mother and adoptive parents do not meet or know each other's names. Sometimes in a closed adoption, the files can be opened later. The laws in each state differ. Some protect the privacy of all involved more than others.

An adoption can be handled by an agency or, in some states, independently. Both agency and independent adoptions may handle open and closed adoptions. Check your state laws.

[illegible]

In independent adoptions, which are legal in most states, babies are placed in the adoptive parents' home without an agency. They may be done through lawyers, doctors, counselors, or independent organizations. The birth mother may know who the new parents are. The new parents and the home setting must be approved by the state agency responsible for adoptions and by the court before the adoption is final.

Aftereffects

You should have a follow-up visit after the abortion to make sure that you are healing properly and to discuss family planning.

You may have mixed feelings of guilt, regret, loss, or anger. You may feel relieved. All of these feelings are normal. Your feelings will likely resolve in time. This is easier for some women than others. A clinic or doctor's office can direct you to counseling to help you come to terms with this decision.

Changing Your Mind

If you were going to have and raise the child and then decide against it, you can still consider adoption. Beginning adoption procedures after birth is possible, even if the birth mother had not made this choice before the baby was born.

If a woman had decided to place her child for adoption and changes her mind after she has signed the consent papers, she should check her state's laws. In some states, the consent cannot be changed. In other states, the birth mother can change her mind up to 30 days or even longer after she signs the consent forms.

A decision to have an abortion should be made as early in pregnancy as possible. If you decided to have the baby and later want to have an abortion, you need to discuss it carefully with your doctor. After a certain point, it may not be possible to have an abortion. The longer a woman waits to have an abortion, the more risk it carries for her.

Finally. . .

The decision to give birth and raise the child, give birth and place the child for adoption, or have an abortion may be very difficult for you to make. The earlier you seek professional advice and help, the better. The baby has a better chance of being healthier or the abortion will be safer. Make sure that all your questions are answered before you decide. Get all the facts. Although talking it over can help, the decision is yours alone.

This Patient Education Pamphlet was developed under the direction of the Committee on Patient Education of the American College of Obstetricians and Gynecologists. Designed as an aid to patients, it sets forth current information and opinions on subjects related to women's health. The information in this pamphlet does not dictate an exclusive course of treatment or procedure to be followed and should not be construed as excluding other acceptable methods of practice. Variations taking into account the needs of the individual patient, resources, and limitations unique to the institution or type of practice may be appropriate.

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Care for recovery and circuncision is also provided. Most clinics also provide counseling. Later abortions are usually performed in a hospital or clinic. This is because the procedure is more complex, takes longer, and carries more risk.

Risks and Complications

Abortion is a low-risk procedure. Risks and complications of abortions relate to how long the woman has been pregnant. The earlier a woman has an abortion, the safer it is. Having an abortion is less risky for the woman than carrying a pregnancy to term. With good medical care, however, both are safe.

Complications may include bleeding or infection. In rare cases, the abortion will fail to end the pregnancy and has to be repeated. Having one abortion is usually not associated with any effect on later pregnancies. Little is known about risk for women having more than one abortion, but it is possible that there is an increased risk for having a low-birth-weight baby or giving birth early.



(One advantage of agency adoption is that the agency often provides counseling, support services, and follow-up after the adoption. There also may be fewer legal problems with agency adoptions. On the other hand, agencies may not allow adoption by single parents or parents over a certain age. Independent adoptions are often more flexible and may have shorter waiting periods.

Financial Help

If you arrange an adoption through an agency, ask the agency what kind of financial help—both medical and legal—it offers. If you cannot afford a private lawyer, you may be able to find legal aid. This is available in most areas. Sometimes it is located at a university law school.

Most, if not all, states allow the adopting parents to pay the birth mother's legal and medical fees. While these and certain other fees, such as counseling, often can be paid for the birth mother, it is illegal for anyone to profit from an adoption.

Abortion

Abortion means removing a fetus from a woman's uterus before it is viable (can live outside the uterus). Almost all abortions are done in the first 12 weeks of pregnancy.

The decision to have an abortion needs to be made as early as possible. The type of procedure used and some of the risks depend on how long you have been pregnant. The doctor can explain the stage of development of the fetus to help you make a decision. Your own health may play a role in your decision. Some conditions might pose a risk to a woman during pregnancy.

Abortion is a personal decision. Because state laws about abortion change, ask your doctor or counselor what the law is in your state. If you are a minor, state law may require that your parent(s) or guardian be notified or give consent or that you seek permission from a court.

The Procedure

Abortion can be done safely in a doctor's office or clinic in the early weeks of pregnancy. It takes a short time.

Counseling Service. Treatment and counseling for himself and his family are available through the *Individual and Family Therapy Service*.

The desperate mother can find refuge for herself and her children at Clara House, the agency's shelter for battered women and their children. She can also seek individual counseling, assistance and support in dealing with the legal system through the agency's *Victim Advocate Services* and help for the abuse her children have suffered through the *Child Abuse Prevention and Treatment Services*.



The victim of violent crime can find support through medical and legal proceedings from *Victim Services* and counseling from services offered by the agency.

These citizens in need along with hundreds of others like them, find help each week at Family and Children's Service. The agency's counseling, therapy, advocacy, education and intervention programs provide effective and life-changing services to both old and young, individuals and families, and men and women from all areas of our city. The needs the agency meets are individual, but the problems addressed are universal.

Services

Child Abuse Prevention and Treatment Services offers a variety of services to families at high risk of child abuse and neglect or where it has already occurred. These services include group, individual, and family counseling; education and home-based services.

Community Education offers comprehensive education, training and workshops on topics and services related to the agency.

Consumer Credit Counseling Service helps families and individuals solve financial problems through budget counseling, credit counseling and debt repayment programs. This service also provides education in money management and home buying.

Domestic Violence Services provides emergency shelter for battered women and children at Clara House. This service also offers individual and group counseling for women and children and group treatment for males who commit violence against women.

Employee Assistance Program responds to the personal problems of working families which can affect their work performance.

Individual and Family Therapy Service offers individuals, couples and families, individual counseling and group therapy to promote and strengthen a healthy quality of life.

(Continued on back panel)

and her rights to the child and give her consent to the adoption. If the father's identity is known and he admits to being the father, he must also sign consent forms. He may sign the papers before the baby is born. After the adopting parents agree to accept the baby and have taken him or her home, they file legal papers asking to adopt the baby. A judge approves the adoption, and after a waiting period (usually 1-6 months, but sometimes longer), the adoption is final. Each state has its own laws about permission and consent and about the waiting period before the adoption is final.

Types of Adoption

There are two kinds of adoptions--open and closed. In open adoption, the birth mother and the adoptive parents know something about each other. They may meet and exchange names and addresses. The birth father may also be included. In a closed adoption, the birth mother and adoptive parents do not meet or know each other's names. Sometimes in a closed adoption, the files can be opened later. The laws in each state differ. Some protect the privacy of all involved more than others.

An adoption can be handled by an agency or, in some states, independently. Both agency and independent adoptions may handle open and closed adoptions. Check your state laws.

In an agency adoption, most agencies choose the adoptive parents after careful screening and study. Some agencies let birth mothers help choose. Sometimes babies go directly to their adopting parents from the hospital, but sometimes babies first may be placed in foster care.

In independent adoptions, which are legal in most states, babies are placed in the adoptive parents' home without an agency. They may be done through lawyers, doctors, counselors, or independent organizations. The birth mother may know who the new parents are. The new parents and the home setting must be approved by the state agency responsible for adoptions and by the court before the adoption is final.

In an independent adoption, one lawyer is available to represent both the birth mother and the adopting parents. It is in the best interest of the birth mother, however, to hire her own lawyer. The adopting parents are often asked to pay for this. State bar associations can provide names of lawyers who handle adoptions.

11 a.m.
HR meeting
follows

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

Boule #
Passed
4-23

EDITION No. _____

H. B. No. 536DATE April 23, 1997

S. B. No. _____

Amendment No. _____

(to be filled in by
Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.)

Sen.)

Joanne Boule1 moves to amend the bill on page 2, line 20 & 21

2 () WHICH CHANGES THE TITLE

3 ~~by~~ moves to Amend bill on Page 2, lines
4 20 & 21, by rewriting those lines
5 to read:6 "which delay will create a serious risk
7 to her life;" and.8
9 further moves to amend the bill on
10 page 5, lines 39 and 40, by rewriting
11 those lines, ~~by rewriting those lines~~
12 to read:13
14 "OR that a 24-hour delay will create
15 a serious risk to her ^{life} ~~health~~. As soon
16 as feasible the physician shall"

SIGNED

Joanne Boule

ADOPTED _____ FAILED _____ TABLED _____

ROLL CALL VOTE

11 3 = 14 (TOTAL)
YES NO

HB# 536 Bowie
SB# #1

HOUSE STANDING COMMITTEE ON HUMAN RESOURCES

YES	NO	MEMBER (last name)	YES	NO	MEMBER (last name)
<u>✓</u>	<u> </u>	Aldridge, Chair	<u> </u>	<u> </u>	
<u>✓</u>	<u> </u>	Howard, Chair	<u> </u>	<u> </u>	
<u> </u>	<u> </u>	Ramsey, RMM	<u> </u>	<u> </u>	
<u> </u>	<u> </u>	Adams	<u> </u>	<u> </u>	
<u>✓</u>	<u> </u>	Bowie	<u> </u>	<u> </u>	
<u>✓</u>	<u> </u>	Clary	<u> </u>	<u> </u>	
<u> </u>	<u> </u>	Creech	<u> </u>	<u> </u>	
<u>✓</u>	<u> </u>	Culp	<u> </u>	<u> </u>	
<u> </u>	<u> </u>	Cunningham	<u> </u>	<u> </u>	
<u> </u>	<u>✓</u>	Earle	<u> </u>	<u> </u>	
<u> </u>	<u> </u>	Easterling	<u> </u>	<u> </u>	
<u>✓</u>	<u> </u>	Esposito	<u> </u>	<u> </u>	
<u>✓</u>	<u> </u>	Gardner	<u> </u>	<u> </u>	
<u> </u>	<u> </u>	Hunter	<u> </u>	<u> </u>	
<u> </u>	<u> </u>	Insko	<u> </u>	<u> </u>	
<u> </u>	<u> </u>	Ives	<u> </u>	<u> </u>	
<u> </u>	<u> </u>	McAllister	<u> </u>	<u> </u>	
<u> </u>	<u> </u>	Nesbitt	<u> </u>	<u> </u>	
<u>✓</u>	<u> </u>	Rayfield	<u> </u>	<u> </u>	
<u> </u>	<u>✓</u>	Warwick	<u> </u>	<u> </u>	
<u>✓</u>	<u> </u>	Watson	<u> </u>	<u> </u>	
<u>✓</u>	<u> </u>	Wilson, G.	<u>✓</u>	<u> </u>	Speaker Pro Tem (Wood)
<u>✓</u>	<u>✓</u>	Womble	<u> </u>	<u> </u>	Majority Leader (Daughtry)
<u>✓</u>	<u> </u>	Gulley	<u> </u>	<u> </u>	Majority Whip (Howard)

Ex officio Members

ROLL CALL VOTE

12 4 = _____ (TOTAL)
YES NO

HB# 536 as amended
SB# _____

HOUSE STANDING COMMITTEE ON HUMAN RESOURCES

House Subcommittee on _____

YES	NO	MEMBER (last name)	YES	NO	MEMBER (last name)
☒	☐	Aldridge, Chair	☐	☐	
☒	☐	Howard, Chair	☐	☐	
☐	☐	Ramsey, RMM	☐	☐	
☐	☐	Adams	☐	☐	
☒	☐	Bowie	☐	☐	
☒	☐	Clary	☐	☐	
☐	☐	Creech	☐	☐	
☒	☐	Culp	☐	☐	
☐	☐	Cunningham	☐	☐	
☐	☒	Earle	☐	☐	
☒	☐	Easterling	☐	☐	
☒	☐	Esposito	☐	☐	
☒	☐	Gardner	☐	☐	
☐	☐	Hunter	☐	☐	
☐	☒	Insko	☐	☐	
☐	☐	Ives	☐	☐	
☐	☐	McAllister	☐	☐	
☐	☐	Nesbitt	☐	☐	
☒	☐	Rayfield	☐	☐	
☐	☒	Warwick	☐	☐	
☒	☐	Watson	Ex officio Members		
☒	☐	Wilson, G.	☒	☐	Speaker Pro Tem (Wood)
☐	☒	Womble	☐	☐	Majority Leader (Daughtry)
☒	☐	Gurway	☐	☐	Majority Whip (Howard)

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

BILL SPONSOR: Rep. M.W. (Henry) Aldridge

OFFICE: 640 LOB

DATE: April 22, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Wednesday, April 23, 1997

TIME: 7:30 a.m.

LOCATION: 643 LOB

Your bill will be discussed at this time:

HB 303 "Ban Partial Birth Abortions"

We would like to have you attend this meeting.

Representative Julia Howard
Representative Henry Aldridge
Co-Chairmen

Natalie Smoot
Susan Groh
Committee Clerks

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

Womble
#1
failed

EDITION No. _____

H. B. No. 303

DATE _____

S. B. No. _____

Amendment No. _____

(to be filled in by
Principal Clerk)

COMMITTEE SUBSTITUTE ☒

Rep.) Womble
~~Sen.)~~

1 moves to amend the bill on page 2, line 23

2 () WHICH CHANGES THE TITLE

3 by substituting the word "shall" for
4 "may"

5 _____

6 _____

7 _____

8 _____

9 _____

10 _____

11 _____

12 _____

13 _____

14 _____

15 _____

16 _____

17 _____

18 _____

19 _____

SIGNED Harry Womble

ADOPTED _____ FAILED _____ TABLED _____

ROLL CALL VOTE

9 13 = 22 (TOTAL)
 YES NO

HB# 303 Womble
 SB# _____ #1

HOUSE STANDING COMMITTEE ON HUMAN RESOURCES

YES	NO	MEMBER (last name)	YES	NO	MEMBER (last name)
_____	<u>/</u>	Aldridge, Chair	_____	_____	
_____	<u>/</u>	Howard, Chair	_____	_____	
<u>✓</u>	_____	Ramsey, RMM	_____	_____	
<u>✓</u>	_____	Adams	_____	_____	
_____	_____	Bowie	_____	_____	
_____	<u>✓</u>	Clary	_____	_____	
_____	<u>✓</u>	Creech	_____	_____	
_____	<u>✓</u>	Culp	_____	_____	
<u>✓</u>	_____	Cunningham	_____	_____	
<u>✓</u>	_____	Earle	_____	_____	
<u>✓</u>	_____	Easterling	_____	_____	
_____	<u>✓</u>	Esposito	_____	_____	
_____	<u>✓</u>	Gardner	_____	_____	
_____	_____	Hunter	_____	_____	
<u>✓</u>	_____	Insko	_____	_____	
_____	<u>✓</u>	Ives	_____	_____	
_____	_____	McAllister	_____	_____	
<u>✓</u>	_____	Nesbitt	_____	_____	
_____	<u>/</u>	Rayfield	_____	_____	
<u>✓</u>	_____	Warwick	_____	_____	
_____	<u>✓</u>	Watson	Ex officio Members		
_____	<u>✓</u>	Wilson, G.	_____	<u>✓</u>	Speaker Pro Tem (Wood)
<u>✓</u>	_____	Womble	_____	_____	Majority Leader (Daughtry)
_____	<u>✓</u>	Gulley	_____	_____	Majority Whip (Howard)

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

BILL SPONSOR: Rep. Jerry Dockham

OFFICE: 1106 LB

DATE: April 22, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Wednesday, April 23, 1997

TIME: 7:30 a.m.

LOCATION: 643 LOB

Your bill will be discussed at this time:

HB 456 "Reg Deeds - No Abuse Info"

We would like to have you attend this meeting.

Representative Julia Howard
Representative Henry Aldridge
Co-Chairmen

Natalie Smoot
Susan Groh
Committee Clerks

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

BILL SPONSOR: Rep. Charlotte Gardner

OFFICE: 417B LOB

DATE: April 22, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Wednesday, April 23, 1997

TIME: 7:30 a.m.

LOCATION: 643 LOB

Your bill will be discussed at this time:

HB 949 - "Improve Child Protection Records"

HB 948 - "Pharmacy Rehabilitation Program"

We would like to have you attend this meeting.

Representative Julia Howard
Representative Henry Aldridge
Co-Chairmen

Natalie Smoot
Susan Groh
Committee Clerks

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

BILL SPONSOR: Rep. Thomas Wright

OFFICE: 528 LOB

DATE: April 22, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Wednesday, April 23, 1997

TIME: 7:30 a.m.

LOCATION: 643 LOB

Your bill will be discussed at this time:

HB 576 "Needle Exchange Pilot Program"

We would like to have you attend this meeting.

Representative Julia Howard
Representative Henry Aldridge
Co-Chairmen

Natalie Smoot
Susan Groh
Committee Clerks

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

BILL SPONSOR: Rep. Phil Baddour

OFFICE: 501 LOB

DATE: April 22, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Wednesday, April 23, 1997

TIME: 7:30 a.m.

LOCATION: 643 LOB

Your bill will be discussed at this time:

HB 478 "Health to DHR/DEHNR Name Change"

We would like to have you attend this meeting.

Representative Julia Howard
Representative Henry Aldridge
Co-Chairmen

Natalie Smoot
Susan Groh
Committee Clerks

7.

April 23, 1997
Date

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

FIRM OR AGENCY AND ADDRESS[illegible]

AGENDA

House Standing Committee
on
HUMAN RESOURCES

Thursday, April 24, 1997

Rep. Henry Aldridge - Opening Prayer

Greetings: Rep. Julia Howard, Presiding Chair

Introduction of Pages

Presentation of HB 303 "Ban Partial Birth Abortions"
Representative Aldridge, Sponsor

Vote

Presentation of HB 456 "Reg. Deeds - No Abuse Info."
Representative Dockham, Sponsor

Vote

Presentation of HB 1062 "Child Support/Health Coverage"
Representative Berry, Sponsor

Vote

Presentation of HB 949 "Improve Child Protection Records"
Representative Gardner, Sponsor

Vote

Presentation of HB 948 "Pharmacy Rehabilitation Program"
Representative Gardner, Sponsor

Vote

Presentation of HB 576 "Needle Exchange Pilot Program"
Representative Wright, Sponsor

Vote

Presentation of HB 1029 "Dental Examination Pilot Program"
Representative Bowie, Sponsor

Vote

Presentation of HB 1102 "Neighbor Child Care Law"
Representative Brawley, Sponsor

Vote

Presentation of HB 1016 "Day Care Fraud Collection"
Representative Earle, Sponsor

Vote

Presentation of HB 1116 "Medical Research/Include Women"
Representative Boyd-McIntyre, Sponsor

Vote

Announcements

Adjournment

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE**

REVISED AGENDA ONLY

You are hereby notified that the Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: **Thursday, April 24, 1997**

TIME: **7:30 AM and 11:00 AM**

LOCATION: **Room 643-LOB**

The following bills will be considered (Bill # & Short Title):

HB 303 - "Ban Partial Birth Abortions", Rep. Aldridge, Sponsor
HB 456 - "Reg. Deeds - No Abuse Info.", Rep. Dockham, Sponsor
HB 1062 - "Child Support/Health Coverage", Rep. Berry, Sponsor
HB 949 - "Improve Child Protection Records", Rep. Gardner, Sponsor
HB 948 - "Pharmacy Rehabilitation Program", Rep. Gardner, Sponsor
HB 576 - "Needle Exchange Pilot Program", Rep. Wright, Sponsor
HB 1029 - "Dental Examination Pilot Program", Rep. Bowie, Sponsor
HB 1102 - "Neighbor Child Care Law", Rep. Brawley, Sponsor
HB 1016 - "Day Care Fraud Collection", Rep. Earle, Sponsor
HB 1116 - "Medical Research/Include Women", Rep. Boyd-McIntyre, Sponsor

Respectfully,

Representative Howard
Representative Aldridge
Co-Chairman

I hereby certify this notice was filed by the committee clerk at the following offices at
12:30 p.m. on Wednesday, April 23, 1997.

____Principal Clerk
____Reading Clerk - House Chamber

Natalie E. Smoot (Committee Clerk)

Natalie Smoot (Rep. Howard)

From: Natalie Smoot (Rep. Howard)
Sent: Wednesday, April 23, 1997 12:58 PM
To: Anne Cole; Annecia Norwood; Barbara Hocutt; Barbara Phillips; Betty Anne Lennon; Carolyn Honeycutt; Carolyn Johnson; Dot Barber; Ebern Watson; Gail Stewart; House Sgt of Arms; Janette Lee; Jayne Walton; Jo Malone; John Young; Judy Willis; Karen George; Legislative Press; Linda Attarian; Linda Johnson; Lucille Carter; Mary Jamison; Melissa Jackson; Monica McClain; Natalie Smoot; Pat Baker; Phyllis Cameron; Rebecca Jones; Sharon Gaudette; Sue Floyd; Susan Groh; Sylvia Green; Waneta Lord
Cc: Bernice Bullard (Rep. Daughtry); Sylvia Perkins (Rep. Wood)
Subject: Revised Agenda ONLY for HUMAN RESOURCES COMMITTEE Meeting

Attached is a REVISED AGENDA ONLY. **Meeting times remain the same.**



MEETING NOTICE
-24-97-both-revised.do

Natalie Smoot
Committee Clerk
3-5904

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE**

You are hereby notified that the Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: **Thursday, April 24, 1997**

TIME: **7:30 AM and 11:00 AM**

LOCATION: **Room 643-LOB**

The following bills will be considered (Bill # & Short Title):

HB 536 - "Abortion/Right to Know", Rep. C. Wilson, Sponsor
HB 303 - "Ban Partial Birth Abortions", Rep. Aldridge, Sponsor
HB 456 - "Reg. Deeds - No Abuse Info.", Rep. Dockham, Sponsor
HB 949 - "Improve Child Protection Records", Rep. Gardner, Sponsor
HB 948 - "Pharmacy Rehabilitation Program", Rep. Gardner, Sponsor
HB 576 - "Needle Exchange Pilot Program", Rep. Wright, Sponsor
HB 478 - "Health to DHR/DEHNR Name Change", Rep. Baddour, Sponsor

Respectfully,

Representative Howard
Representative Aldridge
Co-Chairman

I hereby certify this notice was filed by the committee clerk at the following offices at 1:00 p.m. on **Tuesday, April 22, 1997.**

____ Principal Clerk
____ Reading Clerk - House Chamber

Natalie E. Smoot (Committee Clerk)

Natalie Smoot (Rep. Howard)

From: Natalie Smoot (Rep. Howard)
Sent: Tuesday, April 22, 1997 1:09 PM
To: Anne Cole; Annecia Norwood; Barbara Hocutt; Barbara Phillips; Betty Anne Lennon; Carolyn Honeycutt; Carolyn Johnson; Dot Barber; Ebern Watson; Gail Stewart; House Sgt of Arms; Janette Lee; Jayne Walton; Jo Malone; John Young; Judy Willis; Karen George; Legislative Press; Linda Attarian; Linda Johnson; Lucille Carter; Mary Jamison; Melissa Jackson; Monica McClain; Natalie Smoot; Pat Baker; Phyllis Cameron; Rebecca Jones; Sharon Gaudette; Sue Floyd; Susan Groh; Sylvia Green; Waneta Lord
Cc: Bernice Bullard (Rep. Daughtry); Sylvia Perkins (Rep. Wood)
Subject: HUMAN RESOURCES COMMITTEE Meeting--4-24-97

THIS IS A SEPARATE COMMITTEE MEETING NOTICE FOR 4-24-97---PLEASE REVIEW IT!!!



MEETING NOTICE
4-24-97-both.doc

Natalie Smoot
Committee Clerk
3-5904

MINUTES
HOUSE COMMITTEE ON HUMAN RESOURCES
April 24, 1997
7:30 a.m.
Room 643

The House Committee on Human Resources met in Room 643 of the Legislative Office Building on Thursday, April 24, 1997, at 7:30 a.m. Representative Julia Howard, Co-Chair, presided at the meeting. Rep. Aldridge opened the meeting in prayer. Rep. Howard called the meeting to order.

The following members were present: Representatives Aldridge, Co-Chair; Ramsey, Adams, Bowie, Clary, Creech, Culp, Cunningham, Earle, Esposito, Gardner, Gulley, Insko, Ives, Nesbitt, Rayfield, Watson, Wilson, G. and Womble. Also present was Rep. Wood, Speaker Pro-Tem.

Rep. Howard recognized Rep. Aldridge to discuss the committee substitute for HB 303. Rep. Aldridge requested that Dr. Dick Douglas be recognized to comment on the committee substitute. Rep. Howard recognized Dr. Douglas. The floor was then opened for discussion.

Rep. Howard recognized Rep. Nesbitt to introduce his amendment (#H303-ARM-001). The amendment was adopted for discussion. Rep. Howard called on Rep. Aldridge to discuss the amendment. Rep. Nesbitt moved for a favorable vote on this amendment. The motion failed on a roll call vote with 7 ayes and 14 noes.

Rep. Howard recognized Rep. Nesbitt to introduce another amendment (#H303-ARM-002). The amendment was adopted for discussion. Rep. Nesbitt moved for a favorable vote on this amendment. Rep. Howard called on Rep. Aldridge to discuss this amendment. A vote was called on Rep. Nesbitt's motion; the motion failed on a roll call vote with 7 ayes and 13 noes.

Rep. Howard recognized Rep. Aldridge's motion from the April 23rd meeting for a favorable report as to the committee substitute for HB 303, unfavorable as to the original bill. Discussion continued. A roll call vote was taken and the motion passed with 15 ayes and 6 noes.

Rep. Howard recognized Rep. Dockham to introduce HB 456. Rep. Gardner moved for a favorable report as to HB 456. Rep. Howard opened the floor for discussion. Rep. Dockham requested assistance by Dr. Ron Levine, State Health Director, to answer questions from the floor. Rep. Howard recognized Dr. Levine. Rep. Howard called for vote on Rep. Gardner's motion. A roll call vote was taken and the motion passed with 16 ayes and 2 noes.

Rep. Howard adjourned the meeting at 8:28 a.m.

Natalie Smoot

Natalie Smoot, Clerk

Date Adopted 4-30-97

Julia Howard

Rep. Julia Howard
Co-Chair

MINUTES
HOUSE COMMITTEE ON HUMAN RESOURCES
April 24, 1997
11:00 a.m.
Room 643

The House Committee on Human Resources met in Room 643 of the Legislative Office Building on Thursday, April 24, 1997, at 11:00 a.m. Representative Julia Howard, Co-Chair, presided at the meeting. Pages for this meeting were Emily McNamara and Melissa Conn both of Moore County. Rep. Aldridge opened the meeting in prayer. Rep. Howard called the meeting to order.

The following members were present: Representatives Aldridge, Co-Chair; Adams, Bowie, Clary, Creech, Culp, Cunningham, Earle, Esposito, Gardner, Gulley, Insko, Ives, Nesbitt, Rayfield, Watson, Wilson, G. and Womble. Also present was Rep. Wood, Speaker Pro-Tem.

Rep. Howard recognized Rep. Bowie to discuss HB 1029. Rep. Clary moved for a favorable adoption of this bill. Rep. Howard opened the floor for discussion. A vote was called and passed unanimously to send this bill straight to the House Floor under rule 36(a).

Rep. Howard recognized Rep. Gardner to introduce HB 949. Rep. Howard then called on staff member Sue Floyd to explain the bill. Rep. Gardner was again recognized to further discuss the bill. Rep. Gardner requested recognition of speakers in audience. Rep. Howard recognized Dave Rowland, Rowan County Commissioner. Rep. Howard opened the floor for discussion of this bill. Rep. Gardner requested recognition of Mr. Ken Uehte from the NC Press Association to discuss the bill. Rep. Howard called on staff member Linda Attarian to assist in answering questions from the floor regarding this bill. Discussion continued on floor.

Rep. Howard recognized the following people, from the audience, to comment on the bill:

Lisa Cole of the Rowan Regional Medical Center
Elizabeth Smith, RN, Rowan County
Elizabeth Cook, Editor-Salisbury Post
Kevin Fitzgerald, Director-DSS

Rep. Howard introduced a technical amendment to HB 949 proposed by Rep. Clary and moved for a vote to adopt. The motion passed unanimously.

Rep. Howard returned the discussion over to the floor and recognized Mary. Beth Smith, Attorney, to assist in answering questions regarding HB 949. Mr. Fitzgerald was also recognized again.

Rep. Howard adjourned the meeting at 11:50 a.m.

Natalie Smoot

Natalie Smoot, Clerk

Date Adopted 4-30-97

Julia C Howard

Rep. Julia Howard
Co-Chair

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

PLEASE NOTICE TWO MEETING TIMES

BILL SPONSOR: Rep. M.W. (Henry) Aldridge

OFFICE: 640 LOB

DATE: April 22, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Thursday, April 24, 1997

TIME: 7:30 a.m.
-also-
TIME: 11:00 a.m.

LOCATION: 643 LOB

Your bill will be discussed at this time:

HB 303 "Ban Partial Birth Abortions"

We would like to have you attend this meeting.

Representative Julia Howard
Representative Henry Aldridge
Co-Chairmen

Natalie Smoot
Susan Groh
Committee Clerks



4/24
failed

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 303

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of _____

H303-ARM-001

Date _____, 1997

Comm. Sub. []
Amends Title []

Representative

1 moves to amend the bill on page 1, lines 9 through 11, by rewriting
2 those lines to read:

3

4 "means an abortion when the fetus is viable. Determination of
5 viability shall be made by the physician, based on the physician's
6 best clinical judgment."

7

8

SIGNED *Deslitt*
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

ROLL CALL VOTE

7 YES 14 NO = _____ (TOTAL)

HB# 303 AMEND.
SB# _____ H303-ARM-
001

HOUSE STANDING COMMITTEE ON HUMAN RESOURCES

YES	NO	MEMBER (last name)	YES	NO	MEMBER (last name)
_____	☒	Aldridge, Chair	_____	_____	
_____	☒	Howard, Chair	_____	_____	
☒	_____	Ramsey, RMM	_____	_____	
☒	_____	Adams	_____	_____	
_____	☒	Bowie	_____	_____	
_____	☒	Clary	_____	_____	
_____	☒	Creech	_____	_____	
_____	☒	Culp	_____	_____	
☒	_____	Cunningham	_____	_____	
☒	_____	Earle	_____	_____	
_____	_____	Easterling	_____	_____	
_____	☒	Esposito	_____	_____	
_____	☒	Gardner	_____	_____	
_____	☒	Gulley	_____	_____	
_____	_____	Hunter	_____	_____	
☒	_____	Insko	_____	_____	
_____	☒	Ives	_____	_____	
_____	_____	McAllister	_____	_____	
☒	_____	Nesbitt	_____	_____	
_____	☒	Rayfield	_____	_____	
_____	_____	Warwick	Ex officio Members		
_____	☒	Watson	_____	☒	Speaker Pro Tem (Wood)
_____	☒	Wilson, G.	_____	_____	Majority Leader (Daughtry)
☒	_____	Womble	_____	_____	Majority Whip (Howard)



4/24
failed

Failed

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 303

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of ____

H303-ARM-002

Date _____, 1997

Comm. Sub. []
Amends Title []

Representative

1 moves to amend the bill on page 2, lines 15 through 21, by rewriting
2 those lines to read:

3
4 "partial-birth abortion if, in the medical judgment of the attending
5 physician, the abortion is necessary to:
6 (1) Save the life of the woman; or
7 (2) To avert serious adverse health consequences to the
8 woman."
9

SIGNED *Nesbitt*
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

ROLL CALL VOTE

7 13 = _____ (TOTAL)
YES NO

HB# 303
SB# _____

H 303-
ARM-002

HOUSE STANDING COMMITTEE ON HUMAN RESOURCES

YES	NO	MEMBER (last name)	YES	NO	MEMBER (last name)
_____	☒	Aldridge, Chair	_____	_____	
_____	☒	Howard, Chair	_____	_____	
☒	_____	Ramsey, RMM	_____	_____	
☒	_____	Adams	_____	_____	
_____	☒	Bowie	_____	_____	
_____	☒	Clary	_____	_____	
_____	☒	Creech	_____	_____	
_____	☒	Culp	_____	_____	
☒	_____	Cunningham	_____	_____	
☒	_____	Earle	_____	_____	
_____	_____	Easterling	_____	_____	
_____	☒	Esposito	_____	_____	
_____	☒	Gardner	_____	_____	
_____	☒	Gulley	_____	_____	
_____	_____	Hunter	_____	_____	
☒	_____	Insko	_____	_____	
_____	_____	Ives	_____	_____	
_____	_____	McAllister	_____	_____	
☒	_____	Nesbitt	_____	_____	
_____	☒	Rayfield	_____	_____	
_____	_____	Warwick	Ex officio Members		
_____	☒	Watson	_____	☒	Speaker Pro Tem (Wood)
_____	☒	Wilson, G.	_____	_____	Majority Leader (Daughtry)
☒	_____	Womble	_____	_____	Majority Whip (Howard)

ROLL CALL VOTE

15 6 = _____ (TOTAL)
YES NO

HB# 303
SB# _____

HOUSE STANDING COMMITTEE ON HUMAN RESOURCES

YES	NO	MEMBER (last name)	YES	NO	MEMBER (last name)
☒	☐	Aldridge, Chair	☐	☐	
☒	☐	Howard, Chair	☐	☐	
☒	☐	Ramsey, RMM	☐	☐	
☐	☒	Adams	☐	☐	
☒	☐	Bowie	☐	☐	
☒	☐	Clary	☐	☐	
☒	☐	Creech	☐	☐	
☒	☐	Culp	☐	☐	
☐	☒	Cunningham	☐	☐	
☐	☒	Earle	☐	☐	
☐	☐	Easterling	☐	☐	
☒	☐	Esposito	☐	☐	
☒	☐	Gardner	☐	☐	
☒	☐	Gulley	☐	☐	
☐	☐	Hunter	☐	☐	
☐	☒	Insko	☐	☐	
☒	☐	Ives	☐	☐	
☐	☐	McAllister	☐	☐	
☐	☒	Nesbitt	☐	☐	
☒	☐	Rayfield	☐	☐	
☐	☐	Warwick	☐	☐	
☒	☐	Watson	☒	☐	Ex officio Members
☒	☐	Wilson, G.	☐	☐	Speaker Pro Tem (Wood)
☐	☒	Womble	☐	☐	Majority Leader (Daughtry)
			☐	☐	Majority Whip (Howard)

**A PARTIAL BIRTH ABORTION FROM A NURSE'S
POINT OF VIEW**

In September, 1993, Brenda Pratt Shafer, a registered nurse with 13 years of experience, was assigned by her nursing agency to an abortion clinic. Since nurse Shafer considered herself "very pro-choice," she didn't think the assignment would be a problem. These are her words:

"I stood at the doctor's side and watched him perform a partial-birth abortion on a woman who was six months pregnant. The baby's heartbeat was clearly visible on the ultrasound screen. The doctor delivered the baby's body and arms, everything but his little head. The baby's body was moving. His little fingers were clasping together. He was kicking his feet. The doctor took a pair of scissors and inserted them into the back of the baby's head, and the baby's arms jerked out in a flinch, a startled reaction, like a baby does when he thinks that he might fall. Then the doctor opened the scissors up. Then he stuck the high-powered suction tube into the hole and sucked the baby's brains out. Now the baby was completely limp."

"I never went back to the clinic. But I am still haunted by the face of that little boy. It was the most perfect, angelic face I have ever seen."

"CAMPAIGN REFORM" THAT SILENCES YOU

Today, three so-called "campaign reform bills" are being considered by Congress — each of which would deliberately take away our First Amendment rights to free political speech.

American citizens are hearing a daily litany of revelations about potentially illegal campaign contributions obtained by Bill Clinton and the Democratic National Committee. To deflect attention from their apparent wrong-doing, the White House and its friends in Congress are asking for "reform." But this so-called "reform" would forbid groups of Americans like NRLC from criticizing the positions or voting records of politicians and thus deny Americans the right to participate effectively in the political process.

In fact, one of the reform bills offered by Rep. Sam Farr (D-Calif.) is specifically designed to protect pro-abortion groups like EMILY'S LIST, and at the same time silence organizations like NRLC and keep us from telling the truth about any candidate's position or voting record on abortion.

No wonder that columnist George Will wrote that today, "Freedom of speech is under more serious attack than at any other time in the last 199 years — since the Alien and Sedition Acts." Even more disturbing, this so-called reform movement has great media support. NRLC is mounting a lobbying campaign to protect our rights to tell the truth about any issue — especially abortion — and is working overtime to defeat all three pieces of very flawed and dangerous legislation.

NEW BILL WOULD PREVENT TAXPAYER-FUNDING OF ASSISTED SUICIDE

The National Right to Life Committee is strongly supporting bills introduced in both houses of Congress to guarantee that no federal tax dollars are used to pay for, or provide for, any facilities for assisted suicide or euthanasia.

The Senate bill was introduced by Senators Dorgan, Ashcroft, Ford and Nichols. The House bill was introduced by Congressman Ralph Hall. In introducing the bill, Senator Dorgan said, "I feel strongly that federal tax dollars should not be used for this controversial practice, and the vast majority of Americans agree with me."

The chief Republican co-sponsor, John Ashcroft (Mo.), emphasized that federal programs such as Medicare and Medicaid should provide for the care of our citizens and not become a vehicle for their destruction.

NRLC is now mounting a campaign to win widespread national support for this important legislation which is co-sponsored by 32 senators and 104 representatives.

1997 LEGISLATIVE AGENDA BRIEFING 105TH CONGRESS

**PREPARED FOR NRLC
SUSTAINING MEMBERS**

**OUR MESSAGE TO CONGRESS,
"ABORTION IS THE ISSUE"**

MARCH 19, 1997

AN ANNUAL LEGISLATIVE
AGENDA FOR AMERICA —

Twenty-four years ago, seven arrogant Supreme Court justices imposed Roe v. Wade on the American people. It was a terrible decision which has led to the destruction of 35,000,000 precious babies.

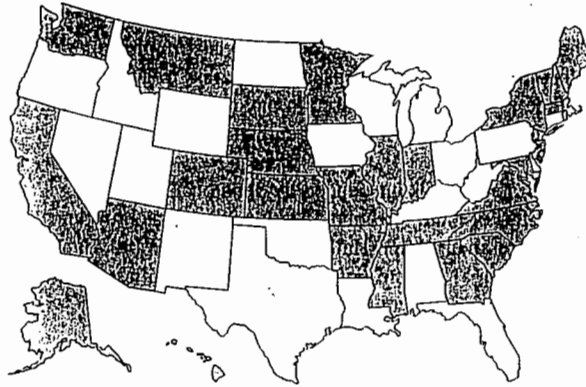
And besides the astronomical number of abortion deaths, it has lead to battles over infanticide, euthanasia, fetal experimentation, RU-486, and the so-called "right to die" and physician assisted suicide — all of which attack the sanctity and value of life.

The reversal of this moral decay, which accepts the killing of unborn and even partially-born children, cannot be changed overnight. But the current Congress which was elected by so many pro-life votes is already making a start and the battles in 1997 promise to be more hard fought than ever.

In fact, Representative Charles Canady and Senator Rick Santorum set the stage for this debate when they re-introduced the Partial-Birth Abortion Ban Act in the 105th Congress. Senator Santorum said that the issue "is about infanticide, it is about the killing of a child as he or she is being born." We could not agree more.

During the upcoming months, NRLC, along with pro-life allies nationwide, will press Congress to extend protection to unborn babies on a number of legislative issues. Following is the foundation of our legislative agenda which will begin to secure the right to life for all Americans — especially unborn babies.

PRENATAL-BIRTH ABORTION BANS UNDER CONSIDERATION IN 29 STATES



☐ Partial-Birth Abortion Ban under consideration

PARTIAL-BIRTH ABORTION THE ISSUE WHICH WILL NOT GO AWAY

In two and one-half decades, nothing in the abortion debate has struck so deeply in the American conscience as the topic of partial-birth abortion. It is clearly an issue which will not go away.

Because it so dramatically demonstrates that abortion kills an innocent child, the push to outlaw this horrible practice continues to gain strength in Congress even after attempts to ban it have been blocked twice — the first time because of a Clinton veto and the second because the legislation narrowly failed to win the required votes for an override.

Two years after the issue erupted, the debate is still as vocal as it was in the beginning — perhaps even more. And as the 105th Congress takes up the issue, there are major developments on partial-birth abortion.

First, President Clinton, working hand-in-glove with pro-abortion Senate Minority Leader Tom Daschle, has tried to fool the American people by proposing a phony ban. This is playing politics with unborn children and is designed to provide political cover for politicians and not save babies' lives. Second, a repeat attempt to pass the partial-birth abortion ban has been introduced in Congress by Senator Rick Santorum of Pennsylvania and Congressman Charles Canady of Florida. And third, the partial-birth abortion debate has entered a new phase as lawmakers in 29 states have introduced similar measures.

With strong support of grassroots pro-lifers, NRLC is prayerfully hopeful that the new bill prohibiting the killing of a living baby just seconds before he or she is born will finally be passed.

Rep Cunningham

4/24

PAUL SIMON
ILLINOIS

COMMITTEES
LABOR AND HUMAN RESOURCES
JUDICIARY
BUDGET
INDIAN AFFAIRS

United States Senate

WASHINGTON, DC 20510-1302

December 5, 1995

Dear Colleague,

You may have seen the ad in yesterday's *New York Times* and today's *Washington Post* quoting a nurse named Brenda Pratt Shafer, who alleges she witnessed an intact D&E abortion procedure while working for three days as a temporary nurse in the office of Dr. Martin Haskell.

I am attaching a letter from Dr. Haskell's head nurse, Christie Gallivan, who supervised Ms. Shafer. Ms. Gallivan's letter directly refutes Ms. Shafer's claims to have observed this procedure.

There are several inaccuracies in Ms. Shafer's statement.

First, Dr. Haskell does not perform third-trimester abortions, contrary to Ms. Shafer's assertion, and never has. Ms. Gallivan confirms this.

Second, Ms. Gallivan notes that "at no point during a dilation and extraction or intact D&E is there any fetal movement or response that would indicate awareness, pain or struggle. Ms. Pratt absolutely could not have witnessed fetal movement as she describes."

Finally, Ms. Gallivan notes that Ms. Pratt would not have been present during a dilation and extraction procedure because, as a temporary nurse, she would not be trained in such a procedure. It is highly technical and would not be performed by someone in a temporary capacity.

I have met personally with women who have undergone this surgical procedure. These women discovered late in their pregnancies that severe fetal anomalies would kill their babies in utero, or soon after birth, and endanger their own lives, health and ability to have more children. These women were forced with impossible decisions--decisions I hope none of us have to make with a wife or daughter.

These women know that Brenda Shafer's description of this surgery is wrong.

The subject of late abortions is a difficult and painful one, but it is necessary that clear and accurate information is used in this debate.

My best wishes.

Cordially,

Paul Simon

Paul Simon
U.S. Senate

462 DIRKSEN BUILDING
WASHINGTON, DC 20510-1302
202/224-2152
TDD: 202/224-5489

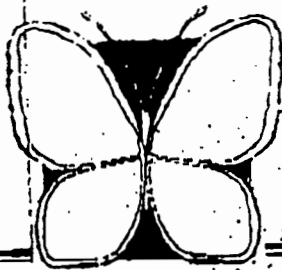
230 S. DEARBORN
KLUCZYNSKI BLDG., 38TH FLOOR
CHICAGO, IL 60604
312/363-4952
TDD: 312/788-0308

3 WEST OLD CAPITOL PLAZA
SUITE 1
SPRINGFIELD, IL 62701
217/492-4860
TDD: 217/544-7524

250 WEST CHERRY
ROOM 116-B
CARBONDALE, IL 62901
618/457-3653

Rep. Fung

4/24



The
Women's
Med+
Center

Cincinnati
513/621-1693
173 East McMullan
P.O. Box 19068
Cincinnati, Ohio 45219-0068

Dayton
513/293-3917
1401 East Stroop
Dayton, Ohio 45429-4927

Accred. on Excellence

July 17, 1995

Dear Congresswoman Schroeder:

I am a registered nurse and have worked since July, 1993, in the Dayton office of Dr. Martin Haskell. In this capacity, I was the nurse that supervised the training of Brenda Pratt during her brief temporary employment at the Women's Medical Center of Dayton. As you know, we initially conducted a search of our employment records under the name "Brenda Shafer," as this was the name she signed to the letter which was given to us. When provided with the correct last name, we did in fact find the record of her three-day employment at our Dayton facility.

The information provided by Ms. Pratt as to our practices at the Women's Medical Center of Dayton is largely inaccurate. First, she describes Dr. Haskell performing one 25-week and one 26-week abortion procedure. Dr. Haskell does not perform abortions past 24 weeks of pregnancy. This is a self-imposed limit to which he has scrupulously adhered throughout the time I have worked for him.

Second, Dr. Haskell does not use ultrasound in the performance of second-trimester procedures. We use ultrasound only to determine the pregnancy's gestation. Therefore, her entire description of her experience when viewing a second-trimester abortion, which includes Dr. Haskell's using the ultrasound while doing the procedure, is clearly questionable.

Finally, at no point during a dilatation and extraction or intact D&E is there any fetal movement or response that would indicate awareness, pain or struggle. Ms. Pratt absolutely could not have witnessed fetal movement as she describes. We do not train temporary nurses in second trimester dilatation and extraction, since it is a highly technical procedure and would not be performed by someone in a temporary capacity. If, indeed, Ms. Pratt entered the operating room at any point during a D&X procedure, she clearly either is misrepresenting what she saw or remembers it incorrectly.

If you have any further questions, please feel free to contact our office.

Sincerely,

Christie Gallivan, RN

March 24, 1995, Coreen Costello was seven months into her third pregnancy when ultrasound revealed her fetus had a severe and fatal neurological disorder. The fetus had been unable to move for two months. The head was swollen with fluid and the body was stiff. A conservative Republican,

Coreen participated in "Walks for Life" and never thought she'd be faced with such a decision. The Costellos decided, with their doctor, that an abortion was the safest option for Coreen's health and future fertility. The procedure Coreen needed would be banned by this bill.

"We are the families who love and want our babies. We are the families who will forever have a hole in our hearts...It deeply saddens me that you [Senators] are making a decision having never walked in our shoes."

—Coreen Costello



At 32 weeks into her much-wanted pregnancy, Vikki Stella learned that her fetus had nine severe abnormalities — including a fluid-filled cranium with no brain tissue at all. Vikki, a mother of two, and her husband consulted a series of specialists, who offered no hope. For Vikki, a diabetic, the safest procedure to protect her health and preserve her fertility was an abortion. Today, Vikki is again pregnant. She was outraged when the doctor who saved her "life, health and sanity," the doctor whose picture she still keeps on her refrigerator, called and told her the procedure that saved her life was in danger of being banned.

"[I]ve been told mothers like me all want perfect babies... [My son] wasn't imperfect—he was incompatible with life. The only thing keeping him alive was my body. He could never have survived outside my womb."

—Vikki Stella



Richard and Claudia Ades were devastated. Their first child, due in three months, was diagnosed with a fatal chromosomal disorder, which, among other problems, caused extensive brain damage and serious heart complications. The fetus was also severely deformed and given no chance of living. The Ades decided for the sake of their family and future children to end the pregnancy. The procedure Claudia needed would be banned by this bill.

Although I never imagined I'd have to make a decision like this, I can honestly tell you that for any reasons we feel very blessed. First, we were able to find out when we did. Second, that

we had access to the finest medical care in the world. Third, we live in a place where our right to make that choice has not been compromised...yet."

—Claudia Ades



Eighteen months ago, Viki Wilson, a nurse, and her physician—husband Bill were expecting their third child. Early tests showed the pregnancy to be normal. But, in the eighth month, ultrasound showed the fetus had a fatal condition — two-thirds of the brain had formed outside the skull. Carrying the pregnancy to term would imperil Viki's life and health. In consultation with their doctor, Viki and Bill made the heartbreaking decision to have an abortion. The procedure Viki needed would be banned by this bill.

"I strongly believe that this decision should be left within the intimacy of the family unit. We are the ones who have to live with our decision."

—Viki Wilson, R.N.



Last fall, Tammy Watts and her husband were elated by the news of her pregnancy. But after routine ultrasound in the seventh month, the Watts learned their fetus was suffering from a devastating chromosomal disorder and would not live. Knowing the fetus was going to die, the Watts made the most difficult decision of their lives and had an abortion. The procedure Tammy needed would be banned by this bill.

Until you've walked a mile in my shoes don't pretend to know what this is like for me.

Everybody has got a reason for what they have to do. Nobody should be forced into having to make the wrong decision. That's what would happen if this legislation is passed."

—Tammy Watts



Erica Fox was 22 weeks pregnant on October, 19, 1995, when doctors discovered her fetus had stopped growing, had suffered severe heart damage and was going to die in terrible pain. Erica and her husband took their doctor's advice and decided an abortion would be the option that would best protect Erica's ability to have children in the future.

"Did I just decide in my fifth month that I was tired of being pregnant? No! No! No! ... [This was] the most traumatic incident of my life...So, imagine my horror, when during my recuperation, I turn on C-SPAN and see the House of Representatives vote to make this very same procedure illegal."

—Erica Fox



Giving Up My Baby

By Coreen Costello

THOSE who want Congress to ban a controversial late-term abortion technique might think I would be an ally. I was raised in a conservative, religious family. My parents are Rush Limbaugh fans. I'm a Republican who always believed that abortion was wrong.

Then I had one.

It wasn't supposed to be that way. My little girl, Katherine Grace, was supposed to have been born in the summer. The births of my two other children had been easy, and my husband and I planned a home delivery.

But disaster struck in my seventh month. Ultrasound testing showed something was terribly wrong with my baby. Because of a lethal muscular disease, her body had stiffened up inside my uterus. She hadn't been able to move any part of her tiny self for at least two months. Her lungs had been unable to stretch to prepare them for air.

Our doctors told us that Katherine Grace could not survive, and that her condition made giving birth dangerous for me — possibly even life-threatening. Because she could not

absorb amniotic fluid, it had gathered in my uterus to such dangerous levels that I weighed as much as if I were at full term.

I carried my daughter for two more agonizing weeks. If I couldn't save her life, how could I spare her pain? How could I make her passing peaceful and dignified? At first I wanted the doctors to induce labor, but they told me that Katherine was wedged so tightly in my pelvis that there was a good chance my uterus would rupture. We talked about a Caesarean section. But they said that this, too, would have been too dangerous for me.

Finally we confronted the painful reality: our only real option was to terminate the pregnancy. Geneticists at Cedars-Sinai Medical Center in Los Angeles referred us to a doc-

When a late-term abortion is the only option.

tor who specialized in cases like ours. He knew how much pain we were going through, and said he would help us end Katherine's pain in the way that would be safest for me and allow me to have more children.

That's just what happened. For two days, my cervix was dilated until the doctor could bring Katherine out without injuring me. Her heart was barely beating. As I was placed un-

der anesthesia, it stopped. She simply went to sleep and did not wake up. The doctor then used a needle to remove fluid from the baby's head so she could fit through the cervix.

When it was over, they brought Katherine in to us. She was wrapped in a blanket. My husband and I held her and sobbed. She was absolutely beautiful. Giving her back was the hardest thing I've ever done.

After Katherine, I didn't think I would have more children. I couldn't imagine living with the worry for nine months, imagining all the things that could go wrong. But my doctor changed that. "You're a great mother," he told me. "If you want more kids, you should have them." I'm pregnant again, due in June.

I still have mixed feelings about abortion. But I have no mixed feelings about the bill, already passed by the House and being considered in the Senate, that would ban the surgical procedure I had, called intact dilation and evacuation. As I watched the Senate debate on C-Span this month, I was sick at heart. Senator after senator talked about the procedure I underwent as if they had seen one, and senator after senator got it wrong. Katherine was not cavalierly pulled halfway out and stabbed with scissors, as some senators described the process.

I had one of the safest, gentlest, most compassionate ways of ending a pregnancy that had no hope. I will probably never have to go through such an ordeal again. But other women, other families, will receive devastating news and have to make decisions like mine. Congress has no place in our tragedies.



Coreen Costello testified at the Senate Judiciary Committee's hearing on late-term abortions on Nov. 17.

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

PLEASE NOTE TWO MEETING TIMES

BILL SPONSOR: Rep. Jerry Dockham

OFFICE: 1106 LB

DATE: April 22, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Thursday, April 24, 1997

TIME: 7:30 a.m.
-also-
TIME: 11:00 a.m.

LOCATION: 643 LOB

Your bill will be discussed at this time:

HB 456 "Reg Deeds - No Abuse Info"

We would like to have you attend this meeting.

Representative Julia Howard
Representative Henry Aldridge
Co-Chairmen

Natalie Smoot
Susan Groh
Committee Clerks

ROLL CALL VOTE

16 2 = _____ (TOTAL)
YES NO

HB# 456
SB# _____

HOUSE STANDING COMMITTEE ON HUMAN RESOURCES

YES	NO	MEMBER (last name)	YES	NO	MEMBER (last name)
<u>✓</u>	<u>✓</u>	Aldridge, Chair	_____	_____	
<u>✓</u>	_____	Howard, Chair	_____	_____	
<u>✓</u>	_____	Ramsey, RMM	_____	_____	
<u>✓</u>	_____	Adams	_____	_____	
<u>✓</u>	_____	Bowie	_____	_____	
<u>✓</u>	_____	Clary	_____	_____	
<u>✓</u>	_____	Creech	_____	_____	
<u>✓</u>	_____	Culp	_____	_____	
_____	_____	Cunningham	_____	_____	
_____	_____	Earle	_____	_____	
_____	_____	Easterling	_____	_____	
<u>✓</u>	_____	Esposito	_____	_____	
<u>✓</u>	_____	Gardner	_____	_____	
_____	_____	Hunter	_____	_____	
<u>✓</u>	_____	Insko	_____	_____	
<u>✓</u>	_____	Ives	_____	_____	
_____	_____	McAllister	_____	_____	
<u>✓</u>	_____	Nesbitt	_____	_____	
<u>✓</u>	_____	Rayfield	_____	_____	
_____	_____	Warwick	_____	_____	
<u>✓</u>	_____	Watson	_____	_____	
<u>✓</u>	_____	Wilson, G.	_____	_____	
<u>✓</u>	_____	Womble	_____	_____	
<u>✓</u>	_____	Gulley	_____	_____	

Ex officio Members	
_____	<u>✓</u> Speaker Pro Tem (Wood)
_____	Majority Leader (Daughtry)
_____	Majority Whip (Howard)

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

PLEASE NOTICE TWO MEETING TIMES

BILL SPONSOR: Rep. Joanne Bowie

OFFICE: 1206 LB

DATE: April 23, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Thursday, April 24, 1997

TIME: 7:30 a.m.

-also-

TIME: 11:00 a.m.

LOCATION: 643 LOB

Your bill will be discussed at this time:

HB 1029 "Dental Examination Pilot Program"

We would like to have you attend these meetings.

Representative Julia Howard
Representative Henry Aldridge
Co-Chairmen

Natalie Smoot
Susan Groh
Committee Clerks

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

PLEASE NOTICE TWO MEETING TIMES

BILL SPONSOR: Rep. Charlotte Gardner

OFFICE: 417B LOB

DATE: April 22, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Thursday, April 24, 1997

TIME:	7:30 a.m.
also:	
TIME:	11:00 a.m.

LOCATION: 643 LOB

Your bill will be discussed at this time:

HB 949 - "Improve Child Protection Records"
HB 948 - "Pharmacy Rehabilitation Program"

We would like to have you attend this meeting.

Representative Julia Howard
Representative Henry Aldridge
Co-Chairmen

Natalie Smoot
Susan Groh
Committee Clerks

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

PLEASE NOTICE TWO MEETING TIMES

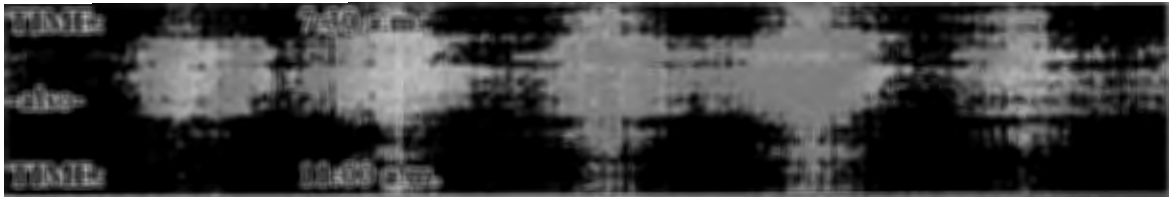
BILL SPONSOR: Rep. Cherie Berry

OFFICE: 1006 LB

DATE: April 23, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Thursday, April 24, 1997



LOCATION: 643 LOB

Your bill will be discussed at this time:

HB 1062 "Child Support/Health Coverage"

We would like to have you attend these meetings.

Representative Julia Howard
Representative Henry Aldridge
Co-Chairmen

Natalie Smoot
Susan Groh
Committee Clerks

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

PLEASE NOTICE TWO MEETING TIMES

BILL SPONSOR: Rep. Thomas Wright

OFFICE: 528 LOB

DATE: April 22, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Thursday, April 24, 1997

TIME: 7:30 a.m.
also
TIME: 11:00 a.m.

LOCATION: 643 LOB

Your bill will be discussed at this time:

HB 576 "Needle Exchange Pilot Program"

We would like to have you attend this meeting.

Representative Julia Howard
Representative Henry Aldridge
Co-Chairmen

Natalie Smoot
Susan Groh
Committee Clerks

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

PLEASE NOTICE TWO MEETING TIMES

BILL SPONSOR: Rep. C. Robert Brawley

OFFICE: 513 LOB

DATE: April 23, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Thursday, April 24, 1997

TIME: 7:30 a.m.
-also-
TIME: 11:00 a.m.

LOCATION: 643 LOB

Your bill will be discussed at this time:

HB 1102 "Neighbor Child Care Law"

We would like to have you attend these meetings.

Representative Julia Howard
Representative Henry Aldridge
Co-Chairmen

Natalie Smoot
Susan Groh
Committee Clerks

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

PLEASE NOTICE TWO MEETING TIMES

BILL SPONSOR: Rep. Beverly Earle

OFFICE: 602 LOB

DATE: April 23, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Thursday, April 24, 1997

TIME: 7:30 a.m.
-also-
TIME: 11:00 a.m.

LOCATION: 643 LOB

Your bill will be discussed at this time:

HB 1016 "Day Care Fraud Collection"

We would like to have you attend these meetings.

Representative Julia Howard
Representative Henry Aldridge
Co-Chairmen

Natalie Smoot
Susan Groh
Committee Clerks

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

PLEASE NOTICE TWO MEETING TIMES

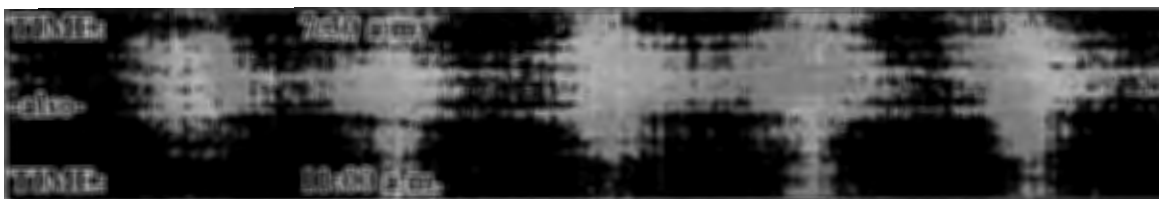
BILL SPONSOR: Rep. Flossie Boyd-McIntyre

OFFICE: 507 LOB

DATE: April 23, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Thursday, April 24, 1997



LOCATION: 643 LOB

Your bill will be discussed at this time:

HB 1116 "Medical Research/Include Women"

We would like to have you attend these meetings.

Representative Julia Howard
Representative Henry Aldridge
Co-Chairmen

Natalie Smoot
Susan Groh
Committee Clerks

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

REVISED NOTICE--REMOVAL OF BILL FROM AGENDA

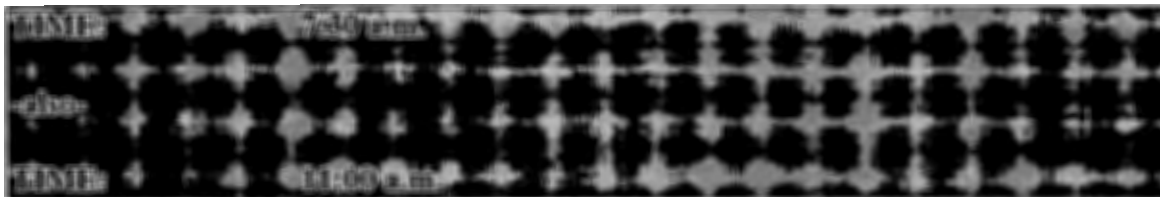
BILL SPONSOR: Rep. Phil Baddour

OFFICE: 501 LOB

DATE: April 23, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Thursday, April 24, 1997



LOCATION: 643 LOB

Your bill has been removed from the agenda for this meeting:

HB 478 "Health to DHR/DEHNR Name Change"

Representative Julia Howard
Representative Henry Aldridge
Co-Chairmen

Natalie Smoot
Susan Groh
Committee Clerks

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

PLEASE NOTE TWO MEETING TIMES

BILL SPONSOR: Rep. Phil Baddour

OFFICE: 501 LOB

DATE: April 22, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Thursday, April 24, 1997

TIME: 7:30 a.m.

-also-

TIME: 11:00 a.m.

LOCATION: 643 LOB

Your bill will be discussed at this time:

HB 478 "Health to DHR/DEHNR Name Change"

We would like to have you attend this meeting.

Representative Julia Howard
Representative Henry Aldridge
Co-Chairmen

Natalie Smoot
Susan Groh
Committee Clerks

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

PLEASE NOTICE TWO MEETING TIMES

BILL SPONSOR: Rep. Connie Wilson

OFFICE: 529 LOB

DATE: April 22, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Thursday, April 24, 1997

TIME: 7:30 a.m.

-also-

TIME: 11:00 a.m.

LOCATION: 643 LOB

Your bill will be discussed at this time:

HB 536 - "Abortion/Right to Know"

We would like to have you attend this meeting.

Representative Julia Howard
Representative Henry Aldridge
Co-Chairmen

Natalie Smoot
Susan Groh
Committee Clerks

*Removed
Bill passed
through committee
on 4-23-97
DS*

VISITOR REGISTRATION SHEET

HUMAN RESOURCES

April 24, 1997

Name of Committee

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS[illegible]

Citizen - member of Christian Science ^{Committee on} Publication.

VISITOR REGISTRATION SHEET

HUMAN RESOURCES

Name of Committee

April 24, 1997

Date 11 a.m.

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

<u>NAME</u>	<u>FIRM OR AGENCY AND ADDRESS</u>
James M Wise	DAPAA INC
E.L. White	Mount Sinai AIDS Education Project
James M Wise	DEHNR
Jacqueline Williams	BDNR & Assoc / BCB
David Jones	NCAAC
Kimberly Scott	Eastern NC HIV AIDS Consortium
John Harrison	NC HIV/AIDS ALLIANCE
Barbara Fuller-Smith	DEHNR / OMH
Jan Levine	DEHNR
MAR DESLAUD	Piedmont HIV Health Care Consortium
Megan Carney	BSW Intern - NASWNC
Patricia Wolf	NC Covenant for Children
Myrna Miller	NASW-NC
MK Cullen	NC DP
Mike Adams	DHR
Kathleen Baldwin	Dept of Justice
Ronald L. L. L.	DHR
David Salzman	Operation Apprehension America
Elizabeth Lora	Delaware POST
Elizabeth Smith	Child advocates / RN
Tracy Beth Donald	Attorney & Child advocate
Asia J. Coley	Rowan Regional Medical Center
Elaine Demers	NCCOMMITTEE Publication for Christian Science
John Williams	Citizen
Phyllis Taylor	Capital Strategies
Dave Rowland	Rowan County Commissioner

VISITOR REGISTRATION SHEET

HUMAN RESOURCES

Name of Committee

April 24, 1997
Date 4/24

Date 11 A.m.

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

[illegible]

network Politically Active Christian
Capital Structures ^{women}

AGENDA

House Standing Committee on HUMAN RESOURCES

Tuesday, April 29, 1997

Rep. Henry Aldridge - Opening Prayer

Greetings: Rep. Henry Aldridge, Presiding Chair

Introduction of Pages

Presentation of HB 949 "Improve Child Protection Records"
Representative Gardner, Sponsor

Vote

Presentation of HB 948 "Pharmacy Rehabilitation Program"
Representative Gardner, Sponsor

Vote

Presentation of HB 1062 "Child Support/Health Coverage"
Representative Berry, Sponsor

Vote

Presentation of HB 576 "Needle Exchange Pilot Program"
Representative Wright, Sponsor

**Speakers: Dr. Ron Levine, State Health Director
 Mr. Mat Despard, Piedmont HIV Health Care Consortium and NC
 Needle Exchange Network
 Mr. David Jones, NC AIDS Advisory Council
 Ms. Kimberly Scott, Eastern NC HIV/AIDS Consortium**

Vote

Presentation of HB 1016 "Day Care Fraud Collection"
Representative Earle, Sponsor

Vote

Presentation of HB 1116 "Medical Research/Include Women"
Representative Boyd-McIntyre, Sponsor

Vote

Presentation of HB 1112 "Surrogate Consent/Health Care"
Representative Nesbitt, Sponsor

Vote

Presentation of HB 1130 "Protect Health Care Whistleblower"
Representative Boyd-McIntyre, Sponsor

Vote

Announcements

Adjournment

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE**

You are hereby notified that the Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: **Tuesday, April 29, 1997**

TIME: **7:30 AM and 11:00 AM**

LOCATION: **Room 643-LOB**

The following bills will be considered (Bill # & Short Title):

- ✓ **HB 949 - "Improve Child Protection Records", Rep. Gardner, Sponsor**
- ✓ **HB 948 - "Pharmacy Rehabilitation Program", Rep. Gardner, Sponsor**
- ✓ **HB 1062 - "Child Support/Health Coverage", Rep. Berry, Sponsor**
- ✓ **HB 576 - "Needle Exchange Pilot Program", Rep. Wright, Sponsor**
- ✓ **HB 1016 - "Day Care Fraud Collection", Rep. Earle, Sponsor**
- ✓ **HB 1116 - "Medical Research/Include Women", Rep. Boyd-McIntyre, Sponsor**
- HB 1112 - "Surrogate Consent/Health Care", Rep. Nesbitt, Sponsor**
- ✓ **HB 1130 - "Protect Health Care Whistleblower", Rep. Boyd-McIntyre, Sponsor**

Respectfully,

Representative Howard
Representative Aldridge
Co-Chairman

I hereby certify this notice was filed by the committee clerk at the following offices at
2:45 p.m. on Thursday, April 24, 1997.

____ Principal Clerk
____ Reading Clerk - House Chamber

Natalie E. Smoot (Committee Clerk)

Natalie Smoot (Rep. Howard)

From: Natalie Smoot (Rep. Howard)
Sent: Thursday, April 24, 1997 3:00 PM
To: Anne Cole; Annecia Norwood; Barbara Hocutt; Barbara Phillips; Betty Anne Lennon; Carolyn Honeycutt; Carolyn Johnson; Dot Barber; Ebern Watson; Gail Stewart; House Sgt of Arms; Janette Lee; Jayne Walton; Jo Malone; John Young; Judy Willis; Karen George; Legislative Press; Linda Attarian; Linda Johnson; Lucille Carter; Mary Jamison; Melissa Jackson; Monica McClain; Natalie Smoot; Pat Baker; Phyllis Cameron; Rebecca Jones; Sharon Gaudette; Sue Floyd; Susan Groh; Sylvia Green; Waneta Lord
Subject: HUMAN RESOURCES COMMITTEE Meeting

Please note two meeting times.



MEETING NOTICE
4-29-97-both.doc

Natalie Smoot
Committee Clerk
3-5904

MINUTES
HOUSE COMMITTEE ON HUMAN RESOURCES
April 29, 1997
7:30 a.m.
Room 643

The House Committee on Human Resources met in Room 643 of the Legislative Office Building on Tuesday, April 29, 1997, at 7:30 a.m. Representative Henry Aldridge, Co-Chair, presided at the meeting. Rep. Aldridge opened the meeting in prayer and called the meeting to order.

The following members were present: Representatives Howard, Co-Chair; Adams, Bowie, Clary, Culp, Cunningham, Earle, Easterling, Esposito, Gardner, Gulley, Insko, Ives, Nesbitt, Rayfield, Watson, Wilson, G. and Womble.

Rep. Aldridge introduced Rep. Gardner to discuss HB 948 and called on Mr. David Marley, Pharmacist, to comment on this bill.

Rep. Aldridge turned discussion over to HB 949 and called on Rep. Gardner to explain the bill. Rep. Gardner presented a proposed committee substitute. Rep. Howard moved to accept the committee substitute for discussion. The motion passed unanimously.

Rep. Aldridge opened floor for the discussion of the committee substitute and recognized Mr. Tom Bennett, Executive Director of the NC Child Fatality Task Force for comments. Rep. Culp moved for a favorable report as to the committee substitute for HB 949, unfavorable as to the original bill. The discussion continued on the floor.

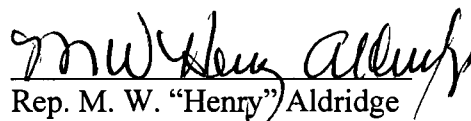
Rep. Aldridge recognized the following people to comment on the bill:

Mr. Ken Uehte, NC Press Association
Kevin Fitzgerald, Director-DSS

Rep. Howard moved for an amendment to Rep. Culp's motion of favorable report as to the committee substitute, unfavorable as to the original bill, by adding direct referral to the Floor of the General Assembly. The amended motion failed on a roll call vote with 8 ayes and 8 noes.

Rep. Howard moved for adjournment. Rep. Aldridge adjourned the meeting at 8:26 a.m.


Natalie Smoot, Clerk


Rep. M. W. "Henry" Aldridge
Co-Chair

Date Adopted 5-13-97

MINUTES
HOUSE COMMITTEE ON HUMAN RESOURCES

April 29, 1997

11:00 a.m.

Room 643

The House Committee on Human Resources met in Room 643 of the Legislative Office Building on Tuesday, April 29, 1997, at 11:00 a.m. Representative Julia Howard, Co-Chair, presided at the meeting. Rep. Aldridge opened the meeting in prayer. Rep. Howard introduced the pages for the day: Adam Floyd and Melissa Faulkner both of Franklin County and called the meeting to order.

The following members were present: Representatives Aldridge, Co-Chair; Ramsey, Adams, Bowie, Clary, Creech, Culp, Cunningham, Earle, Easterling, Esposito, Gardner, Gulley, Insko, Ives, McAllister, Nesbitt, Watson, Wilson, G. and Womble. Also present were Rep. Wood, Speaker Pro-Tem and Rep. Daughtry, House Majority Leader.

Rep. Howard called on Rep. Gardner to continue discussion on the committee substitute for HB 949. Rep. Womble made a motion to give a favorable report as to the committee substitute, unfavorable as to the original bill with re-referral to the Judiciary II committee. The motion passed unanimously.

Rep. Howard recognized Rep. Gardner to discuss HB 948. Rep. Nesbitt moved for a favorable report. Rep. Howard recognized Mr. David Marley, Pharmacist, to comment on the bill. Rep. Howard called for vote on Rep. Nesbitt's motion. The motion passed unanimously.

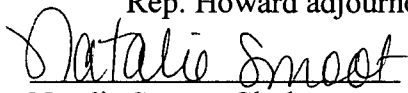
Rep. Howard recognized Rep. Berry to discuss HB 1062. Rep. Berry requested a motion to accept a committee substitute for discussion. Rep. Wilson made a motion to adopt committee substitute (H1062-PCS-8201) for discussion. Motion passed. Rep. Berry explained committee substitute.

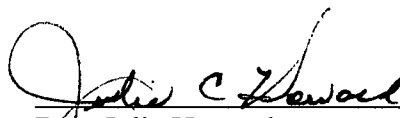
Rep. Howard recognized the following people to comment on the bill:

Mr. Hobart Freeman, Director-DSS, Edgecombe County
Mr. Mike Adams, Child Support Enforcement, DSS

Discussion was opened on the floor.

Rep. Howard adjourned the meeting at 11:50 a.m.


Natalie Smoot, Clerk


Rep. Julia Howard
Co-Chair

Date Adopted

4-30-97

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

PLEASE NOTICE TWO MEETING TIMES

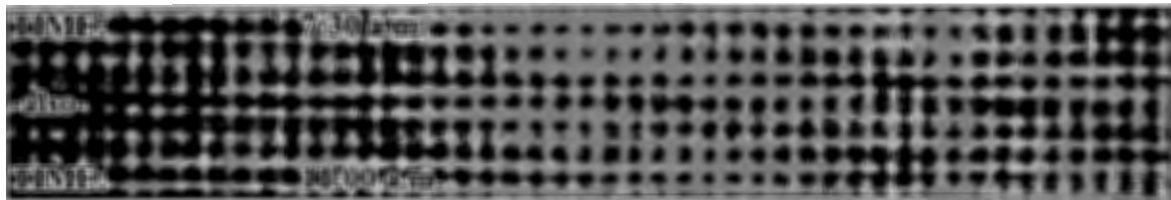
BILL SPONSOR: Rep. Charlotte Gardner

OFFICE: 417B LOB

DATE: April 24, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Tuesday, April 29, 1997



LOCATION: 643 LOB

Your bill will be discussed at this time:

HB 949 - "Improve Child Protection Records"

HB 948 - "Pharmacy Rehabilitation Program"

We would like to have you attend this meeting.

Representative Julia Howard
Representative Henry Aldridge
Co-Chairmen

Natalie Smoot
Susan Groh
Committee Clerks



4/24
Passed

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 949

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)
Page 1 of ____

H949-ARI-01

Date _____, 1997

Comm. Sub. ☐
Amends Title ☐

Representative

1 moves to amend the bill on page 2, line 2, by substituting the word
2 "trial;" for "trail;".
3

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

ROLL CALL VOTE

8 8 = _____ (TOTAL)
YES NO

HB# 949 comm
SB# 8ub
bypass
JH

HOUSE STANDING COMMITTEE ON HUMAN RESOURCES

House Subcommittee on _____

YES	NO	MEMBER (last name)	YES	NO	MEMBER (last name)
<u>✓</u>	_____	Aldridge, Chair	_____	_____	
<u>✓</u>	_____	Howard, Chair	_____	_____	
_____	_____	Ramsey, RMM	_____	_____	
_____	<u>✓</u>	Adams	_____	_____	
_____	_____	Bowie	_____	_____	
_____	_____	Clary	_____	_____	
_____	_____	Creech	_____	_____	
<u>✓</u>	_____	Culp	_____	_____	
_____	<u>✓</u>	Cunningham	_____	_____	
_____	<u>✓</u>	Earle	_____	_____	
_____	<u>✓</u>	Easterling	_____	_____	
_____	_____	Esposito	_____	_____	
<u>✓</u>	_____	Gardner	_____	_____	
_____	_____	Hunter	_____	_____	
_____	<u>✓</u>	Insko	_____	_____	
_____	<u>✓</u>	Ives	_____	_____	
_____	_____	McAllister	_____	_____	
_____	<u>✓</u>	Nesbitt	_____	_____	
<u>✓</u>	_____	Rayfield	_____	_____	
_____	_____	Warwick	_____	_____	
<u>✓</u>	_____	Watson	_____	_____	
<u>✓</u>	_____	Wilson, G.	_____	_____	
_____	<u>✓</u>	Womble	_____	_____	
<u>✓</u>	_____	Gruvey	_____	_____	

Ex officio Members	
_____	Speaker Pro Tem (Wood)
_____	Majority Leader (Daughtry)
_____	Majority Whip (Howard)

11:30

meeting

From here back

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

PLEASE NOTICE TWO MEETING TIMES

BILL SPONSOR: Rep. Cherie Berry

OFFICE: 1006 LB

DATE: April 24, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Tuesday, April 29, 1997

TIME: 7:30 a.m.

-also-

TIME: 11:00 a.m.

LOCATION: 643 LOB

Your bill will be discussed at this time:

HB 1062 "Child Support/Health Coverage"

We would like to have you attend these meetings.

Representative Julia Howard
Representative Henry Aldridge
Co-Chairmen

Natalie Smoot
Susan Groh
Committee Clerks

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

PLEASE NOTICE TWO MEETING TIMES

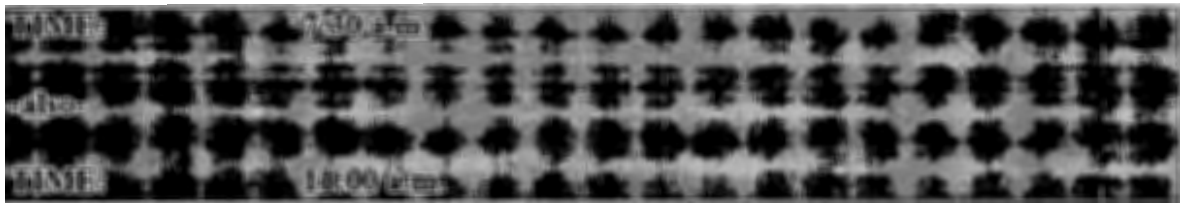
BILL SPONSOR: Rep. Thomas Wright

OFFICE: 528 LOB

DATE: April 24, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Tuesday, April 29, 1997



LOCATION: 643 LOB

Your bill will be discussed at this time:

HB 576 "Needle Exchange Pilot Program"

We would like to have you attend these meetings.

Representative Julia Howard
Representative Henry Aldridge
Co-Chairmen

Natalie Smoot
Susan Groh
Committee Clerks

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

PLEASE NOTICE TWO MEETING TIMES

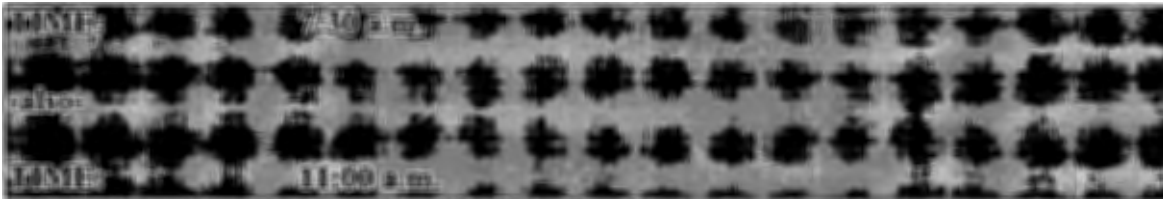
BILL SPONSOR: Rep. Beverly Earle

OFFICE: 602 LOB

DATE: April 24, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Tuesday, April 29, 1997



LOCATION: 643 LOB

Your bill will be discussed at this time:

HB 1016 "Day Care Fraud Collection"

We would like to have you attend these meetings.

Representative Julia Howard
Representative Henry Aldridge
Co-Chairmen

Natalie Smoot
Susan Groh
Committee Clerks

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

PLEASE NOTICE TWO MEETING TIMES

BILL SPONSOR: Rep. Flossie Boyd-McIntyre

OFFICE: 507 LOB

DATE: April 24, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Tuesday, April 29, 1997



LOCATION: 643 LOB

Your bill will be discussed at this time:

HB 1116 "Medical Research/Include Women"

HB 1130 "Protect Health Care Whistleblower"

We would like to have you attend these meetings.

Representative Julia Howard
Representative Henry Aldridge
Co-Chairmen

Natalie Smoot
Susan Groh
Committee Clerks

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

PLEASE NOTICE TWO MEETING TIMES

BILL SPONSOR: Rep. Martin Nesbitt

OFFICE: 1213 LB

DATE: April 24, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Tuesday, April 29, 1997

TIME: 7:30 a.m.
-also-
TIME: 11:00 a.m.

LOCATION: 643 LOB

Your bill will be discussed at this time:

HB 1112 "Surrogate Consent/Health Care"

We would like to have you attend these meetings.

Representative Julia Howard
Representative Henry Aldridge
Co-Chairmen

Natalie Smoot
Susan Groh
Committee Clerks

VISITOR REGISTRATION SHEET

HUMAN RESOURCES

April 26, 1997

Name of Committee

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

PASTOR E. L. WHITE	N.C. AIDS ADVISORY COUNCIL
David Jones	NC AIDS ADVISORY Council
Martha Polivagord	YAI/O/DOA
F.M. Jones	NC Retail Pharmacy Assoc
KEN CARTER	N.C. PRN, INC., Columbus County
Lynnda McDaniel	DHR/DFS
Kevin FitzGerald	DHR - DSS
Shannon Karsone	DSS
Bunola Summers	NC Equity
Carol Schriber	DEHNR Minority Affairs
MR Cullen	NC PP
Hobert Freeman	Edge. Co. Dept. of Soc. Serv.
Jimmy Wark	Condon Health Care System
Carol Schriber	DEHNR - OMH
Thomas V. Bennett	N.C. Child Fatality Task Force
David Jones	NC AIDS Advisory Council
David Marley	NC Pharmacist Recovery Network, W-S NC
Depe DeWitt	DEHNR -
J. Craig Kuni	PCMH
MR Cullen	NC PP
Patience Roeder	NCA CC
Mike Adams	DHR
Jeff Davis	UNC
Tim Saylor	NC Press
Mr. Thi	VA SW - NC
Sandra Rong	Hospice of the Carolinas

Other Page ->

VISITOR REGISTRATION SHEET

HUMAN RESOURCES

April 29, 1997
Date

Name of Committee

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS[illegible]

AGENDA

House Standing Committee
on
HUMAN RESOURCES

Wednesday, April 30, 1997

Rep. Henry Aldridge - Opening Prayer

Greetings: Rep. Julia Howard, Presiding Chair

Introduction of Pages

Presentation of HB 1062 "Child Support/Health Coverage"
Representative Berry, Sponsor

Vote

Presentation of HB 576 "Needle Exchange Pilot Program"
Representative Wright, Sponsor

Vote

Presentation of HB 1016 "Day Care Fraud Collection"
Representative Earle, Sponsor

Vote

Presentation of HB 1116 "Medical Research/Include Women"
Representative Boyd-McIntyre, Sponsor

Vote

Presentation of HB 1112 "Surrogate Consent/Health Care"
Representative Nesbitt, Sponsor

Vote

Presentation of HB 1130 "Protect Health Care Whistleblower"
Representative Boyd-McIntyre, Sponsor

Vote

Presentation of HB 464 "Enhance Child Care"
Representative Alexander, Sponsor

Vote

Announcements

Adjournment

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE**

You are hereby notified that the Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: **Wednesday, April 30, 1997**

TIME: **7:30 AM**

LOCATION: **Room 643-LOB**

The following bills will be considered (Bill # & Short Title):

HB 1062 - "Child Support/Health Coverage", Rep. Berry, Sponsor
HB 576 - "Needle Exchange Pilot Program", Rep. Wright, Sponsor
HB 1016 - "Day Care Fraud Collection", Rep. Earle, Sponsor
HB 1116 - "Medical Research/Include Women", Rep. Boyd-McIntyre, Sponsor
HB 1112 - "Surrogate Consent/Health Care", Rep. Nesbitt, Sponsor
HB 1130 - "Protect Health Care Whistleblower", Rep. Boyd-McIntyre, Sponsor
HB 464 - "Enhance Child Care", Rep. Alexander, Sponsor

Respectfully,

Representative Howard
Representative Aldridge
Co-Chairman

I hereby certify this notice was filed by the committee clerk at the following offices at
1:30 p.m. on Tuesday, April 29, 1997.

____Principal Clerk
____Reading Clerk - House Chamber

Natalie E. Smoot (Committee Clerk)

Natalie Smoot (Rep. Howard)

From: Natalie Smoot (Rep. Howard)
Sent: Tuesday, April 29, 1997 2:00 PM
To: Anne Cole; Annecia Norwood; Barbara Hocutt; Barbara Phillips; Betty Anne Lennon; Carolyn Honeycutt; Carolyn Johnson; Dot Barber; Ebern Watson; Gail Stewart; House Sgt of Arms; Janette Lee; Jayne Walton; Jo Malone; John Young; Judy Willis; Karen George; Legislative Press; Linda Attarian; Linda Johnson; Lucille Carter; Mary Jamison; Melissa Jackson; Monica McClain; Natalie Smoot; Pat Baker; Phyllis Cameron; Rebecca Jones; Sharon Gaudette; Sue Floyd; Susan Groh; Sylvia Green; Waneta Lord
Subject: Meeting Notice 4-30-97

HUMAN RESOURCES COMMITTEE Meeting Notice Attached:



MEETING NOTICE
4-30-97.doc

Natalie Smoot
Committee Clerk
3-5904

MINUTES
HOUSE COMMITTEE ON HUMAN RESOURCES
April 30, 1997
7:30 a.m.
Room 643

The House Committee on Human Resources met in Room 643 of the Legislative Office Building on Wednesday, April 30, 1997, at 7:30 a.m. Representative Julia Howard, Co-Chair, presided at the meeting. Pages for the day were: Alida Parise and Jessica Gaither both of Iredell County. Rep. Aldridge opened the meeting in prayer. Rep. Howard called the meeting to order.

The following members were present: Representatives Aldridge, Co-Chair; Ramsey, Adams, Clary, Culp, Earle, Easterling, Esposito, Gardner, Insko, Ives, Nesbitt, Rayfield, Watson, Wilson, G. and Womble.

Rep. Howard recognized Rep. Berry to discuss the committee substitute for HB 1062. Rep. Howard then opened the floor for discussion. Rep. Howard recognized Mr. Mike Adams, Child Support Division-DSS to comment and answer questions on the bill. Rep. Adams moved for a favorable report as to the committee substitute, unfavorable as to the original bill. The motion passed unanimously.

Rep. Howard recognized Rep. Wright to introduce HB 576. Rep. Wright requested to introduce a committee substitute. Rep. Womble moved to adopt the committee substitute for discussion. The motion passed.

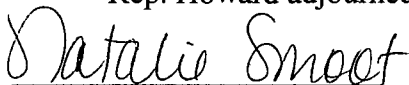
Rep. Howard called on staff member Linda Attarian to explain the committee substitute. Rep. Womble made a motion for a favorable report as to the committee substitute, unfavorable as to the original bill.

Rep. Howard turned the floor over to Rep. Wright for further discussion of the committee substitute. Rep. Wright requested the recognition of public speakers. Rep. Howard recognized the following people to comment and answer questions regarding the committee substitute:

Leah Devlin, Deputy State Health Director-DEHNR
Mr. David Jones, NC AIDS Advisory Council

Rep. Howard opened the floor for discussion. Rep. Howard then recognized Rep. Alexander, in the audience, to comment on the bill.

Rep. Howard adjourned the meeting at 8:30 a.m.



Natalie Smoot, Clerk

Date Adopted

4-30-97


Rep. Julia Howard
Co-Chair

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

BILL SPONSOR: Rep. Cherie Berry

OFFICE: 1006 LB

DATE: April 29, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Wednesday, April 30, 1997

TIME: 7:30 a.m.

LOCATION: 643 LOB

Your bill will be discussed at this time:

HB 1062 "Child Support/Health Coverage"

We would like to have you attend this meeting.

Representative Julia Howard
Representative Henry Aldridge
Co-Chairmen

Natalie Smoot
Susan Groh
Committee Clerks

ROLL CALL VOTE

14
YES NO = (TOTAL)

HB# 1062 PCS
SB# 8021

HOUSE STANDING COMMITTEE ON HUMAN RESOURCES

YES	NO	MEMBER (last name)	YES	NO	MEMBER (last name)
☒	☐	Aldridge, Chair	☐	☐	
☒	☐	Howard, Chair	☐	☐	
☒	☐	Ramsey, RMM	☐	☐	
☒	☐	Adams	☐	☐	
☐	☐	Bowie	☐	☐	
☐	☐	Clary	☐	☐	
☐	☐	Creech	☐	☐	
☒	☐	Culp	☐	☐	
☒	☐	Cunningham	☐	☐	
☒	☐	Earle	☐	☐	
☒	☐	Easterling	☐	☐	
☒	☐	Esposito	☐	☐	
☒	☐	Gardner	☐	☐	
☐	☐	Gulley	☐	☐	
☐	☐	Hunter	☐	☐	
☒	☐	Insko	☐	☐	
☐	☐	Ives	☐	☐	
☐	☐	McAllister	☐	☐	
☐	☐	Nesbitt	☐	☐	
☒	☐	Rayfield	☐	☐	
☐	☐	Warwick	☐	☐	
☒	☐	Watson	☐	☐	Ex officio Members
☒	☐	Wilson, G.	☐	☐	Speaker Pro Tem (Wood)
☒	☐	Womble	☐	☐	Majority Leader (Daughtry)
			☐	☐	Majority Whip (Howard)

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

BILL SPONSOR: Rep. Thomas Wright

OFFICE: 528 LOB

DATE: April 29, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Wednesday, April 30, 1997

TIME: 7:30 a.m.

LOCATION: 643 LOB

Your bill will be discussed at this time:

HB 576 "Needle Exchange Pilot Program"

We would like to have you attend this meeting.

Representative Julia Howard
Representative Henry Aldridge
Co-Chairmen

Natalie Smoot
Susan Groh
Committee Clerks

4/30

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

D

HOUSE BILL 576
Proposed Committee Substitute H576-PCS7299

Short Title: Needle Exchange Pilot Program.

(Public)

Sponsors:

Referred to:

March 20, 1997

- 1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH A COMMUNITY-BASED NEEDLE AND SYRINGE
3 EXCHANGE PILOT PROGRAM.
4 The General Assembly of North Carolina enacts:
5 Section 1. (a) Pilot program established; purpose. There is established a
6 community-based needle exchange pilot program to be administered by the
7 Department of Environment, Health, and Natural Resources. For purposes of this
8 section, a "needle exchange pilot program or project" is a program or establishment
9 wherein a person who is an injecting drug user may exchange an old or used needle
10 or syringe for a new one. As used in this section, the term "needle" includes
11 "syringe". The purposes of the program are as follows:
12 (1) To reduce use of contaminated needles in circulation in order to
13 reduce the transmission of Human Immunodeficiency Virus (HIV),
14 Hepatitis B, and Hepatitis C;
15 (2) To provide HIV/AIDS risk reduction outreach education and
16 referral for hard-to-reach Injection Drug Users (IDU) who are not
17 in treatment; and
18 (3) To reduce the spread of HIV, Hepatitis B, and Hepatitis C to the
19 sexual partners of injection drug users, and thus reduce the
20 transmission of the disease to other populations.
21 (b) Administration of the pilot program. The Department shall
22 administer the program as follows:

- (1) The Department shall authorize the establishment of up to four community-based needle exchange pilot projects, each in a county with a high incidence or prevalence of HIV infection or injecting drug use behavior.
- (2) Each pilot project shall be implemented by a public nonprofit or private nonprofit organization. Each organization selected to implement a project shall provide the Department with proof of nonprofit status, and must agree to develop and implement a pilot project that is comprehensive in scope and demonstrates coordination with local public health departments, substance abuse treatment programs, community health centers, law enforcement agencies, pharmacies, and other local health care providers.
- (3) Each community-based pilot project shall do the following:
 - a. Maintain coordination with existing comprehensive HIV/AIDS prevention and outreach projects that target injecting drug users;
 - b. Provide for the free and anonymous exchange of needles and syringes for those needles and syringes returned;
 - c. Offer education on HIV and hepatitis transmission and prevention measures, assist program participants in obtaining drug treatment services, and ensure the safe disposal of needles.
- (4) Approved needle exchange projects must use a reliable mechanism that will allow for the identification of program syringes after the syringes leave the exchange site. Each community-based project shall have an evaluation component to monitor:
 - a. Exchange rates of needles and syringes;
 - b. Behavioral changes of project participants, such as needle sharing and the use of condoms;
 - c. Project participation rates and the number of participants who enter drug treatment programs and other services.
- (5) Upon notification by the Department that an organization has been authorized to implement a pilot project, the organization shall establish a process to promote community involvement in and planning and operations of the project. This requirement can be met by either establishing a new community advisory board or by making formal arrangements with an existing community advisory board. Each needle exchange project shall have six months to implement a community planning process to adopt policies and procedures for the operation of the program.
- (6) Each organization implementing a community-based pilot project shall submit a report evaluating the effectiveness of the project to the Department. The Department shall determine the frequency and content of reports to be submitted by the organization.

1 Section 2. G.S. 90-113.22 shall not apply to persons who are employees
2 or volunteers of, or injecting drug user participants in community-based needle
3 exchange pilot projects administered by the Department pursuant to this act. This
4 immunity from prosecution under G.S. 90-113.22 applies only to needles and syringes
5 for those needles, and only to acts committed while carrying out the duties as
6 employee or volunteer, or during the course of participating in the needle or syringe
7 exchange.

8 Section 3. This act becomes effective July 1, 1997, and expires June 30,
9 2000.

§ 90-113.22. Possession of drug paraphernalia.

(a) It is unlawful for any person to knowingly use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, package, repackage, store, contain, or conceal a controlled substance which it would be unlawful to possess, or to inject, ingest, inhale, or otherwise introduce into the body a controlled substance which it would be unlawful to possess.

(b) Violation of this section is a Class 1 misdemeanor.

(1981, c. 500, s. 1; 1993, c. 539, s. 624; 1994, Ex. Sess., c. 24, s. 14(c).)

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

BILL SPONSOR: Rep. Beverly Earle

OFFICE: 602 LOB

DATE: April 29, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Wednesday, April 30, 1997

TIME: 7:30 a.m.

LOCATION: 643 LOB

Your bill will be discussed at this time:

HB 1016 "Day Care Fraud Collection"

We would like to have you attend this meeting.

Representative Julia Howard
Representative Henry Aldridge
Co-Chairmen

Natalie Smoot
Susan Groh
Committee Clerks



**North Carolina General Assembly
Legislative Services Office**

George R. Hall, Legislative Services Officer
(919) 733-7044

Gene W. Robinson, Director
Administrative Division
Room 5, Legislative Building
16 W. Jones Street
Raleigh, NC 27603-5925
(919) 733-7500

Gerry F. Cohen, Director
Bill Drafting Division
Suite 401, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6660

Thomas L. Covington, Director
Fiscal Research Division
Suite 619, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-4910

Donald W. Fulford, Director
Information Systems Division
Suite 400, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-6834

Terrence D. Sullivan, Director
Research Division
Suite 545, LOB
300 N. Salisbury St.
Raleigh, NC 27603-5925
(919) 733-2578

April 22, 1997

Memorandum

To: House Human Resources Committee

From: John Young, Committee Staff

Re: HB 1016 - County Share/Day Care Fraud Collections

House Bill 1016 authorizes the Department of Human Resources to award incentive bonuses to counties for each day of fraud or overpayment claim collected. Bonuses shall equal 25% of the amount collected and be used to subsidize day care. On or before the beginning of each fiscal year, counties must make a report on how the funds were used.

This act does not apply to claims for day care fraud that are subject to collection pursuant to the AFDC Fraud Control Program.

The bill is effective when it becomes law and applies to claims collected after July 1, 1997

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

BILL SPONSOR: Rep. Flossie Boyd-McIntyre

OFFICE: 507 LOB

DATE: April 29, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Wednesday, April 30, 1997

TIME: 7:30 a.m.

LOCATION: 643 LOB

Your bills will be discussed at this time:

HB 1116 "Medical Research/Include Women"

HB 1130 "Protect Health Care Whistleblower"

We would like to have you attend this meeting.

Representative Julia Howard
Representative Henry Aldridge
Co-Chairmen

Natalie Smoot
Susan Groh
Committee Clerks



**North Carolina General Assembly
Legislative Services Office**

George R. Hall, Legislative Services Of
(919) 733-7044

Elaine W. Robinson, Director
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Room 5, Legislative Building
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Terrence D. Su
Research Divis
Suite 545, LOB
300 N. Salisbur
Raleigh, NC 2
(919) 733-2578

April 8, 1997

MEMORANDUM

TO: House Human Resources Committee

FROM: John Young, Committee Staff

RE: House Bill-1116
Representative Boyd-McIntyre

House Bill 1116 states four "whereas" clauses that suggest that the preponderance of medical research is conducted on males and therefore there are unanswered questions about women's health.

Section 1 would require medical institutions and university hospitals that receive State funds to include women as subjects in medical research projects, as appropriate. There are no stated sanctions for violating the provisions of the bill.

The provisions of the bill apply to research studies and testing commencing on and after the effective date.

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

BILL SPONSOR: Rep. Martin Nesbitt

OFFICE: 1213 LB

DATE: April 29, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Wednesday, April 30, 1997

TIME: 7:30 a.m.

LOCATION: 643 LOB

Your bill will be discussed at this time:

HB 1112 "Surrogate Consent/Health Care"

We would like to have you attend this meeting.

Representative Julia Howard
Representative Henry Aldridge
Co-Chairmen

Natalie Smoot
Susan Groh
Committee Clerks

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1130

Short Title: Protect Health Care Whistleblowers.

(Public)

Sponsors: Representatives Boyd-McIntyre; and Wainwright.

Referred to: Human Resources, if favorable, Judiciary II.

April 21, 1997

- 1 A BILL TO BE ENTITLED
2 AN ACT PROHIBITING DISCRIMINATION OR RETALIATION AGAINST
3 LICENSED HEALTH CARE PROFESSIONALS WHO REPORT, IN GOOD
4 FAITH, INSTANCES OF IMPROPER QUALITY OF PATIENT CARE.
5 The General Assembly of North Carolina enacts:
6 Section 1. G.S. 95-241 reads as rewritten:
7 "**§ 95-241. Discrimination prohibited.**
8 (a) No person shall discriminate or take any retaliatory action against an employee
9 because the employee in good faith does or threatens to do any of the following:
10 (1) File a claim or complaint, initiate any inquiry, investigation,
11 inspection, proceeding or other action, or testify or provide
12 information to any person with respect to any of the following:
13 a. Chapter 97 of the General Statutes.
14 b. Article 2A or Article 16 of this Chapter.
15 c. Article 2A of Chapter 74 of the General Statutes.
16 d. G.S. 95-28.1.
17 (2) Cause any of the activities listed in subdivision (1) of this
18 subsection to be initiated on an employee's behalf.
19 (3) Exercise any right on behalf of the employee or any other
20 employee afforded by Article 2A or Article 16 of this Chapter or
21 by Article 2A of Chapter 74 of the General Statutes.
22 (4) Report, in the case of an employee who is a licensed health care
23 professional, instances of improper quality of patient care.

1 (b) It shall not be a violation of this Article for a person to discharge or take any
2 other unfavorable action with respect to an employee who has engaged in protected
3 activity as set forth under this Article if the person proves by the greater weight of
4 the evidence that it would have taken the same unfavorable action in the absence of
5 the protected activity of the employee.

6 (c) As used in this section, 'improper quality of patient care' means any practice,
7 procedure, action, or failure to act of an employer that is a health care provider
8 which violates any law, rule, regulation, declaratory ruling adopted pursuant to law,
9 or any professional code of ethics."

10 Section 2. This act is effective when it becomes law and applies to
11 complaints filed under G.S. 95-242 on or after that date.

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

BILL SPONSOR: Rep. Martha Alexander

OFFICE: 1209 LB

DATE: April 29, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Wednesday, April 30, 1997

TIME: 7:30 a.m.

LOCATION: 643 LOB

Your bill will be discussed at this time:

HB 464 "Enhance Child Care"

We would like to have you attend this meeting.

Representative Julia Howard
Representative Henry Aldridge
Co-Chairmen

Natalie Smoot
Susan Groh
Committee Clerks

VISITOR REGISTRATION SHEET

HUMAN RESOURCES

April 30, 1997
Date

Name of Committee

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

[illegible]

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE**

You are hereby notified that the Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: **Wednesday, August 13, 1997**

TIME: **8:30 A. M.**

LOCATION: **Room 643 Legislative Office Building**

The following bills will be considered (Bill # & Short Title):

Senate Bill 929 - Enhance Child Care –Senator Cooper, Sponsor

Senate Bill 712 - Substance Abuse Specialists - Senator Reeves, Sponsor

Senate Bill 350 - Supplemental Insurance Benefits - Senator Soles, Sponsor

Senate Bill 476 - Osteoporosis Task Force - Senator Perdue, Sponsor

Respectfully,

Representative Howard
Representative Aldridge
Co-Chairman

I hereby certify this notice was filed by the committee clerk at the following offices at
12:30 p.m. on Friday, August 8, 1997.

___Principal Clerk
___Reading Clerk - House Chamber

Joyce B. Bulluck (Committee Clerk)

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE**

You are hereby notified that the Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: **Tuesday, May 6, 1997**

TIME: **11:00 AM**

LOCATION: **Room 643-LOB**

The following bills will be considered (Bill # & Short Title):

HB 166 "Physical Fitness Act Funds", Rep. Aldridge, Sponsor
HB 167 "Heart Disease Data Funds", Rep. Aldridge, Sponsor
HB 171 "Strike Out Stroke Funds", Rep. Earle, Sponsor

Respectfully,

Representative Howard
Representative Aldridge
Co-Chairman

I hereby certify this notice was filed by the committee clerk at the following offices at
10:15 a.m. on Thursday, May 1, 1997.

___ Principal Clerk
___ Reading Clerk - House Chamber

Natalie E. Smoot (Committee Clerk)

Natalie Smoot (Rep. Howard)

From: Natalie Smoot (Rep. Howard)
Sent: Thursday, May 01, 1997 10:11 AM
To: Anne Cole; Annecia Norwood; Barbara Hocutt; Barbara Phillips; Betty Anne Lennon; Carolyn Honeycutt; Carolyn Johnson; Dot Barber; Ebern Watson; Gail Stewart; House Sgt of Arms; Janette Lee; Jayne Walton; Jo Malone; John Young; Judy Willis; Karen George; Legislative Press; Linda Attarian; Linda Johnson; Lucille Carter; Mary Jamison; Melissa Jackson; Monica McClain; Natalie Smoot; Pat Baker; Phyllis Cameron; Rebecca Jones; Sharon Gaudette; Sue Floyd; Susan Groh; Sylvia Green; Waneta Lord
Subject: HUMAN RESOURCES COMMITTEE Meeting

Attached is a notice for the next HUMAN RESOURCES COMMITTEE Meeting on May 6.



MEETING NOTICE
5-06-97.doc

Natalie Smoot
Committee Clerk
3-5904

AGENDA

House Standing Committee on HUMAN RESOURCES

Tuesday, May 6, 1997

Rep. Henry Aldridge - Opening Prayer

Greetings: Rep. Julia Howard, Presiding Chair

Introduction of Pages

Presentation of HB 166 - "Physical Fitness Act"
Representative Aldridge, Sponsor

Vote

Presentation of HB 167 - "Heart Disease Data Funds"
Representative Aldridge, Sponsor

Vote

Presentation of HB 171 - "Strike Out Stroke Funds"
Representative Earle, Sponsor

Vote

Announcements

Adjournment

Natalie Smoot (Rep. Howard)

From: Susan Groh (Rep. Aldridge)
Sent: Monday, May 05, 1997 10:44 AM
To: Natalie Smoot (Rep. Howard)
Subject: SPEAKERS FOR HB 166, 167

Natalie, Rep. Aldridge will be asking people to speak on his bills on Tuesday at 11:00 AM. They are:

Ronald Hyatt, Ph.D.
Professor of Physical Education & Exercise Sciences at UNC-CH
Will Speak on HB 167

James R. Harper, Sr., M.D.
President of the Board of the American Heart Assoc.-NC Affiliate
(Waiting to get his title at UNC)
Will Speak on HB 166

FYI and for Rep. Howard's Chair notes. -Susan

Rep. M. W. "Henry" Aldridge

Susan B. Groh, Clerk
733-5958, 640-LOB

MINUTES
HOUSE COMMITTEE ON HUMAN RESOURCES
May 6, 1997
11:00 a.m.
Room 643

The House Committee on Human Resources met in Room 643 of the Legislative Office Building on Tuesday, May 6, 1997, at 11:00 a.m. Representative Julia Howard, Co-Chair, presided at the meeting. Rep. Aldridge opened the meeting in prayer. Rep. Howard called the meeting to order and recognized the pages of the day: Billie and Mary Beth Mills both of Catawba County.

The following members were present: Representatives Aldridge, Co-Chair; Ramsey, Adams, Bowie, Clary, Culp, Cunningham, Earle, Easterling, Gardner, Gulley, Insko, Ives, McAllister, Nesbitt, Rayfield, Watson, Wilson, G. and Womble.

Rep. Howard recognized Rep. Aldridge to introduce HB 166. Rep. Aldridge explained the bill and requested recognition of Dr. Ron Hyatt, UNC Dept. of Physical Education/Exercise and Sports Science. Rep. Howard recognized Dr. Hyatt to comment on the bill. Rep. Howard opened the floor for discussion of the bill.

Rep. Nesbitt moved for a favorable report as to all three bills on the agenda for the day, HB 166, HB 167, and HB 171 with re-referral to appropriations. Rep. Howard accepted motion for favorable report as to HB 166, the bill being discussed, with re-referral to appropriations. Discussion of HB 166 continued on the floor. Rep. Howard recognized Shellie Pfohl, Director of The Governors Council on Physical Fitness and Health to assist in floor discussion.

Rep. Howard called for a vote to be taken on Rep. Nesbitt's motion as to HB 166. The motion passed unanimously.

Rep. Howard recognized Rep. Aldridge to discuss HB 167. Rep. Aldridge explained the bill. Rep. Howard recognized Dr. James Harper, President of the NC Affiliate of the American Hear Association to comment on the bill. Rep. Cunningham moved for a favorable report as to HB 167 with re-referral to appropriations.

Rep. Howard opened floor for discussion. Rep. Howard then recognized Dr. Ron Levine, State Health Director, to assist in floor discussion.. Rep. Howard called for a vote on Rep. Cunningham's motion. The motion passed unanimously.

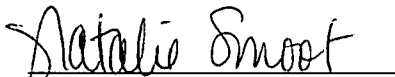
Rep. Ramsey made a motion for reconsideration of the vote on HB 166. Rep. Howard called a vote on the motion. The motion passed unanimously. Rep. Ramsey requested to be acknowledged to introduce an amendment to HB 166. Rep. Howard recognized Rep. Ramsey to explain his amendment. Rep. Howard displaced HB 166 on the agenda so Rep. Ramsey could work out the details of the amendment with staff.

Rep. Howard recognized Rep. Earle to explain HB 171. Rep. Earle introduced bill. Floor was opened for discussion of this bill. Rep. Womble moved for a favorable report as to HB 171 with re-referral to appropriations. A vote was taken and passed unanimously.

Rep. Howard called on Rep. Ramsey to discuss his amendment to HB 166. Rep. Ramsey moved for a favorable report as to his amendment. Rep. Howard opened the floor for discussion. Rep. Howard recognized Ms. Pfohl to assist in floor discussion. Rep. Howard then called for a vote on Rep. Ramsey's motion. The vote was unanimously in favor of adopting the amendment.

Rep. Ramsey moved that the amendment be rolled into a Committee Substitute for HB 171 and the Committee Substitute be given a favorable report, unfavorable as to the original bill. Rep. Howard called for a vote. The motion passed unanimously.

Rep. Howard adjourned the meeting at 11:35 a.m.


Natalie Smoot, Clerk

Date Adopted 5-8-97


Rep. Julia Howard
Co-Chair

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

BILL SPONSOR: Rep. M.W. (Henry) Aldridge

OFFICE: 640 LOB

DATE: May 1, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Tuesday, May 6, 1997

TIME: 11:00 a.m.

LOCATION: 643 LOB

Your bills will be discussed at this time:

**HB 166 "Physical Fitness Act Funds" and
HB 167 "Heart Disease Data Funds"**

We would like to have you attend this meeting.

Representative Julia Howard
Representative Henry Aldridge
Co-Chairmen

Natalie Smoot
Susan Groh
Committee Clerks



5/6

N.C. Heart Disease & Stroke Prevention
Task Force

May 6, 1997

Senator Ed Warren,
Chairman

Donald E. Ensley, Ph.D.,
Vice Chairman

Elizabeth M. (Libby) Puckett,
Executive Director

Members

Mark J. Alberts, M.D.
Representative M.W. (Henry) Aldridge
Jesse S. Basnight, Sr.
Mary Bethel
Charles Blackmon
W. Randolph Chitwood, Jr., M.D.
Ruth Cooper
Charles Cromer
Leah Devlin, D.D.S.
Marian W. Duncan
Representative Beverly M. Earle
Senator Jim Forrester
Ida Friday
The Honorable Robert Greer
Ronald Hyatt, Ph.D.
Representative Larry Justus
Kathleen Magura
Jane Manuszak
A.H. Mebane, III, Ph.D.
Margo Mosley
Waltie Rasulala
Senator Eric Reeves
James H. Ross
W. James Stackhouse, M.D.
Joan Tuttle

Division of Health Promotion
P.O. Box 29605
Raleigh, North Carolina 27626-0605
Telephone 919-715-3342
FAX 919-733-0488

Representative Henry Aldridge
Room 640, Legislative Office Building
Raleigh, North Carolina 27601-1096

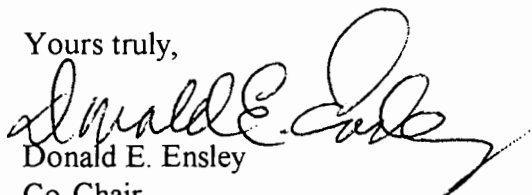
Dear Representative Aldridge:

As Vice Chair of the North Carolina Heart Disease and Stroke Task Force, I appreciate your leadership as co-chair of the Human Resources Committee and feel assured that you, along with Representative Julia Howard will advance our legislative bills successfully. You, as a Task Force member recognized the importance of advancing this entire legislative package because of the beckoning call to address the problems confronted by our citizens to reduce the mortality and morbidity rates of heart disease and stroke. You know and I know that stroke is the number one mortality and morbidity among Eastern North Carolinians, especially African Americans.

We need you and Representative Howard's support on these important bills. These bills and our previous efforts have garnished the attention of other states that are looking at our leadership in this area. We can make a difference and we will make a difference in saving the lives of our citizens and tax payers the enormous cost of these diseases.

Thank you for your hard work on the task force and your commitment to make a difference.

Yours truly,


Donald E. Ensley
Co-Chair
Task Force

TO: REPRESENTATIVE ALDRIDGE

FROM:RON HYATT-UNC-CH.

DATE:MAY 5,97

SUBJECT:COMMENTS ON HOUSE BILL 166

THANK YOU FOR LISTENING TO ME IN MY SUPPORT OF HB 166 AND THANK YOU FOR YOUR EXCELLENT, SOUND,WELL THOUGHTOUT COMMENTS IN REGARDS TO THE BILL AND TO THE HEALTH NEEDS OF OUR PEOPLE. I THANK YOU FOR YOUR LEADERSHIP AND SERVICE TO AND FOR OUR PEOPLE. I AM AWARE OF NEEDS AND SUPPORT OF OTHER WORTHWHILE PROJECTS BUT HB166 SETS ITSELF APART DUE TO THE FOLLOWING REASONS:

1.THE FACTS SPEAK TO OUR NEED FOR OUR YOUTH AND OUR PEOPLE TO BECOME PHYSICALLY FIT BECAUSE IT IS CHEAPER TO PREVENT THAN CURE,(YOU,NOTED THIS WAS TRUE IN YOUR PROFESSION.)

2.THIS BILL IS LOCAL/GRASS ROOTS FROM THE GROUND UP BASED IN THAT IT PLACES THE ACTION/FITNESS COUNCILS UNDER LOCAL COUNTY CONTROLS AND PERMITS THEM TO IDENTIFY THEIR LOCAL NEEDS AND PRIORITIES.(HOMETOWN AND HANDY-NOT RALEIGH)

3.THIS BILL PROMOTES COORDINATION AND USE OF RESOURCES ALREADY IN PLACE .HOSPITALS,FITNESS CENTERS,UNIVERSITIES,PUBLIC SCHOOLS,RECREATION PROGRAMS AND OTHERS CAN WORK TOGETHER FOR THE HEALTH AND WELL-BEING OF OUR PEOPLE.(COOPERATION NOT REPLICATION.)

4.RECENT STATEWIDE EDUCATION PROGRAMS OMIT PHYSICAL ACTIVITY NEEDS AND DO NOT ADDRESS THE HEALTH AND WELL-BEING OF OUR CHILDREN.(IF CHILDREN ARE NOT HEALTHY THEN LITTLE LEARNING OCCURS.)

5. THIS PROGRAM IS IN KEEPING WITH STATE AND NATIONAL HEALTH GOALS.(NC CAN BE A LEADER AND DO ITS ON PROGRAMS TO SERVE OUR CITIZENS.)

6. If people are inactive they incur greater risk for cardiovascular disease, joint illness, diabetes, and other chronic health problems. (you can't sit and be fit).
7. Our children in North Carolina score below the national average on fitness tests administered to them. (to be top flight you must be active).
8. Model intervention programs have proven to be effective in changing physical fitness patterns, and helped the students reduce their body fat. (positive programs of intervention if well led can make a difference in children's lives).
9. Because many of our counties and communities do not have adequate facilities our leaders must be creative and cooperation in nature in reaching high levels of wellness and fitness in our people's lives. (cooperation, intervention, and leadership can be provided by this bill).
10. Model school programs have been shown to be effective in promoting fitness and wellness. (HB166 addresses this positive effort).
11. Local fitness councils can be effective, cost efficient, and of value when they are composed of fitness, leaders, and the public and private sector and in voluntary non-profit organizations.

*Thank you
for your
leadership
for us
R M
Peyatt*

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

passed
5-6-97

EDITION No. _____

H. B. No. 166

DATE 5-6-97

S. B. No. _____

Amendment No. _____

(to be filled in by
Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.)

~~Sen.)~~

Ramsey

1 moves to amend the bill on page 2, line 33

2 () WHICH CHANGES THE TITLE

3 by rewriting the line to read:

4
5 "so that physical educators may
6 share ideas and expertise. One
7 model school shall be selected to
8 ^{participate} from each congressional district
9 in the state. Under this program,
10 the "

11
12
13
14
15
16
17
18
19

SIGNED Liston Ramsey

ADOPTED _____ FAILED _____ TABLED _____

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

BILL SPONSOR: Rep. Beverly Earle

OFFICE: 602 LOB

DATE: May 1, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Tuesday, April 1, 1997

TIME: 11:00 a.m.

LOCATION: 643 LOB

Your bill will be discussed at this time:

HB 171 "Strike Out Stroke Funds"

We would like to have you attend this meeting.

Representative Julia Howard
Representative Henry Aldridge
Co-Chairmen

Natalie Smoot
Susan Groh
Committee Clerks

VISITOR REGISTRATION SHEET

HUMAN RESOURCES

May 6, 1997
Date

Name of Committee

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS[illegible]

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE**

You are hereby notified that the Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: **Thursday, May 8, 1997**

TIME: **11:00 AM**

LOCATION: **Room 643-LOB**

The following bills will be considered (Bill # & Short Title):

HB 81 "Residency Req/Special Assistance", Rep. Clary, Sponsor

HB 143 "Adult Care Homes Annual Reporting", Rep. Wilson, Sponsor

Respectfully,

Representative Howard
Representative Aldridge
Co-Chairman

I hereby certify this notice was filed by the committee clerk at the following offices at
12:30 a.m. on Tuesday, May 6, 1997.

____Principal Clerk
____Reading Clerk - House Chamber

Natalie E. Smoot (Committee Clerk)

AGENDA

House Standing Committee on HUMAN RESOURCES

Thursday, May 8, 1997

Rep. Henry Aldridge - Opening Prayer

Greetings: Rep. Henry Aldridge, Presiding Chair

Introduction of Pages

Presentation of HB 81 - "Residency Req/Special Assistance"
Representative Clary, Sponsor

Vote

Presentation of HB 143 - "Adult Care Homes Annual Reporting"
Representative G. Wilson, Sponsor

Vote

Presentation of SB 943 - "Medicaid False Claims Act"
Senator Rand, Introducer - Representative Howard Will Carry

Vote

Presentation of SB 1023 - "Family Foster Home Standards"
Senator Foxx, Sponsor

Vote

Announcements

Adjournment

MINUTES
HOUSE COMMITTEE ON HUMAN RESOURCES
May 8, 1997
11:00 a.m.
Room 643

The House Committee on Human Resources met in Room 643 of the Legislative Office Building on Thursday, May 8, 1997, at 11:00 a.m. Representative Henry Aldridge, Co-Chair, presided at the meeting. Rep. Aldridge opened the meeting in prayer and called the meeting to order. Rep. Aldridge introduced the pages for the day, Billie and Mary Beth Mills from Catawba County and special guests, Kadri Ottis, Parliamentarian of Estonia and Dionne Long and Yolanda White of Bennett College.

The following members were present: Representatives Howard, Co-Chair; Adams, Clary, Culp, Easterling, Esposito, Gardner, Ives, McAllister, Nesbitt, Ramsey, Warwick, Watson, Wilson, G. and Womble.

Rep. Aldridge called on staff member Linda Attarian to explain SB 943. Rep. Aldridge then recognized Rep. Howard to introduce this bill on Senator Rand's, bill sponsor, behalf. Rep. Aldridge then opened the floor for discussion of SB 943.

Rep. Aldridge recognized Jane Grey, Department of the Attorney General, to assist in answering questions. Rep. Nesbitt moved to give SB 943 a favorable report with re-referral to Judiciary I Committee. Rep. Aldridge called for a vote on the motion. The motion passed unanimously.

Rep. Aldridge recognized Rep. Clary to concur or not concur on HB 81-Senate Committee Substitute. Rep. Clary concurred with the Senate Committee Substitute and moved to send it to the House Floor with recommendation of Concurrence.

Rep. Aldridge opened the floor for discussion of HB 81-Senate Committee Substitute and called on staff member Sue Floyd to assist in answering questions. Rep. Aldridge called for a vote on Rep. Clary's motion. The motion passed unanimously.

Rep. Aldridge recognized Rep. G. Wilson to concur or not concur on HB 143-Senate Committee Substitute. Rep. Wilson concurred and made a motion to send the Senate Committee Substitute to the House floor with recommendation of Concurrence.

Rep. Aldridge opened the floor for discussion of HB 143-Senate Committee Substitute and called on staff member Sue Floyd to explain the Senate changes. Rep. Aldridge then recognized Roger Bone, Attorney for the Long Term Care Association/Rest Home Industry to assist in the discussion. Rep. Aldridge then recognized Sharnese Ransome, DSS, to assist in answering questions.

Rep. Aldridge called for a vote on Rep. Wilson's motion for a recommended concurrence to HB 143-Senate Committee Substitute. The Motion passed on a voice vote.

Rep. Aldridge adjourned the meeting at 11:42 a.m.

Natalie Smoot
Natalie Smoot, Clerk

Date Adopted 5-15-97

Rep. M.W. (Henry) Aldridge
Co-Chair

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

BILL SPONSOR: Rep. Debbie Clary

OFFICE: 418b LOB

DATE: May 6, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Thursday, May 8, 1997

TIME: 11:00 a.m.

LOCATION: 643 LOB

Your bill will be discussed at this time:

HB 81 "Residency Req/Special Assistance"

We would like to have you attend this meeting.

Representative Julia Howard
Representative Henry Aldridge
Co-Chairmen

Natalie Smoot
Susan Groh
Committee Clerks

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

BILL SPONSOR: Rep. Gene Wilson

OFFICE: 1109 LB

DATE: May 6, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Thursday, May 8, 1997

TIME: 11:00 a.m.

LOCATION: 643 LOB

Your bill will be discussed at this time:

HB 143 "Adult Care Homes Annual Reporting"

We would like to have you attend this meeting.

Representative Julia Howard
Representative Henry Aldridge
Co-Chairmen

Natalie Smoot
Susan Groh
Committee Clerks

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

BILL SPONSOR: Senator Virginia Foxx

OFFICE: 1120 Legislative Building

DATE: May 7, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Thursday, May 8, 1997

TIME: 11:00 a.m.

LOCATION: 643 LOB

Your bill will be discussed at this time:

SB 1023 "Family Foster Home Standards"

Thank you for agreeing to present this bill on such short notice. We look forward to having you in our committee tomorrow.

Representative Henry Aldridge
Representative Julia C. Howard
CoChairs

Gail Stewart
Susan Groh
Natalie Smoot
Committee Clerks

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

BILL SPONSOR: Senator Tony Rand

OFFICE: 300-C

DATE: May 7, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Thursday, May 8, 1997

TIME: 11:00 a.m.

LOCATION: 643 LOB

Your bill will be discussed at this time:

SB 943 "Medicaid False Claims Act"

(Rep. Howard will be carrying this bill for you per your request.)

Representative Julia Howard
Representative Henry Aldridge
CoChairs

Gail Stewart
Susan Groh
Natalie Smoot
Committee Clerks

VISITOR REGISTRATION SHEET

HUMAN RESOURCES.

May 8, 1997
Date

Name of Committee

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS[illegible]

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE**

REVISED AGENDA

You are hereby notified that the Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: **Thursday, May 8, 1997**

TIME: **11:00 AM**

LOCATION: **Room 643-LOB**

The following bills will be considered (Bill # & Short Title):

HB 81 "Residency Req/Special Assistance" Rep. Clary, Sponsor

HB 143 "Adult Care Homes Annual Reporting" Rep. G. Wilson, Sponsor

SB 943 "Medicaid False Claims Act" Senator Rand, Sponsor

SB 1023 "Family Foster Home Standards" Senator Foxx, Sponsor

Respectfully,

Representatives Aldridge and Howard
CoChairs

I hereby certify this notice was filed by the committee clerk at the following offices at
11:00 a.m. on Wednesday, May 7, 1997.

____Principal Clerk
____Reading Clerk - House Chamber

Gail Stewart (Assistant Committee Clerk)

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE**

You are hereby notified that the Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: **Tuesday, May 13, 1997**

TIME: **11:00 AM**

LOCATION: **Room 643-LOB**

The following bills will be considered (Bill # & Short Title):

HB 81 "Residency Req/Special Assistance", Rep. Clary Sponsor
SB 1023 "Family Foster Home Standards", Sen. Foxx, Sponsor
SB 876 "Criminal Checks/Contract Agencies", Sen. Forrester, Sponsor

Respectfully,

Representative Howard
Representative Aldridge
Co-Chairman

I hereby certify this notice was filed by the committee clerk at the following offices at
2:30 p.m. on Thursday, May 8, 1997.

____Principal Clerk
____Reading Clerk - House Chamber

Natalie E. Smoot (Committee Clerk)

Natalie Smoot (Rep. Howard)

From: Natalie Smoot (Rep. Howard)
Sent: Tuesday, May 06, 1997 12:42 PM
To: Anne Cole; Annecia Norwood; Barbara Hocutt; Barbara Phillips; Betty Anne Lennon; Carolyn Honeycutt; Carolyn Johnson; Dot Barber; Ebern Watson; Gail Stewart; House Sgt of Arms; Janette Lee; Jayne Walton; Jo Malone; John Young; Judy Willis; Karen George; Legislative Press; Linda Attarian; Linda Johnson; Lucille Carter; Mary Jamison; Melissa Jackson; Monica McClain; Natalie Smoot; Pat Baker; Phyllis Cameron; Rebecca Jones; Sharon Gaudette; Sue Floyd; Susan Groh; Sylvia Green; Waneta Lord
Subject: HUMAN RESOURCES COMMITTEE Meeting

Attached is a meeting notice for 5-08-97.



MEETING NOTICE
5-08-97.doc

Natalie Smoot
Committee Clerk
3-5904

AGENDA

House Standing Committee on HUMAN RESOURCES

Tuesday, May 13, 1997

Rep. Henry Aldridge - Opening Prayer

Greetings: Rep. Julia Howard, Presiding Chair

Introduction of Pages

Presentation of HB 81 - "Residency Req/Special Assistance"
Representative Clary, Sponsor

Vote

Presentation of SB 1023 - "Family Foster Home Standards"
Senator Foxx, Sponsor

Vote

Presentation of SB 876 - "Criminal Checks/Contract Agencies"
Senator Forrester, Sponsor

Vote

Announcements

Adjournment

MINUTES
HOUSE COMMITTEE ON HUMAN RESOURCES
May 13, 1997
11:00 a.m.
Room 643

The House Committee on Human Resources met in Room 643 of the Legislative Office Building on Tuesday, May 13, 1997, at 11:00 a.m. Representatives Julia Howard and Henry Aldridge, Co-Chairs, presided at the meeting. Rep. Howard recognized Rep. Aldridge to open the meeting in prayer and called the meeting to order. Pages for the day were Brad Prosser of Wake County and Dana Powell of Johnston County.

The following members were present: Representatives Ramsey, Adams, Bowie, Clary, Culp, Cunningham, Earle, Easterling, Gardner, Hunter, Ives, McAllister, Nesbitt, Warwick, Watson, Wilson, G. and Womble.

Rep. Howard recognized Rep. Nesbitt's motion for reconsideration of recommended House concurrence vote on HB81-Senate Committee Substitute. The motion passed unanimously. Rep. Howard recognized Rep. Clary to discuss HB81-Senate Committee Substitute. Rep. Clary requested assistance from Attorney General's office in explaining bill changes. No members of the Attorney General's office were present so Rep. Howard displaced the bill for later discussion.

Rep. Howard recognized Sen. Foxx to discuss SB1023-Senate Committee Substitute and turned the chair over to Rep. Aldridge. Rep. Aldridge opened the floor for discussion. Rep. Womble made a motion for a favorable report as to SB1023-Senate Committee Substitute. Discussion continued on the floor. Rep. Aldridge recognized Elsie Roane of the Department of Social Services (DSS) to assist in answering questions. Rep. Aldridge called for a vote on Rep. Womble's motion for a favorable report. Motion passed unanimously on a voice vote.

Rep. Aldridge recognized Rep. Clary to discuss SB876 on behalf of Sen. Forrester, Bill Sponsor. Rep. Aldridge opened floor for discussion. Rep. McAllister moved for a favorable report as to SB876. Motion passed unanimously on a voice vote.

Rep. Aldridge recognized Rep. Clary to discuss HB81-Senate Committee Substitute. Rep. Aldridge opened floor for discussion. Rep. Aldridge recognized John Tanner, Chief of Adult Family Services-DSS, to comment on this bill.

Rep. Aldridge called on staff member Sue Floyd to assist in floor discussion. Rep. Aldridge then recognized Jane Gray, Deputy Attorney General, to assist in explaining Senate changes to HB81. Rep. Clary made motion to not concur with the Senate Committee Substitute for HB81 and request conferees. Rep. Aldridge called for a vote. The motion passed unanimously on voice vote. The bill will be reported to the House Floor with recommendation for non-concurrence, request conferees.

Rep. Aldridge adjourned the meeting at 11:40 a.m.

Natalie Smoot

Natalie Smoot, Clerk

Julia C. Howard

Rep. Julia C. Howard

Co-Chair

M. W. Aldridge

Rep. M.W. (Henry) Aldridge

Co-Chair

Date Adopted 5-15-97

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

BILL SPONSOR: Rep. Debbie Clary

OFFICE: 418b LOB

DATE: May 8, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Tuesday, May 13, 1997

TIME: 11:00 a.m.

LOCATION: 643 LOB

Your bill will be discussed at this time:

HB 81 "Residency Req/Special Assistance"

We would like to have you attend this meeting.

Representative Julia Howard
Representative Henry Aldridge
Co-Chairmen

Natalie Smoot
Susan Groh
Committee Clerks

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

BILL SPONSOR: Sen. Virginia Foxx

OFFICE: 1120 LB

DATE: May 8, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Tuesday, May 13, 1997

TIME: 11:00 a.m.

LOCATION: 643 LOB

Your bill will be discussed at this time:

SB 1023 "Family Foster Home Standards"

We would like to have you attend this meeting.

Representative Julia Howard
Representative Henry Aldridge
Co-Chairmen

Natalie Smoot
Susan Groh
Committee Clerks

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

BILL SPONSOR: Sen. James Forrester

OFFICE: 1121 LB

DATE: May 8, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Tuesday, May 13, 1997

TIME: 11:00 a.m.

LOCATION: 643 LOB

Your bill will be discussed at this time:

HB 876 "Criminal Checks/Contract Agencies"

We would like to have you attend this meeting.

Representative Julia Howard
Representative Henry Aldridge
Co-Chairmen

Natalie Smoot
Susan Groh
Committee Clerks

VISITOR REGISTRATION SHEET

HUMAN RESOURCES

May 13, 1997

Name of Committee

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

<u>NAME</u>	<u>FIRM OR AGENCY AND ADDRESS</u>
Lois Wilson	NCALTCF
Angie Bae	Gove & Assoc / NCALTCF
Mark	DMC
Ly Ann	Isothermal C.C.
Hope Studrick	Isothermal Community College
Crystal Nodine	Isothermal Community College
Marisa Baron	Isothermal C.C.
Joshua Farmer	" "
Vijay Litor	Andruca - Isothermal C.C.
Corrie Davis	Isothermal Community College
Andrea Plummer	Isothermal Community College
Rebekah Reynolds	Isothermal Community College
Billy Marshall	NC Health Care Facilities
Janese Ransome	DSS
Roslyn Sewitt	Toblyist
Debra Ross	ALSC
Pam Seamans	United Way of NC / Covenant w/ NC's children
Joan Schmidt	NCJCDC
Mym Miller	NASW-NC
Elizabeth Hilder	NASW-NC Intern
Edie Drake	NCJHR-DSS- Chris Srs.
Jim Blackburn	NC Assoc of County Commissioners
Cathy Gowers	NCRCF
David Jones	NCAAC
MT Burnett	GACP.D - DOA
Andrew Law	NCIMED

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE**

You are hereby notified that the Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: **Tuesday, May 20, 1997**

TIME: **11:00 AM**

LOCATION: **Room 643-LOB**

The following bills will be considered (Bill # & Short Title):

SB 626 "Office of Women's Health", Sen Forrester, Sponsor

SB 636 "Public Health Authority Act", Sen. Hartsell, Sponsor

Respectfully,

Representative Howard
Representative Aldridge
Co-Chairman

I hereby certify this notice was filed by the committee clerk at the following offices at
9:15 a.m. on Thursday, May 15, 1997.

____Principal Clerk
____Reading Clerk - House Chamber

Natalie E. Smoot (Committee Clerk)

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

BILL SPONSOR: Sen. James Forrester

OFFICE: 1121 LB

DATE: May 15, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Tuesday, May 20, 1997

TIME: 11:00 a.m.

LOCATION: 643 LOB

Your bill will be discussed at this time:

HB 626 "Office of Women's Health"

We would like to have you attend this meeting.

Representative Julia Howard
Representative Henry Aldridge
Co-Chairmen

Natalie Smoot
Susan Groh
Committee Clerks

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

BILL SPONSOR: Sen. Fletcher Hartsell

OFFICE: 518 LOB

DATE: May 15, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Tuesday, May 20, 1997

TIME: 11:00 a.m.

LOCATION: 643 LOB

Your bill will be discussed at this time:

HB 636 "Public Health Authority Act"

We would like to have you attend this meeting.

Representative Julia Howard
Representative Henry Aldridge
Co-Chairmen

Natalie Smoot
Susan Groh
Committee Clerks

5/20



North Carolina Department of Human Resources

101 Blair Drive. • P. O. Box 29526 • Raleigh, N. C. 27626-0526
(919) 733-4534 • Courier Number 56-20-00

James B. Hunt Jr., Governor

April 28, 1997

H. David Bruton, M.D., Secretary

The Honorable James S. Forrester
North Carolina Senate
2304 Legislative Building
Raleigh, North Carolina 27601-2808

Dear Senator Forrester:

This is to respond to your request regarding an assessment of the cost of S. B. 626 Office of Women's Health. The Department does not anticipate any additional cost to set up this office. We would establish the office using existing resources and staff. Please let me know if you have any further questions.

Sincerely,

A handwritten signature in black ink, appearing to read "H. David Bruton".

H. David Bruton, M.D.

HDB/gs

AGENDA

House Standing Committee on HUMAN RESOURCES

Tuesday, May 20, 1997

Rep. Henry Aldridge - Opening Prayer

Greetings: Rep. Julia Howard, Presiding Chair

Introduction of Pages

Presentation of SB 626 - "Office of Women's Health"
Senator Forrester, Sponsor

Vote

Presentation of SB 636 - "Public Health Authority Act"
Senator Hartsell, Sponsor

Vote

Announcements

Adjournment

MINUTES
HOUSE COMMITTEE ON HUMAN RESOURCES
May 20, 1997
11:00 a.m.
Room 643

The House Committee on Human Resources met in Room 643 of the Legislative Office Building on Tuesday, May 20, 1997, at 11:00 a.m. Representative Julia Howard, Co-Chair, presided at the meeting. Rep. Aldridge opened the meeting in prayer. Rep. Howard called the meeting to order and recognized the pages of the day: Courtney Brown of Surry County and Lauren Bugay of Granville County.

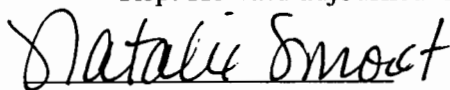
The following members were present: Representatives Aldridge, Co-Chair; Ramsey, Adams, Culp, Cunningham, Earle, Easterling, Esposito, Hunter, Ives, McAllister, Nesbitt, Rayfield, Wilson, G. and Womble.

Rep. Howard recognized Senator Forrester to discuss SB 626 and then called on Staff Member Sue Floyd to explain the bill. Rep. Womble requested recognition to make a motion for a favorable report as to SB 626. Rep. Howard opened floor for discussion of bill. Rep. Howard then called for a vote on Rep. Womble's motion. The motion passed unanimously on a voice vote.

Rep. Howard recognized Senator Hartsell to discuss SB 636 and introduced a technical amendment (#S636-ARM-004) to this bill. Rep. Howard then called for a favorable vote on the amendment. The amendment was adopted unanimously on a voice vote.

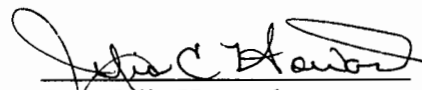
Rep. Howard called on Staff Member Linda Attarian to explain bill. Rep. Cunningham made a motion for a favorable report as to SB 636 with amendments rolled into a committee substitute. Rep. Howard opened floor for discussion on this bill. Rep. Howard recognized Dr. Leah Devlin, DEHNR, to assist in answering questions. Rep. Nesbitt requested further analysis by Staff. Rep. Howard acknowledged the inquiry and requested staff provide the analysis at the next committee meeting.

Rep. Howard adjourned the meeting at 11:50 a.m.


Natalie Smoot, Clerk

Date Adopted

5-21-97


Rep. Julia Howard
Co-Chair

VISITOR REGISTRATION SHEET

HUMAN RESOURCES

Name of Committee

May 20, 1997
Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS[illegible]

Natalie Smoot (Rep. Howard)

From: Natalie Smoot (Rep. Howard)
Sent: Tuesday, July 08, 1997 12:03 PM
To: Sen. Charlie Dannelly; Sen. Fletcher Hartsell, Jr.; Sen. Ellie Kinnaird; Sen. Beverly Perdue; Sen. Bill Martin; Carolyn Johnson; Gail Stewart; John Young; Linda Attarian; Sue Floyd; Susan Groh; Anne Cole; Annecia Norwood; Barbara Berry; Barbara Phillips; Betty Anne Lennon; Carolyn Honeycutt; Dot Barber; Edna Collar; House Sgt of Arms; Janette Lee; Jayne Walton; Jo Malone; Judy Willis; Karen George; Legislative Press; Linda Johnson; Lucille Carter; Mary Jamison; Melissa Jackson; Monica McClain; Pat Baker; Phyllis Cameron; Rebecca Jones; Sharon Gaudette; Sylvia Green; Waneta Lord
Subject: CANCELLATION OF HUMAN RESOURCE COMMITTEE Meeting

The House Standing Committee on Human Resources Meeting has been cancelled for today, July 8, 1997, due to a conflict with other committee meetings.

Natalie Smoot
Committee Clerk
3-5904

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE**

You are hereby notified that the Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Tuesday, July 8, 1997
TIME: 11:00 a.m. or 1 hour after session
LOCATION: Room 643-LOB

*Meeting
Cancelled*

The following bills will be considered (Bill # & Short Title):

- ✓ SB 53 "Adult Care/Nursing Home Penalties", Sen. Dannelly, Sponsor
- ✓ SB 636 "Public Health Authority Act", Sen. Hartsell, Sponsor
- ✓ SB 851 "Limit Provisional License", Sen. Kinnaird, Sponsor
- ✓ SB 962 "Vol. Commitment/Mother on Drugs", Sen. W. Martin, Sponsor
- SB 383 "Health to DHR/DEHNR Name Change", Sen. Perdue, Sponsor

Respectfully,

Representative Howard
Representative Aldridge
Co-Chairman

I hereby certify this notice was filed by the committee clerk at the following offices at
12:15 a.m. on Thursday, July 3, 1997.

____ Principal Clerk
____ Reading Clerk - House Chamber

Natalie E. Smoot (Committee Clerk)

Natalie Smoot (Rep. Howard)

From: Natalie Smoot (Rep. Howard)
Sent: Thursday, July 03, 1997 12:14 PM
To: Anne Cole; Annecia Norwood; Barbara Berry; Barbara Phillips; Betty Anne Lennon; Carolyn Honeycutt; Carolyn Johnson; Dot Barber; Edna Collar; Gail Stewart; House Sgt of Arms; Janette Lee; Jayne Walton; Jo Malone; John Young; Judy Willis; Karen George; Legislative Press; Linda Attarian; Linda Johnson; Lucille Carter; Mary Jamison; Melissa Jackson; Monica McClain; Pat Baker; Phyllis Cameron; Rebecca Jones; Sharon Gaudette; Sue Floyd; Susan Groh; Sylvia Green; Waneta Lord
Subject: HUMAN RESOURCES COMMITTEE Meeting



MEETING NOTICE
7-08-97.doc

Natalie Smoot
Committee Clerk
3-5904

AGENDA
House Standing Committee
on
HUMAN RESOURCES
Tuesday, July 8, 1997

Rep. Henry Aldridge - Opening Prayer

Greetings: Rep. Julia Howard, Presiding Chair

Introduction of Pages

Presentation of SB 636 - "Public Health Authority Act"
Senator Hartsell, Sponsor

Speakers: Dr. Pamela Horne, NC Boards of Health
Mr. Craig Quick (Possibly)

Vote

Presentation of SB 53 - Adult Care/Nursing Home Penalties"
Senator Dannelly, Sponsor

Vote

Presentation of SB 851 - "Limit Provisional License"
Senator Kinnaird, Sponsor

Vote

Presentation of SB 383 - "Health to DHR/DEHNR Name Change"
Senator Perdue, Sponsor

Speaker: Anne Edwards, Christian Science Committee

Vote

Presentation of SB 962 - "Vol. Commitment/Mother on Drugs"
Senator W. Martin, Sponsor

Vote

Announcements

Adjournment

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

BILL SPONSOR: Sen. Charlie Dannelly

OFFICE: 2108 LB

DATE: July 3, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Tuesday, July 8, 1997

TIME: 11:00 a.m. or one hour after session

LOCATION: 643 LOB

Your bill will be discussed at this time:

SB 53 "Adult Care/Nursing Home Penalties"

We would like to have you attend this meeting.

Representative Julia Howard
Representative Henry Aldridge
Co-Chairmen

Natalie Smoot
Committee Clerk

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

BILL SPONSOR: Sen. Fletcher Hartsell

OFFICE: 518 LOB

DATE: July 3, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Tuesday, July 8, 1997

TIME: 11:00 a.m. or one hour after session

LOCATION: 643 LOB

Your bill will be discussed at this time:

SB 636 "Public Health Authority Act"

We would like to have you attend this meeting.

Representative Julia Howard
Representative Henry Aldridge
Co-Chairmen

Natalie Smoot
Committee Clerk

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

BILL SPONSOR: Sen. Eleanor Kinnaird

OFFICE: 2115 LB

DATE: July 3, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Tuesday, July 8, 1997

TIME: 11:00 a.m. or one hour after session

LOCATION: 643 LOB

Your bill will be discussed at this time:

SB 851 "Limit Provisional License"

We would like to have you attend this meeting.

Representative Julia Howard
Representative Henry Aldridge
Co-Chairmen

Natalie Smoot
Committee Clerk

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

BILL SPONSOR: Sen. William Martin

OFFICE: 411 LOB

DATE: July 3, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Tuesday, July 8, 1997

TIME: 11:00 a.m. or one hour after session

LOCATION: 643 LOB

Your bill will be discussed at this time:

SB 962 "Vol. Commitment/Mother on Drugs"

We would like to have you attend this meeting.

Representative Julia Howard
Representative Henry Aldridge
Co-Chairmen

Natalie Smoot
Committee Clerk

Natalie Smoot (Rep. Howard)

From: Sen. Bill Martin
Sent: Thursday, July 03, 1997 1:53 PM
To: Natalie Smoot (Rep. Howard)
Subject: RE: HUMAN RESOURCES COMMITTEE Meeting

Thank you for your message. We will probably be going to Session at 11:00, but I'll come by 643 LOB first and if S. 962 is further down the calendar, I will make arrangement for the Sgt.-At-Arms to contact me in Session when your committee as getting close to S. 962.

I appreciate your assistance.

Bill Martin
411 Legislative Office Building
(919) 373-3042
Fax: (919) 373-3043
=====

From: Natalie Smoot (Rep. Howard)
Sent: Thursday, July 03, 1997 1:14 PM
To: Sen. Bill Martin
Cc: Susan Groh (Rep. Aldridge)
Subject: HUMAN RESOURCES COMMITTEE Meeting

<<File: W. Martin 07-08-97.doc>>

Natalie Smoot
HR Committee Clerk
3-5904

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

BILL SPONSOR: Sen. Beverly Perdue

OFFICE: 629 LOB

DATE: July 3, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Tuesday, July 8, 1997

TIME: 11:00 a.m. or one hour after session

LOCATION: 643 LOB

Your bill will be discussed at this time:

SB 383 "Health to DHR/DEHNR Name Change"

We would like to have you attend this meeting.

Representative Julia Howard
Representative Henry Aldridge
Co-Chairmen

Natalie Smoot
Committee Clerk

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE**

You are hereby notified that the Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: **Tuesday, July 15, 1997**

TIME: **11:00 a.m.**

LOCATION: **Room 643-LOB**

The following bills will be considered (Bill # & Short Title):

SB 636 "Public Health Authority Act", Sen. Hartsell, Sponsor

SB 53 "Adult Care/Nursing Home Penalties", Sen. Dannelly, Sponsor

SB 851 "Limit Provisional License", Sen. Kinnaird, Sponsor

SB 383 "Health to DHR/DEHNR Name Change", Sen. Perdue Sponsor

SB 962 "Vol. Commitment/Mother on Drugs", Sen. W. Martin, Sponsor

Respectfully,

Representative Howard
Representative Aldridge
Co-Chairman

I hereby certify this notice was filed by the committee clerk at the following offices at
12:00 p.m. on Thursday, July 10, 1997.

____ Principal Clerk
____ Reading Clerk - House Chamber

Natalie E. Smoot (Committee Clerk)

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

BILL SPONSOR: Sen. Fletcher Hartsell

OFFICE: 518 LOB

DATE: July 10, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Tuesday, July 15, 1997

TIME: 11:00 a.m.

LOCATION: 643 LOB

Your bill will be discussed at this time:

SB 636 "Public Health Authority Act"

We would like to have you attend this meeting.

Representative Julia Howard
Representative Henry Aldridge
Co-Chairmen

Natalie Smoot
Committee Clerk

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

BILL SPONSOR: Sen. Charlie Dannelly

OFFICE: 2108 LB

DATE: July 10, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Tuesday, July 15, 1997

TIME: 11:00 a.m.

LOCATION: 643 LOB

Your bill will be discussed at this time:

SB 53 "Adult Care/Nursing Home Penalties"

We would like to have you attend this meeting.

Representative Julia Howard
Representative Henry Aldridge
Co-Chairmen

Natalie Smoot
Committee Clerk

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

BILL SPONSOR: Sen. Eleanor Kinnaird

OFFICE: 2115 LB

DATE: July 10, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Tuesday, July 15, 1997

TIME: 11:00 a.m.

LOCATION: 643 LOB

Your bill will be discussed at this time:

SB 851 "Limit Provisional License"

We would like to have you attend this meeting.

Representative Julia Howard
Representative Henry Aldridge
Co-Chairmen

Natalie Smoot
Committee Clerk

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

BILL SPONSOR: Sen. Beverly Perdue

OFFICE: 629 LOB

DATE: July 10, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Tuesday, July 15, 1997

TIME: 11:00 a.m.

LOCATION: 643 LOB

Your bill will be discussed at this time:

SB 383 "Health to DHR/DEHNR Name Change"

We would like to have you attend this meeting.

Representative Julia Howard
Representative Henry Aldridge
Co-Chairmen

Natalie Smoot
Committee Clerk

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

BILL SPONSOR: Sen. William Martin

OFFICE: 411 LOB

DATE: July 10, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Tuesday, July 15, 1997

TIME: 11:00 a.m.

LOCATION: 643 LOB

Your bill will be discussed at this time:

SB 962 "Vol. Commitment/Mother on Drugs"

We would like to have you attend this meeting.

Representative Julia Howard
Representative Henry Aldridge
Co-Chairmen

Natalie Smoot
Committee Clerk

AGENDA
House Standing Committee
on
HUMAN RESOURCES
Tuesday, July 15, 1997

Rep. Henry Aldridge - Opening Prayer

Greetings: Rep. Julia Howard, Presiding Chair

Introduction of Pages

Presentation of SB 636 - "Public Health Authority Act"
Senator Hartsell, Sponsor

Speakers: Dr. Pamela Horne, NC Boards of Health
Mr. Craig Quick (Possibly)

Vote

Presentation of SB 53 - Adult Care/Nursing Home Penalties"
Senator Dannelly, Sponsor

Vote

Presentation of SB 851 - "Limit Provisional License"
Senator Kinnaird, Sponsor

Vote

Presentation of SB 383 - "Health to DHR/DEHNR Name Change"
Senator Perdue, Sponsor

Speaker: Anne Edwards, Christian Science Committee

Vote

Presentation of SB 962 - "Vol. Commitment/Mother on Drugs"
Senator W. Martin, Sponsor

Vote

Announcements

Adjournment

MINUTES
HOUSE COMMITTEE ON HUMAN RESOURCES
July 15, 1997
12:00 p.m.
Room 643

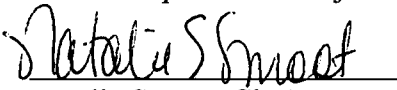
The House Committee on Human Resources met in Room 643 of the Legislative Office Building on Tuesday, July 15, 1997, at 12:00 p.m. Representative Julia Howard, Co-Chair, presided at the meeting. Rep. Howard called the meeting to order and recognized the pages of the day: Susan Kennedy of Duplin County and Janet Outlaw of Craven County.

The following members were present: Representatives Aldridge, Co-Chair; Adams, Bowie, Clary, Culp, Earle, Easterling, Gardner, Gulley, Hunter, Insko, Ives, McAllister, Rayfield, Warwick, and Wilson, G.

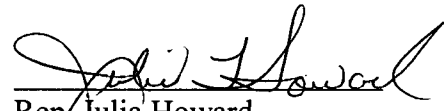
Rep. Howard recognized Senator Hartsell to discuss SB 636. Sen. Hartsell asked for permission to introduce a Proposed Committee Substitute for SB 636. Rep. Gardner moved for discussion of Proposed Committee Substitute. The Committee Substitute was adopted for discussion. Sen. Hartsell then began explanation of the Committee Substitute.

Rep. Howard called on Staff Member Linda Attarian to explain the Committee Substitute, upon her declination, Rep. Howard returned floor to Sen. Hartsell to further discuss and explain bill. Rep. Howard opened floor for discussion on this bill. Rep. Howard recognized Dr. Pamela Horne, Director of the NC Association of Boards of Health, for comments and to assist in answering questions. Discussion on floor continued

Rep. Howard adjourned the meeting at 12:32 p.m.


Natalie Smoot, Clerk

Date Adopted 7-16-97


Rep. Julia Howard
Co-Chair

VISITOR REGISTRATION SHEET

HUMAN RESOURCES

July 15, 1997

Name of Committee

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Lloyd Inman	DEHNR
David A. Dwyer	~~DEHNR~~ Mid Carolina Cardiology
Lucia C. Dell	NO MS
Jim Upchurch	DHR / DFS
Karen Adams	Gov office
Marleen Scott Perkins	DMHIDA/SAS
Doug Lassiter	NC Septic Tank Assoc
Joe McIn	" " " "
David G. Gentry	W.C.P.C.
Roger Gentry	Bow + Assoc - LTC
Stephen Bass	DHR
Dave Breton	ONR
John Bowditch	Zeb Alley P.A.
Don Jensen	DEHNR
Jack P. Gray	DOJ
Evelyn Alexander	NCHA
Craig Souza	NCHCFA
Amirko Bain	Smith Anderson
Will Jay	NCAHE
Ed Kagan	NCACC
Patricia Roessler	NCACC
Kim Smith	NCLM
W. H. H. H.	NCHV
Tommy White	CHS
Robert Roper	EDT, PA
Lynda McDaniel	DHR/DFS
Payton M. M. M.	
Paul M. M.	Assoc of NC Board of Health

VISITOR REGISTRATION SHEET

HUMAN RESOURCES

July 15, 1997
Date

Name of Committee

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS[illegible]

NORTH CAROLINA HOUSE OF REPRESENTATIVES COMMITTEE MEETING NOTICE

You are hereby notified that the Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Wednesday, July 16, 1997

TIME: to be announced during Wednesday's session

LOCATION: Room 643-LOB

The following bills will be considered (Bill # & Short Title):

SB 636 "Public Health Authority Act", Sen. Hartsell, Sponsor

SB 53 "Adult Care/Nursing Home Penalties", Sen. Dannelly, Sponsor

SB 851 "Limit Provisional License", Sen. Kinnaid, Sponsor

SB 383 "Health to DHR/DEHNR Name Change", Sen. Perdue Sponsor

SB 962 "Vol. Commitment/Mother on Drugs", Sen. W. Martin, Sponsor

(This bill was incorporated into S 352, The budget bill. Was never reported out of HR.)

Respectfully,

Representative Howard
Representative Aldridge
Co-Chairman

I hereby certify this notice was filed by the committee clerk at the following offices at
2:30 p.m. on Tuesday, July 15, 1997.

____ Principal Clerk
____ Reading Clerk - House Chamber

Natalie E. Smoot (Committee Clerk)

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

BILL SPONSOR: Sen. Fletcher Hartsell

OFFICE: 518 LOB

DATE: July 15, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Wednesday, July 16, 1997

TIME: to be announced during Wednesday's session

LOCATION: 643 LOB

Your bill will be discussed at this time:

SB 636 "Public Health Authority Act"

We would like to have you attend this meeting.

Representative Julia Howard
Representative Henry Aldridge
Co-Chairmen

Natalie Smoot
Committee Clerk



Association of North Carolina Boards of Health

P.O. BOX 80428, RALEIGH, NORTH CAROLINA 27623-0428
PHONE: (919) 677-4132 FAX: (919) 677-4200

TO: MEMBERS OF THE HUMAN RESOURCES COMMITTEE,
NORTH CAROLINA HOUSE OF REPRESENTATIVES

FROM: PAMELA SWAN HORNE, PH.D., EXECUTIVE DIRECTOR,
ASSOCIATION OF NORTH CAROLINA BOARDS OF HEALTH

SUBJECT: SUPPORT OF SB 636, "PUBLIC HEALTH AUTHORITY ACT"

DATE: MAY 27, 1997

As Director of the Association of North Carolina Boards of Health, I have the privilege of representing 1,000 local people who serve on health boards throughout this state. There are 86 local boards of health, including the ten multi-county district boards. By State statute, there are eleven members on each board who are appointed by county commissioners: a dentist, engineer, nurse, optometrist, pharmacist, physician, veterinarian, three representatives from the general public and a county commissioner. Multi-district boards have up to eighteen members. As outlined in the North Carolina's General Statutes, boards of health have the responsibility "to be the policy-making, rule-making body for local public health" and to "protect and promote the public's health." The Association of North Carolina Boards of Health serves to lead and support local boards of health in fulfilling these responsibilities. Association staff and members travel throughout this state to work with individual boards in their efforts at the local level. Our Association provides training, consulting services, resources and helps to bridge the public and private sectors in addressing public health issues.

Last year on February 9th, I presented an overview of the reorganization models of public health in North Carolina to the Public Health Study Commission. At that time, our Association recommended that the Public Health Study Commission seriously consider the merits of the newly developed Public Health Authority in Cabbarus County. Our Association recognized then as we do now that a public health authority model could serve as a very positive mechanism to strengthen public health in some counties. The Association of North Carolina Boards of

Health, however, does not see the Public Health Authority as a statewide panacea to the delivery of county health services. Instead, we see that each county will have to assess their own situation and find their own solutions to the health care for their community. The Public Health Authority Bill serves to simply facilitate one very positive solution if and when the county so desires.

While the Association of North Carolina Boards of Health promoted this concept from the beginning (when Cabarrus County pursued their Public Health Authority), the Association Directors reviewed and discussed this bill before fully supporting it. Questions were raised as to whether the Public Health Authority Board would assure community participation in identifying the problems and the solutions to health care at the local level. The answer is yes--not only is this local voice preserved it is in many ways strengthened. Unlike the Boards of Health, the Public Health Authority Board will be able to expand community input and participation by "appointing advisory boards, committees and councils to study, interpret and advise the Public Health Authority." The Public Health Authority Board will have greater flexibility to adapt to changing health care demands and respond to community health care needs.

The Public Health Authority Act is one positive alternative for public health departments as they seek ways to address ever-increasing local health care needs amid decreasing dollars and competitive markets. This Act provides one step in the right direction as it provides health departments some flexibility in responding to sweeping health care changes. If local public health departments are not given new ways to respond, many of these health care changes will leave the local citizen out of the decision making process and many miles removed from adequate care. The Public Health Authority Act is one way for communities to work together to preserve and strengthen health care at the local level. The Association of North Carolina Boards of Health hopes that you will support this bill.

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

BILL SPONSOR: Sen. Charlie Dannelly

OFFICE: 2108 LB

DATE: July 15, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Wednesday, July 16, 1997

TIME: to be announced during Wednesday's session

LOCATION: 643 LOB

Your bill will be discussed at this time:

SB 53 "Adult Care/Nursing Home Penalties"

We would like to have you attend this meeting.

Representative Julia Howard
Representative Henry Aldridge
Co-Chairmen

Natalie Smoot
Committee Clerk

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

BILL SPONSOR: Sen. Eleanor Kinnaird

OFFICE: 2115 LB

DATE: July 15, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Wednesday, July 16, 1997

TIME: to be announced during Wednesday's session

LOCATION: 643 LOB

Your bill will be discussed at this time:

SB 851 "Limit Provisional License"

We would like to have you attend this meeting.

Representative Julia Howard
Representative Henry Aldridge
Co-Chairmen

Natalie Smoot
Committee Clerk

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

BILL SPONSOR: Sen. Beverly Perdue

OFFICE: 629 LOB

DATE: July 15, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Wednesday, July 16, 1997

TIME: to be announced during Wednesday's session

LOCATION: 643 LOB

Your bill will be discussed at this time:

SB 383 "Health to DHR/DEHNR Name Change"

We would like to have you attend this meeting.

Representative Julia Howard
Representative Henry Aldridge
Co-Chairmen

Natalie Smoot
Committee Clerk

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
NOTIFICATION TO BILL SPONSOR**

BILL SPONSOR: Sen. William Martin

OFFICE: 411 LOB

DATE: July 15, 1997

The House Committee on **HUMAN RESOURCES** will meet as follows:

DAY & DATE: Wednesday, July 16, 1997

TIME: to be announced during Wednesday's session

LOCATION: 643 LOB

Your bill will be discussed at this time:

SB 962 "Vol. Commitment/Mother on Drugs"

We would like to have you attend this meeting.

Representative Julia Howard
Representative Henry Aldridge
Co-Chairmen

Natalie Smoot
Committee Clerk

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: Senate Bill 962

SHORT TITLE: Voluntary Commitment/Mother on Drugs

SPONSOR(S): Senator Bill Martin

FISCAL IMPACT

Yes () No (X) No Estimate Available ()

FY 1997-98 FY 1998-99 FY 1999-00 FY 2000-01 FY 2001-02

REVENUES

EXPENDITURES

NO FISCAL IMPACT

POSITIONS: N/A

PRINCIPAL DEPARTMENT(S) &

PROGRAM(S) AFFECTED: Department of Human Resources

EFFECTIVE DATE: October 1, 1997

BILL SUMMARY: This bill amends G. S. 122C-211 to expand existing statutory authority to allow children under the age of three to accompany a parent, in a family unit, in need of substance abuse services when voluntarily committed to a 24-hour substance abuse facility operated by the state, area mental health authority or a contract agency of an area mental health authority. The bill also provides that a child accompanying a parent shall receive assessment, well-child care and early intervention services.

ASSUMPTIONS AND METHODOLOGY: Since the intent of this bill is to incorporate into existing statutory authority a policy and practice which is currently in use, no costs are anticipated.

TECHNICAL CONSIDERATIONS: None.

FISCAL RESEARCH DIVISION 733-4910

PREPARED BY: Karen Hammonds-Blanks

APPROVED BY: Tom Covington **TomC**

DATE: April 30, 1997

AGENDA
House Standing Committee
on
HUMAN RESOURCES
Wednesday, July 16, 1997

Rep. Henry Aldridge - Opening Prayer

Greetings: Rep. Julia Howard, Presiding Chair

Introduction of Pages

Presentation of SB 636 - "Public Health Authority Act"
Senator Hartsell, Sponsor

Vote

Presentation of SB 53 - Adult Care/Nursing Home Penalties"
Senator Dannelly, Sponsor

Vote

Presentation of SB 851 - "Limit Provisional License"
Senator Kinnaird, Sponsor

Vote

Presentation of SB 383 - "Health to DHR/DEHNR Name Change"
Senator Perdue, Sponsor

Speaker: Anne Edwards, Christian Science Committee

Vote

Presentation of SB 962 - "Vol. Commitment/Mother on Drugs"
Senator W. Martin, Sponsor

Vote

Announcements

Adjournment

MINUTES
HOUSE COMMITTEE ON HUMAN RESOURCES
July 16, 1997
3:05 p.m.
Room 643

The House Committee on Human Resources met in Room 643 of the Legislative Office Building on Wednesday, July 16, 1997, at 3:05 p.m. Representative Julia Howard, Co-Chair, presided at the meeting. Rep. Howard called the meeting to order.

The following members were present: Representatives Ramsey, Clary, Culp, Easterling, Esposito, Gardner, Gulley, Ives, McAllister, Nesbitt, Warwick, and Wilson, G.

Rep. Howard recognized Senator Hartsell to discuss the Proposed Committee Substitute for SB 636. Rep. Howard called on Staff Member, Linda Attarian to further explain the Proposed Committee Substitute. Rep. Howard opened floor for discussion. Rep. Wilson made a motion to give a favorable report as to House Committee Substitute, unfavorable as to original bill. Rep. Howard called for a vote on the motion and it passed unanimously.

Rep. Howard recognized Senator Dannelly to discuss SB 53 and then recognized Rep. Clary to offer an amendment. Rep. Howard recognized staff member Sue Floyd to explain the amendment. Rep. Howard opened floor for discussion of amendment. Rep. Howard called for vote on favorable report for the amendment. The amendment passed unanimously. Rep. Gardner moved to roll the amendment into a House Committee Substitute and to give the House Committee Substitute a favorable report, unfavorable report as to the original bill (Senate Committee Substitute). Rep. Howard called for a vote on the motion; the motion passed unanimously.

Rep. Howard recognized Senator Kinnaird to discuss SB 851 and called on Rep. Easterling to offer an amendment. Rep. Howard then called on staff member Sue Floyd to explain the amendment. Rep. Howard opened floor for discussion. Rep. Howard called for a vote on the amendment. The amendment passed unanimously. Rep. Howard recognized Sen. Kinnaird to discuss the bill. Rep. Howard then opened floor for discussion and recognized Linda McDaniel from the Department of Facilities Services to aid in answering questions. Rep. Clary moved to roll the amendment into a House Committee Substitute and to give the House Committee Substitute a favorable report, unfavorable report as to the original bill (Senate Committee Substitute). Rep. Howard called for a vote on the motion; the motion passed unanimously.

Rep. Howard recognized Rep. Gardner to discuss the Proposed House Committee Substitute Bill for SB 383. Rep. Clary made motion to accept the PCS for the purpose of discussion; the motion passed unanimously. Rep. Howard called on staff member John Young to further explain the PCS and then opened the floor for discussion.

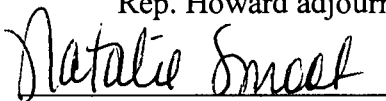
Rep. Howard recognized Rep. Culp to set forth an amendment (ALV-01). Rep. Culp requested recognition of staff member Diana Jessup to explain the amendment. Rep. Howard called on Ms. Jessup to explain the amendment and then turned the floor over to Rep. Culp. The floor was then opened for discussion of this amendment and Rep. Howard then called on Ms. McDaniel to again assist in answering questions. Rep. Howard displaced Rep. Culp's amendment in order to have some perfecting language included in it.

Rep. Howard then sent forth an amendment (ALV-04) and moved for it's adoption. The motion to adopt amendment ALV-04 passed unanimously. Rep. Howard recognized Rep. Warwick to set forth an amendment (ALV-02) and called on staff member Diana Jessup to explain this amendment. Rep. Howard opened floor for discussion of amendment ALV-02 and called on Dr. David Bruton, Secretary of Department of Human Resources, to assist in answering questions. Rep. Howard called for vote to adopt amendment ALV-02. The amendment passed unanimously.

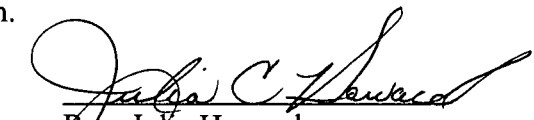
Rep. Howard recognized Rep. Culp to send forth his amendment again and called on staff member Diana Jessup to discuss the perfecting changes made to this amendment (ALV-01). Rep. Howard called for vote on the original amendment (ALV-01); amendment passed unanimously. Rep. Howard then called for a vote on Rep. Nesbitt's perfecting amendment to the Culp amendment; the perfecting amendment also passed unanimously. Rep. Clary moved to roll all the amendments into a new House Committee Substitute and to give a favorable report as to this House Committee Substitute, unfavorable as to the original bill (Senate Committee Substitute); motion passed unanimously.

Rep. Howard called on Senator W. Martin to discuss SB 962 and the Proposed House Committee Substitute. Rep. Culp moved to the adopt the PCS for the purpose of discussion. The motion passed unanimously. Rep. Howard opened floor for discussion of the PCS and recognized Starleen Scott Robins, Department of Mental Health, to aid in answering questions. Rep. Ives moved for a favorable report as to the House Committee Substitute, unfavorable as to the original bill. Rep. Howard called for a vote on the motion; the motion passed unanimously.

Rep. Howard adjourned the meeting at 4:03 p.m.


Natalie Smoot, Clerk

Date Adopted 7-23-97


Rep. Julia Howard
Co-Chair

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

*Reported out
8/21/97
Rep. Insley
to handle
on floor*

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Howard and Aldridge** for the Committee on **Human Resources**.

☒ Committee Substitute for

S.B. 851 A BILL TO BE ENTITLED AN ACT REGARDING ADULT CARE HOME
LICENSES.

- ☐ With a favorable report.
- ☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐
- ☐ With a favorable report, as amended.
- ☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐
- ☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- ☒ With a favorable report as to House committee substitute bill (#), ☐ ~~which changes~~
~~the title~~, unfavorable as to Senate committee substitute bill.
- ☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
- ☐ With an unfavorable report.
- ☐ With recommendation that the House concur.
- ☐ With recommendation that the House do not concur.
- ☐ With recommendation that the House do not concur; request conferees.
- ☐ With recommendation that the House concur; committee believes bill to be material.
- ☐ With an unfavorable report, with a Minority Report attached.
- ☐ Without prejudice.
- ☐ With an indefinite postponement report.
- ☐ With an indefinite postponement report, with a Minority Report attached.
- ☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

D

SENATE BILL 851

Children & Human Resources Committee Substitute Adopted 4/30/97

Third Edition Engrossed 5/1/97

Proposed Committee Substitute S851-PCS6702

Short Title: Limit Provisional License.

(Public)

Sponsors:

Referred to:

April 15, 1997

1 A BILL TO BE ENTITLED
2 AN ACT REGARDING ADULT CARE HOME LICENSES.
3 The General Assembly of North Carolina enacts:

4 Section 1. G.S. 131D-2(b) reads as rewritten:

5 "(b) Licensure; inspections. --

6 (1) The Department of Human Resources shall inspect and license,
7 under rules adopted by the Social Services Commission, all adult
8 care homes for persons who are aged or mentally or physically
9 disabled except those exempt in subsection (c) of this section.
10 Licenses issued under the authority of this section shall be valid for
11 one year from the date of issuance unless revoked earlier by the
12 Secretary of Human Resources for failure to comply with any part
13 of this section or any rules adopted hereunder. No new license
14 shall be issued for any domiciliary home whose administrator was
15 the administrator for any domiciliary home (adult care home) that
16 had its license revoked until one full year after the date of
17 revocation. Licenses shall be renewed annually upon filing and
18 the Department's approval of the renewal application. A license
19 shall not be renewed if outstanding fines and penalties imposed by
20 the State against the home have not been paid. Fines and penalties
21 for which an appeal is pending are exempt from consideration.

The renewal application shall contain all necessary and reasonable information that the Department may by rule require. The Department may amend a license by reducing it from a full license to a provisional license whenever the Department finds that:

- a. The licensee has substantially failed to comply with the provisions of Articles 1 and 3 of Chapter 131D of the General Statutes and the rules adopted pursuant to these Articles;
- b. There is a reasonable probability that the licensee can remedy the licensure deficiencies within a reasonable length of time; and
- c. There is a reasonable probability that the licensee will be able thereafter to remain in compliance with the licensure rules for the foreseeable future.

The Department may revoke a license whenever:

- a. The Department finds that:
 1. The licensee has substantially failed to comply with the provisions of Articles 1 and 3 of Chapter 131D of the General Statutes and the rules adopted pursuant to these Articles; and
 2. It is not reasonably probable that the licensee can remedy the licensure deficiencies within a reasonable length of time; or
- b. The Department finds that:
 1. The licensee has substantially failed to comply with the provisions of Articles 1 and 3 of Chapter 131D of the General Statutes and the rules adopted pursuant to these Articles; and
 2. Although the licensee may be able to remedy the deficiencies within a reasonable time, it is not reasonably probable that the licensee will be able to remain in compliance with licensure rules for the foreseeable future; or
- c. The Department finds that the licensee has failed to comply with the provisions of Articles 1 and 3 of Chapter 131D of the General Statutes and the rules adopted pursuant to these Articles, and the failure to comply endangered the health, safety, or welfare of the patients in the facility.

The Department may also issue a provisional license to a facility, pursuant to rules adopted by the Social Services Commission, for substantial failure to comply with the provisions of this section or rules promulgated pursuant to this section. Any facility wishing to contest the issuance of a provisional license shall be entitled to an administrative hearing as provided in the Administrative Procedure

1 Act, Chapter 150B of the General Statutes. A petition for a
2 contested case shall be filed within 30 days after the Department
3 mails written notice of the issuance of the provisional license.

4 (1a) In addition to the licensing and inspection requirements mandated
5 by subdivision (1) of this subsection, the Department shall ensure
6 that adult care homes required to be licensed by this Article are
7 monitored for licensure compliance on a regular basis. In carrying
8 out this requirement, the Department shall work with county
9 departments of social services to do the routine monitoring and to
10 have the Division of Facility Services oversee this monitoring and
11 perform any follow-up inspection called for. The Department shall
12 also keep an up-to-date directory of all persons who are
13 administrators as defined in subdivision (1a) of subsection (a) of
14 this section.

15 (2) Any individual or corporation that establishes, conducts, manages,
16 or operates a facility subject to licensure under this section without
17 a license is guilty of a Class 3 misdemeanor, and upon conviction
18 shall be punishable only by a fine of not more than fifty dollars
19 (\$50.00) for the first offense and not more than five hundred
20 dollars (\$500.00) for each subsequent offense. Each day of a
21 continuing violation after conviction shall be considered a separate
22 offense.

23 (3) In addition, the Department may summarily suspend a license
24 pursuant to G.S. 150B-3(c) whenever it finds substantial evidence
25 of abuse, neglect, exploitation or any condition which presents an
26 imminent danger to the health and safety of any resident of the
27 home. Any facility wishing to contest summary suspension of a
28 license shall be entitled to an administrative hearing as provided in
29 the Administrative Procedure Act, Chapter 150B of the General
30 Statutes. A petition for a contested case shall be filed within 20
31 days after the Department mails a notice of summary suspension to
32 the licensee.

33 (4) Notwithstanding G.S. 8-53 or any other law relating to
34 confidentiality of communications between physician and patient,
35 in the course of an inspection conducted under subsection (b):

36 a. Department representatives may review any writing or other
37 record concerning the admission, discharge, medication,
38 care, medical condition, or history of any person who is or
39 has been a resident of the facility being inspected, and

40 b. Any person involved in giving care or treatment at or
41 through the facility may disclose information to Department
42 representatives;

43 unless the resident objects in writing to review of his records or
44 disclosure of such information.

1 The facility, its employees and any other person interviewed in
2 the course of an inspection shall be immune from liability for
3 damages resulting from disclosure of any information to the
4 Department.

5 The Department shall not disclose:

6 a. Any confidential or privileged information obtained under
7 this subsection unless the resident or his legal representative
8 authorizes disclosure in writing or unless a court of
9 competent jurisdiction orders disclosure, or

10 b. The name of anyone who has furnished information
11 concerning a facility without that person's consent.

12 The Department shall institute appropriate policies and
13 procedures to ensure that unauthorized disclosure does not occur.
14 All confidential or privileged information obtained under this
15 section and the names of persons providing such information shall
16 be exempt from Chapter 132 of the General Statutes.

17 (5) Notwithstanding any law to the contrary, Chapter 132 of the
18 General Statutes, the Public Records Law, applies to all records of
19 the State Division of Social Services of the Department of Human
20 Resources and of any county department of social services
21 regarding inspections of domiciliary care facilities except for
22 information in the records that is confidential or privileged,
23 including medical records, or that contains the names of residents
24 or complainants."

25 Section 2. This act is effective when it becomes law and applies
26 beginning with calendar year 1998.

Natalie Smoot (Rep. Howard)

From: Karen George (Rep. Rayfield)
Sent: Wednesday, July 16, 1997 1:28 PM
To: Natalie Smoot (Rep. Howard)
Subject: Excused Absence

Natalie

Representative Rayfield has a conflict with meetings today and will not be able to attend the HR Committee meeting at 3:00 today. Please give him an excused absence. He will be in Election Law and Campaign at the same time in room 1327 if you need to reach him during the committee meeting. He has a bill on the agenda and must attend.

If any questions, please call. Thanks

VISITOR REGISTRATION SHEET

HUMAN RESOURCES

Name of Committee

July 16

, 1997

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

<u>NAME</u>	<u>FIRM OR AGENCY AND ADDRESS</u>
Pat Tully	NCHIA
Russell Bay	Boone & Assoc / NCALTCF
Alphonse Jones	DHR
John Upchurch	DHR / DFS
John M. Daniel	DFS
~~David B. Jones~~	~~NCOS~~
ANGIE McMillan	DIR
Whitney Oberg	DMHDDSS
Ruth H. Helmer	DSS - Commission
Tommy West	Carolina Healthcare system
Laura Hartsell	MCIC
John Bowditch	Zeb Alley P.A.
Donna Sue 1st	Assoc of NC Brands & Products
H. DAVID BRANTON	OTR -
Cynthia McWilliam	DHR
Don Levine	DEHNR
Richard Whisenant	DEHNR
R. ROGERS	DEHNR
Karen Adams	Gov's Office
L. E. INMAN, Jr.	DEHNR
John Holman	UNC / Sierra Club
Paul Regan	N.C.A.C.C.
Will Jay	NCAAC
David Simmons	ZDA, PA
Sarah Fieler	DEHNR
Monteagan	Moore & Van Allen
Janet King	Hospice of the Carolinas
Harleen Scott Roberts	DMH/DD/SAS

VISITOR REGISTRATION SHEET

HUMAN RESOURCES

Name of Committee

July 16, 1997
Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS[illegible]

MINUTES
HOUSE COMMITTEE ON HUMAN RESOURCES

August 19, 1997

8:30 a.m.

Room 1327 LB

The House Committee on Human Resources met in Room 1327 of the Legislative Building on Tuesday, August 19, 1997 at 8:30 a.m. Representative Julia Howard, Co-Chair, presided at the meeting. Representative Howard called the meeting to order.

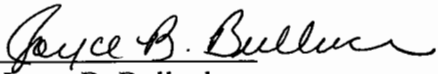
The following members were present: Rep. Aldridge, Co-Chair; Rep. Ramsey, Ranking Minority Member; and Representatives Adams, Bowie, Clary, Culp, Earle, Easterling, Gardner, Gulley, Insko, Ives, Nesbitt, Rayfield, Watson and Wilson, G.

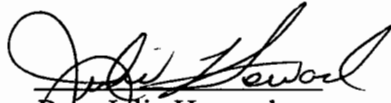
Representative Howard recognized Senator Rand to explain Senate Bill 445 - "Allow Nursing Interstate Compacts". There was a brief discussion of the bill. Representative Ramsey asked if the nurses of North Carolina supported the bill. Senator Rand said that they supported the bill. Representative Culp made a motion for a favorable report, and it was unanimously approved.

Representative Howard then recognized Senator Reeves to explain Senate Bill 712 - "Substance Abuse Specialists". Ms. Carolyn Johnson, staff member, gave a summary of the bill, and her remarks are made a part of the minutes. There was considerable discussion of the bill with questions coming from Representatives Rayfield, Culp, Gardner, Ramsey, Insko, Clary and Esterling. Questions were answered by Ann Christian, lobbyist; Dr. John Baggett of the N. C. Division of Mental Health; and Senator Reeves. There was much discussion the effect the bill would have in increasing costs for the state. Dr. Baggett addressed these concerns. Representative Culp made a motion for a favorable report of Senate Bill 712, and it was unanimously approved.

Representative Howard then asked Representative Tallent to explain Senate Bill 806 - "Childhood Lead Exposure Control". Representative Tallent stated that he had a committee substitute for the bill. He asked John Young, staff member, to address the bill and the committee substitute. His remarks are made a part of these minutes. There was much discussion with questions from Representatives Bowie, Gardner and Adams. Questions were addressed by Ed Norman, Division of Environmental Health and Dianna Jessup, staff member. Representative stated that due to time constraints, this bill remain in the committee for future consideration.

There being no further business, the meeting was adjourned.


Joyce B. Bulluck
Clerk


Rep. Julia Howard
Co-Chair

Date Adopted 8/28/97

VISITOR REGISTRATION SHEET

HUMAN RESOURCES

AUGUST 19, 1997

Name of Committee

Date

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Ann Christen	attg
John Polinatos	Lawrence B. Polinatos
Lee Walton	New World Health Care
Harold Kramer	N. C. Bd of Nursing
Huba Jay	NCSA PCB
Jacqueline L. Lerman	Psychologist
John R. R.	NCSA PCB
JODD FELTS	DCD-DHR
Peggy Bull	DCD-DHR
Ed Norman	DEHNR - Env. Health
Terry Hinderly	NC Food Banks
Rob Schofield	NCJCD
John Rustin	NC FPC
Tom W.	NC Assoc of REALTORS
Eddie Caldwell	AAAC
David Ferrell	Hager, McNamee, Coldwell, McElroy, Butler PA
MAHLEY	NCHIA
R. Paul Williams	NCHIBA
Jim Scarborough	
Richard E. Cook	LCPA
Doug Bailey	DMH/DO/SAS
Walter R.	NASW-NC
Amy Henderson	Huntton: Williams
Cara Cox	BPM# L
Ann R.	WCSR
Larry Bentley	ASARCO

VISITOR REGISTRATION SHEET

HUMAN RESOURCES

AUGUST 19, 1997

Name of Committee

Date _____

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS[illegible]

AGENDA
House Standing Committee
on
HUMAN RESOURCES
Tuesday, August 19, 1997

Greetings: Representative Julia Howard, Presiding Chair

Presentation of SB 445 - "Allow Nursing Interstate Compacts"
Senator Rand, Sponsor

Vote

Presentation of SB 806 - "Childhood Lead Exposure Control"
Senator Conder, Sponsor

Vote

Presentation of SB 712 - "Substance Abuse Specialists"
Senator Reeves, Sponsor

Vote

Announcements

Adjournment

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

*Reported out
8/21/97
\$
Rep Howard
will handle
on floor*

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Howard and Aldridge** for the Committee on **Human Resources**.

- ☐ Committee Substitute for
S.B. 445 A BILL TO BE ENTITLED AN ACT TO ALLOW THE NORTH CAROLINA
BOARD OF NURSING TO ENTER INTO INTERSTATE COMPACTS TO FACILITATE
THE PRACTICE AND REGULATION OF NURSING.
- ☒ With a favorable report.
- ☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐
- ☐ With a favorable report, as amended.
- ☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐
- ☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)
- ☐ With a favorable report as to House committee substitute bill (#), ☐ which changes
the title, unfavorable as to Senate committee substitute bill.
- ☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)
- ☐ With an unfavorable report.
- ☐ With recommendation that the House concur.
- ☐ With recommendation that the House do not concur.
- ☐ With recommendation that the House do not concur; request conferees.
- ☐ With recommendation that the House concur; committee believes bill to be material.
- ☐ With an unfavorable report, with a Minority Report attached.
- ☐ Without prejudice.
- ☐ With an indefinite postponement report.
- ☐ With an indefinite postponement report, with a Minority Report attached.
- ☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

4/24/97

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 445

Short Title: Allow Nursing Interstate Compacts.

(Public)

Sponsors: Senator Rand.

Referred to: Children & Human Resources.

March 20, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW THE NORTH CAROLINA BOARD OF NURSING TO
3 ENTER INTO INTERSTATE COMPACTS TO FACILITATE THE PRACTICE
4 AND REGULATION OF NURSING.
5 The General Assembly of North Carolina enacts:
6 Section 1. G.S. 90-171.23(b) is amended by adding a new subdivision to
7 read:
8 "(17) Enter into interstate compacts to facilitate the practice and
9 regulation of nursing."
10 Section 2. This act is effective when it becomes law.



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Legislative Services Office**

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Terrence D. Sulli
Research Division
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300 N. Salisbury
Raleigh, NC 27
(919) 733-2578

August 18, 1997

MEMORANDUM

TO: House Human Resources Committee

FROM: John Young, Committee Staff

RE: **Senate Bill 445-Allow Nursing Interstate Compacts**
Senator Rand

Background

The revolution in telecommunications has expanded the horizon and is creating a new future for the practice of health care. With the leadership of such schools as the UNC School of Public Health and East Carolina Medical School, it will be commonplace to monitor, diagnose and treat patients from afar. Telehealthcare will know no state boundry. This raises issues of quality of care and discipline for the health licensing boards who are limited by state boarders.

Senate Bill 445

Senate Bill 445 would amend the Nursing Practice Act by adding to the powers of the Board of Nursing the ability to "enter into interstate compacts to facilitate the practice and regulation of nursing." The Board feels that this authority would facilitate their ability to respond to the need to regulate nursing practice in the new interstate telehealthcare settings.

*Reported out
8/21/97
§*

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Howard and Aldridge** for the Committee on **Human Resources**.

☐ Committee Substitute for

S.B. 712 A BILL TO BE ENTITLED AN ACT TO CERTIFY CLINICAL ADDICTIONS SPECIALISTS, PROVIDE SPECIFIC AUTHORITY FOR CERTIFICATION OF CLINICAL SUPERVISORS AND RESIDENTIAL FACILITY DIRECTORS, AND TO MAKE A TECHNICAL CHANGE.

*To be
handled by
Rep. Aldridge*

☒ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☐ With a favorable report as to House committee substitute bill (#), ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

4/24/97

JH

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

2

SENATE BILL 712
Finance Committee Substitute Adopted 6/2/97

Short Title: Substance Abuse Specialists.

(Public)

Sponsors:

Referred to:

April 7, 1997

1 A BILL TO BE ENTITLED

2 AN ACT TO CERTIFY CLINICAL ADDICTIONS SPECIALISTS, PROVIDE
3 SPECIFIC AUTHORITY FOR CERTIFICATION OF CLINICAL
4 SUPERVISORS AND RESIDENTIAL FACILITY DIRECTORS, AND TO
5 MAKE A TECHNICAL CHANGE.

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 90-113.30 reads as rewritten:

8 "§ 90-113.30. Declaration of purpose.

9 The North Carolina Substance Abuse ~~Professionals~~ Professional Certification
10 Board, established by G.S. 90-113.32, is recognized as the certifying authority for
11 ~~certified substance abuse counselors and certified substance abuse prevention~~
12 ~~consultants~~ substance abuse professionals described in this Article in order to
13 safeguard the public health, safety, and welfare, to protect the public from being
14 harmed by unqualified persons, to assure the highest degree of professional care and
15 conduct on the part of certified substance abuse ~~counselors and certified substance~~
16 ~~abuse prevention consultants,~~ professionals, to provide for the establishment of
17 standards for the education of ~~substance abuse counselors and substance abuse~~
18 ~~prevention consultants,~~ certified substance abuse professionals, and to ensure the
19 availability of ~~substance abuse counseling services and substance abuse prevention~~
20 ~~services~~ certified substance abuse professional services of high quality to persons in
21 need of these services. It is the purpose of this Article to provide for the regulation of
22 Board-certified persons offering substance abuse counseling services, substance abuse

1 prevention services, or any other substance abuse services for which the Board may
2 grant certification."

3 Section 2. G.S. 90-113.31 reads as rewritten:

4 **"§ 90-113.31. Definitions.**

5 ~~In this Article, unless the context clearly requires otherwise, the~~ The following
6 definitions shall apply in this Article:

7 (1) ~~"Board" means the Board. -- The North Carolina Substance Abuse~~
8 ~~Professionals Professional Certification Board.~~

9 (1a) Certified clinical addictions specialist. -- A person certified by the
10 Board to practice as a clinical addictions specialist in accordance
11 with the provisions of this Article.

12 (1b) Certified clinical supervisor. -- A person certified by the Board to
13 practice as a clinical supervisor in accordance with the provisions
14 of this Article.

15 (1c) Certified residential facility director. -- A person certified by the
16 Board to practice as a residential facility director in accordance
17 with the provisions of this Article.

18 (2) ~~"Certified substance abuse counselor" means any Certified~~
19 ~~substance abuse counselor. -- A person certified by the Board to~~
20 ~~practice as a substance abuse counseling counselor in accordance~~
21 ~~with the provisions of this Article.~~

22 (3) ~~"Substance abuse counseling" means the assessment, evaluation, or~~
23 ~~provision of counseling to persons suffering from substance abuse~~
24 ~~or dependency, alcohol abuse or dependency, or drug abuse or~~
25 ~~dependency.~~

26 (4) ~~"Certified substance abuse prevention consultant" means any~~
27 ~~Certified substance abuse prevention consultant. -- A person~~
28 ~~certified by the Board to practice substance abuse prevention in~~
29 ~~accordance with the provisions of this Article.~~

30 (4a) Credentialing body. -- A board that licenses, certifies, or regulates
31 a profession or practice.

32 (4b) Deemed status. -- Recognition by the Board of the credentials
33 offered by a professional discipline whereby the individuals
34 certified, licensed, or otherwise recognized by the discipline as
35 having met the standards of a substance abuse specialist may apply
36 individually for certification as a certified clinical addictions
37 specialist.

38 (4c) Human services field. -- An area of study that focuses on the
39 biological, psychological, and social aspects of human beings.

40 (4d) Intern. -- A person who successfully completes 300 hours of Board
41 approved supervised practical training and a written examination
42 in pursuit of certification as a substance abuse counselor.

43 (5) ~~"Prevention" means the Prevention. -- The reduction, delay, or~~
44 ~~avoidance of alcohol and of other drug use behavior. 'Prevention'~~

includes the promotion of positive environments and individual strengths that contribute to personal health and well-being over an entire life and the development of strategies that encourage individuals, families, and communities to take part in assessing and changing their lifestyle and environments.

(6) Professional discipline. -- A field of study characterized by the technical, educational, and ethical standards of a profession.

(7) Substance abuse counseling. -- The assessment, evaluation, and provision of counseling to persons suffering from substance, drug, or alcohol abuse or dependency.

(8) Substance abuse professional. -- A certified substance abuse counselor, certified substance abuse prevention consultant, certified clinical supervisor, certified clinical addictions specialist, or certified residential facility director."

Section 3. G.S. 90-113.32 reads as rewritten:

"§ 90-113.32. ~~Board.~~ Board; composition; voting.

(a) The Board is created as the certifying authority for substance abuse ~~counselors~~ counselors, and substance abuse prevention consultants, clinical supervisors, clinical addictions specialists, and residential facility directors in North Carolina.

(b) Until the full Board is elected or appointed pursuant to subsection (c) of this section, the Board shall consist of 16 members with one member appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121, and one member appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121. The remaining 14 shall be those members of the current North Carolina Substance Abuse ~~Professionals~~ Professional Certification Board, Inc., who have terms that are unexpired as of the effective date of this Article. The initial Board shall appoint an initial Nominating and Elections Committee to fill immediate vacancies on the Board, using the process established in subsection (d) of this section. The election and appointment process of the initial Board shall result in a Board of 19 members by April 1, 1995. As these initial members' terms expire, their successors shall be appointed as described in subsection (c) of this section, until the permanent Board is established, as described in subsection (c) of this section. Time spent as an initial member counts in determining the limitation on consecutive terms prescribed in subsection (e) of this section.

(c) After the initial Board members' terms expire, the Board shall consist of ~~19~~ the following members, all of whom shall reside in North Carolina, appointed or elected as follows:

(1) Eleven professionals certified pursuant to this Article and elected by the certified professionals, at least two of whom shall serve each of the four Division of Mental Health, Developmental Disabilities, and Substance Abuse Services regions of the ~~State;~~ State. Three members shall serve as members at large.

- (2) Three members at large chosen from laypersons or other professional disciplines who have shown a special interest in the field of substance abuse, nominated by the Nominations and Elections Committee established by subsection (d) of this section and elected by the ~~Board~~, Board.
- (3) Two members from the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, Department of Human Resources, appointed by the Chief of Substance Abuse Services Section, Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, Department of Human Resources, at least one of whom is from the Substance Abuse Services ~~Section~~, Section.
- (4) One member of the public at large appointed by the ~~Governor~~, and Governor.
- (5) One member of the public at large appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121 and one member of the public at large appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121.
- (6) One member shall represent each of the professional disciplines granted deemed status under G.S. 90-113.41A. The member may be appointed by the professional discipline on or before a date set by the Board. If the professional discipline has at least one association in the State, the member shall be chosen from a list of nominees submitted to the association. The members appointed or elected under this subdivision shall be certified as substance abuse specialists by the professional discipline that the members represent.

No member of the General Assembly shall serve on the Board.

(c1) Every member of the Board shall have the right to vote on all matters before the Board, except for the President who shall vote only in case of a tie or when another member of the Board abstains on the question of whether the professional discipline the member represents shall retain its deemed status.

(d) The Board shall appoint five professionals from the field of substance abuse counseling and substance abuse prevention consulting to serve on the Nominating and Elections Committee. Of these five, at least three shall not be members of the Board. The Board shall appoint a member of the Nominating and Elections Committee to serve as chair. The Committee's purpose is to accept nominations from professionals certified by the Board to fill vacancies on the Board in membership categories prescribed by subdivisions (1) and (2) of subsection (c) of this section and to conduct the election of Board members. The Committee shall solicit nominations from all professionals it has certified under this Article ~~whenever such a vacancy occurs and~~ when elected members' terms are due to expire. The certified

1 professionals shall submit to the Committee all nominations ~~within 90 days beginning~~
2 90 days and ending 14 days before the election of new Board members. The
3 Committee shall furnish all certified professionals with a ballot containing all the
4 nominees for each elected Board member vacancy. In soliciting and making
5 nominations for this process, the Committee shall give consideration to factors that
6 promote representation on the Board by professionals certified by the Board. The
7 Committee shall serve for a two-year term, its successors to be appointed for the same
8 term by the Board.

9 (e) Members of the Board shall serve for three-year terms. No Board member
10 shall serve for more than two consecutive terms, but a person who has been a
11 member for two consecutive terms may be reappointed after being off the Board for a
12 period of at least one year. When a vacancy occurs in an unexpired term, the Board
13 ~~shall~~ shall, as soon as practicable, appoint temporary members to serve until the next
14 membership election. Time spent as a temporary member does not count in
15 determining the limitation on consecutive terms.

16 (f) If a member becomes ineligible to serve on the Board for any reason, except
17 when the member has committed an ethical violation that results in the suspension or
18 revocation of the member's professional credentials, the member may fulfill the
19 remainder of the member's term on the Board."

20 Section 4. G.S. 90-113.33 reads as rewritten:

21 "**§ 90-113.33. Board; powers and duties.**

22 The Board shall:

23 (1) Examine and determine the qualifications and fitness of applicants
24 for certification to practice in this State ~~as substance abuse~~
25 ~~counselors and as substance abuse prevention consultants; State.~~

26 (1a) Determine the qualifications and fitness of organizations applying
27 for deemed status.

28 (2) Issue, renew, deny, suspend, or revoke certification to practice in
29 this State or reprimand or otherwise discipline ~~substance abuse~~
30 ~~counselors and substance abuse prevention consultants~~ certificate
31 holders in this State; State. However, disciplinary actions
32 involving a clinical addictions specialist whose certification is
33 achieved through deemed status shall be initially heard by the
34 specialist's credentialing body. The specialist may appeal the
35 body's decision to the Board. The Board shall, however, have the
36 authority to hear the initial disciplinary action involving a clinical
37 addictions specialist.

38 (3) Deal with issues concerning ~~reciprocity;~~ reciprocity.

39 (4) Conduct investigations for the purpose of determining whether
40 violations of this Article or grounds for disciplining ~~exist;~~ exists.

41 (5) Employ the professional and clerical personnel necessary to carry
42 out the provisions of this Article. The Board may purchase or rent
43 necessary office space, equipment, and ~~supplies;~~ supplies.

- 1 (6) Conduct administrative hearings in accordance with Chapter 150B
2 of the General Statutes when a 'contested case', as defined in
3 Chapter 150B, ~~arises;~~ arises.
4 (7) Appoint from its own membership one or more members to act as
5 representatives of the Board at any meeting in which it considers
6 this representation is ~~desirable;~~ desirable.
7 (8) Establish fees for applications for examination, certificates of
8 certification and renewal, and other services provided by the
9 ~~Board;~~ and Board.
10 (9) Adopt any rules necessary to carry out the purpose of this Article
11 and its duties and responsibilities pursuant to this Article.

12 The powers and duties enumerated in this section are granted for the purposes of
13 enabling the Board to safeguard the public health, safety, and welfare against
14 unqualified or incompetent practitioners and are to be liberally construed to
15 accomplish this objective. When the Board exercises its authority under this Article to
16 discipline a person, it may, as part of the decision imposing the discipline, charge the
17 costs of investigations and the hearing to the person disciplined."

18 Section 5. G.S. 90-113.34 reads as rewritten:

19 "**§ 90-113.34. Records to be kept; copies of records.**

20 The Board shall obtain documentation of all proceedings under this Article and a
21 record of all persons certified under it. The record shall show the name, last known
22 place of business, last known place of residence, and date and number of the
23 certificate of certification as a certified substance abuse ~~counselor or counselor,~~
24 certified substance abuse prevention ~~consultant~~ consultant, certified clinical
25 supervisor, certified clinical addictions specialist, or certified residential facility
26 director for every living certified person. Any interested person in the State is entitled
27 to obtain a copy of that record on application to the Board and upon payment of a
28 reasonable charge that is based on the costs involved in providing the copy. The
29 Board shall keep a hard copy of all records."

30 Section 6. G.S. 90-113.37 reads as rewritten:

31 "**§ 90-113.37. Renewal of certification; lapse; revival.**

32 (a) Every person certified pursuant to this Article who desires to maintain
33 certification status shall apply to the Board for a renewal of certification every other
34 year and pay to the secretary-treasurer the prescribed fee. Renewal of certification is
35 subject to completion of no more than 60 hours of those continuing education
36 requirements established by the Board. A clinical supervisor shall also complete 15
37 hours of substance abuse clinical supervision or training prior to the certificate being
38 renewed. Certification that is not renewed automatically lapses, unless the Board
39 provides for the late renewal of certification upon the payment of a late fee. No late
40 renewal shall be granted more than five years after a certification expires. A
41 suspended certification is subject to this section's renewal requirements and may be
42 renewed as provided in this section. This renewal does not entitle the certified person
43 to engage in the certified activity or in any other conduct or activity in violation of
44 the order or judgment by which the certification was suspended, until the certification

1 is reinstated. If a certification revoked on disciplinary grounds is reinstated and
2 requires renewal, the certified person shall pay the renewal fee and any applicable
3 late fee.

4 (b) The Board shall establish the manner in which lapsed certification may be
5 revived or extended."

6 Section 7. G.S. 90-113.38 reads as rewritten:

7 "**§ 90-113.38. Maximums for certain fees.**

8 (a) ~~The combined fees fee~~ to obtain a certificate of certification as a substance
9 abuse counselor, substance abuse prevention consultant, clinical supervisor, or
10 residential facility director may not exceed ~~three hundred dollars (\$300.00)~~ three
11 hundred twenty-five dollars (\$325.00). The fee to renew a certificate may not exceed
12 one hundred dollars (\$100.00).

13 (b) The fee to obtain a certificate of certification for a clinical addictions specialist
14 pursuant to G.S. 90-113.41A may not exceed one hundred dollars (\$100.00). The fee
15 to renew a certificate may not exceed fifty dollars (\$50.00). The fee to obtain a
16 certificate of certification for a clinical addictions specialist under G.S. 90-113.40 may
17 not exceed three hundred twenty-five dollars (\$325.00). The fee to renew the
18 certificate may not exceed one hundred dollars (\$100.00).

19 (c) There shall be a reexamination fee of one hundred dollars (\$100.00) which
20 shall be paid for each reexamination in addition to the fees required under subsection
21 (a) of this section."

22 Section 8. G.S. 90-113.39 reads as rewritten:

23 "**§ 90-113.39. Standards for certification.**

24 The Board shall establish standards for certification of substance abuse
25 professionals. The certification standards of the International Certification Reciprocity
26 Consortium/Alcohol and Other Drug Abuse and ~~of the National Association of~~
27 ~~Alcoholism and Drug Abuse Counselors~~ the standards adopted by professional
28 disciplines granted deemed status may be used as guidelines for the Board's
29 standards. The Board shall publish these required standards separately from its rules
30 so as to provide easy access to the standards."

31 Section 9. G.S. 90-113.40 reads as rewritten:

32 "**§ 90-113.40. Requirements for certification.**

33 (a) The Board shall issue a certificate certifying an applicant as a ~~"Certified~~
34 ~~Substance Abuse Counselor"~~ 'Certified Substance Abuse Counselor' or as a
35 ~~"Certified Substance Abuse Prevention Consultant"~~ 'Certified Substance Abuse
36 Prevention Consultant' if:

- 37 (1) The applicant is of good moral ~~character;~~ character.
38 (2) The applicant is not and has not engaged in any practice or
39 conduct that would be grounds for disciplinary action under ~~G.S.~~
40 ~~90-113.44;~~ G.S. 90-113.44.
41 (3) The applicant is qualified for certification pursuant to the
42 requirements of this Article and any rules adopted pursuant to ~~it;~~
43 it.

- (4) The applicant has, at a minimum, a high school diploma or a high school equivalency ~~certificate~~; certificate.
- (5) The applicant has signed a form attesting to the intention to adhere fully to the ethical standards adopted by the ~~Board~~; Board.
- (6) The applicant has completed 270 hours of Board-approved ~~education~~; education. The Board may prescribe that a certain number of hours be in a course of study for substance abuse counseling and that a certain number of hours be in a course of study for substance abuse prevention consulting.
- (7) The applicant has documented completion of a minimum of 300 hours of Supervised Practical Training and has provided a Board-approved supervision contract between the applicant and an approved ~~supervisor~~; supervisor.
- (8) The applicant for substance abuse counselor has completed either a total of ~~three years~~ 6,000 hours of supervised experience in the field, whether paid or volunteer, or, if a graduate of a Board-approved master's degree program, a total of ~~18 months~~ 3,000 hours of supervised experience in the field, whether paid or ~~volunteer~~; and volunteer. The applicant for substance abuse prevention consultant has completed a total of 10,000 hours supervised experience in the field, whether paid or volunteer, or 4,000 hours if the applicant has at least a bachelors degree in a human services field.
- (9) The applicant has successfully completed a written examination and an oral examination promulgated and administered by the Board.

(b) The Board shall issue a certificate certifying an individual as a 'Certified Clinical Supervisor' if, in addition to meeting the requirements of subdivisions (a)(1) through (5) of this section, the applicant:

- (1) Has been certified as a substance abuse counselor or a clinical addictions specialist.
- (2) Prior to June 30, 1998, the applicant presents proof that the applicant has 12,000 hours experience in alcohol and drug abuse counseling and a bachelors degree or 8,000 hours experience in alcohol and drug abuse counseling and a minimum of a master's degree. After June 30, 1998, the applicant shall present proof that the applicant has a minimum of a master's degree.
- (3) Has 6,000 hours experience as a substance abuse clinical supervisor if the applicant has a bachelors degree or 4,000 hours experience if the applicant has a master's degree.
- (4) Has 30 hours of substance abuse clinical supervision specific education or training. These hours shall be reflective of the 12 core functions in the applicant's clinical application and practice

- 1 and may also be counted toward the applicant's recertification as a
2 substance abuse counselor.
- 3 (5) Submits a letter of reference from a professional who can attest to
4 the applicant's supervisory competence and two letters of reference
5 from either counselors who have been supervised by the applicant
6 or professionals who can attest to the applicant's competence.
- 7 (6) Successfully completes a written examination administered by the
8 Board.
- 9 (c) The Board shall issue a certificate certifying an applicant as a 'Certified
10 Clinical Addictions Specialist' if, in addition to meeting the requirements of
11 subdivisions (a)(1) through (5) of this section, the applicant meets one of the
12 following criteria:
- 13 (1) Criteria A. -- The applicant:
- 14 a. Has a minimum of a master's degree with a clinical
15 application in a human services field.
- 16 b. Has two years postgraduate supervised substance abuse
17 counseling experience.
- 18 c. Submits three letters of reference from certified clinical
19 addictions specialists or certified substance abuse
20 professionals.
- 21 d. Has achieved a combined score set by the Board on a
22 master's level written and oral examination administered by
23 the Board.
- 24 e. Has attained 180 hours of substance abuse specific training
25 as described in G.S. 90-113.41A.
- 26 (2) Criteria B. -- The applicant:
- 27 a. Has a minimum of a master's degree with a clinical
28 application in a human services field.
- 29 b. Has been certified as a substance abuse counselor.
- 30 c. Has one year of postgraduate supervised substance abuse
31 counseling experience.
- 32 d. Has achieved a passing score on a master's level written
33 examination administered by the Board.
- 34 e. Submits three letters of reference from certified clinical
35 addictions specialists or certified substance abuse
36 professionals.
- 37 (3) Criteria C. -- The applicant:
- 38 a. Has a minimum of a master's degree in a human services
39 field with a substance abuse specialty that includes 180
40 hours of substance abuse specific education and training
41 pursuant to G.S. 113.41A.
- 42 b. Has one year of postgraduate supervised substance abuse
43 counseling experience.

c. Has achieved a passing score on an oral examination administered by the Board.

d. Submits three letters of reference from certified clinical addictions specialists or certified substance abuse professionals.

(4) Criteria D. -- The applicant has a substance abuse certification from a professional discipline that has been granted deemed status by the Board.

(d) The Board shall issue a certificate certifying an applicant as a 'Certified Residential Facility Director' if, in addition to meeting the requirements of subdivisions (a)(1) through (5) of this section, the applicant:

(1) Has been certified as a substance abuse counselor.

(2) Has 50 hours of Board approved academic or didactic management specific training or a combination thereof.

(3) Submits letters of reference from the applicant's current supervisor and a colleague or coworker.

(e) The Board shall publish from time to time information in order to provide specifics for potential applicants of an acceptable educational curriculum and the terms of acceptable supervised fieldwork experience."

Section 10. G.S. 90-113.41 reads as rewritten:

"§ 90-113.41. Examination.

(a) Except for those individuals applying for certification under G.S. 90-113.41A, Applicants applicants for certification under this Article shall file an application at least 60 days prior to the date of examination and upon the forms and in the manner prescribed by the Board. The application shall be accompanied by the appropriate fee. No portion of this fee is refundable. Applicants who fail an examination may apply for reexamination upon the payment of another examination fee.

(b) Each applicant for certification under this Article shall be examined in an examination that is consistent with the examination requirements of the International Certification Reciprocity Consortium/Alcohol and Other Drug Abuse. Abuse and the standards adopted by professional disciplines granted deemed status.

(c) Applicants for certification shall be examined at a time and place and under the supervision that the Board determines. Examinations shall be given in this State at least twice each year.

(d) Applicants may obtain their examination scores and may review their examination papers in accordance with rules the Board adopts."

Section 11. Article 5C of Chapter 90 of the General Statutes is amended to add a new section to read:

"§ 90-113.41A. Deemed status.

(a) To be granted deemed status by the Board, a credentialing body of a professional discipline or its designee shall demonstrate that its substance abuse certification program substantially meets the following:

(1) Each person to whom the credentialing body awards credentials following the effective date of this act meets and maintains

1 minimum requirements in substance abuse specific content areas.
2 Each person also has a minimum of a master's degree with a
3 clinical application in a human services field.

- 4 (2) The body requires 180 hours, or the equivalent thereof, of
5 substance abuse specific education and training that covers the
6 following content areas:
7 a. Basic addiction and cross addiction Physiology and
8 Pharmacology of Psychoactive drugs that are abused.
9 b. Screening, assessment, and intake of clients.
10 c. Individual, group, and family counseling.
11 d. Treatment, planning, reporting, and record keeping.
12 e. Crisis intervention.
13 f. Case management and treatment resources.
14 g. Ethics, legal issues, and confidentiality.
15 h. Psychological, emotional, personality, and developmental
16 issues.
17 i. Coexisting physical and mental disabilities.
18 j. Special population issues, including age, gender, race,
19 ethnicity, and health status.
20 k. Traditions and philosophies of recovery treatment models
21 and support groups.

- 22 (3) The program requires one year or its equivalent of post-degree
23 supervised clinical substance abuse practice. At least fifty percent
24 (50%) of the practice shall consist of direct substance abuse clinical
25 care.

26 (b) The professional discipline seeking deemed status shall require its members to
27 adhere to a code of ethical conduct and shall enforce that code with disciplinary
28 action.

29 (c) The Board may grant deemed status to any professional discipline that
30 substantially meets the standards in this section. Once such status has been granted,
31 an individual within the professional discipline may apply to the Board for
32 certification as a certified clinical addictions specialist.

33 (d) The Standards and Credentialing Committee of the Board shall review the
34 standards of each professional discipline every third year from the date it was granted
35 deemed status to determine if the discipline continues to substantially meet the
36 requirements of this section. If the Committee finds that a professional discipline no
37 longer meets the requirements of this section, it shall report its findings to the Board
38 at the Board's next regularly scheduled meeting. The deemed status standing of a
39 professional discipline's credential may be discontinued by a two-thirds vote of the
40 Board."

41 Section 12. G.S. 90-113.42 reads as rewritten:

42 "§ 90-113.42. Exemptions.

43 It is not the intent of this Article to regulate members of other regulated
44 professions who provide substance abuse services or consultation in the normal

1 course of the practice of their profession. Accordingly, this Article does not apply to
2 any person registered, certified, or licensed by the State to practice any other
3 occupation or profession while rendering substance abuse services or consultation in
4 the performance of the occupation or profession for which ~~he~~ the person is
5 registered, certified, or licensed. Only individuals certified under this Article may use
6 the title "~~certified substance abuse counselor~~" or "~~certified substance abuse~~
7 ~~prevention consultant~~" certified substance abuse counselor, certified substance abuse
8 prevention consultant, certified clinical supervisor, certified clinical addictions
9 specialist, or certified residential facility director."

10 Section 13. G.S. 90-113.43 reads as rewritten:

11 "**§ 90-113.43. Illegal practice; misdemeanor penalty.**

12 Except as otherwise authorized in this Article, no person shall:

- 13 (1) Practice, attempt to practice, or supervise while holding out to be a
14 certified substance abuse ~~counselor~~ counselor, certified
15 substance abuse prevention ~~consultant~~ consultant, certified clinical
16 supervisor, certified clinical addictions specialist, or certified
17 residential facility director without first having obtained a
18 certificate of certification from the ~~Board~~, Board.
- 19 (2) Use in connection with any name any letters, words, numerical
20 codes, or insignia indicating or implying that this person is a
21 certified substance abuse ~~counselor~~ counselor, certified
22 substance abuse prevention ~~consultant~~ consultant, certified clinical
23 supervisor, certified clinical addictions specialist, or certified
24 residential facility director unless this person is certified pursuant
25 to this ~~Article~~, Article.
- 26 (3) Practice or attempt to practice as a certified substance abuse
27 ~~counselor~~ counselor, certified substance abuse prevention
28 ~~consultant~~ consultant, certified clinical supervisor, certified clinical
29 addictions specialist, or certified residential facility director with a
30 revoked, lapsed, or suspended ~~certification~~, certification.
- 31 (4) Aid, abet, or assist any uncertified person to practice as a certified
32 substance abuse ~~counselor~~ counselor, certified substance abuse
33 prevention ~~consultant~~ consultant, certified clinical supervisor,
34 certified clinical addictions specialist, or certified residential facility
35 director in violation of this ~~Article~~, Article.
- 36 (5) Knowingly serve in a position required by State law or rule or
37 federal law or regulation to be filled by a certified substance abuse
38 ~~counselor~~ counselor, certified substance abuse prevention
39 ~~consultant~~ consultant, certified clinical supervisor, certified clinical
40 addictions specialist, or certified residential facility director unless
41 that person is ~~so~~ certified under this ~~Article~~, Article.
- 42 (6) ~~Otherwise violate any of the provisions of this Article or any of the~~
43 ~~rules adopted pursuant to it.~~

- (7) Practice, supervise, or attempt to practice or supervise or knowingly serve in a position required by State law or rule or federal law or regulation to be filled by a designated substance abuse intern without being designated as such by the Board.

A person who engages in any of the illegal practices enumerated by this section is guilty of a Class 1 misdemeanor. Each act of unlawful practice constitutes a distinct and separate offense."

Section 14. G.S. 90-113.44 reads as rewritten:

"§ 90-113.44. Grounds for disciplinary action.

Grounds for disciplinary action include:

- (1) The employment of fraud, deceit, or misrepresentation in obtaining or attempting to obtain certification or renewal of ~~certification~~; certification.
- (2) The use of drugs or alcoholic beverages to the extent that professional competency is affected, until proof of rehabilitation can be ~~established~~; established.
- (3) Conviction of an offense under any municipal, State, or federal narcotic or controlled substance law, until proof of rehabilitation can be ~~established~~; established.
- (4) Conviction of a felony or other public offense involving moral turpitude, until proof of rehabilitation can be ~~established~~; established.
- (5) An adjudication of insanity or incompetency, until proof of recovery from this condition can be ~~established~~; established.
- (6) Engaging in any act or practice violative of any of the provisions of this Article or any of the rules adopted pursuant to it, or aiding, abetting, or assisting any other person in such a ~~violation~~; violation.
- (7) The commission of an act of malpractice, gross negligence, or incompetence in the practice of substance abuse ~~counseling or in counseling~~, substance abuse prevention ~~consulting~~; consulting, clinical supervising, or in serving as a clinical addictions specialist or residential facility director.
- (8) Practicing as a certified substance abuse ~~counselor or as a counselor~~, certified substance abuse prevention ~~consultant~~ consultant, certified clinical supervisor, certified clinical addictions specialist or certified residential facility director without a valid ~~certificate; and certificate.~~
- (9) Engaging in conduct that could result in harm or injury to the public."

Section 15. G.S. 90-113.46 reads as rewritten:

"§ 90-113.46. Application of requirements of Article.

All persons certified by the North Carolina Substance Abuse ~~Professionals~~ Professional Certification Board, Inc., as of July 1, 1994, shall be certified by the

1 Board pursuant to this Article. All these persons are subject to all the other
2 requirements of this Article and of the rules adopted pursuant to it."

3 Section 16. Article 5C of Chapter 90 of the General Statutes is amended
4 by adding the following new section:

5 "§ 90-113.47. Third-party reimbursement.

6 Nothing in this Article shall be construed to require direct third-party
7 reimbursements to persons certified under this Article."

8 Section 17. Notwithstanding G.S. 90-113.40(c), as enacted by Section 9 of
9 this act, the North Carolina Substance Abuse Professional Certification Board
10 (Board) may certify a person as a 'Clinical Addictions Specialist' during a limited
11 period of one year after the effective date of this act upon the submission of proof of
12 one of the following to the Board:

- 13 (1) Certification as a substance abuse counselor holding a master's
14 degree with a clinical application in a human services field; the
15 equivalent of two years of full-time post-graduate supervised
16 substance abuse experience; and three letters of reference from
17 certified substance abuse professionals who have master's degrees.
- 18 (2) Certification as a substance abuse counselor with a bachelors
19 degree in a human services field; the equivalent of five years of
20 full-time, post-graduate, supervised substance abuse experience; a
21 passing score on a master's level written examination; and
22 submission of three letters of reference from certified substance
23 abuse professionals who have master's degrees.
- 24 (3) Certification as a clinical supervisor; a master's degree with a
25 clinical application in a human services field; and three letters of
26 reference from certified substance abuse professionals who have
27 master's degrees.
- 28 (4) Certification as a substance abuse counselor; a master's degree with
29 a clinical application in a human services field with a substance
30 abuse specialty; and three letters of reference from certified
31 substance abuse professionals who have master's degrees.
- 32 (5) Certification before July 1, 1994, as an alcohol counselor, a drug
33 and alcohol counselor, or a substance abuse counselor; the
34 equivalent of 10 years of documented full-time substance abuse
35 work experience; and three letters of reference from certified
36 substance abuse professionals who have master's degrees.
- 37 (6) Certification, licensure, or membership in good standing with a
38 professional discipline that has been granted deemed status under
39 G.S. 90-113.41A, as enacted by Section 11 of this act.

40 Section 18. Notwithstanding G.S. 90-113.40(c), as enacted by Section 9 of
41 this act, the Board may certify an applicant as a "Clinical Addictions Specialist"
42 during a limited period of three years beginning October 1, 1998, if the applicant
43 completes and submits proof to the Board that the applicant: (i) has been certified as
44 a substance abuse counselor; (ii) has the equivalent of 10 years of supervised, full-

- 1 time, substance abuse counseling experience; (iii) has passed a master's level oral and
2 written examination and; (iv) submits three letters of reference from certified
3 substance abuse professionals who hold master's degrees.

4 Section 19. This act becomes effective October 1, 1997.

August 12, 1997

Memorandum

To: House Human Resources Committee
From: Carolyn D. Johnson, Staff Attorney
Re: Senate Bill 712 - Substance Abuse Specialists

Senate Bill 712 amends Article 5C of Chapter 90 of the General Statutes relating to substance abuse professionals.

Sec. 1 amends G.S. 90-113.30 to make Article 5C applicable to all classifications of substance abuse professionals. Sec. 2 amends G.S. 90-113.31 to make conforming and technical changes to the applicable definitions.

Sec. 3 amends G.S. 90-113.32 to provide that one member of the Substance Abuse Professional Certification Board shall represent each of the professional disciplines granted deemed status as certified substance abuse specialists. Each member shall be a voting member on all matters except for the President. Board members otherwise ineligible to serve may fulfill the remainder of their term, except when the member commits an ethical violation which results in suspension or revocation of their professional credentials. Secs. 4 and 5 amend G.S. 90-113.33 and -113.34 to make conforming and technical changes to the Board's powers and duties and record-keeping requirements respectively.

Sec. 6 amends G.S. 90-113.37 to provide that certification renewals are subject to completion of not more than 60 hours of continuing education. Clinical supervisors shall complete an additional 15 hours of clinical supervision or training.

Sec. 7 amends G.S. 90-113.38 to provide that the certification fee may not exceed \$325 for substance abuse counselors, consultants, clinical supervisors and residential facility directors. The certification fee may not exceed \$100 for clinical addiction specialists granted deemed status and may not exceed \$325 for all other clinical addiction specialists. Sec. 9 amends G.S. 90-113.39 to provide that the Board may use certification standards set forth by professions granted deemed status.

Sec. 10 amends G.S. 113.40 to set forth certification requirements for substance abuse professionals. The requirements for counselors or prevention consultants are modified to provide that the Board may prescribe hours of course study in substance abuse or prevention counseling.

Substance abuse counselors must complete 6000 hours of supervised experience or 3000 hours if the applicant is a graduate of an approved master's degree program. Prevention counselors must complete 10,000 hours of supervised experience or 4,000 hours if the applicant has a bachelor's degree in a human services field.

Clinical supervisors must have (1) certification as substance abuse counselor or a clinical addiction specialist; (2) 1200 hours in alcohol and drug abuse counseling and a bachelor's degree, or 8000 hours and a master's degree (after June 30, 1988 a master's degree is required of all applicants); (3) 6000 hours as a supervisor and a bachelor's degree, or 4000 hours and a master's degree; (4) 30 hours of specific clinical supervision education or training which must reflect the 12 core functions of the applicant's clinical application and practice; (5) letters of reference from professionals who can attest to the applicant's supervisory competence, including two from persons who have supervised by the applicant; and (6) completed successfully the Board's written examination.

Clinical addiction specialists may be certified based on three sets of criteria. Criteria A certification requires (1) a master's degree with clinical application in a human services field; (2) two years of postgraduate supervised counseling experience; (3) letters of reference; (4) achievement of set combined score on Board administered written and oral examination; and (5) 180 hours of specified substance abuse training.

Criteria B certification requires (1) a master's degree with clinical application in a human services field; (2) certification as a substance abuse counselor; (3) one year of postgraduate supervised counseling experience; (4) achievement of passing score on Board administered written examination; and (5) letters of reference.

Criteria C certification requires (1) a master's degree in a human services field with a substance abuse specialty including 180 hours of specified education and training; (2) one year of postgraduate supervised experience; (3) achievement of passing score on Board administered oral examination; (4) letters of reference.

A residential facility director certification requires (1) certification as a substance abuse counselor; (2) 50 hours of Board approved academic or didactic management training or a combination thereof; and (3) letters of reference.

(Note: the certification criteria specified for clinical addiction specialists, clinical supervisors and residential facility directors is in addition to the general requirements for substance abuse professionals set forth in G.S. 90-113.40 (a)(1)-(5).)

Sec. 10 and Secs. 12 - 15 make conforming statutory amendments. Sec. 11 adds a new section to Article 5C to set forth what constitutes deemed status. Sec. 16 adds another new section to provide that nothing in the Article shall be construed to require direct third party reimbursements. Secs. 17 and 18 sets forth exemptions to the certification requirements for clinical addiction specialists upon a showing of specified qualifications. Sec. 19 makes the act effective October 1, 1997.

HIGHLIGHTS OF SENATE BILL 712

"AN ACT TO CERTIFY CLINICAL ADDICTIONS SPECIALISTS, PROVIDE SPECIFIC AUTHORITY FOR CERTIFICATION OF CLINICAL SUPERVISORS AND RESIDENTIAL FACILITY DIRECTORS, AND TO MAKE A TECHNICAL CHANGE"

- Recognizes allied health care associations for credentialing in clinical addictions treatment services
- Provides an ethical standard of professional behavior and conduct
- Provides for disciplinary action for ethical misconduct
- Enhances the Certifying Authority of the North Carolina Substance Abuse Professional Certification Board
- Provides for the advanced level of educational and experiential requirements for Clinical Addictions Specialist certification
- Establishes the deemed status designation whereby the organization initially conferring a professional credential upon an allied health care professional enables a qualified individual to complete the requirements for clinical addictions specialist certification
- Establishes specific authority for the certification of clinical supervisors and residential facility directors for substance abuse treatment services
- Provides for a triennial review of those professional associations which have achieved deemed status to ensure maintenance of the highest degree of professionalism

Endorsed by North Carolina Substance Abuse Professional Certification Board, North Carolina Psychiatric Association, North Carolina Psychological Association, National Association of Social Workers North Carolina Chapter, North Carolina Association of Licensed Professional Counselors, Certified Rehabilitation Counselors and North Carolina Nurses Association

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1997

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2

SENATE BILL 712
Finance Committee Substitute Adopted 6/2/97

Short Title: Substance Abuse Specialists.

(Public)

Sponsors:

Referred to:

April 7, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO CERTIFY CLINICAL ADDICTIONS SPECIALISTS, PROVIDE
3 SPECIFIC AUTHORITY FOR CERTIFICATION OF CLINICAL
4 SUPERVISORS AND RESIDENTIAL FACILITY DIRECTORS, AND TO
5 MAKE A TECHNICAL CHANGE.
6 The General Assembly of North Carolina enacts:
7 Section 1. G.S. 90-113.30 reads as rewritten:
8 "§ 90-113.30. Declaration of purpose.
9 The North Carolina Substance Abuse ~~Professionals~~ Professional Certification
10 Board, established by G.S. 90-113.32, is recognized as the certifying authority for
11 ~~certified substance abuse counselors and certified substance abuse prevention~~
12 ~~consultants~~ substance abuse professionals described in this Article in order to
13 safeguard the public health, safety, and welfare, to protect the public from being
14 harmed by unqualified persons, to assure the highest degree of professional care and
15 conduct on the part of certified substance abuse ~~counselors and certified substance~~
16 ~~abuse prevention consultants~~, professionals, to provide for the establishment of
17 standards for the education of ~~substance abuse counselors and substance abuse~~
18 ~~prevention consultants~~, certified substance abuse professionals, and to ensure the
19 availability of ~~substance abuse counseling services and substance abuse prevention~~
20 ~~services~~ certified substance abuse professional services of high quality to persons in
21 need of these services. It is the purpose of this Article to provide for the regulation of
22 Board-certified persons offering substance abuse counseling services, substance abuse

1 prevention services, or any other substance abuse services for which the Board may
2 grant certification."

3 Section 2. G.S. 90-113.31 reads as rewritten:

4 "**§ 90-113.31. Definitions.**

5 ~~In this Article, unless the context clearly requires otherwise, the~~ The following
6 definitions shall apply in this Article:

7 (1) ~~"Board" means the Board. -- The North Carolina Substance Abuse~~
8 ~~Professionals Professional~~ Certification Board.

9 (1a) Certified clinical addictions specialist. -- A person certified by the
10 Board to practice as a clinical addictions specialist in accordance
11 with the provisions of this Article.

12 (1b) Certified clinical supervisor. -- A person certified by the Board to
13 practice as a clinical supervisor in accordance with the provisions
14 of this Article.

15 (1c) Certified residential facility director. -- A person certified by the
16 Board to practice as a residential facility director in accordance
17 with the provisions of this Article.

18 (2) ~~"Certified substance abuse counselor" means any Certified~~
19 ~~substance abuse counselor. -- A person certified by the Board to~~
20 ~~practice as a substance abuse counseling counselor in accordance~~
21 ~~with the provisions of this Article.~~

22 (3) ~~"Substance abuse counseling" means the assessment, evaluation, or~~
23 ~~provision of counseling to persons suffering from substance abuse~~
24 ~~or dependency, alcohol abuse or dependency, or drug abuse or~~
25 ~~dependency.~~

26 (4) ~~"Certified substance abuse prevention consultant" means any~~
27 ~~Certified substance abuse prevention consultant. -- A person~~
28 ~~certified by the Board to practice substance abuse prevention in~~
29 ~~accordance with the provisions of this Article.~~

30 (4a) Credentialing body. -- A board that licenses, certifies, or regulates
31 a profession or practice.

32 (4b) Deemed status. -- Recognition by the Board of the credentials
33 offered by a professional discipline whereby the individuals
34 certified, licensed, or otherwise recognized by the discipline as
35 having met the standards of a substance abuse specialist may apply
36 individually for certification as a certified clinical addictions
37 specialist.

38 (4c) Human services field. -- An area of study that focuses on the
39 biological, psychological, and social aspects of human beings.

40 (4d) Intern. -- A person who successfully completes 300 hours of Board
41 approved supervised practical training and a written examination
42 in pursuit of certification as a substance abuse counselor.

43 (5) ~~"Prevention" means the Prevention. -- The reduction, delay, or~~
44 ~~avoidance of alcohol and of other drug use behavior. 'Prevention'~~

includes the promotion of positive environments and individual strengths that contribute to personal health and well-being over an entire life and the development of strategies that encourage individuals, families, and communities to take part in assessing and changing their lifestyle and environments.

(6) Professional discipline. -- A field of study characterized by the technical, educational, and ethical standards of a profession.

(7) Substance abuse counseling. -- The assessment, evaluation, and provision of counseling to persons suffering from substance, drug, or alcohol abuse or dependency.

(8) Substance abuse professional. -- A certified substance abuse counselor, certified substance abuse prevention consultant, certified clinical supervisor, certified clinical addictions specialist, or certified residential facility director."

Section 3. G.S. 90-113.32 reads as rewritten:

"§ 90-113.32. ~~Board.~~ Board; composition; voting.

(a) The Board is created as the certifying authority for substance abuse ~~counselors~~ counselors, and substance abuse prevention consultants, clinical supervisors, clinical addictions specialists, and residential facility directors in North Carolina.

(b) Until the full Board is elected or appointed pursuant to subsection (c) of this section, the Board shall consist of 16 members with one member appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121, and one member appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121. The remaining 14 shall be those members of the current North Carolina Substance Abuse ~~Professionals~~ Professional Certification Board, Inc., who have terms that are unexpired as of the effective date of this Article. The initial Board shall appoint an initial Nominating and Elections Committee to fill immediate vacancies on the Board, using the process established in subsection (d) of this section. The election and appointment process of the initial Board shall result in a Board of 19 members by April 1, 1995. As these initial members' terms expire, their successors shall be appointed as described in subsection (c) of this section, until the permanent Board is established, as described in subsection (c) of this section. Time spent as an initial member counts in determining the limitation on consecutive terms prescribed in subsection (e) of this section.

(c) After the initial Board members' terms expire, the Board shall consist of ~~19~~ the following members, all of whom shall reside in North Carolina, appointed or elected as follows:

(1) Eleven professionals certified pursuant to this Article and elected by the certified professionals, at least two of whom shall serve each of the four Division of Mental Health, Developmental Disabilities, and Substance Abuse Services regions of the ~~State;~~ State. Three members shall serve as members at large.

- (2) Three members at large chosen from laypersons or other professional disciplines who have shown a special interest in the field of substance abuse, nominated by the Nominations and Elections Committee established by subsection (d) of this section and elected by the ~~Board~~, Board.
- (3) Two members from the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, Department of Human Resources, appointed by the Chief of Substance Abuse Services Section, Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, Department of Human Resources, at least one of whom is from the Substance Abuse Services ~~Section~~, Section.
- (4) One member of the public at large appointed by the ~~Governor~~, and Governor.
- (5) One member of the public at large appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121 and one member of the public at large appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121.
- (6) One member shall represent each of the professional disciplines granted deemed status under G.S. 90-113.41A. The member may be appointed by the professional discipline on or before a date set by the Board. If the professional discipline has at least one association in the State, the member shall be chosen from a list of nominees submitted to the association. The members appointed or elected under this subdivision shall be certified as substance abuse specialists by the professional discipline that the members represent.

No member of the General Assembly shall serve on the Board.

(c1) Every member of the Board shall have the right to vote on all matters before the Board, except for the President who shall vote only in case of a tie or when another member of the Board abstains on the question of whether the professional discipline the member represents shall retain its deemed status.

(d) The Board shall appoint five professionals from the field of substance abuse counseling and substance abuse prevention consulting to serve on the Nominating and Elections Committee. Of these five, at least three shall not be members of the Board. The Board shall appoint a member of the Nominating and Elections Committee to serve as chair. The Committee's purpose is to accept nominations from professionals certified by the Board to fill vacancies on the Board in membership categories prescribed by subdivisions (1) and (2) of subsection (c) of this section and to conduct the election of Board members. The Committee shall solicit nominations from all professionals it has certified under this Article ~~whenever such a vacancy occurs and~~ when elected members' terms are due to expire. The certified

1 professionals shall submit to the Committee all nominations ~~within 90 days beginning~~
2 90 days and ending 14 days before the election of new Board members. The
3 Committee shall furnish all certified professionals with a ballot containing all the
4 nominees for each elected Board member vacancy. In soliciting and making
5 nominations for this process, the Committee shall give consideration to factors that
6 promote representation on the Board by professionals certified by the Board. The
7 Committee shall serve for a two-year term, its successors to be appointed for the same
8 term by the Board.

9 (e) Members of the Board shall serve for three-year terms. No Board member
10 shall serve for more than two consecutive terms, but a person who has been a
11 member for two consecutive terms may be reappointed after being off the Board for a
12 period of at least one year. When a vacancy occurs in an unexpired term, the Board
13 ~~shall~~ shall, as soon as practicable, appoint temporary members to serve until the next
14 membership election. Time spent as a temporary member does not count in
15 determining the limitation on consecutive terms.

16 (f) If a member becomes ineligible to serve on the Board for any reason, except
17 when the member has committed an ethical violation that results in the suspension or
18 revocation of the member's professional credentials, the member may fulfill the
19 remainder of the member's term on the Board."

20 Section 4. G.S. 90-113.33 reads as rewritten:

21 "**§ 90-113.33. Board; powers and duties.**

22 The Board shall:

- 23 (1) Examine and determine the qualifications and fitness of applicants
24 for certification to practice in this State ~~as substance abuse~~
25 ~~counselors and as substance abuse prevention consultants;~~ State.
26 (1a) Determine the qualifications and fitness of organizations applying
27 for deemed status.
28 (2) Issue, renew, deny, suspend, or revoke certification to practice in
29 this State or reprimand or otherwise discipline ~~substance abuse~~
30 ~~counselors and substance abuse prevention consultants~~ certificate
31 holders in this State; State. However, disciplinary actions
32 involving a clinical addictions specialist whose certification is
33 achieved through deemed status shall be initially heard by the
34 specialist's credentialing body. The specialist may appeal the
35 body's decision to the Board. The Board shall, however, have the
36 authority to hear the initial disciplinary action involving a clinical
37 addictions specialist.
38 (3) Deal with issues concerning ~~reciprocity;~~ reciprocity.
39 (4) Conduct investigations for the purpose of determining whether
40 violations of this Article or grounds for disciplining ~~exist;~~ exists.
41 (5) Employ the professional and clerical personnel necessary to carry
42 out the provisions of this Article. The Board may purchase or rent
43 necessary office space, equipment, and ~~supplies;~~ supplies.

(6) Conduct administrative hearings in accordance with Chapter 150B of the General Statutes when a 'contested case', as defined in Chapter 150B, ~~arises;~~ arises.

(7) Appoint from its own membership one or more members to act as representatives of the Board at any meeting in which it considers this representation is ~~desirable;~~ desirable.

(8) Establish fees for applications for examination, certificates of certification and renewal, and other services provided by the ~~Board;~~ and Board.

(9) Adopt any rules necessary to carry out the purpose of this Article and its duties and responsibilities pursuant to this Article.

The powers and duties enumerated in this section are granted for the purposes of enabling the Board to safeguard the public health, safety, and welfare against unqualified or incompetent practitioners and are to be liberally construed to accomplish this objective. When the Board exercises its authority under this Article to discipline a person, it may, as part of the decision imposing the discipline, charge the costs of investigations and the hearing to the person disciplined."

Section 5. G.S. 90-113.34 reads as rewritten:

"§ 90-113.34. Records to be kept; copies of records.

The Board shall obtain documentation of all proceedings under this Article and a record of all persons certified under it. The record shall show the name, last known place of business, last known place of residence, and date and number of the certificate of certification as a certified substance abuse ~~counselor or counselor,~~ certified substance abuse prevention consultant, consultant, certified clinical supervisor, certified clinical addictions specialist, or certified residential facility director for every living certified person. Any interested person in the State is entitled to obtain a copy of that record on application to the Board and upon payment of a reasonable charge that is based on the costs involved in providing the copy. The Board shall keep a hard copy of all records."

Section 6. G.S. 90-113.37 reads as rewritten:

"§ 90-113.37. Renewal of certification; lapse; revival.

(a) Every person certified pursuant to this Article who desires to maintain certification status shall apply to the Board for a renewal of certification every other year and pay to the secretary-treasurer the prescribed fee. Renewal of certification is subject to completion of no more than 60 hours of those continuing education requirements established by the Board. A clinical supervisor shall also complete 15 hours of substance abuse clinical supervision or training prior to the certificate being renewed. Certification that is not renewed automatically lapses, unless the Board provides for the late renewal of certification upon the payment of a late fee. No late renewal shall be granted more than five years after a certification expires. A suspended certification is subject to this section's renewal requirements and may be renewed as provided in this section. This renewal does not entitle the certified person to engage in the certified activity or in any other conduct or activity in violation of the order or judgment by which the certification was suspended, until the certification

1 is reinstated. If a certification revoked on disciplinary grounds is reinstated and
2 requires renewal, the certified person shall pay the renewal fee and any applicable
3 late fee.

4 (b) The Board shall establish the manner in which lapsed certification may be
5 revived or extended."

6 Section 7. G.S. 90-113.38 reads as rewritten:

7 "**§ 90-113.38. Maximums for certain fees.**

8 (a) The combined fees fee to obtain a certificate of certification as a substance
9 abuse counselor, substance abuse prevention consultant, clinical supervisor, or
10 residential facility director may not exceed ~~three hundred dollars (\$300.00).~~ three
11 hundred twenty-five dollars (\$325.00). The fee to renew a certificate may not exceed
12 one hundred dollars (\$100.00).

13 (b) The fee to obtain a certificate of certification for a clinical addictions specialist
14 pursuant to G.S. 90-113.41A may not exceed one hundred dollars (\$100.00). The fee
15 to renew a certificate may not exceed fifty dollars (\$50.00). The fee to obtain a
16 certificate of certification for a clinical addictions specialist under G.S. 90-113.40 may
17 not exceed three hundred twenty-five dollars (\$325.00). The fee to renew the
18 certificate may not exceed one hundred dollars (\$100.00).

19 (c) There shall be a reexamination fee of one hundred dollars (\$100.00) which
20 shall be paid for each reexamination in addition to the fees required under subsection
21 (a) of this section."

22 Section 8. G.S. 90-113.39 reads as rewritten:

23 "**§ 90-113.39. Standards for certification.**

24 The Board shall establish standards for certification of substance abuse
25 professionals. The certification standards of the International Certification Reciprocity
26 Consortium/Alcohol and Other Drug Abuse and ~~of the National Association of~~
27 ~~Alcoholism and Drug Abuse Counselors~~ the standards adopted by professional
28 disciplines granted deemed status may be used as guidelines for the Board's
29 standards. The Board shall publish these required standards separately from its rules
30 so as to provide easy access to the standards."

31 Section 9. G.S. 90-113.40 reads as rewritten:

32 "**§ 90-113.40. Requirements for certification.**

33 (a) The Board shall issue a certificate certifying an applicant as a "~~Certified~~
34 ~~Substance Abuse Counselor~~" 'Certified Substance Abuse Counselor' or as a
35 ~~"Certified Substance Abuse Prevention Consultant"~~ 'Certified Substance Abuse
36 Prevention Consultant' if:

- 37 (1) The applicant is of good moral ~~character;~~ character.
38 (2) The applicant is not and has not engaged in any practice or
39 conduct that would be grounds for disciplinary action under ~~G.S.~~
40 ~~90-113.44;~~ G.S. 90-113.44.
41 (3) The applicant is qualified for certification pursuant to the
42 requirements of this Article and any rules adopted pursuant to ~~it;~~
43 it.

- (4) The applicant has, at a minimum, a high school diploma or a high school equivalency ~~certificate~~; certificate.
- (5) The applicant has signed a form attesting to the intention to adhere fully to the ethical standards adopted by the ~~Board~~; Board.
- (6) The applicant has completed 270 hours of Board-approved ~~education~~; education. The Board may prescribe that a certain number of hours be in a course of study for substance abuse counseling and that a certain number of hours be in a course of study for substance abuse prevention consulting.
- (7) The applicant has documented completion of a minimum of 300 hours of Supervised Practical Training and has provided a Board-approved supervision contract between the applicant and an approved ~~supervisor~~; supervisor.
- (8) The applicant for substance abuse counselor has completed either a total of ~~three years~~ 6,000 hours of supervised experience in the field, whether paid or volunteer, or, if a graduate of a Board-approved master's degree program, a total of ~~18 months~~ 3,000 hours of supervised experience in the field, whether paid or ~~volunteer~~; and volunteer. The applicant for substance abuse prevention consultant has completed a total of 10,000 hours supervised experience in the field, whether paid or volunteer, or 4,000 hours if the applicant has at least a bachelors degree in a human services field.
- (9) The applicant has successfully completed a written examination and an oral examination promulgated and administered by the Board.

(b) The Board shall issue a certificate certifying an individual as a 'Certified Clinical Supervisor' if, in addition to meeting the requirements of subdivisions (a)(1) through (5) of this section, the applicant:

- (1) Has been certified as a substance abuse counselor or a clinical addictions specialist.
- (2) Prior to June 30, 1998, the applicant presents proof that the applicant has 12,000 hours experience in alcohol and drug abuse counseling and a bachelors degree or 8,000 hours experience in alcohol and drug abuse counseling and a minimum of a master's degree. After June 30, 1998, the applicant shall present proof that the applicant has a minimum of a master's degree.
- (3) Has 6,000 hours experience as a substance abuse clinical supervisor if the applicant has a bachelors degree or 4,000 hours experience if the applicant has a master's degree.
- (4) Has 30 hours of substance abuse clinical supervision specific education or training. These hours shall be reflective of the 12 core functions in the applicant's clinical application and practice

- 1 and may also be counted toward the applicant's recertification as a
2 substance abuse counselor.
- 3 (5) Submits a letter of reference from a professional who can attest to
4 the applicant's supervisory competence and two letters of reference
5 from either counselors who have been supervised by the applicant
6 or professionals who can attest to the applicant's competence.
- 7 (6) Successfully completes a written examination administered by the
8 Board.
- 9 (c) The Board shall issue a certificate certifying an applicant as a 'Certified
10 Clinical Addictions Specialist' if, in addition to meeting the requirements of
11 subdivisions (a)(1) through (5) of this section, the applicant meets one of the
12 following criteria:
- 13 (1) Criteria A. -- The applicant:
- 14 a. Has a minimum or a master's degree with a clinical
15 application in a human services field.
- 16 b. Has two years postgraduate supervised substance abuse
17 counseling experience.
- 18 c. Submits three letters of reference from certified clinical
19 addictions specialists or certified substance abuse
20 professionals.
- 21 d. Has achieved a combined score set by the Board on a
22 master's level written and oral examination administered by
23 the Board.
- 24 e. Has attained 180 hours of substance abuse specific training
25 as described in G.S. 90-113.41A.
- 26 (2) Criteria B. -- The applicant:
- 27 a. Has a minimum of a master's degree with a clinical
28 application in a human services field.
- 29 b. Has been certified as a substance abuse counselor.
- 30 c. Has one year of postgraduate supervised substance abuse
31 counseling experience.
- 32 d. Has achieved a passing score on a master's level written
33 examination administered by the Board.
- 34 e. Submits three letters of reference from certified clinical
35 addictions specialists or certified substance abuse
36 professionals.
- 37 (3) Criteria C. -- The applicant:
- 38 a. Has a minimum of a master's degree in a human services
39 field with a substance abuse specialty that includes 180
40 hours of substance abuse specific education and training
41 pursuant to G.S. 113.41A.
- 42 b. Has one year of postgraduate supervised substance abuse
43 counseling experience.

c. Has achieved a passing score on an oral examination administered by the Board.

d. Submits three letters of reference from certified clinical addictions specialists or certified substance abuse professionals.

(4) Criteria D. -- The applicant has a substance abuse certification from a professional discipline that has been granted deemed status by the Board.

(d) The Board shall issue a certificate certifying an applicant as a 'Certified Residential Facility Director' if, in addition to meeting the requirements of subdivisions (a)(1) through (5) of this section, the applicant:

(1) Has been certified as a substance abuse counselor.

(2) Has 50 hours of Board approved academic or didactic management specific training or a combination thereof.

(3) Submits letters of reference from the applicant's current supervisor and a colleague or coworker.

(e) The Board shall publish from time to time information in order to provide specifics for potential applicants of an acceptable educational curriculum and the terms of acceptable supervised fieldwork experience."

Section 10. G.S. 90-113.41 reads as rewritten:

"§ 90-113.41. Examination.

(a) Except for those individuals applying for certification under G.S. 90-113.41A, Applicants applicants for certification under this Article shall file an application at least 60 days prior to the date of examination and upon the forms and in the manner prescribed by the Board. The application shall be accompanied by the appropriate fee. No portion of this fee is refundable. Applicants who fail an examination may apply for reexamination upon the payment of another examination fee.

(b) Each applicant for certification under this Article shall be examined in an examination that is consistent with the examination requirements of the International Certification Reciprocity Consortium/Alcohol and Other Drug Abuse. Abuse and the standards adopted by professional disciplines granted deemed status.

(c) Applicants for certification shall be examined at a time and place and under the supervision that the Board determines. Examinations shall be given in this State at least twice each year.

(d) Applicants may obtain their examination scores and may review their examination papers in accordance with rules the Board adopts."

Section 11. Article 5C of Chapter 90 of the General Statutes is amended to add a new section to read:

"§ 90-113.41A. Deemed status.

(a) To be granted deemed status by the Board, a credentialing body of a professional discipline or its designee shall demonstrate that its substance abuse certification program substantially meets the following:

(1) Each person to whom the credentialing body awards credentials following the effective date of this act meets and maintains

- 1 minimum requirements in substance abuse specific content areas.
2 Each person also has a minimum of a master's degree with a
3 clinical application in a human services field.
4 (2) The body requires 180 hours, or the equivalent thereof, of
5 substance abuse specific education and training that covers the
6 following content areas:
7 a. Basic addiction and cross addiction Physiology and
8 Pharmacology of Psychoactive drugs that are abused.
9 b. Screening, assessment, and intake of clients.
10 c. Individual, group, and family counseling.
11 d. Treatment, planning, reporting, and record keeping.
12 e. Crisis intervention.
13 f. Case management and treatment resources.
14 g. Ethics, legal issues, and confidentiality.
15 h. Psychological, emotional, personality, and developmental
16 issues.
17 i. Coexisting physical and mental disabilities.
18 j. Special population issues, including age, gender, race,
19 ethnicity, and health status.
20 k. Traditions and philosophies of recovery treatment models
21 and support groups.
22 (3) The program requires one year or its equivalent of post-degree
23 supervised clinical substance abuse practice. At least fifty percent
24 (50%) of the practice shall consist of direct substance abuse clinical
25 care.
26 (b) The professional discipline seeking deemed status shall require its members to
27 adhere to a code of ethical conduct and shall enforce that code with disciplinary
28 action.
29 (c) The Board may grant deemed status to any professional discipline that
30 substantially meets the standards in this section. Once such status has been granted,
31 an individual within the professional discipline may apply to the Board for
32 certification as a certified clinical addictions specialist.
33 (d) The Standards and Credentialing Committee of the Board shall review the
34 standards of each professional discipline every third year from the date it was granted
35 deemed status to determine if the discipline continues to substantially meet the
36 requirements of this section. If the Committee finds that a professional discipline no
37 longer meets the requirements of this section, it shall report its findings to the Board
38 at the Board's next regularly scheduled meeting. The deemed status standing of a
39 professional discipline's credential may be discontinued by a two-thirds vote of the
40 Board."

41 Section 12. G.S. 90-113.42 reads as rewritten:

42 "§ 90-113.42. Exemptions.

43 It is not the intent of this Article to regulate members of other regulated
44 professions who provide substance abuse services or consultation in the normal

1 course of the practice of their profession: Accordingly, this Article does not apply to
2 any person registered, certified, or licensed by the State to practice any other
3 occupation or profession while rendering substance abuse services or consultation in
4 the performance of the occupation or profession for which ~~he~~ the person is
5 registered, certified, or licensed. Only individuals certified under this Article may use
6 the title "~~certified substance abuse counselor~~" or "~~certified substance abuse~~
7 ~~prevention consultant~~" certified substance abuse counselor, certified substance abuse
8 prevention consultant, certified clinical supervisor, certified clinical addictions
9 specialist, or certified residential facility director."

10 Section 13. G.S. 90-113.43 reads as rewritten:

11 "**§ 90-113.43. Illegal practice; misdemeanor penalty.**

12 Except as otherwise authorized in this Article, no person shall:

- 13 (1) Practice, attempt to practice, or supervise while holding out to be a
14 certified substance abuse ~~counselor~~ counselor, certified
15 substance abuse prevention ~~consultant~~ consultant, certified clinical
16 supervisor, certified clinical addictions specialist, or certified
17 residential facility director without first having obtained a
18 certificate of certification from the ~~Board~~; Board.
- 19 (2) Use in connection with any name any letters, words, numerical
20 codes, or insignia indicating or implying that this person is a
21 certified substance abuse ~~counselor~~ counselor, certified
22 substance abuse prevention ~~consultant~~ consultant, certified clinical
23 supervisor, certified clinical addictions specialist, or certified
24 residential facility director unless this person is certified pursuant
25 to this ~~Article~~; Article.
- 26 (3) Practice or attempt to practice as a certified substance abuse
27 ~~counselor~~ counselor, certified substance abuse prevention
28 ~~consultant~~ consultant, certified clinical supervisor, certified clinical
29 addictions specialist, or certified residential facility director with a
30 revoked, lapsed, or suspended ~~certification~~; certification.
- 31 (4) Aid, abet, or assist any uncertified person to practice as a certified
32 substance abuse ~~counselor~~ counselor, certified substance abuse
33 prevention ~~consultant~~ consultant, certified clinical supervisor,
34 certified clinical addictions specialist, or certified residential facility
35 director in violation of this ~~Article~~; Article.
- 36 (5) Knowingly serve in a position required by State law or rule or
37 federal law or regulation to be filled by a certified substance abuse
38 ~~counselor~~ counselor, certified substance abuse prevention
39 ~~consultant~~ consultant, certified clinical supervisor, certified clinical
40 addictions specialist, or certified residential facility director unless
41 that person is ~~so~~ certified under this ~~Article~~; Article.
- 42 (6) ~~Otherwise violate any of the provisions of this Article or any of the~~
43 ~~rules adopted pursuant to it.~~

- (7) Practice, supervise, or attempt to practice or supervise or knowingly serve in a position required by State law or rule or federal law or regulation to be filled by a designated substance abuse intern without being designated as such by the Board.

A person who engages in any of the illegal practices enumerated by this section is guilty of a Class 1 misdemeanor. Each act of unlawful practice constitutes a distinct and separate offense."

Section 14. G.S. 90-113.44 reads as rewritten:

"§ 90-113.44. Grounds for disciplinary action.

Grounds for disciplinary action include:

- (1) The employment of fraud, deceit, or misrepresentation in obtaining or attempting to obtain certification or renewal of ~~certification~~; certification.
- (2) The use of drugs or alcoholic beverages to the extent that professional competency is affected, until proof of rehabilitation can be ~~established~~; established.
- (3) Conviction of an offense under any municipal, State, or federal narcotic or controlled substance law, until proof of rehabilitation can be ~~established~~; established.
- (4) Conviction of a felony or other public offense involving moral turpitude, until proof of rehabilitation can be ~~established~~; established.
- (5) An adjudication of insanity or incompetency, until proof of recovery from this condition can be ~~established~~; established.
- (6) Engaging in any act or practice violative of any of the provisions of this Article or any of the rules adopted pursuant to it, or aiding, abetting, or assisting any other person in such a ~~violation~~; violation.
- (7) The commission of an act of malpractice, gross negligence, or incompetence in the practice of substance abuse ~~counseling or in counseling~~, substance abuse prevention ~~consulting~~; consulting, clinical supervising, or in serving as a clinical addictions specialist or residential facility director.
- (8) Practicing as a certified substance abuse ~~counselor or as a counselor~~, certified substance abuse prevention ~~consultant~~ consultant, certified clinical supervisor, certified clinical addictions specialist or certified residential facility director without a valid ~~certificate; and certificate.~~
- (9) Engaging in conduct that could result in harm or injury to the public."

Section 15. G.S. 90-113.46 reads as rewritten:

"§ 90-113.46. Application of requirements of Article.

All persons certified by the North Carolina Substance Abuse ~~Professionals~~ Professional Certification Board, Inc., as of July 1, 1994, shall be certified by the

1 Board pursuant to this Article. All these persons are subject to all the other
2 requirements of this Article and of the rules adopted pursuant to it."

3 Section 16. Article 5C of Chapter 90 of the General Statutes is amended
4 by adding the following new section:

5 "§ 90-113.47. Third-party reimbursement.

6 Nothing in this Article shall be construed to require direct third-party
7 reimbursements to persons certified under this Article."

8 Section 17. Notwithstanding G.S. 90-113.40(c), as enacted by Section 9 of
9 this act, the North Carolina Substance Abuse Professional Certification Board
10 (Board) may certify a person as a 'Clinical Addictions Specialist' during a limited
11 period of one year after the effective date of this act upon the submission of proof of
12 one of the following to the Board:

- 13 (1) Certification as a substance abuse counselor holding a master's
14 degree with a clinical application in a human services field; the
15 equivalent of two years of full-time post-graduate supervised
16 substance abuse experience; and three letters of reference from
17 certified substance abuse professionals who have master's degrees.
- 18 (2) Certification as a substance abuse counselor with a bachelors
19 degree in a human services field; the equivalent of five years of
20 full-time, post-graduate, supervised substance abuse experience; a
21 passing score on a master's level written examination; and
22 submission of three letters of reference from certified substance
23 abuse professionals who have master's degrees.
- 24 (3) Certification as a clinical supervisor; a master's degree with a
25 clinical application in a human services field; and three letters of
26 reference from certified substance abuse professionals who have
27 master's degrees.
- 28 (4) Certification as a substance abuse counselor; a master's degree with
29 a clinical application in a human services field with a substance
30 abuse specialty; and three letters of reference from certified
31 substance abuse professionals who have master's degrees.
- 32 (5) Certification before July 1, 1994, as an alcohol counselor, a drug
33 and alcohol counselor, or a substance abuse counselor; the
34 equivalent of 10 years of documented full-time substance abuse
35 work experience; and three letters of reference from certified
36 substance abuse professionals who have master's degrees.
- 37 (6) Certification, licensure, or membership in good standing with a
38 professional discipline that has been granted deemed status under
39 G.S. 90-113.41A, as enacted by Section 11 of this act.

40 Section 18. Notwithstanding G.S. 90-113.40(c), as enacted by Section 9 of
41 this act, the Board may certify an applicant as a "Clinical Addictions Specialist"
42 during a limited period of three years beginning October 1, 1998, if the applicant
43 completes and submits proof to the Board that the applicant: (i) has been certified as
44 a substance abuse counselor; (ii) has the equivalent of 10 years of supervised, full-

- 1 time, substance abuse counseling experience; (iii) has passed a master's level oral and
2 written examination and; (iv) submits three letters of reference from certified
3 substance abuse professionals who hold master's degrees.

4 Section 19. This act becomes effective October 1, 1997.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

3

SENATE BILL 806

Children & Human Resources Committee Substitute Adopted 4/17/97
Third Edition Engrossed 6/10/97

Short Title: Childhood Lead Exposure Control.

(Public)

Sponsors:

Referred to: Appropriations.

April 10, 1997

1 A BILL TO BE ENTITLED
2 AN ACT PERTAINING TO THE CONTROL OF LEAD EXPOSURE OF
3 CHILDREN.

4 The General Assembly of North Carolina enacts:

5 Section 1. Part 4 of Article 5 of Chapter 130A of the General Statutes is
6 amended by adding the following new sections to read:

7 "§ 130A-131.7. Definitions.

8 As used in this Part, unless the context requires otherwise, the term:

- 9 (1) Abatement. -- Identifying lead-based paint, identifying or assessing
10 a lead-based paint hazard, or undertaking any of the following
11 measures to eliminate a lead-based paint hazard:
12 a. Removing lead-based paint from a surface and repainting
13 the surface.
14 b. Removing a component, such as a windowsill, painted with
15 lead-based paint and replacing the component.
16 c. Enclosing a surface painted with lead-based paint with
17 paneling, vinyl siding, or another approved material.
18 d. Encapsulating a surface painted with lead-based paint with a
19 sealant.
20 e. Any other measure approved by the Commission.
21 The term includes an inspection and a risk assessment.

- (2) 'Confirmed lead poisoning' means a blood lead concentration of 20 micrograms per deciliter or greater determined by the lower of two consecutive blood tests within a six-month period.
- (3) 'Day care facility' means a structure or structures used as a school, nursery, child care center, clinic, treatment center, or other facility serving the needs of children under 6 years of age including the grounds, any outbuildings, or other structures appurtenant to the facility.
- (4) 'Department' means the Department of Environment, Health, and Natural Resources or its authorized agent.
- (5) 'Dwelling', 'Dwelling unit', or 'Residential housing unit' means a structure, all or part of which is designed or used for human habitation, including the common areas, the grounds, any outbuildings, or other structures appurtenant to the dwelling, dwelling unit, or residential housing unit.
- (6) 'Elevated blood lead level' means a blood lead concentration of 10 micrograms per deciliter or greater determined by the lower of two consecutive blood tests within a six-month period.
- (7) 'Lead poisoning hazard' means the presence of readily accessible or mouthable lead-bearing substances measuring 1.0 milligram per square centimeter or greater by X-ray fluorescence or 0.5 percent or greater by chemical analysis; or 15 parts per billion or greater in drinking water; or 100 micrograms per square foot or greater for dust on floors; or 500 micrograms per square foot or greater for dust on window sills; or 800 micrograms per square foot or greater for dust in window troughs, or soil lead concentrations in an amount greater than or equal to 400 parts per million that is determined by the Department to present a hazard in light of (i) the condition and use of the land and (ii) other relevant factors.
- (8) 'Lead-safe housing' is housing that was built since 1978 or that has been tested by a person that has been certified by the Department to perform such testing and either found to have no lead-based paint hazards within the meaning of Title X of the Residential Lead-Based Paint Hazard Reduction Act of 1992, 14 U.S.C. § 485(b)(15), or found to meet the requirements of the maintenance standard.
- (9) 'Managing agent' means any person who has charge, care, or control of a building or part thereof in which dwelling units or rooming units are leased.
- (10) 'Maintenance standard' means the following:
- a. Repairing and repainting areas of deteriorated paint inside a residential housing unit;
 - b. Cleaning the interior of the unit to remove dust that constitutes a lead poisoning hazard;

- 1 c. Adjusting doors and windows to minimize friction or impact
2 on surfaces;
3 d. Subject to the occupant's approval, appropriately cleaning
4 any carpets;
5 e. Taking such steps as are necessary to ensure that all interior
6 surfaces on which dust might collect are readily cleanable;
7 and
8 f. Providing the occupant or occupants all information
9 required to be provided under the Residential Lead-Based
10 Paint Hazard Reduction Act of 1992, and amendments
11 thereto.
- 12 (11) 'Mouthable lead-bearing substance' means any substance on
13 surfaces or fixtures five feet or less from the floor or ground that
14 form a protruding corner or similar edge, or protrude one-half inch
15 or more from a flat wall surface, or are freestanding, containing
16 lead-contaminated dust at a level that constitutes a lead poisoning
17 hazard. Mouthable surfaces or fixtures include toys, vinyl
18 miniblinds, doors, door jams, stairs, stair rails, windows,
19 windowsills, and baseboards.
- 20 (12) 'Persistent elevated blood lead level' means a blood lead
21 concentration of 15-19 micrograms per deciliter determined by the
22 lowest of three consecutive blood tests. The first two blood tests
23 shall be performed within a six-month period, and the third blood
24 test shall be performed at least 12 weeks and not more than six
25 months after the second blood test.
- 26 (13) 'Readily accessible lead-bearing substance' means any substance
27 containing lead at a level that constitutes a lead poisoning hazard
28 which can be ingested or inhaled by a child under 6 years of age.
29 Readily accessible substances include deteriorated paint that is
30 peeling, chipping, cracking, flaking, or blistering to the extent that
31 the paint has separated from the substrate. Readily accessible
32 substances also include soil, water, and paint that is chalking.
- 33 (14) 'Regularly visits' means presence at a dwelling, dwelling unit,
34 school, or day care facility for at least two days a week for more
35 than three hours per day.
- 36 (15) 'Supplemental address' means a dwelling, dwelling unit, school, or
37 day care facility where a child with a persistent elevated blood lead
38 level or a confirmed lead poisoning regularly visits or attends.
39 Supplemental address also means a dwelling, school, or day care
40 facility where a child resided, regularly visited, or attended within
41 the six months immediately preceding the determination of a
42 persistent elevated blood lead level or a confirmed lead poisoning.
- 43 "§ 130A-131.8. Reports of blood levels in children.

All laboratories doing business in this State shall report to the Department blood lead levels of one microgram per deciliter or greater for children less than 6 years of age and for individuals whose ages are unknown at the time of testing. Reports shall be made within five working days after test completion on forms provided by the Department or on self-generated forms containing: the child's full name, date of birth, sex, race, address, and Medicaid number, if any; the name, address, and telephone number of the requesting health care provider; the name, address, and telephone number of the testing laboratory; the laboratory results, the specimen type -- venous or capillary; the laboratory sample number, and the dates the sample was collected and analyzed. Such reports may be made by electronic submissions.

"§ 130A-131.9. Examination and testing.

When the Department has a reasonable suspicion that a child less than 6 years of age has a persistent elevated blood lead level or a confirmed lead poisoning, the Department shall require that child to be examined and tested within 30 days. The Department shall require from the owner, managing agent, or tenant of the dwelling, dwelling unit, school, or day care facility information on each child who resides in, regularly visits, or attends, or, who has within the past six months, resided in, regularly visited, or attended the dwelling or facility. The information required shall include each child's name and date of birth, the names and addresses of each child's parents, legal guardian, or full-time custodian. The owner, managing agent, or tenant shall submit the required information within 10 days of receipt of the request from the Department.

"§ 130A-131.9A. Investigation to identify lead poisoning hazards.

(a) When the Department learns of a persistent elevated blood lead level or a confirmed lead poisoning, the Department shall conduct an investigation to identify the lead poisoning hazards to children. The Department shall investigate the dwelling, dwelling unit, school, or day care facility where the child with the persistent elevated blood lead level or the confirmed lead poisoning resides, regularly visits, or attends. The Department shall also investigate the supplemental addresses of the child who has a persistent elevated blood lead level or a confirmed lead poisoning.

(b) The Department shall also conduct an investigation when it reasonably suspects that a lead poisoning hazard to children exists in a dwelling, dwelling unit, school, or day care facility occupied, regularly visited, or attended by a child less than 6 years of age.

(c) In conducting an investigation, the Department may take samples of surface materials, or other materials suspected of containing lead, for analysis and testing. If samples are taken, chemical determination of the lead content of the samples shall be by atomic absorption spectroscopy or equivalent methods approved by the Department.

"§ 130A-131.9B. Notification.

Upon determination that a lead poisoning hazard exists, the Department shall give written notice of the lead poisoning hazard to the owner or managing agent of the dwelling, dwelling unit, school, or day care facility and to all persons residing in or

1 attending the dwelling or facility. The written notice to the owner or managing agent
2 shall include a list of possible methods of abatement of the lead poisoning hazard.

3 "§ 130A-131.9C. Abatement.

4 (a) Upon determination that a child less than 6 years of age has a confirmed lead
5 poisoning of 20 micrograms per deciliter or greater and that child resides in, attends,
6 or regularly visits, a dwelling, dwelling unit, school, or day care facility containing
7 lead poisoning hazards, the Department shall require abatement of the lead poisoning
8 hazards. The Department shall also require the abatement of the lead poisoning
9 hazards identified at the supplemental addresses of a child less than 6 years of age
10 with a confirmed lead poisoning of 20 micrograms per deciliter or greater.

11 (b) When abatement is required under subsection (a) of this section, the owner or
12 managing agent shall submit a written lead poisoning hazard abatement plan to the
13 Department within 14 days of receipt of the lead poisoning hazard notification and
14 shall obtain written approval of the plan prior to initiating abatement. The lead
15 poisoning hazard abatement plan shall comply with subsections (g), (h), and (i) of
16 this section.

17 (c) If the abatement plan submitted fails to meet the requirements of this section,
18 the Department shall issue an abatement order requiring submission of a modified
19 abatement plan. The order shall indicate the modifications which shall be made to
20 the abatement plan and the date by which the plan as modified shall be submitted to
21 the Department.

22 (d) If the owner or managing agent does not submit an abatement plan within 14
23 days, the Department shall issue an abatement order requiring submission of an
24 abatement plan within five days of receipt of the order.

25 (e) The owner or managing agent shall notify the Department and the occupants of
26 the dates of abatement activities at least three days prior to the commencement of
27 abatement activities.

28 (f) Abatement shall be completed within 60 days of the Department's approval of
29 the abatement plan. If the abatement activities are not completed within 60 days as
30 required, the Department shall issue an order requiring completion of abatement
31 activities. An owner or managing agent may apply to the Department for an
32 extension of the deadline for abatement. The Department may issue an order
33 extending the deadline for 30 days upon proper written application by the owner or
34 managing agent.

35 (g) The following methods of abatement of lead poisoning hazards in paint are
36 prohibited:

- 37 (1) Stripping paint on-site with methylene chloride-based solutions;
- 38 (2) Torch or flame burning;
- 39 (3) Heating paint with a heat gun above 1,100 degrees Fahrenheit;
- 40 (4) Covering with new paint or wallpaper unless all readily accessible
41 lead-based paint has been removed;
- 42 (5) Uncontrolled abrasive blasting; or
- 43 (6) Uncontrolled waterblasting.

(h) All lead-containing waste and residue of the abatement of lead shall be removed and disposed of by the person performing the abatement in accordance with applicable federal, State, and local laws and rules.

(i) All abatement plans shall require that the lead poisoning hazards be reduced to below the following levels:

(1) Floor lead dust levels are less than 100 micrograms per square foot;

(2) Windowsill lead dust levels are less than 500 micrograms per square foot;

(3) Window trough lead dust levels are less than 800 micrograms per square foot;

(4) Soil lead levels are less than 400 parts per million or such other level higher than 400 parts per million as determined by the Department to prevent a hazard in light of the condition and use of the land and in light of other relevant factors; and

(5) Drinking water lead levels less than 15 parts per billion.

(j) The Department shall verify by visual inspection that the approved abatement plan has been completed. The Department may also verify plan completion by residual lead dust monitoring and soil or drinking water lead level measurement. Compliance with the maintenance standard shall be deemed equivalent to meeting the abatement plan requirements as long as exterior surfaces are also addressed.

(k) Removal of children from the dwelling, school, or day care facility shall not constitute abatement if the property continues to be used for a dwelling, school, or day care facility.

"§ 130A-131.9D. Effect of compliance with maintenance standard.

Any owner of a residential housing unit constructed prior to 1978 who is sued by a current or former occupant seeking damages for injuries allegedly arising from exposure to lead-based paint or lead-contaminated dust, shall not be deemed liable (i) for any injuries sustained by that occupant after the owner first complied with the maintenance standard defined under G.S. 130A-131.7(10) provided the owner has repeated the steps provided for in the maintenance standard annually and obtained a certificate of compliance under G.S. 130A-131.9E annually during such occupancy; or (ii) if the owner is able to show that the unit was lead-safe housing containing no lead-based paint hazards during the period when the injuries were sustained.

"§ 130A-131.9E. Certificate of evidence of compliance.

An owner of a unit who has complied with the maintenance standard may apply annually to the Department for and upon presentation of acceptable proof of compliance shall be provided by the Department a certificate evidencing such compliance. The owner shall be entitled to the liability relief provided for in G.S. 130A-131.9D upon obtaining such certificate or certificates.

"§ 130A-131.9F. Discrimination in financing.

(a) No bank or financial institution in the business of lending money for the purchase, sale, construction, rehabilitation, improvement, or refinancing of real property or the lending of money secured by an interest in real property may refuse to make such loans merely because of the presence of lead-based paint on the

1 residential real property or in the residential housing unit provided that the owner is
2 in compliance with the maintenance standard and has obtained a certificate of
3 compliance under G.S. 130A-131.9E annually.

4 (b) Nothing in this section shall (i) require a financial institution to extend a loan
5 or otherwise provide financial assistance if it is clearly evident that health-related
6 issues, other than those related to lead-based paint, make occupancy of the housing
7 accommodation an imminent threat to the health or safety of the occupant, or (ii) be
8 construed to preclude a financial institution from considering the fair market value of
9 the property which will secure the proposed loan.

10 (c) Failure to meet the maintenance standard shall not be deemed a default under
11 existing mortgages.

12 **"§ 130A-191.9G. Resident responsibilities.**

13 In any residential housing unit occupied by a child less than six years old who has
14 an elevated blood lead level of 10 micrograms per deciliter or greater, the
15 Department shall advise, in writing, the owner or managing agent and the child's
16 parents or legal guardian as to the importance of carrying out routine cleaning
17 activities in the units they occupy, own, or manage. Such cleaning activities shall
18 include:

- 19 (1) Wiping clean all window sills with a damp cloth or sponge at least
20 weekly;
21 (2) Regularly washing all surfaces accessible to children;
22 (3) In the case of a leased residential housing unit, identifying any
23 deteriorated paint in the unit and notifying the owner or managing
24 agent of such conditions within 72 hours of discovery; and
25 (4) Identifying and understanding potential lead poisoning hazards in
26 the environment of each child under the age of six in the unit
27 (including toys, vinyl miniblinds, playground equipment, drinking
28 water, soil, and painted surfaces), and taking steps to prevent
29 children from ingesting lead such as encouraging children to wash
30 their face and hands frequently and especially after playing
31 outdoors."

32 Section 2. The Department shall adopt rules under Chapter 150B of the
33 General Statutes to implement this act.

34 Section 3. This act becomes effective October 1, 1997.

August 18, 1997

MEMORANDUM

TO: House Human Resources Committee

FROM: John Young, Committee Staff

RE: Senate Bill 806

INTRODUCTION

Senate Bill 806 seeks to expand the existing Childhood Lead Program in the Division of Environmental Health (DEHNR) by establishing a voluntary preventive maintenance program in which landlords may participate in order to receive liability relief and protection against financial discrimination. (See G. S. 130A-131.9D, p6 of the Third Edition of the bill). Much of the rest of the bill covering laboratory reporting, testing, and abatement are taken directly from the Administrative Code and are currently being implemented by the Department.

SENATE BILL 806

Senate Bill 806 adds sections to Article 5 of Chapter 130A with provisions for controlling lead exposure of children. The committee substitute requires the reporting to the Department of Environment, Health and Natural Resources, by all laboratories doing business in the state, the blood lead levels of one microgram per deciliter or more for all children less than six (6) years of age. The Department is also required to obtain information on all children who reside, regularly visit, or attend a dwelling or facility in which a child less than six (6) years of age is found to have a persistent elevated blood lead level or confirmed lead poisoning.

The Department is further directed to conduct an investigation of any dwelling or facility in which a persistent elevated blood level or confirmed lead poisoning is found. The investigation shall include all supplemental addresses of such a child. The investigation is to determine whether or not a lead poisoning hazard exists.

Upon a determination by the Department that a lead poisoning hazard exists, the Department is required to give notice to the owner or managing agent of the dwelling, dwelling unit, school, or day care facility and to all persons residing in or attending the dwelling or facility. The notice shall include a list of possible methods of abatement of the lead poisoning hazard.

The Department shall also advise the parents or legal guardians of a child who has an elevated blood lead level of 10 micrograms per deciliter or greater as to the importance of carrying out routine cleaning activities in their housing unit. The Department would also advise the owner or managing agent.

Abatement Plan

If the Department finds that a child less than six (6) years of age has confirmed lead poisoning of twenty (20) micrograms per deciliter, and the child resides or attends a dwelling or facility containing a lead poisoning hazard, the Department shall require abatement of the lead poisoning hazard.

The procedure for establishing an abatement plan is set forth as follows:

- 1) The owner or managing agent shall submit a written abatement plan to the Department within fourteen (14) days of receipt of notice and shall obtain written approval of the plan prior to initiating abatement.
- 2) If the plan is not approved, the Department shall require a modified plan and shall indicate the modifications necessary for approval.
- 3) The owner or managing agent shall notify the Department and the occupants of the dates of abatement activities a minimum of three (3) days prior to commencement of the activities.
- 4) Abatement is to be completed within sixty (60) days of the Department's approval of the plan. An extension of thirty (30) days may be granted upon written request.

The committee substitute prohibits the abatement of lead poisoning hazards in paint through the following methods:

- 1) stripping paint on-site with methylene chloride-based solutions
- 2) torch or flame burning
- 3) heating paint with a heat gun above 1,100 degrees Fahrenheit
- 4) covering with new paint or wallpaper unless all readily accessible lead-based paint has been removed
- 5) uncontrolled abrasive blasting
- 6) uncontrolled waterblasting

Abatement plans are to reduce a lead poisoning hazard to below the following levels:

- Floor lead dust levels - 100 micrograms per square foot.
- Windowsill lead dust levels - 500 micrograms per square foot.
- Window trough lead dust levels - 800 micrograms per square foot.
- Soil lead levels - 400 parts per million or such other higher level as determined by the Department to prevent a hazard in light of the condition and use of the land and in light of other relevant factors.
- Drinking water lead levels - 15 parts per billion.

The committee substitute requires that all lead-containing waste and residue of the abatement of lead be removed and disposed of in accordance with applicable federal, State, and local laws and rules.

Maintenance Standard

The committee substitute defines a "maintenance standard" and provides that compliance with the maintenance standard shall be deemed equivalent to meeting the abatement plan requirements. The maintenance standard means the following:

- 1) Repairing and repainting areas of deteriorated paint inside a residential housing unit;
- 2) Cleaning the interior of the unit to remove dust that may contain hazardous amounts of lead as defined by the Department;
- 3) Adjusting doors and windows to minimize friction or impact on surfaces;
- 4) Subject to the occupant's approval, appropriately cleaning any carpets;
- 5) Taking such steps as are necessary to ensure that all interior surfaces on which dust might collect are readily cleanable; and
- 6) Providing the occupant or occupants all information required to be provided under the Residential Lead-Based Paint Hazard Reduction Act of 1992, and amendments thereto.

Effect of Compliance with Maintenance Standard

An owner of a unit complying with the maintenance standard may apply annually to the Department for a certificate of evidence of compliance. The Department shall issue the certificate upon presentation of acceptable proof of compliance. Any owner of pre-1978 property who complies with the maintenance standard and obtains a certificate of compliance shall not be liable in any suit by a current or former occupant seeking damages for injuries arising from exposure to lead-based paint or lead-contaminated dust.

The committee substitute further provides that "[n]o bank or financial institution in the business of lending money for the purchase, sale, construction, rehabilitation, improvement, or refinancing of real property or the lending of money secured by an interest in real property may refuse to make such loans merely because of the presence of lead-based paint on the residential real property or in the residential dwelling unit provided that the owner is in compliance with the maintenance standard and has obtained a certificate of compliance under G.S. 130A-131.9E."



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Memorandum

To: Representative Julia Howard

From: Tom Covington, Director
Fiscal Research Division

Mona Moon, Fiscal Analyst
Fiscal Research Division

Date: August 18, 1997

Re: Evaluation of Senate Bill 806 in regards to *Certification of legislation required by federal law (G.S. 120-36.8)*

In compliance with G.S. 120-36.8, *Certification of legislation required by federal law*, the Fiscal Research Division, in consultation with the Bill Drafting Division, is providing this memorandum to identify *federal law*, if any, requiring the enactment of certain provisions in Senate Bill 806, Childhood Lead Exposure Control.

SB 806 – Provisions Required Due to Federal Law

Senate Bill 806 (Third Edition Engrossed 6/10/97) **does not contain** any provisions required by federal law. The state will not be out of compliance with the federal Residential Lead-Based Paint Reduction Act (42 USCS 4851 et. seq.) nor the federal Toxic Substances Control Act (15 USCS 2681 et. seq.) if Senate Bill 806 or similar legislation is not enacted into law.

SB 806 – Provisions Not Required by Federal Law

Senate Bill 806 codifies much of the existing North Carolina Administrative Code (15A NCAC 18A.3101-.3106) governing the state's childhood lead poisoning prevention program administered by the Division of Environmental Health in the Department of Environment, Health, and Natural Resources (DEHNR). These provisions include required reporting by

laboratories of blood lead level test results, investigation of childhood lead poisoning cases and abatement of lead hazards by property owners.

The bill also establishes a voluntary preventive maintenance program to minimize and abate lead hazards in residential dwellings. Participating owners can obtain limited liability relief in the event they are sued by current or former occupants for lead related injuries, such as those resulting from exposure to lead-based paint or lead-contaminated dust. Discrimination in financing by lending institutions is also prohibited if the owner of the unit is in compliance with the maintenance standard established in the bill or can demonstrate that the dwelling is lead-safe.

In order to educate property owners/managers and parents about the seriousness of lead hazards, the proposed bill requires DEHNR to provide the owner/manager and parents with information regarding the importance of completing routine cleaning activities to reduce lead hazards. The department is required to provide such information any time a child under the age of six is identified with an elevated blood lead level.

cc: Gann Watson, Bill Drafting

MINUTES
HOUSE COMMITTEE ON HUMAN RESOURCES

August 13, 1997

8:30 a.m.

Room 643 LOB

The House Committee on Human Resources met in Room 643 of the Legislative Office Building on Wednesday, August 13, 1997 at 8:30 a.m. Representative Julia Howard, Co-Chair, presided at the meeting. Representative Howard called the meeting to order.

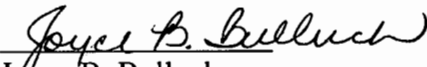
The following members were present: Representatives Adams, Culp, Earle, Easterling, Esposito, Gardner, Gulley, Insko, Ives, Nesbitt, Rayfield, Watson, and Wilson, G.

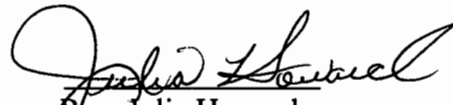
Rep. Howard recognized Rep. Culp. He made a motion to reconsider the vote by which Senate Bill 383 was given a favorable report for the purpose of removing an amendment (ALV-01). The motion unanimously passed. Rep. Howard stated that the bill is before the committee for consideration. Rep. Culp was recognized and made a motion to reconsider the vote by which amendment (ALV-01) offered by Rep. Culp was passed and the perfecting amendment to Rep. Culp's amendment offered by Rep. Nesbitt was passed. The motion passed, and Rep. Howard stated that the amendments were before the committee for consideration. Rep. Culp said that the amendments were no longer necessary and their differences had been resolved. As a result, Rep. Culp made motion to roll remaining amendments into new House Committee Substitute and to give it a favorable report and unfavorable as to the original bill. The motion was approved unanimously.

Rep. Howard recognized Rep. Wilson for a motion as it relates to Senate Bill 929 - "Enhance Child Care". She stated that there was a committee substitute to the bill. It was unanimously passed to consider the substitute prior to Sen. Cooper's explanation of the bill. Rep. Howard stated that Rep. Gulley had an amendment to the bill. She asked him to send that forward so it would be in tact prior to the debate. Rep. Gulley's amendment amends the bill on Page 28, lines 28-29 by inserting the following new section. Refer to a copy of the amendment which is made a part of these minutes. Rep. Gulley explained the amendment. Rep. Gardner stated that this is a consensus bill, and all concerned have signed off on it. She suggested that a controversial amendment such as this could jeopardize the bill. Rep. Howard asked that the amendment be displaced momentarily, and she recognized Sen. Cooper to explain the bill. Mr. John Young, staff member, was asked to give an explanation of the bill. His remarks are included in and made a part of the minutes. Ms. Stephanie Fanjul, DHR-DCD, made comments on the bill. Rep. Easterling stated that she thought this amendment would slow the bill down in the process as it would involve education. She said she would rather not involve the Department of Education at this point. Rep. Gulley stated that he would withdraw the amendment.

Rep. Ives offered an amendment to the bill. He was recognized to explain his amendment. That amendment as it relates to the building code is included in these minutes. Senator Cooper said he did not have a problem with the amendment. The amendment received unanimous approval. The bill was given a favorable report as amended, and unfavorable as to original bill.

There being no further business, the meeting was adjourned.


Joyce B. Bulluck
Clerk


Rep. Julia Howard
Co-Chair

Date Adopted 8/28/97

VISITOR REGISTRATION SHEET

HUMAN RESOURCES

AUGUST 13, 1997

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY
1. <u>Larry Jo Binn</u>	<u>Smith Anderson</u>
2. <u>Lucia C. Deel</u>	<u>NC Medical Society</u>
3. <u>WATULLY</u>	<u>NCHIA</u>
4. <u>Sandra Long</u>	<u>Payton & Skel</u>
5. <u>Steve Carter</u>	<u>Carter & Assoc.</u>
6. <u>John Palumbo</u>	<u>Atty</u>
7. <u>Bryce Worth</u>	<u>Senator Reeves</u>
8. <u>DAVE BLURTON</u>	<u>DHR</u>
9. <u>ANGIE McMILLEN</u>	<u>DHR</u>
10. <u>Frank D. Tramm</u>	<u>Gorman's office</u>
11. <u>Stephen Jungel</u>	<u>DHR-DCD</u>
22. <u>Nancy D. Guy</u>	<u>DHR-DCD</u>
23. <u>Ann Christen</u>	<u>Atty</u>
24. <u>Jane E. Albers</u>	<u>NC Substance Abuse Prog. Act. Board</u>
25. <u>Doug Baker</u>	<u>DMH/DD/SAS</u>
26. <u>Lee Watten</u>	<u>New World Health Care</u>
27. <u>Bernie Grepe</u>	<u>Personnel Services- DHR</u>
28. <u>Steve Davis</u>	<u>DHR- Personnel Services</u>
29. <u>Paula Wolf</u>	<u>Covenant w/NC's Children</u>
30. <u>John Tugger</u>	<u>NCNA</u>
31. <u>Brenda Hummus</u>	<u>NC Equity</u>

VISITOR REGISTRATION SHEET

HUMAN RESOURCES

AUGUST 13, 1997

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY
1. John Baggett	DHR MH/DD/SAS
2. Ho Stan	MH/DD/SAS - Substance Abuse
3. Worth Belton, CSW	NASW - NC Chapter
4. Myron Shell	NASW-NC
5. Tim Minter	NC ASSN of REALTORS
6. John Keshin	NCFIX
7. Amy Mumburn	Horton's Williams
8. Mill Patterson	"
9. Jeffery E. King	Mental Health Admin Services, Inc.
10. Jim Scarborough	NC SARC B
11. Jean Nam	Discovery Land CCC Inc.
22. Cathi Shuler	Pace
23. Henry Gerson	PACE
24. [Signature]	[Signature]
25. _____	_____
26. _____	_____
27. _____	_____
28. _____	_____
29. _____	_____
30. _____	_____
31. _____	_____

AGENDA
House Standing Committee
on
HUMAN RESOURCES
Wednesday, August 13, 1997

Greetings: Representative Julia Howard, Presiding Chair

Presentation of SB 929 - "Enhance Child Care"
Senator Cooper, Sponsor

Vote

Presentation of SB 712 - "Substance Abuse Specialists"
Senator Reeves, Sponsor

Vote

Presentation of SB 350 - "Supplemental Insurance Benefits"
Senator Soles, Sponsor

Vote

Presentation of SB 476 - "Osteoporosis Task Force"
Senator Perdue

Vote

Announcements

Adjournment

1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Howard and Aldridge** for the Committee on **Human Resources**.

☒ Committee Substitute for

S.B. 383 A BILL TO BE ENTITLED AN ACT TO TRANSFER HEALTH SERVICES TO THE DEPARTMENT OF HUMAN RESOURCES, TO CHANGE THE NAME OF THE DEPARTMENT OF HUMAN RESOURCES TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO CHANGE THE NAME OF THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, AND TO MAKE TECHNICAL AND CONFORMING STATUTORY CHANGES.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title, unfavorable as to original bill (Committee Substitute Bill #), (and recommendation that the committee substitute bill #) be re-referred to the Committee on .)

☒ With a favorable report as to House committee substitute bill (#), ☒ which changes the title, unfavorable as to Senate committee substitute bill.

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

2

SENATE BILL 383*

Children & Human Resources Committee Substitute Adopted 4/3/97

Short Title: Health to DHR/DEHNR Name Change/AB.

(Public)

Sponsors:

Referred to:

March 13, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO TRANSFER HEALTH SERVICES TO THE DEPARTMENT OF
3 HUMAN RESOURCES, TO CHANGE THE NAME OF THE DEPARTMENT
4 OF HUMAN RESOURCES TO THE DEPARTMENT OF HEALTH AND
5 HUMAN SERVICES, TO CHANGE THE NAME OF THE DEPARTMENT OF
6 ENVIRONMENT, HEALTH, AND NATURAL RESOURCES TO THE
7 DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, AND
8 TO MAKE TECHNICAL AND CONFORMING STATUTORY CHANGES.
9 The General Assembly of North Carolina enacts:
10 PART 1. TRANSFER AND RESTRUCTURE OF DEPARTMENT OF HUMAN
11 RESOURCES AND DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL
12 RESOURCES.
13 Section 1. The name of Article 3 of Chapter 143B of the General
14 Statutes reads as rewritten:
15 "ARTICLE 3.
16 Department of ~~Human Resources~~ Health and Human Services."
17 Section 2. G.S. 130A-55.1, 143B-136, 143B-137, 143B-138, and 143B-
18 279.6 are repealed.
19 Section 3. Part 1 of Article 3 of Chapter 143B of the General Statutes is
20 amended by adding the following new sections:
21 "§ 143B-136.1. Department of Health and Human Services -- creation.

1 There is created a department to be known as the 'Department of Health and
2 Human Services,' with the organization, duties, functions, and powers defined in this
3 Article and other applicable provisions of law.

4 "§ 143B-137.1. Department of Health and Human Services -- duties.

5 It shall be the duty of the Department to provide the necessary management,
6 development of policy, and establishment and enforcement of standards for the
7 provision of services in the fields of public and mental health and rehabilitation with
8 the intent to assist all citizens -- as individuals, families, and communities -- to
9 achieve and maintain an adequate level of health, social and economic well-being,
10 and dignity. Whenever possible, the Department shall emphasize preventive
11 measures to avoid or to reduce the need for costly emergency treatments that often
12 result from lack of forethought. The Department shall establish priorities to
13 eliminate those excessive expenses incurred by the State for lack of adequate funding
14 or careful planning of preventive measures.

15 "§ 143B-138.1. Department of Health and Human Services -- functions and
16 organization.

17 (a) All functions, powers, duties, and obligations previously vested in the following
18 commissions, boards, councils, committees, or subunits of the Department of Human
19 Resources are transferred to and vested in the Department of Health and Human
20 Services by a Type I transfer, as defined in G.S. 143A-6:

21 (1) Division of Aging.

22 (2) Division of Services for the Blind.

23 (3) Division of Medical Assistance.

24 (4) Division of Mental Health, Developmental Disabilities, and
25 Substance Abuse Services.

26 (5) Division of Social Services.

27 (6) Division of Facility Services.

28 (7) Division of Vocational Rehabilitation.

29 (8) Division of Youth Services.

30 (9) Division of Services for the Deaf and the Blind.

31 (10) Office of Economic Opportunity.

32 (11) Division of Child Development.

33 (12) Office of Rural Health.

34 (b) All functions, powers, duties, and obligations previously vested in the following
35 commissions, boards, councils, committees, or subunits of the Department of Human
36 Resources are transferred to and vested in the Department of Health and Human
37 Services by a Type II transfer, as defined in G.S. 143A-6:

38 (1) Respite Care Program.

39 (2) Governor's Advisory Council on Aging.

40 (3) Commission for the Blind.

41 (4) Professional Advisory Committee.

42 (5) Consumer and Advocacy Advisory Committee for the Blind.

43 (6) Commission for Mental Health, Developmental Disabilities, and
44 Substance Abuse Services.

1 (7) Social Services Commission.
2 (8) Child Day-Care Commission.
3 (9) Medical Care Commission.
4 (10) Emergency Medical Services Advisory Council.
5 (11) Board of Directors of the Governor Morehead School.
6 (12) Board of Directors for the North Carolina Schools for the Deaf.
7 (13) North Carolina Council for the Hearing Impaired.
8 (14) North Carolina Council on the Holocaust.
9 (15) Council on Developmental Disabilities.
10 (c) The functions, powers, duties, and obligations previously vested in the
11 following commissions, boards, councils, committees, or subunits of the Department
12 of Environment, Health, and Natural Resources are transferred to and vested in the
13 Department of Health and Human Services by a Type I transfer, as defined in G.S.
14 143A-6:

15 (1) Division of Dental Health.
16 (2) State Center for Health Statistics.
17 (3) Division of Epidemiology.
18 (4) Division of Health Promotion.
19 (5) Division of Maternal and Child Health.
20 (6) Office of Minority Health.
21 (7) Office of Public Health Nursing.
22 (8) Division of Laboratory Services.
23 (9) Office of Local Health Services.
24 (10) Division of Post Mortem Medicolegal Examinations.

25 (d) All functions, powers, duties, and obligations previously vested in the following
26 commissions, boards, councils, committees, or subunits of the Department of
27 Environment, Health, and Natural Resources are transferred to and vested in the
28 Department of Health and Human Services by a Type II transfer, as defined in G.S.
29 143A-6:

30 (1) Commission for Health Services.
31 (2) Council on Sickle Cell Syndrome.
32 (3) Governor's Council on Physical Fitness and Health.
33 (4) Commission of Anatomy.
34 (5) Minority Health Advisory Council.
35 (6) Advisory Committee on Cancer Coordination and Control.

36 (e) The Department of Health and Human Services is vested with all other
37 functions, powers, duties, and obligations as are conferred by the Constitution and
38 laws of this State."

39 Section 4. The name of Article 7 of Chapter 143B of the General
40 Statutes reads as rewritten:

41 "ARTICLE 7.
42 Department of ~~Environment~~,
43 Health, ~~Environment~~ and Natural
44 Resources."

Section 5. G.S. 143B-279.2 reads as rewritten:

"§ 143B-279.2. Department of ~~Environment, Health, Environment~~ and Natural Resources -- duties.

It shall be the duty of the Department:

(1) To provide for the protection of the environment;

(1a) To administer the State Outer Continental Shelf (OCS) Task Force and coordinate State participation activities in the federal outer continental shelf resource recovery programs as provided under the OCS Lands Act Amendments of 1978 (43 USC §§ 1801 et seq.) and the OCS Lands Act Amendments of 1986 (43 USC §§ 1331 et seq.).

(1b) To provide for the protection of the environment and public health through the regulation of solid waste and hazardous waste management and the administration of environmental health programs.

~~(2) To provide for the protection and enhancement of the public health;~~

(2a) To provide and keep a museum or collection of the natural history of the State and to maintain the North Carolina Biological Survey; and

(3) To provide for the management of the State's natural resources."

Section 6. G.S. 143B-279.3 reads as rewritten:

"§ 143B-279.3. Department of Environment, Health, and Natural Resources -- structure.

(a) All functions, powers, duties, and obligations ~~heretofore~~ previously vested in the following subunits of the following departments are ~~hereby~~ transferred to and vested in the Department of ~~Environment, Health, Environment~~ and Natural Resources by a Type I transfer, as defined in G.S. 143A-6:

(1) Radiation Protection Section, Division of Facility Services, Department of Human Resources.

~~(2) Division of Health Services, Department of Human Resources.~~

~~(3) State Center for Health Statistics, Department of Human Resources.~~

(4) Coastal Management Division, Department of Natural Resources and Community Development.

(5) Environmental Management Division, Department of Natural Resources and Community Development.

(6) Forest Resources Division, Department of Natural Resources and Community Development.

(7) Land Resources Division, Department of Natural Resources and Community Development.

(8) Marine Fisheries Division, Department of Natural Resources and Community Development.

- 1 (9) Parks and Recreation Division, Department of Natural Resources
- 2 and Community Development.
- 3 (10) Soil and Water Conservation Division, Department of Natural
- 4 Resources and Community Development.
- 5 (11) Water Resources Division, Department of Natural Resources and
- 6 Community Development.
- 7 (12) North Carolina Zoological Park, Department of Natural Resources
- 8 and Community Development.
- 9 (13) Albemarle-Pamlico Study.
- 10 (14) Office of Marine Affairs, Department of Administration.
- 11 (15) Environmental Health Section, Division of Health Services,
- 12 Department of Human Resources.

13 (b) All functions, powers, duties, and obligations ~~heretofore~~ previously vested in
14 the following commissions, boards, councils, and committees of the following
15 departments are ~~hereby~~ transferred to and vested in the Department of ~~Environment,~~
16 ~~Health, Environment~~ and Natural Resources by a Type II transfer, as defined in G.S.
17 143A-6:

- 18 (1) Repealed by Session Laws 1993, c. 501, s. 27.
- 19 (2) Radiation Protection Commission, Department of Human
- 20 Resources.
- 21 ~~(3) Commission for Health Services, Department of Human Resources.~~
- 22 (4) Water Treatment Facility Operators Board of Certification,
- 23 Department of Human Resources.
- 24 ~~(5) Council on Sickle Cell Syndrome, Department of Human~~
- 25 ~~Resources.~~
- 26 ~~(6) Perinatal Health Care Programs Advisory Council, Department of~~
- 27 ~~Human Resources.~~
- 28 ~~(7) Governor's Council on Physical Fitness and Health, Department of~~
- 29 ~~Human Resources.~~
- 30 ~~(8) Commission of Anatomy, Department of Human Resources.~~
- 31 (9) Coastal Resources Commission, Department of Natural Resources
- 32 and Community Development.
- 33 (10) Environmental Management Commission, Department of Natural
- 34 Resources and Community Development.
- 35 (11) Air Quality Council, Department of Natural Resources and
- 36 Community Development.
- 37 (12) Wastewater Treatment Plant Operators Certification Commission,
- 38 Department of Natural Resources and Community Development.
- 39 (13) Forestry Council, Department of Natural Resources and
- 40 Community Development.
- 41 (14) North Carolina Mining Commission, Department of Natural
- 42 Resources and Community Development.
- 43 (15) Advisory Committee on Land Records, Department of Natural
- 44 Resources and Community Development.

- 1 (16) Marine Fisheries Commission, Department of Natural Resources
2 and Community Development.
- 3 (17) Parks and Recreation Council, Department of Natural Resources
4 and Community Development.
- 5 (18) Board of Trustees of the Recreation and Natural Heritage Trust
6 Fund, Department of Natural Resources and Community
7 Development.
- 8 (19) North Carolina Trails Committee, Department of Natural
9 Resources and Community Development.
- 10 (20) Sedimentation Control Commission, Department of Natural
11 Resources and Community Development.
- 12 (21) State Soil and Water Conservation Commission, Department of
13 Natural Resources and Community Development.
- 14 (22) North Carolina Zoological Park Council, Department of Natural
15 Resources and Community Development.
- 16 (23) North Carolina Aquariums Commission, Department of
17 Administration.
- 18 (c) (1) There is hereby created a division within the environmental area
19 of the Department of ~~Environment, Health,~~ Environment and
20 Natural Resources to be named the Division of Radiation
21 Protection. All functions, powers, duties, and obligations of the
22 Radiation Protection Section of the Division of Facility Services of
23 the Department of Human Resources are transferred in their
24 entirety to the Radiation Protection Division of the Department of
25 ~~Environment, Health,~~ Environment and Natural Resources.
- 26 (2) There is hereby created a division within the environmental area
27 of the Department of ~~Environment, Health,~~ Environment and
28 Natural Resources to be named the Division of Waste
29 Management. All functions, powers, duties, and obligations of the
30 Solid Waste Management Section of the Division of Health
31 Services of the Department of Human Resources are transferred in
32 their entirety to the Division of Waste Management of the
33 Department of ~~Environment, Health,~~ Environment and Natural
34 Resources.
- 35 (3) There is created a division within the environmental areas of the
36 Department of Environment and Natural Resources to be named
37 the Division of Environmental Health. All functions, powers,
38 duties and obligations of the Division of Environmental Health of
39 the Department of Environment, Health and Natural Resources are
40 transferred in their entirety to the Division of Environmental
41 Health, Department of Environment and Natural Resources.
- 42 (d) The Department of ~~Environment, Health,~~ Environment and Natural Resources
43 is vested with all other functions, powers, duties, and obligations as are conferred by
44 the Constitution and laws of this State."

1
2 **PART 2. TECHNICAL AND CONFORMING STATUTORY CHANGES.**

3 Section 7. G.S. 7A-343.1 reads as rewritten:

4 "§ 7A-343.1. Distribution of copies of the appellate division reports.

5 The Administrative Officer of the Courts shall, at the State's expense distribute
6 such number of copies of the appellate division reports to federal, State departments
7 and agencies, and to educational institutions of instruction, as follows:

8		
9	Governor, Office of the	1
10	Lieutenant Governor, Office of the	1
11	Secretary of State, Department of the	2
12	State Auditor, Department of the	1
13	Treasurer, Department of the State	1
14	Superintendent of Public Instruction	1
15	Office of the Attorney General	11
16	State Bureau of Investigation	1
17	Agriculture, Department of	1
18	Labor, Department of	1
19	Insurance, Department of	1
20	Budget Bureau, Department of Administration	1
21	Property Control, Department of Administration	1
22	State Planning, Department of Administration	1
23	~~Board of Environment, Health, Environment~~ and Natural Resources <u>Resources</u> ,	
24	<u>Department of</u>	1
25	Revenue, Department of	1
26	~~Board of Health and Human Resources Services~~ , <u>Department of</u>	1
27	Commission for the Blind	1
28	~~Board of Transportation~~ <u>Transportation</u> , Department of	1
29	Motor Vehicles, Division of	1
30	Utilities Commission	8
31	Industrial Commission	11
32	State Personnel Commission	1
33	Office of State Personnel	1
34	Office of Administrative Hearings	2
35	Community Colleges, Department of	38
36	Employment Security Commission	1
37	Commission of Correction	1
38	Parole Commission	1
39	Archives and History, Division of	1
40	Crime Control and Public Safety, Department of	2
41	~~Department of Cultural Resources~~ <u>Resources</u> , Department of	3
42	Legislative Building Library	2
43	Justices of the Supreme Court	1 ea.
44	Judges of the Court of Appeals	1 ea.

1	Judges of the Superior Court	1 ea.
2	Clerks of the Superior Court	1 ea.
3	District Attorneys	1 ea.
4	Emergency and Special Judges of the Superior Court	1 ea.
5	Supreme Court Library	AS MANY AS REQUESTED
6	Appellate Division Reporter	1
7	University of North Carolina, Chapel Hill	71
8	University of North Carolina, Charlotte	1
9	University of North Carolina, Greensboro	1
10	University of North Carolina, Asheville	1
11	North Carolina State University, Raleigh	1
12	Appalachian State University	1
13	East Carolina University	1
14	Fayetteville State University	1
15	North Carolina Central University	17
16	Western Carolina University	1
17	Duke University	17
18	Davidson College	2
19	Wake Forest University	25
20	Lenoir Rhyne College	1
21	Elon College	1
22	Campbell University	25
23	Federal, Out-of-State and Foreign Secretary of State	1
24	Secretary of Defense	1
25	Secretary of Health, Education and Welfare	1
26	Secretary of Housing and Urban Development	1
27	Secretary of Transportation	1
28	Attorney General	1
29	Department of Justice	1
30	Internal Revenue Service	1
31	Veterans' Administration	1
32	Library of Congress	5
33	Federal Judges resident in North Carolina	1 ea.
34	Marshal of the United States Supreme Court	1
35	Federal District Attorneys resident in North Carolina	1 ea.
36	Federal Clerks of Court resident in North Carolina	1 ea.
37	Supreme Court Library exchange list	1

38
39 Each justice of the Supreme Court and judge of the Court of Appeals shall receive
40 for his private use, one complete and up-to-date set of the appellate division reports.
41 The copies of reports furnished each justice or judge as set out in the table above
42 may be retained by him personally to enable him to keep up-to-date his personal set
43 of reports."

44 Section 8. G.S. 20-4.01(3b) reads as rewritten:

1 "(3b) Chemical Analyst. -- A person granted a permit by the Department
2 of ~~Environment, Health, and Natural Resources~~ Health and Human
3 Services under G.S. 20-139.1 to perform chemical analyses."

4 Section 9. G.S. 20-16.5(j) reads as rewritten:

5 "(j) Costs. -- Unless the magistrate or judge orders the revocation rescinded, a
6 person whose license is revoked under this section must pay a fee of fifty dollars
7 (\$50.00) as costs for the action before the person's license may be returned under
8 subsection (h). The costs collected under this section shall be credited to the General
9 Fund. Fifty percent (50%) of the costs collected shall be used to fund a statewide
10 chemical alcohol testing program administered by the Injury Control Section of the
11 Department of ~~Environment, Health, and Natural Resources~~ Health and Human
12 Services."

13 Section 10. G.S. 20-139.1 reads as rewritten:

14 "**§ 20-139.1. Procedures governing chemical analyses; admissibility; evidentiary**
15 **provisions; controlled-drinking programs.**

16 (a) Chemical Analysis Admissible. -- In any implied-consent offense under G.S.
17 20-16.2, a person's alcohol concentration as shown by a chemical analysis is
18 admissible in evidence. This section does not limit the introduction of other
19 competent evidence as to a defendant's alcohol concentration, including other
20 chemical tests.

21 (b) Approval of Valid Test Methods; Licensing Chemical Analysts. -- A chemical
22 analysis, to be valid, ~~must~~ shall be performed in accordance with the provisions of
23 this section. The chemical analysis ~~must~~ shall be performed according to methods
24 approved by the Commission for Health Services by an individual possessing a
25 current permit issued by the Department of ~~Environment, Health, and Natural~~
26 ~~Resources~~ Health and Human Services for that type of chemical analysis. The
27 Commission for Health Services ~~is authorized to~~ may adopt ~~regulations~~ rules
28 approving satisfactory methods or techniques for performing chemical analyses, and
29 the Department of ~~Environment, Health, and Natural Resources~~ Health and Human
30 Services ~~is authorized to~~ may ascertain the qualifications and competence of
31 individuals to conduct particular chemical analyses. The Department may issue
32 permits to conduct chemical analyses to individuals it finds qualified subject to
33 periodic renewal, termination, and revocation of the permit in the Department's
34 discretion.

35 (b1) When Officer May Perform Chemical Analysis. -- Except as provided in this
36 subsection, a chemical analysis is not valid in any case in which it is performed by an
37 arresting officer or by a charging officer under the terms of G.S. 20-16.2. A chemical
38 analysis of the breath may be performed by an arresting officer or by a charging
39 officer when both of the following apply:

40 (1) The officer possesses a current permit issued by the Department of
41 ~~Environment, Health, and Natural Resources~~ Health and Human
42 Services for the type of chemical analysis.

43 (2) The officer performs the chemical analysis by using an automated
44 instrument that prints the results of the analysis.

(b2) Breath Analysis Results Inadmissible if Preventive Maintenance Not Performed. -- Notwithstanding the provisions of subsection (b), the results of a chemical analysis of a person's breath performed in accordance with this section are not admissible in evidence if:

(1) The defendant objects to the introduction into evidence of the results of the chemical analysis of ~~his~~ the defendant's breath; and

(2) The defendant demonstrates that, with respect to the instrument used to ~~analyse~~ analyze ~~his~~ the defendant's breath, preventive maintenance procedures required by the regulations of the Commission for Health Services had not been performed within the time limits prescribed by those regulations.

(b3) Sequential Breath Tests Required. -- By January 1, 1985, the regulations of the Commission for Health Services governing the administration of chemical analyses of the breath ~~must~~ shall require the testing of at least duplicate sequential breath samples. Those regulations must provide:

(1) A specification as to the minimum observation period before collection of the first breath sample and the time requirements as to collection of second and subsequent samples.

(2) That the test results may only be used to prove a person's particular alcohol concentration if:

a. The pair of readings employed are from consecutively administered tests; and

b. The readings do not differ from each other by an alcohol concentration greater than 0.02.

(3) That when a pair of analyses meets the requirements of subdivision (2), only the lower of the two readings may be used by the State as proof of a person's alcohol concentration in any court or administrative proceeding.

A person's willful refusal to give the sequential breath samples necessary to constitute a valid chemical analysis is a willful refusal under G.S. 20-16.2(c).

A person's willful refusal to give the second or subsequent breath sample shall make the result of the first breath sample, or the result of the sample providing the lowest alcohol concentration if more than one breath sample is provided, admissible in any judicial or administrative hearing for any relevant purpose, including the establishment that a person had a particular alcohol concentration for conviction of an offense involving impaired driving.

(b4) Introducing Routine Records Kept as Part of Breath-Testing Program. -- In civil and criminal proceedings, any party may introduce, without further authentication, simulator logs and logs for other devices used to verify a breath-testing instrument, certificates and other records concerning the check of ampoules and of simulator stock solution and the stock solution used in any other equilibration device, preventive maintenance records, and other records that are routinely kept concerning the maintenance and operation of breath-testing instruments. In a criminal case, however, this subsection does not authorize the State

1 to introduce records to prove the results of a chemical analysis of the defendant or of
2 any validation test of the instrument that is conducted during that chemical analysis.

3 (c) Withdrawal of Blood for Chemical Analysis. -- When a blood test is specified
4 as the type of chemical analysis by the charging officer, only a physician, registered
5 nurse, or other qualified person may withdraw the blood sample. If the person
6 withdrawing the blood requests written confirmation of the charging officer's request
7 for the withdrawal of blood, the officer ~~must~~ shall furnish it before blood is
8 withdrawn. When blood is withdrawn pursuant to a charging officer's request,
9 neither the person withdrawing the blood nor any hospital, laboratory, or other
10 institution, person, firm, or corporation employing ~~him~~, that person, or contracting
11 for the service of withdrawing blood, may be held criminally or civilly liable by
12 reason of withdrawing that blood, except that there is no immunity from liability for
13 negligent acts or omissions.

14 (d) Right to Additional Test. -- A person who submits to a chemical analysis may
15 have a qualified person of his own choosing administer an additional chemical test or
16 tests, or have a qualified person withdraw a blood sample for later chemical testing
17 by a qualified person of his own choosing. Any law-enforcement officer having in his
18 charge any person who has submitted to a chemical analysis ~~must~~ shall assist the
19 person in contacting someone to administer the additional testing or to withdraw
20 blood, and ~~must~~ shall allow access to the person for that purpose. The failure or
21 inability of the person who submitted to a chemical analysis to obtain any additional
22 test or to withdraw blood does not preclude the admission of evidence relating to the
23 chemical analysis.

24 (e) Recording Results of Chemical Analysis of Breath. -- The chemical analyst
25 who administers a test of a person's breath ~~must~~ shall record the following
26 information after making any chemical analysis:

- 27 (1) The alcohol concentration or concentrations revealed by the
28 chemical analysis.
29 (2) The time of the collection of the breath sample or samples used in
30 the chemical analysis.

31 A copy of the record of this information ~~must~~ shall be furnished to the person
32 submitting to the chemical analysis, or to his attorney, before any trial or proceeding
33 in which the results of the chemical analysis may be used.

34 (e1) Use of Chemical Analyst's Affidavit in District Court. -- An affidavit by a
35 chemical analyst sworn to and properly executed before an official authorized to
36 administer oaths is admissible in evidence without further authentication in any
37 hearing or trial in the District Court Division of the General Court of Justice with
38 respect to the following matters:

- 39 (1) The alcohol concentration or concentrations of a person given a
40 chemical analysis and who is involved in the hearing or trial.
41 (2) The time of the collection of the blood or breath sample or
42 samples for the chemical analysis.
43 (3) The type of chemical analysis administered and the procedures
44 followed.

(4) The type and status of any permit issued by the Department of ~~Environment, Health, and Natural Resources~~ Health and Human Services that ~~he~~ the analyst held on the date ~~he~~ the analyst performed the chemical analysis in question.

(5) If the chemical analysis is performed on a breath-testing instrument for which regulations adopted pursuant to subsection (b) require preventive maintenance, the date the most recent preventive maintenance procedures were performed on the breath-testing instrument used, as shown on the maintenance records for that instrument.

The Department of ~~Environment, Health, and Natural Resources~~ Health and Human Services shall develop a form for use by chemical analysts in making this affidavit. If any person who submitted to a chemical analysis desires that a chemical analyst personally testify in the hearing or trial in the District Court Division, ~~he~~ the person may subpoena the chemical analyst and examine him as if he were an adverse witness.

(f) Evidence of Refusal Admissible. -- If any person charged with an implied-consent offense refuses to submit to a chemical analysis, evidence of that refusal is admissible in any criminal action against him for an implied-consent offense under G.S. 20-16.2.

(g) Controlled-Drinking Programs. -- The Department of ~~Environment, Health, and Natural Resources~~ Health and Human Services ~~is empowered to make regulations~~ may adopt rules concerning the ingestion of controlled amounts of alcohol by individuals submitting to chemical testing as a part of scientific, experimental, educational, or demonstration programs. These regulations ~~must~~ shall prescribe procedures consistent with controlling federal law governing the acquisition, transportation, possession, storage, administration, and disposition of alcohol intended for use in the programs. Any person in charge of a controlled-drinking program who acquires alcohol under these regulations must keep records accounting for the disposition of all alcohol acquired, and the records must at all reasonable times be available for inspection upon the request of any federal, State, or local law-enforcement officer with jurisdiction over the laws relating to control of alcohol. A controlled-drinking program exclusively using lawfully purchased alcoholic beverages in places in which they may be lawfully possessed, however, need not comply with the record-keeping requirements of the regulations authorized by this subsection. All acts pursuant to the regulations reasonably done in furtherance of bona fide objectives of a controlled-drinking program authorized by the regulations are lawful notwithstanding the provisions of any other general or local statute, regulation, or ordinance controlling alcohol."

Section 11. G.S. 35A-1101 reads as rewritten:

"§ 35A-1101. Definitions.

When used in this Subchapter:

- (1) 'Autism' means a physical disorder of the brain which causes disturbances in the developmental rate of physical, social, and

1 language skills; abnormal responses to sensations; absence of or
2 delay in speech or language; or abnormal ways of relating to
3 people, objects, and events. Autism occurs sometimes by itself and
4 sometimes in conjunction with other brain-functioning disorders.

5 (2) 'Cerebral palsy' means a muscle dysfunction, characterized by
6 impairment of movement, often combined with speech impairment,
7 and caused by abnormality of or damage to the brain.

8 (3) 'Clerk' means the clerk of superior court.

9 (4) 'Designated agency' means the State or local human resources
10 services agency designated by the clerk in ~~his~~ the clerk's order to
11 prepare, cause to be prepared, or assemble a multidisciplinary
12 evaluation and to perform other functions as the clerk may order.
13 A designated agency includes, without limitation, State, local,
14 regional, or area mental health, mental retardation, vocational
15 rehabilitation, public health, social service, and developmental
16 disabilities agencies, and diagnostic evaluation centers.

17 (5) 'Epilepsy' means a group of neurological conditions characterized
18 by abnormal electrical-chemical discharge in the brain. This
19 discharge is manifested in various forms of physical activity called
20 seizures, which range from momentary lapses of consciousness to
21 convulsive movements.

22 (6) 'Guardian ad litem' means a guardian appointed pursuant to G.S.
23 1A-1, Rule 17, Rules of Civil Procedure.

24 (7) 'Incompetent adult' means an adult or emancipated minor who
25 lacks sufficient capacity to manage ~~his~~ the adult's own affairs or to
26 make or communicate important decisions concerning ~~his~~ the
27 adult's person, family, or property whether ~~such~~ the lack of
28 capacity is due to mental illness, mental retardation, epilepsy,
29 cerebral palsy, autism, inebriety, senility, disease, injury, or similar
30 cause or condition.

31 (8) 'Incompetent child' means a minor who is at least 17 1/2 years of
32 age and who, other than by reason of ~~his~~ minority, lacks sufficient
33 capacity to make or communicate important decisions concerning
34 ~~his~~ the child's person, family, or property whether ~~such~~ the lack of
35 capacity is due to mental illness, mental retardation, epilepsy,
36 cerebral palsy, autism, inebriety, disease, injury, or similar cause or
37 condition.

38 (9) 'Indigent' means ~~that a person is~~ unable to pay for legal
39 representation and other necessary expenses of a proceeding
40 brought under this Subchapter.

41 (10) 'Inebriety' means the ~~condition of any person who habitually,~~
42 ~~whether continuously or periodically, indulges in the~~ habitual use
43 of ~~alcoholic beverages, narcotics,~~ alcohol or drugs to ~~such an~~
44 ~~extent as to stupefy his mind and render him~~ rendering a person

1 incompetent to transact ordinary business ~~with safety to his~~
2 ~~concerning the person's~~ estate; or who renders himself, by reason
3 of the use of alcoholic beverages, narcotics, or drugs, estate,
4 dangerous to person or property; or who, by the frequent use of
5 alcoholic beverages, narcotics, or drugs, renders himself property,
6 cruel and intolerable to his family, or fails from such cause unable
7 to provide his family with reasonable necessities of life. for family.

8 (11) 'Interim guardian' means a guardian, appointed prior to
9 adjudication of incompetence and for a temporary period, for a
10 respondent person who requires immediate intervention to address
11 conditions that constitute imminent or foreseeable risk of harm to
12 his the person's physical well-being or to his the person's estate.

13 (12) 'Mental illness' means an illness that so lessens the capacity of ~~the~~
14 a person to use self-control, judgment, and discretion in the
15 conduct of his the person's affairs and social relations as to make it
16 necessary or advisable for him the person to be under treatment,
17 care, supervision, guidance, or control. The term 'mental illness'
18 encompasses 'mental disease', 'mental disorder', 'lunacy',
19 'unsoundness of mind', and 'insanity'.

20 (13) 'Mental retardation' means significantly subaverage general
21 intellectual functioning existing concurrently with deficits in
22 adaptive behavior and manifested before age 22.

23 (14) 'Multidisciplinary evaluation' means an evaluation that contains
24 current medical, psychological, and social work evaluations as
25 directed by the clerk and that may ~~contain~~ include current
26 evaluations by professionals in other disciplines, including without
27 limitation education, vocational rehabilitation, occupational
28 therapy, vocational therapy, psychiatry, speech-and-hearing, and
29 communications disorders. The evaluation is current if made not
30 more than one year from the date on which it is presented to or
31 considered by the court. The evaluation shall set forth the nature
32 and extent of the disability and recommend a guardianship plan
33 and program.

34 (15) 'Respondent' means a person who is alleged to be incompetent in
35 a proceeding under this Subchapter.

36 (16) 'Treatment facility' has the same meaning as 'facility' in G.S.
37 122C-3(14), and includes group homes, halfway houses, and other
38 community-based residential facilities.

39 (17) 'Ward' means a person who has been adjudicated incompetent or
40 an adult or minor for whom a guardian has been appointed by a
41 court of competent jurisdiction."

42 Section 12. G.S. 35A-1105 reads as rewritten:

43 "§ 35A-1105. Petition before clerk.

1 A verified petition for the adjudication of incompetence of an adult, or of a minor
2 who is within six months of reaching majority, may be filed with the clerk by any
3 person, including any State or local human ~~resources~~ services agency through its
4 authorized representative."

5 Section 13. G.S. 35A-1202 reads as rewritten:

6 "§ 35A-1202. Definitions.

7 When used in this Subchapter, unless a contrary intent is indicated or the context
8 requires otherwise:

9 (1) ~~The term 'accounting' refers to~~ 'Accounting' means the financial
10 or status reports filed with the clerk, designated agency,
11 respondent, or other person or party with whom such reports are
12 required to be filed.

13 (2) ~~The term 'clerk'~~ 'Clerk' means the clerk of superior court.

14 (3) ~~The term 'designated agency'~~ 'Designated agency' means the State
15 or local human ~~resources~~ services agency designated by the clerk
16 in ~~his~~ an order to prepare, cause to be prepared, or assemble a
17 multidisciplinary evaluation and to perform other functions as the
18 clerk may order. A designated agency includes, without limitation,
19 State, local, regional or area mental health, mental retardation,
20 vocational rehabilitation, public health, social service, and
21 developmental disabilities agencies, and diagnostic evaluation
22 centers.

23 (4) ~~The term 'disinterested public agent'~~ 'Disinterested public agent'
24 means:

25 a. The director or assistant directors of a local human
26 ~~resources~~ services agency, or

27 b. An adult officer, agent, or employee of a State human
28 ~~resources~~ services agency.

29 The fact that a disinterested public agent is employed by a State
30 or local human ~~resources~~ services agency that provides financial
31 assistance, services, or treatment to a ward does not disqualify that
32 person from being appointed as guardian.

33 (5) ~~The term 'estate'~~ 'Estate' means any interest in real property,
34 choses in action, intangible personal property, and tangible
35 personal property, and includes any interest in joint accounts or
36 jointly held property.

37 (6) ~~The term 'financial report'~~ 'Financial report' means the report
38 filed by the guardian concerning all financial transactions,
39 including receipts and expenditures of the ward's money, sale of
40 the ward's property, or other transactions involving the ward's
41 property.

42 (7) ~~The term 'general guardian'~~ 'General guardian' means a guardian
43 of both the estate and the person.

- (8) ~~The term 'guardian ad litem'~~ 'Guardian ad litem' means a guardian appointed pursuant to G.S. 1A-1, Rule 17, Rules of Civil Procedure.
- (9) ~~The term 'guardian of the estate'~~ 'Guardian of the estate' means a guardian appointed solely for the purpose of managing the property, estate, and business affairs of a ward.
- (10) ~~The term 'guardian of the person'~~ 'Guardian of the person' means a guardian appointed solely for the purpose of performing duties relating to the care, custody, and control of a ward.
- (11) ~~The term 'incompetent person'~~ 'Incompetent person' means a person who has been adjudicated to be an 'incompetent adult' or 'incompetent child' as defined in G.S. 35A-1101(7) or (8).
- (12) ~~The term 'minor'~~ 'Minor' means a person who is under the age of 18, is not married, and has not been legally emancipated.
- (13) ~~The term 'multidisciplinary'~~ 'Multidisciplinary evaluation' means an evaluation that contains current medical, psychological, and social work evaluations as directed by the clerk and that may contain current evaluations by professionals in other disciplines, including without limitation education, vocational rehabilitation, occupational therapy, vocational therapy, psychiatry, speech-and-hearing, and communications disorders. The evaluation is current if made not more than one year from the date on which it is presented to or considered by the court. The evaluation shall set forth the nature and extent of the disability and recommend a guardianship plan and program.
- (14) ~~The term 'status'~~ 'Status report' means the report required by G.S. 35A-1242 to be filed by the general guardian or guardian of the person. A status report shall include a report of a recent medical and dental examination of the ward by one or more physicians or dentists, a report on the guardian's performance of ~~his~~ the duties as set forth in this Chapter and in the clerk's order appointing the guardian, and a report on the ward's condition, needs, and development. The clerk may direct that the report contain other or different information. The report may also contain, without limitation, reports of mental health or mental retardation professionals, psychologists, social workers, persons in loco parentis, a member of a multidisciplinary evaluation team, a designated agency, a disinterested public agent or agency, a guardian ad litem, a guardian of the estate, an interim guardian, a successor guardian, an officer, official, employee or agent of the Department of ~~Human Resources~~, Health and Human Services, or any other interested persons including, if applicable to the ward's situation, group home parents or supervisors, employers, members of the staff of a treatment facility, or foster parents.

(15) ~~The term 'ward'~~ 'Ward' means a person who has been adjudicated incompetent or an adult or minor for whom a guardian has been appointed by a court of competent jurisdiction."

Section 15. G.S. 35A-1216 reads as rewritten:

"§ 35A-1216. Rule-making power of Secretary of ~~Human Resources~~ Health and Human Services.

The Secretary of the Department of ~~Human Resources~~ Health and Human Services shall ~~issue~~ adopt rules and regulations for the implementation of concerning the guardianship responsibilities of disinterested public agents. The rules ~~and regulations~~ shall provide, among other things, that disinterested public agents shall undertake or have received training concerning the powers and responsibilities of guardians."

Section 16. G.S. 35A-1221 reads as rewritten:

"§ 35A-1221. Application before clerk.

Any person or corporation, including any State or local human ~~resources~~ services agency through its authorized representative, may make application for the appointment of a guardian of the estate for any minor or for the appointment of a guardian of the person or general guardian for any minor who has no natural guardian by filing an application with the clerk.

The application shall set forth, to the extent known:

- (1) The minor's name, date of birth, address, and county of residence;
- (2) The names and addresses of the minor's parents, if living, and of other persons known to have an interest in the application for appointment of a guardian; the name and date of death of the minor's deceased parent or parents;
- (3) The applicant's name, address, county of residence, relationship if any to the minor, and interest in the proceeding;
- (4) If a guardian has been appointed for the minor or custody of the minor has been awarded, a statement of the facts relating thereto and a copy of any guardianship or custody order, if available;
- (5) A general statement of the minor's assets and liabilities with an estimate of the value of any property, including any income and receivables to which he is entitled;
- (6) A statement of the reason or reasons that the appointment of a guardian is sought; whether the applicant seeks the appointment of a guardian of the person, a guardian of the estate, or a general guardian; and whom the applicant recommends or seeks to have appointed as such guardian or guardians; and
- (7) Any other information that will assist the clerk in determining the need for a guardian or in appointing a guardian."

Section 17. G.S. 35A-1239 reads as rewritten:

"§ 35A-1239. ~~Human Resources~~ Health and Human Services bond.

The Secretary of the Department of ~~Human Resources~~ Health and Human Services shall ~~require, require or purchase, purchase~~ in such amounts as he deems

1 ~~adequate and proper~~, individual or blanket bonds for all disinterested public agents
2 appointed to be guardians, whether they serve as guardians of the estate, guardians of
3 the person, or general guardians, or one blanket bond covering all ~~such~~ agents, ~~such~~
4 the bond or bonds to be conditioned upon faithful performance of their duties as
5 guardians and made payable to the State. The premiums shall be paid by the State."

6 Section 18. G.S. 50-30 reads as rewritten:

7 "**§ 50-30. Findings; policy; and purpose.**

8 (a) Findings. -- The General Assembly makes the following findings:

9 (1) There is a strong public interest in providing fair, efficient, and
10 swift judicial processes for establishing and enforcing child support
11 obligations. Children are entitled to support from their parents,
12 and court assistance is often required for the establishment and
13 enforcement of parental support obligations. Children who do not
14 receive support from their parents often become financially
15 dependent on the State.

16 (2) The State shall have laws that meet the federal requirements on
17 expedited processes for obtaining and enforcing child support
18 orders for purposes of federal reimbursement under Title IV-D of
19 the Social Security Act, 42 U.S.C. § 66(a)(2). The Secretary of the
20 United States Department of Health and Human Services may
21 waive the expedited process requirement with respect to one or
22 more district court district as defined in G.S. 7A-133 on the basis
23 of the effectiveness and timeliness of support order issuance and
24 enforcement within the district.

25 (3) The State has a strong financial interest in complying with the
26 expedited process requirement, and other requirements, of Title
27 IV-D of the Social Security Act, but the State would incur
28 substantial expense in creating statewide an expedited child
29 support process as defined by federal law.

30 (4) The State's judicial system is largely capable of processing child
31 support cases in a timely and efficient manner and has a strong
32 commitment to an expeditious system.

33 (5) The substantial expense the State would incur in creating a new
34 system for obtaining and enforcing child support orders would be
35 reduced and better spent by improving the present system.

36 (b) Purpose and Policy. -- It is the policy of this State to ensure, to the maximum
37 extent possible, that child support obligations are established and enforced fairly,
38 efficiently, and swiftly through the judicial system by means that make the best use of
39 the State's resources. It is the purpose of this Article to facilitate this policy. The
40 Administrative Office of the Courts and judicial officials in each district court district
41 as defined in G.S. 7A-133 shall make a diligent effort to ensure that child support
42 cases, from the time of filing to the time of disposition, are handled fairly, efficiently,
43 and swiftly. The Administrative Office of the Courts and the State Department of
44 ~~Human Resources~~ Health and Human Services shall work together to improve

1 procedures for the handling of child support cases in which the State or county has
2 an interest, including all cases that qualify in any respect for federal reimbursement
3 under Title IV-D of the Social Security Act."

4 Section 19. G.S. 50-33(a) reads as rewritten:

5 "(a) ~~DHR~~ State to Seek Waiver. -- The State Department of ~~Human Resources,~~
6 Health and Human Services, with the assistance of the Administrative Office of the
7 Courts, shall vigorously pursue application to the ~~Secretary of the United States~~
8 Department of Health and Human Services for waivers of the federal expedited
9 process requirement."

10 Section 20. G.S. 58-87-5(a) reads as rewritten:

11 "(a) There is created in the Department of Insurance the Volunteer Rescue/EMS
12 Fund to provide grants to volunteer rescue units providing rescue or rescue and
13 emergency medical services to purchase equipment and make capital improvements.
14 An eligible rescue or rescue/EMS unit may apply to the Department of Insurance for
15 a grant under this section. The application form and criteria for grants shall be
16 established by the Department. The ~~Office of Emergency Medical Services in the~~
17 Department of ~~Human Resources~~ Health and Human Services shall provide the
18 Department with an advisory priority listing of EMS equipment eligible for funding.
19 The State Treasurer shall invest the Fund's assets according to law, and the earnings
20 shall remain in the Fund. On December 15 of each year, the Department shall make
21 grants to eligible rescue or rescue/EMS units subject to all of the following
22 limitations:

- 23 (1) A grant to an applicant who is required to match the grant with
24 non-State funds may not exceed fifteen thousand dollars (\$15,000),
25 and a grant to an applicant who is not required to match the grant
26 with non-State funds may not exceed three thousand dollars
27 (\$3,000).
28 (2) An applicant whose liquid assets, when combined with the liquid
29 assets of any corporate affiliate or subsidiary of the applicant, are
30 more than one thousand dollars (\$1,000) shall match the grant on a
31 dollar-for-dollar basis with non-State funds.
32 (3) The grant may be used only for equipment purchases or capital
33 expenditures.
34 (4) An applicant may receive no more than one grant per fiscal year.

35 In awarding grants under this section, the Department shall to the extent possible
36 select applicants from all parts of the State based upon need. Up to two percent
37 (2%) of the Fund may be used for additional staff and resources to administer the
38 Fund in each fiscal year. In addition, notwithstanding G.S. 58-78-20, up to four
39 percent (4%) of the Fund may be used for additional staff and resources for the
40 North Carolina Fire and Rescue Commission."

41 Section 20.1. G.S. 58-39-75(20) reads as rewritten:

42 "(20) To the Department of ~~Environment, Health, and Natural~~
43 ~~Resources~~ Health and Human Services and the information

disclosed is immunization information described in G.S. 130A-153."

Section 21. G.S. 66-58 reads as rewritten:

"§ 66-58. Sale of merchandise by governmental units.

(a) Except as may be provided in this section, it shall be unlawful for any unit, department or agency of the State government, or any division or subdivision of ~~any such~~ the unit, department or agency, or any individual employee or employees of ~~any such~~ the unit, department or agency in his, or her, or their capacity as employee or employees thereof, to engage directly or indirectly in the sale of goods, wares or merchandise in competition with citizens of the State, or to engage in the operation of restaurants, cafeterias or other eating places in any building owned by or leased in the name of the State, or to maintain service establishments for the rendering of services to the public ordinarily and customarily rendered by private enterprises, or to contract with any person, firm or corporation for the operation or rendering of ~~any such~~ the businesses or services on behalf of ~~any such~~ the unit, department or agency, or to purchase for or sell to any person, firm or corporation any article of merchandise in competition with private enterprise. The leasing or subleasing of space in any building owned, leased or operated by any unit, department or agency or division or subdivision thereof of the State for the purpose of operating or rendering of any of the businesses or services herein referred to is hereby prohibited.

(b) The provisions of subsection (a) of this section shall not apply to:

(1) Counties and municipalities.

(2) The Department of ~~Human Resources, Health and Human Services~~ the Department of Environment, Health, and Natural Resources, or the Department of Agriculture for the sale of serums, vaccines, and other like products.

(3) The Department of Administration, except that ~~said~~ the agency shall not exceed the authority granted in the act creating the agency.

(4) The State hospitals for the ~~insane~~ mentally ill.

(5) The Department of ~~Human Resources~~ Health and Human Services.

(6) The North Carolina School for the Blind at Raleigh.

(7) The North Carolina Schools for the Deaf.

(8) The Greater University of North Carolina with regard to its utilities and other services now operated by it nor to the sale of articles produced incident to the operation of instructional departments, articles incident to educational research, articles of merchandise incident to classroom work, meals, books, or to articles of merchandise not exceeding twenty-five cents (25¢) in value when sold to members of the educational staff or staff auxiliary to education or to duly enrolled students or occasionally to immediate members of the families of members of the educational staff or of duly enrolled students nor to the sale of

1 meals or merchandise to persons attending meetings or conventions
2 as invited guests nor to the operation by the University of North
3 Carolina of an inn or hotel and dining and other facilities usually
4 connected with a hotel or inn, nor to the hospital and Medical
5 School of the University of North Carolina, nor to the Coliseum of
6 North Carolina State College, and the other schools and colleges
7 for higher education maintained or supported by the State, nor to
8 the comprehensive student health services or the comprehensive
9 student infirmaries maintained by the constituent institutions of the
10 University of North Carolina.

11 (9) The Department of ~~Environment, Health,~~ Environment and
12 Natural Resources, except that ~~said~~ the Department shall not
13 construct, maintain, operate or lease a hotel or tourist inn in any
14 park over which it has jurisdiction. The North Carolina Wildlife
15 Resources Commission may sell wildlife memorabilia as a service
16 to members of the public interested in wildlife conservation.

17 (10) Child-caring institutions or orphanages receiving State aid.

18 (11) Highlands School in Macon County.

19 (12) The North Carolina State Fair.

20 (13) Rural electric memberships corporations.

21 (13a) State Farm Operations Commission.

22 (13b) The Department of Agriculture with regard to its lessees at
23 farmers' markets operated by the Department.

24 (13c) The Western North Carolina Agricultural Center.

25 (14) Nothing herein contained shall be construed to prohibit the
26 engagement in any of the activities described in subsection (a)
27 hereof by a firm, corporation or person who or which is a lessee of
28 space only of the State of North Carolina or any of its departments
29 or agencies; provided ~~such~~ the leases shall be awarded by the
30 Department of Administration to the highest bidder, as provided
31 by law in the case of State contracts and which lease shall be for a
32 term of not less than one year and not more than five years.

33 (15) The State Department of Correction is authorized to purchase and
34 install automobile license tag plant equipment for the purpose of
35 manufacturing license tags for the State and local governments and
36 for such other purposes as the Department may direct.

37 The Commissioner of Motor Vehicles, or such other authority
38 as may exercise the authority to purchase automobile license tags is
39 hereby directed to purchase from, and to contract with, the State
40 Department of Correction for the State automobile license tag
41 requirements from year to year.

42 The price to be paid to the State Department of Correction for
43 ~~such~~ the tags shall be fixed and agreed upon by the Governor, the
44 State Department of Correction, and the Motor Vehicle

Commissioner, or such authority as may be authorized to purchase ~~such~~ the supplies.

- (16) Laundry services performed by the Department of Correction may be provided only for agencies and instrumentalities of the State which are supported by State funds and for county or municipally controlled and supported hospitals presently being served by the Department of Correction, or for which services have been contracted or applied for in writing, as of May 22, 1973. In addition to the prior sentence, laundry services performed by the Department of Correction may be provided for the Governor Morehead School and the North Carolina School for the Deaf.

~~Such~~ The services shall be limited to wet-washing, drying and ironing of flatwear or flat goods such as towels, sheets and bedding, linens and those uniforms prescribed for wear by ~~such~~ the institutions and further limited to only flat goods or apparel owned, distributed or controlled entirely by ~~such~~ the institutions and shall not include processing by any dry-cleaning methods; provided, however, those garments and items presently being serviced by wet-washing, drying and ironing may in the future, at the election of the Department of Correction, be processed by a dry-cleaning method.

- (17) The North Carolina Global TransPark Authority or a lessee of the Authority.

- (18) The activities and products of private enterprise carried on or manufactured within a State prison facility pursuant to G.S. 148-70.

(c) The provisions of subsection (a) shall not prohibit:

- (1) The sale of products of experiment stations or test farms.

- (2) The sale of learned journals, works of art, books or publications of the Department of Cultural Resources or other agencies, or the Supreme Court Reports or Session Laws of the General Assembly.

- (3) The business operation of endowment funds established for the purpose of producing income for educational purposes; for purposes of this section, the phrase 'operation of endowment funds' shall include the operation by public postsecondary educational institutions of campus stores, the profits from which are used exclusively for awarding scholarships to defray the expenses of students attending the institution; provided, that the operation of ~~such~~ the stores must be approved by the board of trustees of the institution, and the merchandise sold shall be limited to educational materials and supplies, gift items and miscellaneous personal-use articles. Provided further that sales at campus stores are limited to employees of the institution and members of their immediate families, to duly enrolled students of

the campus at which a campus store is located and their immediate families, to duly enrolled students of other campuses of the University of North Carolina other than the campus at which the campus store is located, to other campus stores and to other persons who are on campus other than for the purpose of purchasing merchandise from campus stores. It is the intent of this subdivision that campus stores be established and operated for the purpose of assuring the availability of merchandise described in this Article for sale to persons enumerated herein and not for the purpose of competing with stores operated in the communities surrounding the campuses of the University of North Carolina.

(4) The operation of lunch counters by the Department of ~~Human Resources~~ Health and Human Services as blind enterprises of the type operated on January 1, 1951, in State buildings in the City of Raleigh.

(5) The operation of a snack bar and cafeteria in the State Legislative Building.

(6) The maintenance by the prison system authorities of eating and sleeping facilities at units of the State prison system for prisoners and for members of the prison staff while on duty, or the maintenance by the highway system authorities of eating and sleeping facilities for working crews on highway construction or maintenance when actually engaged in such work on parts of the highway system.

(7) The operation by penal, correctional or facilities operated by the Department of ~~Human Resources~~ Health and Human Services or by the State Department of Agriculture, of dining rooms for the inmates or clients or members of the staff while on duty and for the accommodation of persons visiting ~~such~~ the inmates or clients, and other bona fide visitors.

(8) The sale by the Department of Agriculture of livestock, poultry and publications in keeping with its present livestock and farm program.

(9) The operation by the public schools of school cafeterias.

(10) Sale by any State correctional or other institution of farm, dairy, livestock or poultry products raised or produced by it in its normal operations as authorized by the act creating it.

(11) The sale of textbooks, library books, forms, bulletins, and instructional supplies by the State Board of Education, State Department of Public Instruction, and local school authorities.

(12) The sale of North Carolina flags by or through the auspices of the Department of Administration, to the citizens of North Carolina.

(13) The operation by the Department of Correction of forestry management programs on State-owned lands, including the sale on

the open market of timber cut as a part of such the management program.

(14) The operation by the Department of Correction of facilities to manufacture and produce traffic and street name signs for use on the public streets and highways of the State.

(15) The operation by the Department of Correction of facilities to manufacture and produce paint for use on the public streets and highways of the State.

(16) The performance by the Department of Transportation of dredging services for a unit of local government.

(17) The sale by the State Board of Elections to political committees and candidate committees of computer software designed by or for the State Board of Elections to provide a uniform system of electronic filing of the campaign finance reports required by Article 22A of Chapter 163 of the General Statutes and to facilitate the State Board's monitoring of compliance with that Article. This computer software for electronic filing of campaign finance reports shall not exceed a cost of one hundred dollars (\$100.00) to any political committee or candidate committee without the State Board of Elections first notifying in writing the Joint Legislative Commission on Governmental Operations.

(d) A department, agency or educational unit named in subsection (b) shall not perform any of the prohibited acts for or on behalf of any other department, agency or educational unit.

(e) Any person, whether employee of the State of North Carolina or not, who shall violate, or participate in the violation of this section, shall be guilty of a Class 1 misdemeanor.

(f) Notwithstanding the provisions of G.S. 66-58(a), the operation by the Department of Correction of facilities for the manufacture of any product or the providing of any service pursuant to G.S. 148-70 not regulated by the provisions of subsection (c) hereof, shall be subject to the prior approval of the Governor, with biennial review by the General Assembly, at the beginning of each fiscal year commencing after October 1, 1975. The Department of Correction shall file with the Director of the Budget quarterly reports detailing prison enterprise operations in such a format as shall be required by the Director of the Budget.

(g) The North Carolina School of Science and Mathematics may engage in any of the activities permitted by G.S. 66-58(b)(8) and (c)(3)."

Section 22. G.S. 90-85.34A(a) reads as rewritten:

"(a) A registered nurse in a local health department clinic may dispense prescription drugs and devices, other than controlled substances as defined in G.S. 90-87, under the following conditions:

(1) The registered nurse has training acceptable to the Board in the labeling and packaging of prescription drugs and devices;

- 1 (2) Dispensing by the registered nurse shall occur only at a local
2 health department clinic;
3 (3) Only prescription drugs and devices contained in a formulary
4 recommended by the Department of ~~Environment, Health, and~~
5 ~~Natural Resources~~ Health and Human Services and approved by
6 the Board shall be dispensed;
7 (4) The local health department clinic shall obtain a pharmacy permit
8 in accordance with G.S. 90-85.21;
9 (5) Written procedures for the storage, packaging, labeling and
10 delivery of prescription drugs and devices shall be approved by the
11 Board; and
12 (6) The pharmacist-manager, or another pharmacist at his direction,
13 shall review dispensing records at least weekly, provide
14 consultation where appropriate, and be responsible to the Board
15 for all dispensing activity at the local health department clinic."

16 Section 23. G.S. 90-233(a) reads as rewritten:

17 "(a) A dental hygienist may practice only under the supervision of one or more
18 licensed dentists. Provided, however, that this subsection (a) shall be deemed to be
19 complied with in the case of dental hygienists employed by the Department of
20 ~~Environment, Health, and Natural Resources~~ Health and Human Services and
21 especially trained by said Department as public health hygienists while performing
22 their duties in the public schools under the direction of a duly licensed dentist."

23 Section 24. G.S. 90A-21 reads as rewritten:

24 "§ 90A-21. Water Treatment Facility Operators Board of Certification.

25 (a) Board Membership. -- There is hereby established within the Department of
26 ~~Environment, Health, and Natural Resources~~ Environment and Natural Resources a
27 Water Treatment Facility Operators Board of Certification (hereinafter termed the
28 'Board of Certification') composed of eight members to be appointed by the
29 Governor as follows:

- 30 (1) One member who is currently employed as a water treatment
31 facility operator;
32 (2) One member who is manager of a North Carolina municipality
33 using a surface water supply;
34 (3) One member who is manager of a North Carolina municipality
35 using a treated groundwater supply;
36 (4) One member who is employed as a director of utilities, water
37 superintendent, or equivalent position with a North Carolina
38 municipality;
39 (5) One member employed by a private water utility or private
40 industry and who is responsible for the operation or supervision of
41 a water supply and treatment facility;
42 (6) One member who is a faculty member of a four-year college or
43 university whose major field is related to water supply;

(7) One member employed by the Department of Environment, Health, and Natural Resources and working in the field of water supply;

(8) One member not certified or regulated under this Article, who shall represent the interest of the public at large.

(b) Terms of Office. -- All members serving on the Board on June 30, 1981, shall complete their respective terms. No member appointed to the Board on or after July 1, 1981, shall serve more than two complete consecutive three-year terms, except that the member employed by the Department of ~~Environment, Health, and Natural Resources~~ Environment and Natural Resources may serve more than two consecutive terms, and except that each member shall serve until his successor is appointed and qualifies. The Governor may remove any member for good cause shown and shall appoint members to fill unexpired terms. The Governor shall appoint the public member not later than July 1, 1981.

(c) Powers and Responsibilities. -- The Board of Certification shall establish all rules, regulations and procedures with respect to the certification program and advise and assist the Secretary of ~~Environment, Health, and Natural Resources~~ Environment and Natural Resources in its administration.

(d) Compensation. -- Members of the Board of Certification who are officers or employees of State agencies or institutions shall receive subsistence and travel allowances at the rates authorized by G.S. 138-5.

(e) Officers. -- The Board shall elect a chairman and all other necessary officers to serve one-year terms. A majority of the members of the Board shall constitute a quorum for the transaction of business.

(f) Annual Report. -- The Board shall report annually to the Governor a full statement of its disciplinary and enforcement programs and activities during the year, together with such recommendations as it may deem expedient."

Section 25. G.S. 90A-22(a) reads as rewritten:

"(a) On or before July 1, 1982, the Board of Certification, with the advice and assistance of the Secretary of ~~Environment, Health, and Natural Resources~~, Environment and Natural Resources, shall classify all surface water treatment facilities and all facilities for treating groundwater supplies that are used, or intended for use, as part of a public water supply system with due regard for the size of the facility, its type, character of water to be treated, other physical conditions affecting the treatment of the water, and with respect to the degree of skill, knowledge, and experience that the operator responsible for the water treatment facility must have to supervise successfully the operation of the facilities so as to adequately protect the public health."

Section 26. G.S. 90A-23 reads as rewritten:

"§ 90A-23. Grades of certificates.

The Board of Certification, with the advice and assistance of the Secretary of ~~Environment, Health, and Natural Resources~~, Environment and Natural Resources, shall establish grades of certification for water treatment facility operators corresponding to the classification of water treatment facilities."

1 Section 27. G.S. 90A-24 reads as rewritten:

2 **"§ 90A-24. Operator qualifications and examination.**

3 The Board of Certification, with the advice and assistance of the Secretary of
4 ~~Environment, Health, and Natural Resources~~ Environment and Natural Resources
5 shall establish minimum requirements of education, experience and knowledge for
6 each grade of certification for water treatment facility operators, and shall establish
7 procedures for receiving applications for certification, conducting examinations and
8 making investigations of applicants as may be necessary and appropriate to the end
9 that prompt and fair consideration be given every application and the water
10 treatment facilities of the State may be adequately supervised by certified operators."

11 Section 28. G.S. 90A-25(c) reads as rewritten:

12 "(c) Certificates in an appropriate grade will be issued to operators who, on July
13 1, 1969, hold certificates of competency issued under the voluntary certification
14 program now being administered through the Department of ~~Environment, Health,~~
15 ~~and Natural Resources~~ Environment and Natural Resources with the cooperation of
16 the North Carolina Water Works Operators Association, the North Carolina Section
17 of the American Water Works Association, and the North Carolina League of
18 Municipalities."

19 Section 29. G.S. 90A-25.1 reads as rewritten:

20 **"§ 90A-25.1. Renewal of certificate.**

21 A certificate expires on December 31 of the year in which it is issued or renewed.
22 The Board, with the advice and assistance of the Secretary of ~~Environment, Health,~~
23 ~~and Natural Resources~~, Environment and Natural Resources, may establish minimum
24 continuing education requirements that an applicant must meet to renew a certificate.
25 The Board shall renew a certificate if the applicant meets the continuing education
26 requirements imposed as a condition for renewal, pays the required renewal fee plus
27 any renewal fees in arrears, and, if the application is late, pays the late penalty."

28 Section 30. G.S. 90A-28 reads as rewritten:

29 **"§ 90A-28. Promotion of training and other powers.**

30 The Board of Certification and the Secretary of ~~Economic, Health, and Natural~~
31 ~~Resources~~ Environment and Natural Resources ~~are authorized to~~ may take all
32 necessary and appropriate steps in order to effectively and fairly achieve the purposes
33 of this Article, including, but not limited to, the providing of training for operators
34 and cooperating with educational institutions and private and public associations,
35 persons, or corporations in the promotion of training for water treatment facility
36 personnel."

37 Section 31. G.S. 90A-30(a) reads as rewritten:

38 "(a) Upon the recommendation of the Board of Certification, the Secretary of
39 ~~Environment, Health, and Natural Resources~~ Environment and Natural Resources or
40 a delegated representative may impose an administrative, civil penalty on any person,
41 corporation, company, association, partnership, unit of local government, State
42 agency, federal agency, or other legal entity who violates G.S. 90A-29(a). Each day of
43 a continued violation shall constitute a separate violation. The penalty shall not
44 exceed one hundred dollars (\$100.00) for each day such violation continues. No

1 penalty shall be assessed until the person alleged to be in violation has been notified
2 of the violation."

3 Section 32 . G.S. 90A-55(a) reads as rewritten:

4 "(a) Board Membership. -- The Board shall consist of nine members: the Secretary
5 of ~~Environment, Health, and Natural Resources~~ Environment and Natural Resources
6 or ~~his~~ the Secretary's duly authorized representative, one public-spirited citizen, one
7 environmental sanitation educator from an accredited college or university, one local
8 health director, a representative of the Environmental Health Division of the
9 Department of ~~Environment, Health, and Natural Resources~~, Environment and
10 Natural Resources, and four practicing sanitarians who qualify by education and
11 experience for registration under this Article, three of whom will represent the
12 Western, Piedmont, and Eastern Regions of the State as described more specifically in
13 the rules adopted by the Board."

14 Section 33. G.S. 95-126 reads as rewritten:

15 "§ 95-126. Short title and legislative purpose.

16 (a) This Article shall be known as the 'Occupational Safety and Health Act of
17 North Carolina' and also may be referred to by abbreviations as 'OSHANC.'

18 (b) Legislative findings and purpose:

19 (1) The General Assembly finds that the burden of employers and
20 employees of this State resulting from personal injuries and
21 illnesses arising out of work situations is substantial; that the
22 prevention of these injuries and illnesses is an important objective
23 of the government of this State; that the greatest hope of attaining
24 this objective lies in programs of research, education and
25 enforcement, and in the earnest cooperation of the federal and
26 State governments, employers and employees.

27 (2) The General Assembly of North Carolina declares it to be its
28 purpose and policy through the exercise of its powers to ~~assure~~
29 ensure so far as possible every working man and woman in the
30 State of North Carolina safe and healthful working conditions and
31 to preserve our human resources:

32 a. By encouraging employers and employees in their effort to
33 reduce the number of occupational safety and health
34 hazards at the place of employment, and to stimulate
35 employers and employees to institute new and to perfect
36 existing programs for providing safe and healthful working
37 conditions;

38 b. By providing that employers and employees have separate
39 but dependent responsibilities and rights with respect to
40 achieving safe and healthful working conditions;

41 c. By authorizing the Commissioner to develop occupational
42 safety and health standards applicable to business giving
43 consideration to the needs of employers and employees and
44 to adopt standards promulgated from time to time by the

1 Secretary of Labor under the Occupational Safety and
2 Health Act of 1970, and by creating a safety and health
3 review board for carrying out adjudicatory functions under
4 this Article;

5 d. By building upon advances already made through employer
6 and employee initiative for providing safe and healthful
7 working conditions;

8 e. By providing occupational health criteria which will assure
9 insofar as practicable that no employee will suffer
10 diminished health, functional capacity, or life expectancy as
11 a result of his work experience;

12 f. By providing for training programs to increase the number
13 and competence of personnel engaged in the field of
14 occupational safety and health;

15 g. By providing an effective enforcement program which shall
16 include a prohibition against giving advance notice of an
17 inspection and sanctions for any individual violating this
18 prohibition;

19 h. By providing for appropriate reporting procedures with
20 respect to occupational safety and health which procedures
21 will help achieve the objectives of this Article and
22 accurately describe the nature of the occupational safety and
23 health problem;

24 i. By encouraging joint employer-employee efforts to reduce
25 injuries and diseases arising out of employment;

26 j. By providing for research in the field of occupational safety
27 and health, by developing innovative methods, techniques,
28 and approaches for dealing with occupational safety and
29 health problems;

30 k. By exploring ways to discover latent diseases, establishing
31 causal connections between diseases and work in
32 environmental conditions, and conducting other research
33 relating to health problems, in recognition of the fact that
34 occupational health standards present problems often
35 different from those involved in occupational safety;

36 l. By authorizing the Commissioner to enter into contracts
37 with the Department of ~~Environment, Health, and Natural~~
38 ~~Resources, Health and Human Services~~, or any other State
39 or local units, to the end that the Commissioner and the
40 Department of ~~Environment, Health, and Natural Resources~~
41 Health and Human Services and other State or local units
42 may fully cooperate and carry out the ends and purposes of
43 this Article.

m. The General Assembly of North Carolina appoints and elects the North Carolina Department of Labor as the designated agency to administer the Occupational Safety and Health Act of North Carolina."

Section 34. G.S. 95-131(d) reads as rewritten:

"(d) Rules adopted under this section shall provide insofar as possible the highest degree of safety and health protection for employees; other considerations shall be the latest available scientific data in the field, the feasibility of the standard, and experience gained under this and other health and safety laws. Whenever practical the standards established in a rule shall be expressed in terms of objective criteria and of the performance desired. In establishing standards dealing with toxic materials or harmful physical agents, the Commissioner, after consultation and recommendations of the Department of ~~Environment, Health, and Natural Resources~~, Health and Human Services, shall set a standard which most adequately assures, to the extent possible, on the basis of the most available evidence that no employee will suffer material impairment of health or functional capacity even if such employee has regular exposure to the hazard dealt with by such standard for the period of his working life."

Section 35. G.S. 95-149 reads as rewritten:

"§ 95-149. Authority to enter into contracts with other State agencies and subdivisions of government.

The Commissioner ~~is authorized and empowered to~~ may enter into contracts with the Department of ~~Environment, Health, and Natural Resources~~ Health and Human Services or any other State officer or State agency or State instrumentality, or any municipality, county, or other political subdivision of the State, for the enforcement, administration, and any other application of the provisions of this Article."

Section 36. G.S. 95-225(c) reads as rewritten:

"(c) For the protection of the public health, the Commission for Health Services shall adopt and the Department of ~~Environment, Health, and Natural Resources~~ Environment and Natural Resources shall enforce rules that establish water quality and water sanitation standards for migrant housing under this Article."

Section 37. G.S. 97-61.1 reads as rewritten:

"§ 97-61.1. First examination of and report on employee having asbestosis or silicosis.

When an employee and the Industrial Commission are advised by the Department of ~~Environment, Health, and Natural Resources~~ Health and Human Services that an employee has asbestosis or silicosis, the employer shall be notified by the Industrial Commission, and the employee, when ordered by the Industrial Commission, shall go to a place designated by the Industrial Commission and submit to X rays and a physical examination by the advisory medical committee, at least one of whom shall conduct the examination, and the member or members of the advisory medical committee conducting the examination shall forward the X rays and findings to the member or members of the committee not present for the physical examination. The employer shall pay the expenses connected with the examination in such amounts as shall be directed by the Industrial Commission. Within 30 days after the completion

1 of the examination, the advisory medical committee shall make a written report
2 signed by all of its members setting forth:

- 3 (1) The X rays and clinical procedures used by the committee in
4 arriving at its findings.
- 5 (2) Whether or not the claimant has contracted asbestosis or silicosis.
- 6 (3) The committee's opinion expressed in percentages of the
7 impairment of the employee's ability to perform normal labor in
8 the same or any other employment.
- 9 (4) Any other matter deemed pertinent by the committee.

10 When a competent physician certifies to the Industrial Commission that the
11 employee's physical condition is such that his movement to the place of examination
12 ordered by the Industrial Commission as herein provided in G.S. 97-61.1, 97-61.3 and
13 97-61.4 would be harmful or injurious to the health of the employee, the Industrial
14 Commission shall cause the examination of the employee to be made by the advisory
15 medical committee as herein provided at some place in the vicinity of the residence
16 of the employee suitable for the purposes of making such examination."

17 Section 38. G.S. 97-72(b) reads as rewritten:

18 "(b) The members of the advisory medical committee shall be paid one hundred
19 dollars (\$100.00) per month plus not more than ten dollars (\$10.00) per film
20 examined. The fee per film shall be established by the Secretary of ~~Environment,~~
21 ~~Health, and Natural Resources.~~ Health and Human Services."

22 Section 39. G.S. 97-73(b) reads as rewritten:

23 "(b) The Secretary of ~~Environment, Health, and Natural Resources~~ Health and
24 Human Services shall establish a schedule of fees for examinations conducted by the
25 Department of ~~Environment, Health, and Natural Resources~~ Health and Human
26 Services pursuant to G.S. 97-60. The fees shall be collected in accordance with rules
27 adopted by the Secretary of ~~Environment, Health, and Natural Resources.~~ Health and
28 Human Services."

29 Section 40. G.S. 106-65.23 reads as rewritten:

30 "**§ 106-65.23. Structural Pest Control Division of Department of Agriculture**
31 **recreated; Director; Structural Pest Control Committee created; appointment; terms;**
32 **quorum.**

33 There is ~~hereby~~ recreated, within the North Carolina Department of Agriculture, a
34 Division ~~thereof~~, to be known as the Structural Pest Control ~~Division of said~~
35 ~~Department.~~ Division. The Commissioner of Agriculture ~~is hereby authorized to may~~
36 appoint a Director of ~~said the~~ Division whose duties and authority shall be
37 determined by the Commissioner. ~~Said The~~ Director shall act as secretary to the
38 Structural Pest Control Committee ~~herein created.~~ created in this section.

39 There is hereby created a Structural Pest Control Committee to be composed of
40 the following members. The Commissioner shall appoint one member of the
41 Committee who is not in the structural pest control business for a four-year term.
42 The Commissioner of Agriculture shall designate an employee of the Department of
43 Agriculture to serve on ~~said the~~ Committee at the pleasure of the Commissioner.
44 The dean of the School of Agriculture of North Carolina State University at Raleigh

1 shall appoint one member of the Committee who shall serve for one term of two
2 years and who shall be a member of the entomology faculty of ~~said the~~ the University.
3 The vacancy occurring on the Committee by the expired term of the member from
4 the entomology faculty of ~~said the~~ the University shall be filled by the dean of the School
5 of Agriculture of North Carolina State University at Raleigh who shall designate any
6 person of ~~his the dean's~~ the dean's choice from the entomology faculty of ~~said the~~ the University to
7 serve on ~~said the~~ the Committee at the pleasure of the dean. The Secretary of
8 ~~Environment, Health, and Natural Resources~~ Health and Human Services shall
9 appoint one member of the Committee who shall be an epidemiologist ~~in the~~
10 ~~Division of Health Services~~ and who shall serve at the pleasure of the Secretary. The
11 Governor shall appoint two members of ~~said the~~ the Committee who are actively
12 engaged in the pest control industry, who are licensed in at least two phases of
13 structural pest control as provided under G.S. 106-65.25(a), and who are residents of
14 the State of North Carolina but not affiliates of the same company. The initial
15 Committee members from the pest control industry shall be appointed as follows: one
16 for a two-year term and one for a three-year term. The Governor shall appoint one
17 member of the Committee who is a public member and who is unaffiliated with the
18 structural pest control industry, the pesticide industry, the Department of Agriculture,
19 the Department of ~~Environment, Health, and Natural Resources~~ Health and Human
20 Services and the School of Agriculture at North Carolina State University at Raleigh.
21 The initial public member shall be appointed for a term of two years, commencing
22 July 1, 1991. After the initial appointments by the Governor, all ensuing
23 appointments by the Governor shall be for terms of four years. Any vacancy
24 occurring on the Committee by reason of death, resignation, or otherwise shall be
25 filled by the Governor or the Commissioner of Agriculture, as the case may be, for
26 the unexpired term of the member whose seat is vacant. A member of the
27 Committee appointed by the Governor shall not succeed himself.

28 The Committee shall make final decisions under this Article concerning licenses,
29 certified applicator cards, and identification cards. The Committee shall report
30 annually to the Board of Agriculture the action taken in the Committee's final
31 decisions and the financial status of the Structural Pest Control Division.

32 The Director shall be responsible for and answerable to the Commissioner of
33 Agriculture as to the operation and conduct of the Structural Pest Control Division.

34 Each member of the Committee who is not an employee of the State shall receive
35 as compensation for services per diem and necessary travel expenses and registration
36 fees in accordance with the provisions as outlined for members of occupational
37 licensing boards and currently provided for in G.S. 93B-5. Such per diem and
38 necessary travel expenses and registration fees shall apply to the same effect that G.S.
39 93B-5 might hereafter be amended.

40 Four members of the Committee shall constitute a quorum but no action at any
41 meeting of the Committee shall be taken without four votes in accord. The chairman
42 shall be entitled to vote at all times.

43 The Committee shall meet at such times and such places in North Carolina as the
44 chairman shall direct; provided, however, that four members of the Committee may

1 call a special meeting of the Committee on five days' notice to the other members
2 thereof.

3 Except as otherwise provided herein, all members of the Committee shall be
4 appointed or designated, as the case may be, prior to and shall commence their
5 respective terms on July 1, 1967.

6 At the first meeting of the Committee they shall elect a chairman who shall serve
7 as such at the pleasure of the Committee."

8 Section 41. G.S. 106-143 reads as rewritten:

9 **"§ 106-143. Article construed supplementary.**

10 Nothing in this Article shall be construed as in any way amending, abridging, or
11 otherwise affecting the validity of any law or ordinance relating to the Commission
12 for Health Services or the Department of ~~Human Resources~~ Environment and
13 Natural Resources or any local health department in their sanitary work in
14 connection with public and private water supplies, sewerage, meat, milk, milk
15 products, shellfish, finfish, or other foods, or food products, or the production,
16 handling, or processing thereof; ~~but this Article shall be construed to be in addition~~
17 ~~thereto.~~ of these items."

18 Section 42. G.S. 106-168.5 reads as rewritten:

19 **"§ 106-168.5. Duties of Commissioner upon receipt of application; inspection**
20 **committee.**

21 Upon receipt of the application, the Commissioner shall promptly cause the
22 rendering plant and equipment, or the plans, specifications, and selected site, of the
23 applicant to be inspected by an inspection committee hereinafter called the
24 'committee,' which shall be composed of three members: One member who shall be
25 designated by the Commissioner of Agriculture and who shall be an employee of the
26 Department of Agriculture, one member who shall be designated by the Secretary of
27 ~~Environment, Health, and Natural Resources~~ Health and Human Services and who
28 shall be an employee of the Department of ~~Environment, Health, and Natural~~
29 ~~Resources,~~ Health and Human Services, and one member who shall be designated by
30 the director of the North Carolina Division of the Southeastern Renderers
31 Association, and who shall be a person having practical knowledge of rendering
32 operations. Each member may be designated and relieved from time to time at the
33 discretion of the designating authority. No State employee designated as a member
34 of the committee shall receive any additional compensation therefor and no
35 compensation shall be paid by the State to any other member."

36 Section 43. G.S. 106-266.6 reads as rewritten:

37 **"§ 106-266.6. Definitions.**

38 As used in this Article, unless otherwise stated and unless the context or subject
39 matter clearly indicates otherwise:

40 (1) 'Affiliate' means any person and/or subsidiary thereof, who has,
41 either directly or indirectly, actual control or legal control over a
42 distributor, whether by stock ownership or any other manner.

- (2) 'Books and records' means books, records, accounts, contracts, memoranda, documents, papers, correspondence, or other data, pertaining to the business of the person in question.
- (3) 'Commission' means the North Carolina Milk Commission created by this Article.
- (4) 'Distributor' or 'subdistributor' means any of the following persons engaged in the business of distributing, marketing, or in any manner handling fluid milk, in whole or in part, in fluid form for consumption in the State of North Carolina, but shall not mean any distributor who sells 25 gallons or less of milk per day which is produced on his own farm:
- a. Persons, irrespective of whether any such person is a producer:
 1. Who pasteurize or bottle milk or process milk into fluid milk;
 2. Who sell and/or market fluid milk at wholesale or retail:
 - I. To hotels, restaurants, stores or other establishments for consumption on the premises,
 - II. To stores or other establishments for resale, or
 - III. To consumers;
 3. Who operate stores or other establishments for the sale of fluid milk at retail for consumption off the premises.
 - b. Persons wherever located or operating, whether within or without the State of North Carolina, who purchase, market or handle milk for resale as fluid milk in the State.
- (5) 'Health authorities' includes the Department of ~~Environment, Health, and Natural Resources~~, Health and Human Services, the Department of Environment and Natural Resources, the State Department of Agriculture, the Commissioner of Agriculture, and the local health authorities.
- (6) 'Licensee' means a licensed milk distributor.
- (7) 'Market' means any city, town, or village of the State, or any two or more cities and/or towns and/or villages and surrounding territory designated by the Commission as a natural marketing area.
- (8) 'Milk' means the lacteal secretion obtained by the milking of one or more cows and reconstituted milk products derived from the recombining of dry milk solids, evaporated or condensed milk with water, and which is pasteurized, standardized or otherwise processed with a view of selling it as fluid milk in its several forms, whether cultured or with added bacteria or other ingredients,

1 regardless of grade or fat content, including whole milk, lowfat
2 milk, cream, chocolate milk, plain buttermilk, cream buttermilk,
3 skim milk, special or premium milk, flavored milk or drinks,
4 concentrated milk, sterile milk, dietary modified milk, liquid milk
5 shake mix, half and half, eggnog, other milk-cream mixtures and
6 the milk portion of any imitation milk. Said term excludes the
7 lacteal secretion of one or more dairy cows where the secretion is
8 to be sold for any other purpose.

9 (9) 'Person' means any person, firm, corporation or association.

10 (10) 'Producer' means any person, irrespective of whether such person
11 is a member of a producer association or a distributor, who
12 operates to produce milk for sale as fluid milk in the State.

13 (11) 'Sanitary regulations' includes all laws and ordinances relating to
14 the production, handling, transportation, distribution and sale of
15 milk and, so far as applicable thereto, the State Sanitary Code and
16 lawful regulations adopted by the dairy and food divisions, or by
17 the board of health of any county or municipality.

18 (12) 'Subdistributor' as distinguished from a 'distributor' means one
19 who does not process milk but purchases its milk from a licensed
20 distributor for distribution.

21 (13) 'Subsidiary' means any person or officer over whom or which a
22 distributor or an affiliate of a distributor has, or several distributors
23 have either directly or indirectly, actual or legal control, whether
24 by stock ownership or in any other manner."

25 Section 44. G.S. 110-91 reads as rewritten:

26 **"§ 110-91. Mandatory standards for a license.**

27 The following standards shall be complied with by all child day care facilities,
28 except as otherwise provided in this Article. These shall be the only required
29 standards for the issuance of a license by the Secretary under the policies and
30 procedures of the Commission except that the Commission may, in its discretion,
31 adopt less stringent standards for facilities subject to licensing but which provide care
32 on a temporary, part-time, drop-in, seasonal, after-school or other than a full-time
33 basis.

34 (1) Medical Care and Sanitation. -- The Commission for Health
35 Services shall adopt rules which establish minimum sanitation
36 standards for child day care facilities and their personnel. The
37 sanitation rules adopted by the Commission for Health Services
38 shall cover such matters as the cleanliness of floors, walls, ceilings,
39 storage spaces, utensils, and other facilities; adequacy of
40 ventilation; sanitation of water supply, lavatory facilities, toilet
41 facilities, sewage disposal, food protection facilities, bactericidal
42 treatment of eating and drinking utensils, and solid-waste storage
43 and disposal; methods of food preparation and serving; infectious
44 disease control; sleeping facilities; and other items and facilities as

1 are necessary in the interest of the public health. These rules shall
2 be developed in consultation with the Department.

3 The Commission shall adopt rules to establish minimum
4 requirements for child and staff health assessments and
5 medical care procedures. These rules shall be developed in
6 consultation with the ~~Department of Environment, Health,~~
7 ~~and Natural Resources.~~ Department. Each child shall have
8 a health assessment before being admitted or within 30 days
9 following admission to a child day care facility. The
10 assessment shall be done by: (i) a licensed physician, (ii) the
11 physician's authorized agent who is currently approved by
12 the North Carolina Medical Board, or comparable certifying
13 board in any state contiguous to North Carolina, (iii) a
14 certified nurse practitioner, or (iv) a public health nurse
15 meeting the ~~Department of Environment, Health, and~~
16 ~~Natural Resources'~~ Department's Standards for Early
17 Periodic Screening, Diagnosis, and Treatment Program. A
18 record of each child's assessment shall be on file in the
19 records of the facility. However, no health assessment shall
20 be required of any child who is and has been in normal
21 health and whose parent, guardian, or full-time custodian
22 objects in writing to a health assessment on religious
23 grounds which conform to the teachings and practice of any
24 recognized church or religious denomination.

25 Each child shall be immunized in a manner that meets the
26 requirements of Article 6 of Chapter 130A of the General
27 Statutes and the pertinent rules adopted by the Commission
28 for Health Services.

29 Each child day care facility shall have a plan of emergency
30 medical care which shall include provisions for
31 communication with and transportation to a specified
32 medical resource, unless otherwise previously instructed.
33 No child receiving day care shall be administered any drug
34 or other medication without specific written instructions
35 from a physician or the child's parent, guardian or full-time
36 custodian. Emergency information on each child in care,
37 including the names, addresses, and telephone numbers of
38 the child's physician and parents, legal guardian or full-time
39 custodian shall be readily available to the staff of the child
40 day care facility while children are in care.

41 Nonprofit, tax-exempt organizations that provide prepared
42 meals to day care centers only are considered day care
43 centers for purposes of compliance with appropriate
44 sanitation standards.

- 1 (2) Health-Related Activities. -- Each child in a child day care facility
2 shall receive nutritious food and refreshments under rules to be
3 adopted by the Commission. After consultation with the State
4 Health Director, nutrition standards shall provide for specific
5 requirements for infants. Nutrition standards shall provide for
6 specific requirements for children older than infants, including a
7 daily food plan for meals and snacks served that shall be adequate
8 for good nutrition. The number and size of servings and snacks
9 shall be appropriate for the ages of the children and shall be
10 planned according to the number of hours the child is in care.
11 Menus for meals and snacks shall be planned at least one week in
12 advance, dated, and posted where they can be seen by parents.
13 Each child day care facility shall arrange for each child in
14 care to be out-of-doors each day if weather conditions
15 permit.
16 Each child day care facility shall have a rest period for each
17 child in care after lunch or at some other appropriate time.
18 No child day care facility shall care for more than 25
19 children in one group. Facilities providing care for 26 or
20 more children shall provide for two or more groups
21 according to the ages of children and shall provide separate
22 supervisory personnel for each group.
- 23 (3) Location. -- Each child day care facility shall be located in an area
24 which is free from conditions which are deemed hazardous to the
25 physical and moral welfare of the children in care in the opinion
26 of the Commission.
- 27 (4) Building. -- Each child day care facility shall be located in a
28 building which meets the requirements of the North Carolina
29 Building Code under standards which shall be developed by the
30 Building Code Council, subject to adoption by the Commission
31 specifically for child day care facilities, including facilities operated
32 in a private residence. These standards shall be consistent with the
33 provisions of this Article.
- 34 (5) Fire Prevention. -- Each child day care facility shall be located in a
35 building that meets the requirements for fire prevention and safe
36 evacuation that apply to child day care facilities as established by
37 the Department of Insurance, subject to adoption by the
38 Commission. Each child day care facility shall be inspected at
39 least annually by a local fire department or volunteer fire
40 department for compliance with these requirements, except that
41 child day care facilities located on State property shall be inspected
42 by an official designated by the Department of Insurance.
- 43 (6) Space and Equipment Requirements. -- There shall be no less than
44 25 square feet of indoor space for each child for which a child day

care facility is licensed, exclusive of closets, passageways, kitchens, and bathrooms, and this floor space shall provide during rest periods 200 cubic feet of airspace per child for which the facility is licensed. There shall be adequate outdoor play area for each child under rules adopted by the Commission which shall be related to the size and type of facility, availability and location of outside land area, except in no event shall the minimum required exceed 75 square feet per child, which area shall be protected to assure the safety of the children receiving day care by an adequate fence or other protection; provided, however, that a facility operated in a public school shall be deemed to have adequate fencing protection; provided, also, that a facility operating exclusively during the evening and early morning hours, between 6:00 P.M. and 6:00 A.M., need not meet the outdoor play area requirements mandated by this subdivision.

Each child day care facility shall provide equipment and furnishings that are child size, sturdy, safe, and in good repair. The Commission shall adopt standards to establish minimum requirements for equipment appropriate for the size facility being operated pursuant to G.S. 110-86(3). Space shall be available for proper storage of beds, cribs, mats, cots, sleeping garments, and linens as well as designated space for each child's personal belongings.

- (7) Staff-Child Ratio. -- In determining the staff-child ratio, all children younger than 13 years shall be counted. The Commission shall adopt rules regarding staff-child ratios, group sizes and multi-age groupings for each category of facility other than for infants and toddlers, provided that these rules shall be no less stringent than those currently required for staff-child ratios as enacted in Section 156(e) of Chapter 757 of the 1985 Session Laws. The staff-child ratios and group sizes for infants and toddlers shall be no less stringent than as follows:

Age	Ratio	Group Size
0 to 12 months	5	10
12 to 24 months	6	12
2 to 3 years	10	20.

- (8) Qualifications for Staff. -- Each child day care facility shall be under the direction or supervision of a literate person at least 21 years of age. All staff counted in determining the required staff-child ratio shall be at least 16 years of age, provided that persons younger than 18 years of age work under the direct supervision of a literate staff person who is at least 21 years of age. No person shall be an operator of nor be employed in a child day care facility who has been convicted of a crime involving child

neglect, child abuse, or moral turpitude, or who is an habitually excessive user of alcohol or who illegally uses narcotic or other impairing drugs, or who is mentally or emotionally impaired to an extent that may be injurious to children.

The Commission shall adopt standards to establish minimum qualifications for operators, supervisors, caregivers and other staff who have direct contact with the children. These standards shall reflect training, experience, education or credentialing and shall be appropriate for the size facility being operated according to the categories defined in G.S. 110-86(3). It is the intent of this provision to guarantee that all children in day care are cared for by qualified people but also to recognize that qualifications for good child care may not be limited to formal education or training standards. To this end, the standards adopted by the Commission pertaining to training and educational requirements shall include provision that these requirements may be met by informal as well as formal training and educational experience. No requirements may interfere with the teachings or doctrine of any established religious organization.

- (9) Records. -- Each child day care facility shall keep accurate records on each child receiving care in the child day care facility in accordance with a form furnished or approved by the Commission, and shall submit attendance reports as required by the Department.

Each child day care facility shall keep accurate records on each staff member or other person delegated responsibility for the care of children in accordance with a form approved by the Commission.

All records of any child day care facility, except financial records, shall be subject to review by the Secretary or by duly authorized representatives of the Department or a cooperating agency who shall be designated by the Secretary.

Any effort to falsify information provided to the Department shall be deemed by the Secretary to be evidence of violation of this Article on the part of the operator or sponsor of the child day care facility and shall constitute a cause for revoking or denying a license to this child day care facility.

- (10) Each operator or staff member shall truly and honestly show each child in that person's care true love, devotion and tender care.

Each child day care facility shall have a written policy on discipline, describing the methods and practices used to discipline children enrolled in that facility. This written

1 policy shall be discussed with, and a copy given to, each
2 child's parent prior to the first time the child attends the
3 facility. Subsequently, any change in discipline methods or
4 practices shall be communicated in writing to the parents
5 prior to the effective date of the change.

6 The use of corporal punishment as a form of discipline is
7 prohibited in child day care facilities and may not be used
8 by any operator or staff member of any child day care
9 facility, except that corporal punishment may be used in
10 religious sponsored child day care facilities as defined in
11 G.S. 110-106, only if (i) the religious sponsored child day
12 care facility files with the Department a notice stating that
13 corporal punishment is part of the religious training of its
14 program, and (ii) the religious sponsored child day care
15 facility clearly states in its written policy of discipline that
16 corporal punishment is part of the religious training of its
17 program. The written policy on discipline of nonreligious
18 sponsored child day care facilities shall clearly state the
19 prohibition on corporal punishment.

20 (11) Staff Development. -- The Commission shall adopt minimum
21 standards for ongoing staff development for facilities. These
22 standards shall include requirements for ongoing in-service training
23 for all staff.

24 (12) Planned Age Appropriate Activities. -- Each child day care facility
25 shall have a planned schedule of activities posted in a prominent
26 place to enable parents to review it, and a written plan of age
27 appropriate activities available to parents. Each facility shall have
28 age appropriate activities and play materials to implement the
29 written plan. The Commission shall establish minimum standards
30 for age-appropriate activities appropriate for each category of
31 facility as defined in G.S. 110-86(3).

32 (13) Transportation. -- All child day care facilities shall abide by North
33 Carolina law regulating the use of seat belts and child passenger
34 restraint devices. All vehicles operated by any facility staff person
35 or volunteer to transport children shall be properly equipped with
36 appropriate seat belts or child restraint devices as approved by the
37 Commissioner of Motor Vehicles. Each adult and child shall be
38 restrained by an appropriate seat safety belt or restraint device
39 when the vehicle is in motion. These restraint regulations do not
40 apply to vehicles not required by federal law to be equipped with
41 seat restraints. All vehicles used to transport children shall meet
42 and maintain the safety inspection standards of the Division of
43 Motor Vehicles of the Department of Transportation and the
44 facility shall comply with all other applicable State and federal

1 laws and regulations concerning the operation of a motor vehicle.
2 Children may never be left unattended in a vehicle.

3 The ratio of adults to children in child day care vehicles
4 may not be less than the staff/child ratios prescribed by G.S.
5 110-91(7). The Commission shall adopt standards for
6 transporting children under the age of two, including
7 standards addressing this particular age's staff/child ratio
8 during transportation."

9 Section 45. G.S. 110-92 reads as rewritten:

10 "§ 110-92. Duties of State and local agencies.

11 When requested by an operator of a day-care facility or by the Secretary it shall be
12 the duty of local and district health departments to visit and inspect a day-care
13 facility to determine whether the facility complies with the health and sanitation
14 standards required by this Article and with the minimum sanitation standards
15 adopted as rules by the Commission for Health Services as authorized by G.S.
16 110-91(1), and to submit written reports on such visits or inspections to the
17 Department on forms approved and provided by the ~~Department of Environment,~~
18 ~~Health, and Natural Resources.~~ Department of Environment and Natural Resources.

19 When requested by an operator of a day-care facility or by the Secretary, it shall
20 be the duty of the local and district health departments, and any building inspector,
21 fire prevention inspector, or fireman employed by local government, or any fireman
22 having jurisdiction, or other officials or personnel of local government to visit and
23 inspect a day-care facility for the purposes specified in this Article, including plans
24 for evacuation of the premises and protection of children in case of fire, and to report
25 on such visits or inspections in writing to the Secretary so that such reports may serve
26 as the basis for action or decisions by the Secretary or Department as authorized by
27 this Article."

28 Section 46. The heading for Article 1 of Chapter 111 of the General
29 Statutes reads as rewritten:

30 "ARTICLE 1.

31 "General Duties of Department of ~~Human Resources.~~ Health and
32 Human Services."

33 Section 47. G.S. 115C-106(a) reads as rewritten:

34 "(a) The General Assembly of North Carolina hereby declares that the policy of
35 the State is to ensure every child a fair and full opportunity to reach his full potential
36 and that no child as defined in this section and in G.S. 115C-122 shall be excluded
37 from service or education for any reason whatsoever. This policy shall be the
38 practice of the State for children from birth through age 21 and the State requires
39 compliance by all local education agencies and local school administrative units, all
40 local human ~~resources~~ services agencies including, but not limited to, local health
41 departments, local social service departments, community mental health centers and
42 all State departments, agencies, institutions except institutions of higher education,
43 and private providers which are recipients of general funds as these funds are defined
44 in G.S. 143-1."

Section 48. G.S. 115C-118 reads as rewritten:

"§ 115C-118. Functions.

The centers shall have the following functions:

- (1) To provide in-service training to all special education teachers and other professionals as defined by the Superintendent.
- (2) To develop in kindergarten and primary grade teachers the necessary skills to detect potential special education needs and the capability to plan special educational programs.
- (2a) To provide in-service training for all teachers in the identification and education of learning disabled children.
- (3) To provide in-service training and consultative services to a parent or guardian of a child with special needs and to appropriate public school administrative and management personnel.
- (4) To work in concert with the various local human ~~resources~~ services agencies to the end that multiple and duplicative services provided at various times and by various agencies of the State may be obviated.
- (5) To conduct an in-depth evaluation of the impact of in-service training on the delivery of services to children with special needs within the public schools on an annual basis in compliance with such rules and regulations as the Superintendent may promulgate."

Section 49. G.S. 115C-120 reads as rewritten:

"§ 115C-120. Rules and regulations.

The Superintendent shall develop and promulgate appropriate rules and regulations for the operation of the centers subject to the approval of the State Board. Such rules and regulations shall prescribe the precise operational responsibility of the centers and shall include a description of the operational relationship that shall exist with the various local human ~~resources~~ services agencies."

Section 49.1. G.S. 115C-122 reads as rewritten:

"§ 115C-122. Early childhood development program; evaluation and placement of children.

The General Assembly of North Carolina declares that the public policy of North Carolina is defined as follows to carry out the policies stated in G.S. 115C-106:

- (1) The State shall provide for a comprehensive early childhood development program by emphasizing preventative and remedial measures designed to provide the services which will enable children to develop to the maximum level their physical, mental, social, and emotional potentials and to strengthen the role of the family as the first and most fundamental influence on child development. The General Assembly finds that the complexity of early childhood development precludes the enactment of legislation which is of a sufficiently comprehensive nature to encompass all possible implications. The Departments of Public Instruction and ~~Human Resources~~ Health and Human Services

1 shall, therefore, jointly develop an early childhood development
2 program plan with flexibility sufficient to meet the State's policy as
3 set forth in this subdivision. Said plan shall provide for the
4 operation of a statewide early childhood development program no
5 later than June 30, 1983.

6 (2) The State requires a system of educational opportunities for all
7 children with special needs and requires the identification and
8 evaluation of the needs of children and the adequacy of various
9 education programs before placement of children, and shall
10 provide for periodic evaluation of the benefits of programs to the
11 individual child and the nature of the child's needs thereafter.

12 (3) The State shall prevent denial of equal educational and service
13 opportunity on the basis of national origin, sex, economic status,
14 race, religion, and physical, mental, social or emotional handicap
15 in the provision of services to any child. Each local school
16 administrative unit shall develop program plans to meet the
17 educational requirements of children with special needs and each
18 local human ~~resources~~ services agency shall develop program plans
19 to meet the human service requirements of children with special
20 needs in accordance with program standards and in a planning
21 format as shall be prescribed by the State Board of Education and
22 the Department of ~~Human Resources~~ Health and Human Services
23 respectively.

24 The General Assembly intends that the educational program
25 and human service program requirements of Session Laws 1973,
26 Chapter 1293, shall be realized no later than June 30, 1982. The
27 General Assembly further intends that currently imposed barriers
28 to educational and human service opportunities for children with
29 special needs by reason of a single standardized test, income,
30 federal regulations, conflicting statutes, or any other barriers are
31 hereby abrogated; except that with respect to barriers caused by
32 reason of income, it shall be permissible for the State or any local
33 education agency or local human ~~resources~~ services agency to
34 charge fees for special services rendered, or special materials
35 furnished to a child with special needs, his parents, guardian or
36 persons standing in loco parentis unless the imposition of such fees
37 would prevent or substantially deter the child, his parents,
38 guardian, or persons standing in loco parentis from availing
39 themselves of or receiving such services or materials.

40 (4) It is recognized that children have a variety of characteristics and
41 needs, all of which must be considered if the potential of each
42 child is to be realized; that in order to accomplish this the State
43 must develop a full range of service and education programs, and
44 that a program must actually benefit a child or be designed to

benefit a particular child in order to provide such child with appropriate educational and service opportunities. The General Assembly requires that all programs employ least restrictive alternatives as shall be defined by the Departments of Public Instruction and Human Resources."

Section 50. G.S. 115C-323 reads as rewritten:

"§ 115C-323. Employee health certificate.

All public school employees upon initial employment, and those who have been separated from public school employment more than one school year, including superintendents, supervisors, principals, teachers, and any other employees in the public schools of the State, shall file in the office of the superintendent, before assuming his duties, a certificate from a physician licensed to practice medicine in the State of North Carolina, certifying that said person does not have tuberculosis in the communicable form, or other communicable disease, or any disease, physical or mental, which would impair the ability of the said person to perform effectively his duties. A local school board or a superintendent may require any person herein named to take a physical examination when deemed necessary.

Any public school employee who has been absent for more than 40 successive school days because of a communicable disease must, before returning to work, file with the superintendent a physician's certificate certifying that the individual is free from any communicable disease.

The examining physician shall make the aforesaid certificates on an examination form supplied by the Superintendent of Public Instruction. The certificate shall be issued only after a physical examination has been made at the time of the certification, and such examination shall be in accordance with rules and regulations adopted by the Superintendent of Public Instruction, with approval of the Secretary of ~~Environment, Health, and Natural Resources~~, Health and Human Services, and such rules and regulations may include the requirement of an X-ray chest examination for all new employees of the public school system.

It shall be the duty of the superintendent of the school in which the person is employed to enforce the provisions of this section.

Any person violating any of the provisions of this section shall be guilty of a Class 1 misdemeanor."

Section 51. G.S. 115C-522(c) reads as rewritten:

"(c) It shall be the duty of local boards of education and tax-levying authorities to provide suitable supplies for the school buildings under their jurisdictions. These shall include, in addition to the necessary instructional supplies, proper window shades, blackboards, reference books, library equipment, maps, and equipment for teaching the sciences.

Likewise, it shall be the duty of said boards of education and boards of county commissioners to provide every school with a good supply of water, approved by the Department of ~~Environment, Health, and Natural Resources~~, Environment and Natural Resources, and where such school cannot be connected to water-carried sewerage facilities, there shall be provided sanitary privies for the boys and for the

1 girls according to specifications of the Commission for Health Services. Such water
2 supply and sanitary privies shall be considered an essential and necessary part of the
3 equipment of each public school and may be paid for in the same manner as desks
4 and other essential equipment of the school are paid for."

5 Section 52. G.S. 120-205(a) reads as rewritten:

6 "(a) This commission shall be composed of 21 members appointed as follows:

- 7 (1) Seven members of the House of Representatives at the time of
8 their appointment, appointed by the Speaker of the House of
9 Representatives. Of these members, one shall be a Chair of the
10 House Appropriations Subcommittee on ~~Human Resources~~; Health
11 and Human Services;
- 12 (2) Seven members of the Senate at the time of their appointment,
13 appointed by the President Pro Tempore of the Senate. Of these
14 members, one shall be the Chair of the Senate ~~Human Resources~~
15 Health and Human Services Appropriations Committee;
- 16 (3) Three members who are representatives of Coalition 2001,
17 appointed by the Governor. Of these members, one shall be a
18 representative from mental health, one from developmental
19 disabilities, and one from substance abuse services;
- 20 (4) Two members of the public, appointed by the Speaker of the
21 House of Representatives. Of these members, one shall be a county
22 commissioner at the time of appointment, selected from a list of
23 four candidates nominated by the North Carolina Association of
24 County Commissioners. If the Association has failed to submit
25 nominations by September 1, 1996, the Speaker of the House of
26 Representatives may appoint any county commissioner; and
- 27 (5) Two members of the public, appointed by the President Pro
28 Tempore of the Senate. Of these members, one shall be a county
29 commissioner at the time of appointment, selected from a list of
30 four candidates nominated by the North Carolina Association of
31 County Commissioners. If the Association has failed to submit
32 nominations by September 1, 1996, the President Pro Tempore of
33 the Senate may appoint any county commissioner."

34 Section 53. G.S. 122C-112(a) reads as rewritten:

35 "(a) The Secretary shall:

- 36 (1) Enforce the provisions of this Chapter and the rules of the
37 Commission and the Secretary;
- 38 (2) Assist counties and area authorities in the establishment and
39 operation of community-based programs within catchment areas
40 specified in rules adopted by the Commission;
- 41 (3) Operate State facilities and adopt rules pertaining to their
42 operation;
- 43 (4) Promote a unified system of services for the citizens of this State by
44 coordinating services provided in State facilities and area facilities;

- (5) Approve the plans and budgets of an area authority and adopt rules pertaining to the content and format of these plans and budgets;
- (6) Adopt rules governing the expenditure of all area authority funds;
- (6a) Adopt rules to implement the appeal procedure authorized by G.S. 122C-151.2;
- (7) Adopt rules for the establishment of single portal designation and approve an area as a single portal area;
- (8) Except as provided in G.S. 122C-26(4), adopt rules establishing procedures for waiver of rules adopted by the Secretary under this Chapter;
- (9) Notify the clerks of superior court of changes in the designation of State facility regions and of facilities designated under G.S. 122C-252;
- (10) Promote public awareness and understanding of mental health, mental illness, developmental disabilities, and substance abuse;
- (11) Administer and enforce rules that are conditions of participation in federal or State financial aid;
- (12) Carry out G.S. 122C-361; and
- (13) Ensure, in cooperation with other appropriate agencies, that all types of early intervention services specified in the ⁴ Individuals with Disabilities Education Act (IDEA), P.L. 102-119, the federal early intervention legislation, are available to all eligible infants and toddlers and their families to the extent funded by the General Assembly.

The Secretary shall coordinate and facilitate the development and administration of the early intervention system for eligible infants and toddlers and shall assign among the cooperating agencies the responsibility, including financial responsibility, for services. The Secretary shall be advised by the Interagency Coordinating Council for Children from Birth to Five with Disabilities and Their Families, established by G.S. 143B-179.5, and may enter into formal interagency agreements to establish the collaborative relationships with ~~the Department of Environment, Health, and Natural Resources,~~ the Department of Public Instruction, other appropriate agencies, and other public and private service providers necessary to administer the system and deliver the services.

The Secretary shall adopt rules to implement the early intervention system, in cooperation with all other appropriate agencies;

(14) Adopt rules to be followed in the determination of eligibility for, and to ensure the provision of services for, eligible assaultive and violent children as defined in G.S. 122C-3(13a); [and]

(15) Upon the death of any prospective or confirmed Thomas S. class member as identified in Thomas S. et al. vs. Britt, (C-C-82-0418-M, Western District) not residing in a State facility listed in G.S. 122C-181, investigate the circumstances leading to that death. The investigation shall analyze any unusual circumstances relating to the death. The Secretary shall adopt rules to implement this subsection. The Secretary shall have access to all medical records, hospital records, and records maintained by the State, any county, or any local agency necessary to carry out the purposes of this subsection, including police investigations data, medical examiner investigative data, health records, mental health records, and social services records."

Section 54. G.S. 130A-1.1 reads as rewritten:

"§ 130A-1.1. Mission and essential services.

(a) The General Assembly recognizes that unified purpose and direction of the public health system is necessary to ~~assure~~ ensure that all citizens in the State have equal access to essential public health services. The General Assembly declares that the mission of the public health system is to promote and contribute to the highest level of health possible for the people of North Carolina by:

- (1) Preventing health risks and disease;
- (2) Identifying and reducing health risks in the community;
- (3) Detecting, investigating, and preventing the spread of disease;
- (4) Promoting healthy lifestyles;
- (5) Promoting a safe and healthful environment;
- (6) Promoting the availability and accessibility of quality health care services through the private sector; and
- (7) Providing quality health care services when not otherwise available.

(b) As used in this section, the term 'essential public health services' means those services that the State shall ~~assure~~ ensure because they are essential to promoting and contributing to the highest level of health possible for the citizens of North Carolina. ~~The Department~~ Departments of ~~Environment, Health, and Natural Resources~~ Environment and Natural Resources and Health and Human Services shall attempt to ~~assure~~ ensure within the resources available to ~~it~~ them that the following essential public health services are available and accessible to all citizens of the State, and shall account for the financing of these services:

- (1) Health Support:
 - a. Assessment of health status, health needs, and environmental risks to health;
 - b. Patient and community education;
 - c. Public health laboratory;

- d. Registration of vital events;
- (2) Environmental Health:
 - a. Lodging and institutional sanitation;
 - b. On-site domestic sewage disposal;
 - c. Water and food safety and sanitation; and
- (3) Personal Health:
 - a. Child health;
 - b. Chronic disease control;
 - c. Communicable disease control;
 - d. Dental public health;
 - e. Family planning;
 - f. Health promotion and risk reduction;
 - g. Maternal health.

The Commission for Health Services shall determine specific services to be provided under each of the essential public health services categories listed above.

(c) The General Assembly recognizes that there are health-related services currently provided by State and local government and the private sector that are important to maintaining a healthy social and ecological environment but that are not included on the list of essential public health services required under this section. Omission of these services from the list of essential public health services shall not be construed as an intent to prohibit or decrease their availability. Rather, such omission means only that the omitted services may be more appropriately assured by government agencies or private entities other than the public health system.

(d) The list of essential public health services required by this section shall not be construed to limit or restrict the powers and duties of the Commission for Health Services or the ~~Department~~ Departments of Environment, Health, and Natural Resources Environment and Natural Resources and Health and Human Services as otherwise conferred by State law."

Section 55. G.S. 130A-2 reads as rewritten:

"§ 130A-2. Definitions.

The following definitions shall apply throughout this Chapter unless otherwise specified:

- (1) 'Commission' means the Commission for Health Services.
- (2) 'Department' means the Department of ~~Environment, Health, and Natural Resources~~ Health and Human Services.
- (3) 'Imminent hazard' means a situation which is likely to cause an immediate threat to human life, an immediate threat of serious physical injury, an immediate threat of serious adverse health effects, or a serious risk of irreparable damage to the environment if no immediate action is taken.
- (4) 'Local board of health' means a district board of health or a county board of health.
- (5) 'Local health department' means a district health department or a county health department.

- 1 (6) 'Local health director' means the administrative head of a local
2 health department appointed pursuant to this Chapter.
3 (7) 'Person' means an individual, corporation, company, association,
4 partnership, unit of local government or other legal entity.
5 (8) 'Secretary' means the Secretary of ~~Environment, Health, and~~
6 ~~Natural Resources.~~ Health and Human Services.
7 (9) 'Unit of local government' means a county, city, consolidated
8 city-county, sanitary district or other local political subdivision,
9 authority or agency of local government.
10 (10) 'Vital records' means birth, death, fetal death, marriage, annulment
11 and divorce records registered under the provisions of Article 4 of
12 this Chapter."

13 Section 56. G.S. 130A-4 reads as rewritten:

14 **"§ 130A-4. Administration.**

15 (a) ~~The~~ Except as provided in subsection (c) of this section, the Secretary shall
16 ~~have the authority and responsibility to~~ administer and enforce the provisions of this
17 Chapter and the rules of the Commission. A local health director shall ~~have the~~
18 ~~authority and responsibility to~~ administer the programs of the local health department
19 and ~~to~~ enforce the rules of the local board of health.

20 (b) When requested by the Secretary, a local health department shall enforce the
21 rules of the Commission under the supervision of the Department. The local health
22 department shall utilize local staff authorized by the Department to enforce the
23 specific rules.

24 (c) The Secretary of Environment and Natural Resources shall administer and
25 enforce the provisions of Articles 8, 9, 10, 11, and 12 of this Chapter and the rules of
26 the Commission.

27 (d) When requested by the Secretary of the Department of Environment and
28 Natural Resources, a local health department shall enforce the rules of the
29 Commission under the supervision of the Department of Environment and Natural
30 Resources. The local health department shall utilize local staff authorized by the
31 Department of Environment and Natural Resources to enforce the specific rules."

32 Section 57. G.S. 130A-4.1 reads as rewritten:

33 **"§ 130A-4.1. State funds for maternal and child health care/non-supplanting.**

34 (a) ~~The Department of Environment, Health, and Natural Resources~~ shall ensure
35 that local health departments do not reduce county appropriations for maternal and
36 child health services provided by the local health departments because they have
37 received State appropriations for this purpose.

38 (b) All income earned by local health departments for maternal and child health
39 programs supported in whole or in part from State or federal funds, received from
40 ~~the Department of Environment, Health, and Natural Resources,~~ Department, shall
41 be budgeted and expended by local health departments to further the objectives of
42 the program that generated the income."

43 Section 58. G.S. 130A-4.2 reads as rewritten:

44 **"§ 130A-4.2. State funds for health promotion/non-supplanting.**

1 The Department of Environment, Health, and Natural Resources shall ensure that
2 local health departments do not reduce county appropriations for health promotion
3 services provided by the local health departments because they have received State
4 appropriations for this purpose."

5 Section 60. G.S. 130A-17 reads as rewritten:

6 "§ 130A-17. Right of entry.

7 (a) The Secretary and a local health director shall have the right of entry upon
8 the premises of any place where entry is necessary to ~~carry out~~ enforce the provisions
9 of this Chapter or the rules adopted by the Commission or a local board of health. If
10 consent for entry is not obtained, an administrative search and inspection warrant
11 shall be obtained pursuant to G.S. 15-27.2. However, if an imminent hazard exists,
12 no warrant is required for entry upon the premises.

13 (b) The Secretary of the Department of Environment and Natural Resources and
14 a local health director shall have the same rights enumerated in subsection (a) of this
15 section to enforce the provisions of Articles 8, 9, 10, 11, and 12 of this Chapter."

16 Section 61. G.S. 130A-18 reads as rewritten:

17 "§ 130A-18. Injunction.

18 (a) If a person shall violate any provision of this Chapter or the rules adopted by
19 the Commission or rules adopted by a local board of health, the Secretary or a local
20 health director may institute an action for injunctive relief, irrespective of all other
21 remedies at law, in the superior court of the county where the violation occurred or
22 where a defendant resides.

23 (b) The Secretary of the Department of Environment and Natural Resources and
24 a local health director shall have the same rights enumerated in subsection (a) of this
25 section to enforce the provisions of Articles 8, 9, 10, 11, and 12 of this Chapter."

26 Section 62. G.S. 130A-19 reads as rewritten:

27 "§ 130A-19. Abatement of public health nuisance.

28 (a) If the Secretary or a local health director determines that a public health
29 nuisance exists, the Secretary or a local health director may issue an order of
30 abatement directing the owner, lessee, operator or other person in control of the
31 property to take any action necessary to abate the public health nuisance. If the
32 person refuses to comply with the order, the Secretary or the local health director
33 may institute an action in the superior court of the county where the public health
34 nuisance exists to enforce the order. The action shall be calendared for trial within 60
35 days after service of the complaint upon the defendant. The court may order the
36 owner to abate the nuisance or direct the Secretary or the local health director to
37 abate the nuisance. If the Secretary or the local health director is ordered to abate the
38 nuisance, the Department or the local health department shall have a lien on the
39 property for the costs of the abatement of the nuisance in the nature of a mechanic's
40 and materialmen's lien as provided in Chapter 44A of the General Statutes and the
41 lien may be enforced as provided therein.

42 (b) The Secretary of Environment and Natural Resources and a local health
43 director shall have the same rights enumerated in subsection (a) of this section to
44 enforce the provisions of Articles 8, 9, 10, 11, and 12 of this Chapter."

1 Section 63. G.S. 130A-20 reads as rewritten:

2 "**§ 130A-20. Abatement of an imminent hazard.**

3 (a) If the Secretary or a local health director determines that an imminent hazard
4 exists, the Secretary or a local health director may, after notice to or reasonable
5 attempt to notify the owner, enter upon any property and take any action necessary
6 to abate the imminent hazard. The Department or the local health department shall
7 have a lien on the property for the cost of the abatement of the imminent hazard in
8 the nature of a mechanic's and materialmen's lien as provided in Chapter 44A and
9 the lien may be enforced as provided therein. The lien may be defeated by a showing
10 that an imminent hazard did not exist at the time the Secretary or the local health
11 director took the action.

12 (b) The Secretary of Environment and Natural Resources and a local health
13 director shall have the same rights enumerated in subsection (a) of this section to
14 enforce the provisions of Articles 8, 9, 10, 11, and 12 of this Chapter."

15 Section 63.1. G.S. 130A-21 reads as rewritten:

16 "**§ 130A-21. Embargo.**

17 (a) The Secretary of Environment and Natural Resources and a local health
18 director has authority to exercise embargo authority concerning food or drink
19 pursuant to G.S. 106-125(a), (b) and (c) when delegated the authority by the
20 Commissioner of Agriculture.

21 (b) If the Secretary of Environment and Natural Resources or a local health
22 director has probable cause to believe that any milk designated as Grade 'A' milk is
23 misbranded or does not satisfy the milk sanitation rules adopted pursuant to G.S.
24 130A-275, the Secretary of Environment and Natural Resources or a local health
25 director may detain or embargo the milk by affixing a tag to it and warning all
26 persons not to remove or dispose of the milk until permission for removal or disposal
27 is given by the official by whom the milk was detained or embargoed or by the court.
28 It shall be unlawful for any person to remove or dispose of the detained or
29 embargoed milk without that permission.

30 The official by whom the milk was detained or embargoed shall petition a judge of
31 the district or superior court in whose jurisdiction the milk is detained or embargoed
32 for an order for condemnation of the article. If the court finds that the milk is
33 misbranded or that it does not satisfy the milk sanitation rules adopted pursuant to
34 G.S. 130A-275, either the milk shall be destroyed under the supervision of the
35 petitioner or the petitioner shall ensure that the milk will not be used for human
36 consumption as Grade "A" milk. All court costs and fees, storage, expenses of
37 carrying out the court's order and other expense shall be taxed against the claimant
38 of the milk. If, the milk, by proper labelling or processing, can be properly branded
39 and will satisfy the milk sanitation rules adopted pursuant to G.S. 130A-275, the
40 court, after the payment of all costs, fees, and expenses and after the claimant posts
41 an adequate bond, may order that the milk be delivered to the claimant for proper
42 labelling and processing under the supervision of the petitioner. The bond shall be
43 returned to the claimant after the petitioner represents to the court either that the
44 milk is no longer mislabelled or in violation of the milk sanitation rules adopted

1 pursuant to G.S. 130A-275, or that the milk will not be used for human consumption,
2 and that in either case the expenses of supervision have been paid.

3 (c) If the Secretary of Environment and Natural Resources or a local health
4 director has probable cause to believe that any scallops, shellfish or crustacea is
5 adulterated or misbranded, the Secretary of Environment and Natural Resources or a
6 local health director may detain or embargo the article by affixing a tag to it and
7 warning all persons not to remove or dispose of the article until permission for
8 removal or disposal is given by the official by whom it was detained or embargoed or
9 by the court. It shall be unlawful for any person to remove or dispose of the detained
10 or embargoed article without that permission.

11 The official by whom the scallops, shellfish or crustacea was detained or
12 embargoed shall petition a judge of the district or superior court in whose jurisdiction
13 the article is detained or embargoed for an order for condemnation of the article. If
14 the court finds that the article is adulterated or misbranded, that article shall be
15 destroyed under the supervision of the petitioner. All court costs and fees, storage
16 and other expense shall be taxed against the claimant of the article. If, the article, by
17 proper labelling can be properly branded, the court, after the payment of all costs,
18 fees, expenses, and an adequate bond, may order that the article be delivered to the
19 claimant for proper labelling under the supervision of the petitioner. The bond shall
20 be returned to the claimant after the petitioner represents to the court that the article
21 is no longer mislabelled and that the expenses of supervision have been paid.

22 (d) Nothing in this section is intended to limit the embargo authority of the
23 Department of Agriculture. The Department of ~~Human Resources~~ Environment and
24 Natural Resources and the Department of Agriculture are authorized to enter
25 agreements respecting the duties and responsibilities of each agency in the exercise of
26 their embargo authority.

27 (e) For the purpose of this section, a food or drink is adulterated if the food or
28 drink is deemed adulterated under G.S. 106-129; and food or drink is misbranded if it
29 is deemed misbranded under G.S. 106- 130."

30 Section 64. G.S. 130A-22 reads as rewritten:

31 "**§ 130A-22. Administrative penalties.**

32 (a) The Secretary of Environment and Natural Resources may impose an
33 administrative penalty on a person who violates Article 9 of this Chapter, rules
34 adopted by the Commission pursuant to Article 9, or any order issued under Article
35 9. Each day of a continuing violation shall constitute a separate violation. The penalty
36 shall not exceed five thousand dollars (\$5,000) per day in the case of a violation
37 involving nonhazardous waste. The penalty shall not exceed twenty-five thousand
38 dollars (\$25,000) per day in case of a first violation involving hazardous waste as
39 defined in G.S. 130A-290 or involving the disposal of medical waste as defined in
40 G.S. 130A-290 in or upon water in a manner that results in medical waste entering
41 waters or lands of the State; and shall not exceed fifty thousand dollars (\$50,000) per
42 day for a second or further violation involving the disposal of medical waste as
43 defined in G.S. 130A-290 in or upon water in a manner that results in medical waste
44 entering waters or lands of the State. If a person fails to pay a civil penalty within 60

1 days after the final agency decision or court order has been served on the violator, the Secretary of Environment and Natural Resources shall request the Attorney General to institute a civil action in the superior court of any county in which the violator resides or has his or its principal place of business to recover the amount of the assessment. Such civil actions must be filed within three years of the date the final agency decision or court order was served on the violator.

(a1) Part 5 of Article 21A of Chapter 143 of the General Statutes shall apply to the determination of civil liability or penalty pursuant to subsection (a) of this section.

(b) The Secretary of Environment and Natural Resources may impose an administrative penalty on a person who violates G.S. 130A-325. Each day of a continuing violation shall constitute a separate violation. The penalty shall not exceed twenty-five thousand dollars (\$25,000) for each day the violation continues.

(b1) The Secretary may impose an administrative penalty on a person who violates Article 19 of this Chapter or a rule adopted pursuant to that Article. Except as provided in subsection (b2) of this section, the penalty shall not exceed one thousand dollars (\$1,000) per day per violation. Until the Department has notified the person of the violation, a continuing violation shall be treated as one violation. Each day thereafter of a continuing violation shall be treated as a separate violation.

In determining the amount of a penalty under this subsection or subsection (b2) of this section, the Secretary shall consider all of the following factors:

- (1) The degree and extent of harm to the natural resources of the State, to the public health, or to private property resulting from the violation.
- (2) The duration and gravity of the violation.
- (3) The effect on air quality.
- (4) The cost of rectifying the damage.
- (5) The amount of money the violator saved by noncompliance.
- (6) The prior record of the violator in complying or failing to comply with Article 19 of this Chapter or a rule adopted pursuant to that Article.
- (7) The cost to the State of the enforcement procedures.
- (8) If applicable, the size of the renovation and demolition involved in the violation.

Administrative penalties imposed by the Secretary under this subsection or subsection (b2) of this section shall be credited to the General Fund as nontax revenue.

(b2) The penalty for violations of the asbestos NESHAP for demolition and renovation, as defined in G.S. 130A-444, shall not exceed ten thousand dollars (\$10,000) per day per violation. Until the Department has provided the person with written notification of the violation of the asbestos NESHAP for demolition and renovation that describes the violation, recommends a general course of action, and establishes a time frame in which to correct the violations, a continuing violation shall be treated as one violation. Each day thereafter of a continuing violation shall

1 be treated as a separate violation. A violation of the asbestos NESHAP for demolition
2 and renovation is not considered to continue during the period a person who has
3 received the notice of violation is following the general course of action and
4 complying with the time frame set forth in the notice of violation.

5 (c) The Secretary of Environment and Natural Resources may impose an
6 administrative penalty on a person who willfully violates Article 11 of this Chapter,
7 rules adopted by the Commission pursuant to Article 11 or any condition imposed
8 upon a permit issued under Article 11. An administrative penalty may not be
9 imposed upon a person who establishes that neither the site nor the system may be
10 improved or a new system installed so as to comply with Article 11 of this Chapter.
11 Each day of a continuing violation shall constitute a separate violation. The penalty
12 shall not exceed fifty dollars (\$50.00) per day in the case of a wastewater collection,
13 treatment and disposal system with a design daily flow of no more than 480 gallons or
14 in the case of any system serving a single one-family dwelling. The penalty shall not
15 exceed three hundred dollars (\$300.00) per day in the case of a wastewater collection,
16 treatment and disposal system with a design daily flow of more than 480 gallons
17 which does not serve a single one-family dwelling.

18 (c1) The Secretary may impose a monetary penalty on a vendor who violates rules
19 adopted by the Commission pursuant to Article 13 of this Chapter when the
20 Secretary determines that disqualification would result in hardship to participants in
21 the Women, Infants, and Children (WIC) program. The penalty shall be calculated
22 using the following formula: multiply five percent (5%) times the average dollar
23 amount of the vendor's monthly redemptions of WIC food instruments for the 12-
24 month period immediately preceding disqualification, then multiply that product by
25 the number of months of the disqualification period determined by the Secretary.

26 (d) In determining the amount of the penalty in subsections (a), (b) and (c), the
27 Secretary and the Secretary of the Department of Environment and Natural
28 Resources shall consider the degree and extent of the harm caused by the violation
29 and the cost of rectifying the damage.

30 (e) A person contesting a penalty shall, by filing a petition pursuant to G.S. 150B-
31 23(a) not later than 30 days after receipt by the petitioner of the document which
32 constitutes agency action, be entitled to an administrative hearing and judicial review
33 in accordance with Chapter 150B of the General Statutes, the Administrative
34 Procedure Act.

35 (f) The Commission shall adopt rules concerning the imposition of administrative
36 penalties under this section.

37 (g) The Secretary or the Secretary of Environment and Natural Resources may
38 bring a civil action in the superior court of the county where the violation occurred
39 or where the defendant resides to recover the amount of ~~the~~ an administrative
40 penalty authorized under this section whenever a person:

- 41 (1) Who has not requested an administrative hearing in accordance
42 with subsection (e) of this section fails to pay the penalty within 60
43 days after being notified of the penalty; or

1 (2) Who has requested an administrative hearing fails to pay the
2 penalty within 60 days after service of a written copy of the final
3 agency decision.

4 (h) A local health director may impose an administrative penalty on any person
5 who willfully violates the wastewater collection, treatment, and disposal rules of the
6 local board of health adopted pursuant to G.S. 130A-335(c) or who willfully violates
7 a condition imposed upon a permit issued under the approved local rules. An
8 administrative penalty may not be imposed upon a person who establishes that
9 neither the site nor the system may be improved or a new system installed so as to
10 comply with Article 11 of this Chapter. The local health director shall establish and
11 recover the amount of the administrative penalty in accordance with subsections (d)
12 and (g). Each day of a continuing violation shall constitute a separate violation. The
13 penalty shall not exceed fifty dollars (\$50.00) per day in the case of a wastewater
14 collection, treatment and disposal system with a design daily flow of no more than
15 480 gallons or in the case of any system serving a single one-family dwelling. The
16 penalty shall not exceed three hundred dollars (\$300.00) per day in the case of a
17 wastewater collection, treatment and disposal system with a design daily flow of more
18 than 480 gallons which does not serve a single one-family dwelling. A person
19 contesting a penalty imposed under this subsection shall be entitled to an
20 administrative hearing and judicial review in accordance with G.S. 130A-24. A local
21 board of health shall adopt rules concerning the imposition of administrative
22 penalties under this subsection."

23 Section 65. G.S. 130A-23 reads as rewritten:

24 **"§ 130A-23. Suspension and revocation of permits and program participation.**

25 (a) The Secretary may suspend or revoke a permit issued under this Chapter upon
26 a finding that a violation of the applicable provisions of this Chapter, the rules of the
27 Commission or a condition imposed upon the permit has occurred. A permit may
28 also be suspended or revoked upon a finding that its issuance was based upon
29 incorrect or inadequate information that materially affected the decision to issue the
30 permit.

31 (b) The Secretary may suspend or revoke a person's participation in a program
32 administered under this Chapter upon a finding that a violation of the applicable
33 provisions of this Chapter or the rules of the Commission has occurred. Program
34 participation may also be suspended or revoked upon a finding that participation was
35 based upon incorrect or inadequate information that materially affected the decision
36 to grant program participation.

37 (c) A person shall be given notice that there has been a tentative decision to
38 suspend or revoke the permit or program participation and that an administrative
39 hearing will be held in accordance with Chapter 150B of the General Statutes, the
40 Administrative Procedure Act, at which time the person may challenge the tentative
41 decision.

42 (d) A permit shall be suspended or revoked immediately if a violation of the
43 Chapter, the rules or a condition imposed upon the permit presents an imminent
44 hazard. An operation permit issued pursuant to G.S. 130A-281 shall be immediately

1 suspended for failure of a public swimming pool to maintain minimum water quality
2 or safety standards or design and construction standards pertaining to the abatement
3 of suction hazards which result in an unsafe condition. A permit issued pursuant to
4 G.S. 130A-248 shall be revoked immediately for failure of an establishment to
5 maintain a minimum grade of C. The Secretary of Environment and Natural
6 Resources shall immediately give notice of the suspension or revocation and the right
7 of the permit holder or program participant to appeal the suspension or revocation
8 under G.S. 150B-23.

9 (e) The Secretary of Environment and Natural Resources shall have all of the
10 applicable rights enumerated in this section to enforce the provisions of Articles 8, 9,
11 10, 11, and 12 of this Chapter."

12 Section 66. G.S. 130A-24 reads as rewritten:

13 "§ 130A-24. Appeals procedure.

14 (a) Appeals concerning the enforcement of rules adopted by the Commission,
15 concerning the suspension and revocation of permits and program participation by
16 the Secretary and concerning the imposition of administrative penalties by the
17 Secretary shall be governed by Chapter 150B of the General Statutes, the
18 Administrative Procedure Act.

19 (a1) Any person appealing an action taken by the Department pursuant to this
20 Chapter or rules of the Commission shall file a petition for a contested case with the
21 Office of Administrative Hearings as provided in G.S. 150B-23(a). The petition shall
22 be filed not later than 30 days after notice of the action which confers the right of
23 appeal unless a federal statute or regulation provides for a different time limitation.
24 The time limitation imposed under this subsection shall commence when notice of
25 the agency decision is given to all persons aggrieved. Such notice shall be provided
26 to all persons known to the agency by personal delivery or by the placing of notice in
27 an official depository of the United States Postal Service addressed to the person at
28 the latest address provided to the agency by the person.

29 (b) Appeals concerning the enforcement of rules adopted by the local board of
30 health and concerning the imposition of administrative penalties by a local health
31 director shall be conducted in accordance with subsections (b), (c) and (d) of this
32 section. The aggrieved person shall give written notice of appeal to the local health
33 director within 30 days of the challenged action. The notice shall contain the name
34 and address of the aggrieved person, a description of the challenged action and a
35 statement of the reasons why the challenged action is incorrect. Upon filing of the
36 notice, the local health director shall, within five working days, transmit to the local
37 board of health the notice of appeal and the papers and materials upon which the
38 challenged action was taken.

39 (c) The local board of health shall hold a hearing within 15 days of the receipt of
40 the notice of appeal. The board shall give the person not less than 10 days' notice of
41 the date, time and place of the hearing. On appeal, the board shall have authority to
42 affirm, modify or reverse the challenged action. The local board of health shall issue
43 a written decision based on the evidence presented at the hearing. The decision shall
44 contain a concise statement of the reasons for the decision.

1 (d) A person who wishes to contest a decision of the local board of health under
2 subsection (b) of this section shall have a right of appeal to the district court having
3 jurisdiction within 30 days after the date of the decision by the board. The scope of
4 review in district court shall be the same as in G.S. 150B-51.

5 (e) The appeals procedures enumerated in this section shall apply to appeals
6 concerning the enforcement of rules, the imposition of administrative penalties, or
7 any other action taken by the Department of Environment and Natural Resources
8 pursuant to Articles 8, 9, 10, 11, and 12 of this Chapter."

9 Section 67. G.S. 130A-26.1(d) reads as rewritten:

10 "(d) For the purposes of the felony provisions of this section, a person's state of
11 mind shall not be found 'knowingly and willfully' or 'knowingly' if the conduct that
12 is the subject of the prosecution is the result of any of the following occurrences or
13 circumstances:

- 14 (1) A natural disaster or other act of God which could not have been
15 prevented or avoided by the exercise of due care or foresight.
- 16 (2) An act of third parties other than agents, employees, contractors,
17 or subcontractors of the defendant.
- 18 (3) An act done in reliance on the written advice or emergency on-site
19 direction of an employee of the ~~Department~~ Department of
20 Environment and Natural Resources. In emergencies, oral advice
21 may be relied upon if written confirmation is delivered to the
22 employee as soon as practicable after receiving and relying on the
23 advice.
- 24 (4) An act causing no significant harm to the environment or risk to
25 the public health, safety, or welfare and done in compliance with
26 other conflicting environmental requirements or other constraints
27 imposed in writing by environmental agencies or officials after
28 written notice is delivered to all relevant agencies that the conflict
29 exists and will cause a violation of the identified standard.
- 30 (5) Violations of permit limitations causing no significant harm to the
31 environment or risk to the public health, safety, or welfare for
32 which no enforcement action or civil penalty could have been
33 imposed under any written civil enforcement guidelines in use by
34 the ~~Department~~ Department of Environment and Natural
35 Resources at the time, including but not limited to, guidelines for
36 the pretreatment permit civil penalties. This subdivision shall not
37 be construed to require the ~~Department~~ Department of
38 Environment and Natural Resources to develop or use written civil
39 enforcement guidelines."

40 Section 68. G.S. 130A-27 reads as rewritten:

41 "§ 130A-27. Recovery of money.

42 The Secretary or the Secretary of Environment and Natural Resources may
43 institute an action in the county where the action arose or the county where the
44 defendant resides to recover any money, other property or interest in property or the

1 monetary value of goods or services provided or paid for by the Department or the
2 Department of Environment and Natural Resources which are wrongfully paid or
3 transferred to a person under a program administered by the Department or the
4 Department of Environment and Natural Resources pursuant to this Chapter."

5 Section 69. G.S. 130A-33.30 reads as rewritten:

6 "**§ 130A-33.30. Commission of Anatomy -- creation; powers and duties.**

7 There is ~~hereby~~ created the Commission of Anatomy ~~of in~~ the Department ~~of~~
8 ~~Environment, Health, and Natural Resources~~ with the power and duty to adopt rules
9 for the distribution of dead human bodies and parts thereof for the purpose of
10 promoting the study of anatomy in the State of North Carolina. The Commission is
11 ~~authorized to~~ may receive dead bodies pursuant to G.S. 130A-415 and to be a donee
12 of a body or parts thereof pursuant to Part 3, Article 16 of Chapter 130A of the
13 General Statutes known as the Uniform Anatomical Gift Act and to distribute such
14 bodies or parts thereof pursuant to the rules adopted by the Commission."

15 Section 70. G.S. 130A-33.31 reads as rewritten:

16 "**§ 130A-33.31. Commission of Anatomy -- Members; selection; term; chairman;**
17 **quorum; meetings.**

18 (a) The Commission of Anatomy shall consist of five members, one representative
19 from the field of mortuary science, and one each from The University of North
20 Carolina School of Medicine, East Carolina University School of Medicine, Duke
21 University School of Medicine, and Bowman Gray School of Medicine. The dean of
22 each school shall make recommendations and the Secretary ~~of Environment, Health,~~
23 ~~and Natural Resources~~ shall appoint from such recommendations a member to the
24 Commission. The president of the State Board of Mortuary Science shall appoint the
25 representative from the field of mortuary science to the Commission. The members
26 shall serve terms of four years except two of the original members shall serve a term
27 of one year, one shall serve a term of two years, one shall serve a term of three years,
28 and one shall serve a term of four years. The Secretary shall determine the terms of
29 the original members.

30 (b) Any appointment to fill a vacancy on the Commission created by the
31 resignation, dismissal, death, or disability of a member shall be for the balance of the
32 unexpired term.

33 (c) The Secretary ~~shall have the power to~~ shall remove any member of the
34 Commission from office for misfeasance, malfeasance or nonfeasance.

35 (d) The Commission shall elect a ~~chairman~~ chair annually from its own
36 membership.

37 (e) A majority of the Commission shall constitute a quorum for the transaction of
38 business.

39 (f) The Commission shall meet at any time and place within the State at the call
40 of the ~~chairman~~ chair or upon the written request of three members.

41 (g) All clerical and other services required by the Commission shall be supplied
42 by the ~~Secretary of Environment, Health, and Natural Resources.~~ Secretary."

43 Section 71. G.S. 130A-33.40 reads as rewritten:

1 "§ 130A-33.40. Governor's Council on Physical Fitness and Health -- creation;
2 powers; duties.

3 There is hereby created the Governor's Council on Physical Fitness and Health in
4 the ~~Department of Environment, Health, and Natural Resources~~. Department. The
5 Council shall have the following functions and duties:

- 6 (1) To promote interest in the area of physical fitness; to consider the
7 need for new State programs in the field of physical fitness; to
8 enlist the active support of individual citizens, professional and
9 civic groups, amateur and professional athletes, voluntary
10 organizations, State and local government agencies, private
11 industry and business, and community recreation programs in
12 efforts to improve the physical fitness and ~~thereby~~ the health of the
13 citizens of North Carolina;
- 14 (2) To examine current programs of physical fitness available to the
15 people of North Carolina, and to make recommendations to the
16 Governor for coordination of programs to prevent duplication of
17 such services; to support programs of physical fitness in the public
18 school systems; to develop cooperative programs with medical,
19 dental, and other groups; to maintain a liaison with government,
20 private and other agencies concerning physical fitness programs; to
21 stimulate research in the area of physical fitness; to sponsor
22 physical fitness workshops, clinics, conferences, and other related
23 activities pertaining to physical fitness throughout the State;
- 24 (3) To serve as an agency for recognizing outstanding developments,
25 contributions, and achievements in physical fitness in North
26 Carolina;
- 27 (3a) To serve as the North Carolina sanctioning body for the State
28 Games and for other competitive athletic events for which
29 sanctioning by the State is required; and
- 30 (4) To make an annual report to the Governor and to the ~~Secretary of~~
31 ~~Environment, Health, and Natural Resources~~, Secretary, including
32 ~~therein~~ suggestions and recommendations for the furtherance of
33 the physical fitness of the people of North Carolina."

34 Section 72. G.S. 130A-33.41 reads as rewritten:

35 "§ 130A-33.41. The Governor's Council on Physical Fitness and Health -- members;
36 selection; quorum; compensation.

37 The Governor's Council on Physical Fitness in the ~~Department of Environment,~~
38 ~~Health, and Natural Resources~~ shall consist of 10 members, including a ~~chairman~~.
39 chair.

- 40 (1) The composition of the Council shall be as follows: one member
41 of the Senate appointed by the President Pro Tempore of the
42 Senate, and one member of the House of Representatives
43 appointed by the Speaker of the House of Representatives, and
44 eight persons from the health care professions, the fields of

business and industry, physical education, recreation, sports and the general public. The eight nonlegislative members of the Council shall be appointed by the Governor to serve at ~~his~~ the Governor's pleasure.

(2) The eight initial nonlegislative members of the Council shall be appointed ~~thusly~~ as follows: two for a term of one year, two for a term of two years, two for a term of three years, two for a term of four years. At the end of the respective terms of office of these initial members, all succeeding appointments of nonlegislative members shall be for terms of four years; nonlegislative members shall serve no more than two consecutive four-year terms; all unexpired terms due to resignation, death, disability, removal or refusal to serve shall be filled by a qualified person appointed by the Governor for the balance of the unexpired term.

(3) Legislative members of the Council shall serve two-year terms beginning and ending on July 1 of odd-numbered years, and shall serve no more than two consecutive terms.

(4) Members of the Governor's Council shall receive per diem and necessary travel and subsistence expenses in accordance with G.S. 138-5 or 138-6, or travel and subsistence expenses under G.S. 120-3.1, as appropriate.

(5) The Council shall meet no more than quarterly.

(6) A majority of the Governor's Council shall constitute a quorum for the transaction of business."

Section 73. G.S. 130A-33.43 reads as rewritten:

"§ 130A-33.43. Minority Health Advisory Council.

There is established the Minority Health Advisory Council in the ~~Department of Environment, Health, and Natural Resources~~ Department. The Council shall have the following duties and responsibilities:

(1) To make recommendations to the Governor and the Secretary ~~of Environment, Health, and Natural Resources~~ aimed at improving the health status of North Carolina's minority populations;

(2) To identify and examine the limitations and problems associated with existing laws, regulations, programs and services related to the health status of North Carolina's minority populations;

(3) To examine the financing and access to health services for North Carolina's minority populations;

(4) To identify and review health promotion and disease prevention strategies relating to the leading causes of death and disability among minority populations; and

(5) To advise the Governor and the Secretary ~~of Environment, Health, and Natural Resources~~ upon any matter which the Governor or Secretary may refer to it."

Section 74. G.S. 130A-33.44 reads as rewritten:

1 "§ 130A-33.44. Minority Health Advisory Council -- members; selection; quorum;
2 compensation.

3 (a) The Minority Health Advisory Council in the Department of ~~Environment,~~
4 ~~Health, and Natural Resources~~ shall consist of 15 members to be appointed as
5 follows:

6 (1) Five members shall be appointed by the Governor. Members
7 appointed by the Governor shall be representatives of the
8 following: health care providers, public health, health related
9 public and private agencies and organizations, community-based
10 organizations, and human ~~resources~~ services agencies and
11 organizations.

12 (2) Five members shall be appointed by the Speaker of the House of
13 Representatives, two of whom shall be members of the House of
14 Representatives, and at least one of whom shall be a public
15 member. The remainder of the Speaker's appointees shall be
16 representative of any of the entities named in subdivision (1) of
17 this ~~section~~ subsection.

18 (3) Five members shall be appointed by the President Pro Tempore of
19 the Senate, two of whom shall be members of the Senate, and at
20 least one of whom shall be a public member. The remainder of
21 the President Pro Tempore's appointees shall be representative of
22 any of the entities named in subdivision (1) of this ~~section~~
23 subsection.

24 (4) Of the members appointed by the Governor, two shall serve initial
25 terms of one year, two shall serve initial terms of two years, and
26 one shall serve an initial term of three years. Thereafter, the
27 Governor's appointees shall serve terms of four years.

28 (5) Of the nonlegislative members appointed by the Speaker of the
29 House of Representatives, two shall serve initial terms of two years,
30 and one shall serve an initial term of three years. Thereafter,
31 nonlegislative members appointed by the Speaker of the House of
32 Representatives shall serve terms of four years. Of the
33 nonlegislative members appointed by the President Pro Tempore of
34 the Senate, two shall serve initial terms of two years, and one shall
35 serve an initial term of three years. Thereafter, nonlegislative
36 members appointed by the President Pro Tempore of the Senate
37 shall serve terms of four years. Legislative members of the Council
38 shall serve two-year terms.

39 (b) The Chairperson of the Council shall be elected by the Council from among
40 its membership.

41 (c) The majority of the Council shall constitute a quorum for the transaction of
42 business.

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

1 travel and subsistence expenses in accordance with the provisions of G.S. 120-3.1, as
2 applicable.

3 (e) All clerical support and other services required by the Council shall be
4 provided by the ~~Department of Environment, Health, and Natural Resources~~.
5 Department."

6 Section 75. G.S. 130A-33.50 reads as rewritten:

7 "**§ 130A-33.50. Advisory Committee on Cancer Coordination and Control established;**
8 **membership, compensation.**

9 (a) The Advisory Committee on Cancer Coordination and Control is ~~created~~
10 established in the ~~Department of Environment, Health, and Natural Resources~~.
11 Department.

12 (b) The Committee shall have 24 members, including the Secretary of the
13 ~~Department of Environment, Health, and Natural Resources, who shall chair the~~
14 Committee or the Secretary's designee. The members of the Committee shall elect a
15 chair and vice-chair from among the Committee membership. The Committee shall
16 meet at the call of the chair. Six of the members shall be legislators, three of whom
17 shall be appointed by the Speaker of the House of Representatives, and three of
18 whom shall be appointed by the President Pro Tempore of the Senate. Two of the
19 members shall be cancer survivors, one of whom shall be appointed by the Speaker
20 of the House of Representatives, and one of whom shall be appointed by the
21 President Pro Tempore of the Senate. The remainder of the members shall be
22 appointed by the Governor as follows:

- 23 (1) One member from the Department of ~~Environment, Health,~~
24 Environment and Natural Resources;
- 25 (2) Three members, one from each of the following: the ~~Department~~
26 ~~of Human Resources, Department,~~ the Department of Public
27 Instruction, and the North Carolina Community College System;
- 28 (3) Four members representing the cancer control programs at North
29 Carolina medical schools, one from each of the following: the
30 University of North Carolina at Chapel Hill School of Medicine,
31 the Bowman Gray School of Medicine, the Duke University School
32 of Medicine, and the East Carolina University School of Medicine;
- 33 (4) One member who is an oncology nurse representing the North
34 Carolina Nurses Association;
- 35 (5) One member representing the Cancer Committee of the North
36 Carolina Medical Society;
- 37 (6) One member representing the Old North State Medical Society;
- 38 (7) One member representing the American Cancer Society, North
39 Carolina Division, Inc.;
- 40 (8) One member representing the North Carolina Hospital
41 Association;
- 42 (9) One member representing the North Carolina Association of Local
43 Health Directors;

1 (10) One member who is a primary care physician licensed to practice
2 medicine in North Carolina.

3 Except for the ~~Secretary of the Department of Environment, Health, and Natural~~
4 ~~Resources, Secretary~~, the members shall be appointed for staggered four-year terms
5 and until their successors are appointed and qualify. However, the following
6 appointees shall serve initial two-year terms: two of the legislators appointed by the
7 Speaker of the House of Representatives; one of the legislators appointed by the
8 President Pro Tempore of the Senate; the cancer survivor appointed by the President
9 Pro Tempore of the Senate; and the members representing the ~~Department of Human~~
10 ~~Resources, Department~~, the Department of Public Instruction, the University of North
11 Carolina at Chapel Hill School of Medicine, the Bowman Gray School of Medicine,
12 the Cancer Committee of the North Carolina Medical Society, the Old North State
13 Medical Society, the North Carolina Hospital Association, and the North Carolina
14 Association of Local Health Directors. The Governor may remove any member of
15 the Committee from office in accordance with the provisions of G.S. 143B-13.
16 Members may succeed themselves for one term and may be appointed again after
17 being off the Committee for one term.

18 (c) The Speaker of the House of Representatives, the President Pro Tempore of
19 the Senate, and the Governor shall make their appointments to the Committee not
20 later than 30 days after the adjournment of the 1993 Regular Session of the General
21 Assembly. A vacancy on the Committee shall be filled by the original appointing
22 authority, using the criteria set out in this section for the original appointment.

23 (d) To the extent that funds are made available, members of the Committee shall
24 receive per diem and necessary travel and subsistence expenses in accordance with
25 G.S. 138-5.

26 (e) A majority of the Committee shall constitute a quorum for the transaction of
27 its business.

28 (f) The Committee may use funds allocated to it to employ an administrative staff
29 person to assist the Committee in carrying out its duties. The Secretary of
30 ~~Environment, Health, and Natural Resources~~ shall provide clerical and other support
31 staff services needed by the Committee."

32 Section 76. G.S. 130A-131.2 reads as rewritten:

33 "**§ 130A-131.2. Council role.**

34 The Council shall advise the ~~Department of Environment, Health, and Natural~~
35 ~~Resources~~ and the Commission for Health Services on the needs of persons with
36 sickle cell syndrome, and shall make recommendations to meet these needs. Such
37 recommendations shall include but not be limited to recommendations for legislative
38 action and for rules regarding the services of the Sickle Cell Program. The Council
39 shall develop procedures to facilitate its operation. All clerical and other services
40 required by the Council shall be furnished by the ~~Department of Environment,~~
41 ~~Health, and Natural Resources~~ within budget limitations."

42 Section 77. G.S. 130A-131.15(c) reads as rewritten:

43 "(c) The Department shall evaluate all of the adolescent pregnancy prevention
44 projects funded as a result of this program at least yearly and shall report its findings

1 to the Commission for Health Services, the Joint Legislative Commission on
2 Governmental Operations, and the Chairmen of the House Appropriations
3 Subcommittee on ~~Natural and Economic Resources~~, Health and Human Services, and
4 the Senate Appropriations Committee on ~~Natural and Economic Resources~~ Health
5 and Human Services by April 1 of each year. The evaluation shall be conducted by a
6 firm or individual external to the Department. Any evaluation of these projects shall
7 include a study of the effectiveness of the project in reducing the pregnancy rate
8 within the target population."

9 Section 77.1. S.G. 130A-227 reads as rewritten:

10 ""§ 130A-227. Department to establish ~~program~~; program; definitions.

11 (a) For the purpose of promoting a safe and healthful environment and developing
12 corrective measures required to minimize environmental health hazards, the
13 Department shall establish a sanitation program. The Department shall employ
14 environmental engineers, sanitarians, soil scientists and other scientific personnel
15 necessary to carry out the sanitation provisions of this Chapter and the rules of the
16 Commission.

17 (b) The following definitions shall apply throughout this article:

18 (1) 'Department' means the Department of Environment and Natural
19 Resources.

20 (2) 'Secretary' means the Secretary of Environment and Natural
21 Resources."

22 Section 78. G.S. 130A-231 reads as rewritten:

23 "§ 130A-231. Agreements between the ~~State Health Director~~ Division of
24 Environmental Health and the Division of Marine Fisheries.

25 Nothing in this Part is intended to limit the authority of the Division of Marine
26 Fisheries of the Department of Environment and Natural Resources to regulate
27 aspects of the harvesting, processing and handling of scallops, shellfish and crustacea
28 relating to conservation of the fisheries resources of the State. The ~~State Health~~
29 ~~Director~~ Division of Environmental Health and the Division of Marine Fisheries are
30 authorized to enter into agreements respecting the duties and responsibilities of each
31 agency as to the harvesting, processing and handling of scallops, shellfish and
32 crustacea."

33 Section 79. G.S. 130A-235 reads as rewritten:

34 "§ 130A-235. Regulation of sanitation in institutions.

35 For protection of the public health, the Commission shall adopt rules to establish
36 sanitation requirements for all institutions and facilities at which individuals are
37 provided room or board and for which a license to operate is required to be obtained
38 or a certificate for payment is obtained from the ~~Department of Human Resources~~.
39 Department. The rules shall also apply to facilities that provide room and board to
40 individuals but are exempt from licensure under G.S. 131D-10.4(1). No other State
41 agency may adopt rules to establish sanitation requirements for these institutions and
42 facilities. The Department of ~~Human Resources~~ shall issue a license to operate or a
43 certificate for payment to such an institution or facility only upon compliance with all
44 applicable sanitation rules of the Commission, and the Department of ~~Human~~

1 Resources may suspend or revoke a license or a certificate for payment for violation
2 of these rules. In adopting rules pursuant to this section, the Commission shall define
3 categories of standards to which such institutions and facilities shall be subject and
4 shall establish criteria for the placement of any such institution or facility into one of
5 the categories. This section shall not apply to State institutions and facilities subject
6 to inspection under G.S. 130A-5(10)."

7 Section 80. G.S. 130A-280 reads as rewritten:

8 "§ 130A-280. Scope.

9 This Article provides for the regulation of public swimming pools in the State as
10 they may affect the public health and safety. As used in this Article, the term 'public
11 swimming pool' means any structure, chamber, or tank containing an artificial body
12 of water used by the public for swimming, diving, wading, recreation, or therapy,
13 together with buildings, appurtenances, and equipment used in connection with the
14 body of water, regardless of whether a fee is charged for its use. The term includes
15 municipal, school, hotel, motel, apartment, boarding house, athletic club, or other
16 membership facility pools and spas. This Article does not apply to a private pool
17 serving a single family dwelling and used only by the residents of the dwelling and
18 their guests. This Article also does not apply to therapeutic pools used in physical
19 therapy programs operated by medical facilities licensed by the Department of
20 Human Resources or operated by a licensed physical therapist, nor to therapeutic
21 chambers drained, cleaned, and refilled after each individual use."

22 Section 81. G.S. 130A-290(a) reads as rewritten:

23 "(a) Unless a different meaning is required by the context, the following
24 definitions shall apply throughout this Article:

25 (1) 'CERCLA/SARA' means the Comprehensive Environmental
26 Response, Compensation, and Liability Act of 1980, Pub. L. No.
27 96-510, 94 Stat. 2767, 42 U.S.C. § 9601 et seq., as amended, and
28 the Superfund Amendments and Reauthorization Act of 1986, Pub.
29 L. No. 99-499, 100 Stat. 1613, as amended.

30 (1a) 'Chemical or portable toilet' means a self-contained mobile toilet
31 facility and holding tank and includes toilet facilities in
32 recreational vehicles.

33 (1b) 'Chlorofluorocarbon refrigerant' means any of the following when
34 used as a liquid heat transfer agent in a mechanical refrigeration
35 system: carbon tetrachloride, chlorofluorocarbons, halons, or
36 methyl chloroform.

37 (2) 'Closure' means the cessation of operation of a solid waste
38 management facility and the act of securing the facility so that it
39 will pose no significant threat to human health or the environment.

40 (3) 'Commercial' when applied to a hazardous waste facility, means a
41 hazardous waste facility that accepts hazardous waste from the
42 general public or from another person for a fee.

43 (4) 'Construction' or 'demolition' when used in connection with
44 'waste' or 'debris' means solid waste resulting solely from

construction, remodeling, repair, or demolition operations on pavement, buildings, or other structures, but does not include inert debris, land-clearing debris or yard debris.

(4a) 'Department' means the Department of Environment and Natural Resources.

(5) Repealed by Session Laws 1995 (Regular Session, 1996), c. 594, s. 1.

(6) 'Disposal' means the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

(7) 'Garbage' means all putrescible wastes, including animal offal and carcasses, and recognizable industrial by-products, but excluding sewage and human waste.

(8) 'Hazardous waste' means a solid waste, or combination of solid wastes, which because of its quantity, concentration or physical, chemical or infectious characteristics may:

a. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or

b. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

(9) 'Hazardous waste facility' means a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

(10) 'Hazardous waste generation' means the act or process of producing hazardous waste.

(11) 'Hazardous waste disposal facility' means any facility or any portion of a facility for disposal of hazardous waste on or in land in accordance with rules adopted under this Article.

(12) 'Hazardous waste management' means the systematic control of the collection, source separation, storage, transportation, processing, treatment, recovery and disposal of hazardous wastes.

(13) 'Hazardous waste management program' means the program and activities within the Department pursuant to Part 2 of this Article, for hazardous waste management.

(13a) 'Industrial solid waste' means solid waste generated by manufacturing or industrial processes that is not hazardous waste.

(14) 'Inert debris' means solid waste which consists solely of material that is virtually inert and that is likely to retain its physical and chemical structure under expected conditions of disposal.

- (15) 'Land-clearing debris' means solid waste which is generated solely from land-clearing activities.
- (16) 'Landfill' means a disposal facility or part of a disposal facility where waste is placed in or on land and which is not a land treatment facility, a surface impoundment, an injection well, a hazardous waste long-term storage facility or a surface storage facility.
- (17) 'Manifest' means the form used for identifying the quantity, composition and the origin, routing and destination of hazardous waste during its transportation from the point of generation to the point of disposal, treatment or storage.
- (18) 'Medical waste' means any solid waste which is generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals, but does not include any hazardous waste identified or listed pursuant to this Article, radioactive waste, household waste as defined in 40 Code of Federal Regulations § 261.4(b)(1) in effect on 1 July 1989, or those substances excluded from the definition of 'solid waste' in this section.
- (18a) 'Municipal solid waste' means any solid waste resulting from the operation of residential, commercial, industrial, governmental, or institutional establishments that would normally be collected, processed, and disposed of through a public or private solid waste management service. Municipal solid waste does not include hazardous waste, sludge, industrial waste managed in a solid waste management facility owned and operated by the generator of the industrial waste for management of that waste, or solid waste from mining or agricultural operations.
- (18b) 'Municipal solid waste management facility' means any publicly or privately owned solid waste management facility permitted by the Department that receives municipal solid waste for processing, treatment, or disposal.
- (19) 'Natural resources' means all materials which have useful physical or chemical properties which exist, unused, in nature.
- (20) 'Open dump' means a solid waste disposal site which is not a sanitary landfill.
- (21) 'Operator' means any person, including the owner, who is principally engaged in, and is in charge of, the actual operation, supervision, and maintenance of a solid waste management facility and includes the person in charge of a shift or periods of operation during any part of the day.
- (22) 'Person' means an individual, corporation, company, association, partnership, unit of local government, State agency, federal agency or other legal entity.

- (23) 'Processing' means any technique designed to change the physical, chemical, or biological character or composition of any solid waste so as to render it safe for transport; amenable to recovery, storage or recycling; safe for disposal; or reduced in volume or concentration.
- (24) 'Recovered material' means a material that has known recycling potential, can be feasibly recycled, and has been diverted or removed from the solid waste stream for sale, use, or reuse. In order to qualify as a recovered material, a material must meet the requirements of G.S. 130A-309.05(c).
- (25) 'RCRA' means the Resource Conservation and Recovery Act of 1976, Pub. L. 94-580, 90 Stat. 2795, 42 U.S.C. § 6901 et seq., as amended.
- (26) 'Recyclable material' means those materials which are capable of being recycled and which would otherwise be processed or disposed of as solid waste.
- (27) 'Recycling' means any process by which solid waste, or materials which would otherwise become solid waste, are collected, separated, or processed, and reused or returned to use in the form of raw materials or products.
- (28) 'Refuse' means all nonputrescible waste.
- (28a) 'Refuse-derived fuel' means fuel that consists of municipal solid waste from which recyclable and noncombustible materials are removed so that the remaining material is used for energy production.
- (29) 'Resource recovery' means the process of obtaining material or energy resources from discarded solid waste which no longer has any useful life in its present form and preparing the solid waste for recycling.
- (30) 'Reuse' means a process by which resources are reused or rendered usable.
- (31) 'Sanitary landfill' means a facility for disposal of solid waste on land in a sanitary manner in accordance with the rules concerning sanitary landfills adopted under this Article.
- (31a) 'Secretary' means the Secretary of Environment and Natural Resources.
- (32) 'Septage' means solid waste that is a fluid mixture of untreated and partially treated sewage solids, liquids, and sludge of human or domestic origin which is removed from a wastewater system. The term septage includes the following:
- a. Domestic septage, which is either liquid or solid material removed from a septic tank, cesspool, portable toilet, Type III marine sanitation device, or similar treatment works receiving only domestic sewage. Domestic septage does not

1 include liquid or solid material removed from a septic tank,
2 cesspool, or similar treatment works receiving either
3 commercial wastewater or industrial wastewater and does
4 not include grease removed from a grease trap at a
5 restaurant.

6 b. Domestic treatment plant septage, which is solid, semisolid,
7 or liquid residue generated during the treatment of domestic
8 sewage in a treatment works where the designed disposal is
9 subsurface. Domestic treatment plant septage includes, but
10 is not limited to, scum or solids removed in primary,
11 secondary, or advanced wastewater treatment processes and
12 a material derived from domestic treatment plant septage.
13 Domestic treatment plant septage does not include ash
14 generated during the firing of domestic treatment plant
15 septage in an incinerator or grit and screenings generated
16 during preliminary treatment of domestic sewage in a
17 treatment works.

18 c. Grease septage, which is material pumped from grease
19 interceptors, separators, traps, or other appurtenances used
20 for the purpose of removing cooking oils, fats, grease, and
21 food debris from the waste flow generated from food
22 handling, preparation, and cleanup.

23 d. Industrial or commercial septage, which is material pumped
24 from septic tanks or other devices used in the collection,
25 pretreatment, or treatment of any water-carried waste
26 resulting from any process of industry, manufacture, trade,
27 or business where the design disposal of the wastewater is
28 subsurface. Domestic septage mixed with any industrial or
29 commercial septage is considered industrial or commercial
30 septage.

31 e. Industrial or commercial treatment plant septage, which is
32 solid, semisolid, or liquid residue generated during the
33 treatment of sewage that contains any waste resulting from
34 any process of industry, manufacture, trade, or business in a
35 treatment works where the designed disposal is subsurface.
36 Industrial or commercial treatment plant septage includes,
37 but is not limited to, scum or solids removed in primary,
38 secondary, or advanced wastewater treatment processes and
39 a material derived from domestic treatment plant septage.
40 Industrial or commercial treatment plant septage does not
41 include ash generated during the firing of industrial or
42 commercial treatment plant septage in an incinerator or grit
43 and screenings generated during preliminary treatment of
44 domestic sewage in a treatment works.

(33) 'Septage management firm' means a person engaged in the business of pumping, transporting, storing, treating or disposing septage. The term does not include public or community wastewater systems that treat or dispose septage.

(34) 'Sludge' means any solid, semisolid or liquid waste generated from a municipal, commercial, institutional or industrial wastewater treatment plant, water supply treatment plant or air pollution control facility, or any other waste having similar characteristics and effects.

(35) 'Solid waste' means any hazardous or nonhazardous garbage, refuse or sludge from a waste treatment plant, water supply treatment plant or air pollution control facility, domestic sewage and sludges generated by the treatment thereof in sanitary sewage collection, treatment and disposal systems, and other material that is either discarded or is being accumulated, stored or treated prior to being discarded, or has served its original intended use and is generally discarded, including solid, liquid, semisolid or contained gaseous material resulting from industrial, institutional, commercial and agricultural operations, and from community activities. The term does not include:

- a. Fecal waste from fowls and animals other than humans.
- b. Solid or dissolved material in:
 1. Domestic sewage and sludges generated by treatment thereof in sanitary sewage collection, treatment and disposal systems which are designed to discharge effluents to the surface waters.
 2. Irrigation return flows.
 3. Wastewater discharges and the sludges incidental to and generated by treatment which are point sources subject to permits granted under Section 402 of the Water Pollution Control Act, as amended (P.L. 92-500), and permits granted under G.S. 143-215.1 by the Environmental Management Commission. However, any sludges that meet the criteria for hazardous waste under RCRA shall also be a solid waste for the purposes of this Article.
- c. Oils and other liquid hydrocarbons controlled under Article 21A of Chapter 143 of the General Statutes. However, any oils or other liquid hydrocarbons that meet the criteria for hazardous waste under RCRA shall also be a solid waste for the purposes of this Article.
- d. Any source, special nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. § 2011).

- 1 e. Mining refuse covered by the North Carolina Mining Act,
2 G.S. 74-46 through 74-68 and regulated by the North
3 Carolina Mining Commission (as defined under G.S. 143B-
4 290). However, any specific mining waste that meets the
5 criteria for hazardous waste under RCRA shall also be a
6 solid waste for the purposes of this Article.
- 7 f. Recovered material.
- 8 (36) 'Solid waste disposal site' means any place at which solid wastes
9 are disposed of by incineration, sanitary landfill or any other
10 method.
- 11 (37) 'Solid waste generation' means the act or process of producing
12 solid waste.
- 13 (38) 'Solid waste management' means purposeful, systematic control of
14 the generation, storage, collection, transport, separation, treatment,
15 processing, recycling, recovery and disposal of solid waste.
- 16 (39) 'Solid waste management facility' means land, personnel and
17 equipment used in the management of solid waste.
- 18 (40) 'Special wastes' means solid wastes that can require special
19 handling and management, including white goods, whole tires,
20 used oil, lead-acid batteries, and medical wastes.
- 21 (41) 'Storage' means the containment of solid waste, either on a
22 temporary basis or for a period of years, in a manner which does
23 not constitute disposal.
- 24 (41a) 'Tire-derived fuel' means a form of fuel derived from scrap tires.
- 25 (42) 'Treatment' means any method, technique or process, including
26 neutralization, designed to change the physical, chemical or
27 biological character or composition of any hazardous waste so as to
28 neutralize such waste or so as to render such waste nonhazardous,
29 safer for transport, amenable for recovery, amenable for storage or
30 reduced in volume. 'Treatment' includes any activity or
31 processing designed to change the physical form or chemical
32 composition of hazardous waste so as to render it nonhazardous.
- 33 (43) 'Unit of local government' means a county, city, town or
34 incorporated village.
- 35 (44) 'White goods' includes refrigerators, ranges, water heaters, freezers,
36 unit air conditioners, washing machines, dishwashers, clothes
37 dryers, and other similar domestic and commercial large
38 appliances.
- 39 (45) 'Yard trash' means solid waste consisting solely of vegetative
40 matter resulting from landscaping maintenance."

41 Section 81.1. G.S. 130A-313 reads as rewritten:

42 "§ 130A-313. Definitions.

43 The following definitions shall apply throughout this Article:

- (1) 'Administrator' means the Administrator of the United States Environmental Protection Agency.
- (2) 'Certified laboratory' means a facility for performing bacteriological, chemical or other analyses on water which has received interim or final certification by either the Environmental Protection Agency or the Department.
- (3) 'Contaminant' means any physical, chemical, biological or radiological substance or matter in water.
- (3a) 'Department' means the Department of Environment and Natural Resources.
- (4) 'Drinking water rules' means rules adopted pursuant to this Article.
- (5) 'Federal act' means the Safe Drinking Water Act of 1974, P.L. 93-523, as amended.
- (6) 'Federal agency' means any department, agency or instrumentality of the United States.
- (7) 'Maximum contaminant level' means the maximum permissible level of a contaminant in water which is delivered to any user of a public water system.
- (8) 'National primary drinking water regulations' means primary drinking water regulations promulgated by the Administrator pursuant to the federal act.
- (9) 'Person' means an individual, corporation, company, association, partnership, unit of local government, State agency, federal agency or other legal entity.
- (10) 'Public water system' means a system for the provision to the public of piped water for human consumption if the system serves 15 or more service connections or which regularly serves 25 or more individuals. The term includes:
- a. Any collection, treatment, storage or distribution facility under control of the operator of the system and used primarily in connection with the system; and
 - b. Any collection or pretreatment storage facility not under the control of the operator of the system which is used primarily in connection with the system.
- A public water system is either a 'community water system' or a 'noncommunity water system' as follows:
- a. 'Community water system' means a public water system which serves 15 or more service connections or which regularly serves at least 25 year-round residents.
 - b. 'Noncommunity water system' means a public water system which is not a community water system.
- (10a) 'Secretary' means the Secretary of Environment and Natural Resources.

1 (11) 'Supplier of water' means a person who owns, operates or controls
2 a public water system.

3 (12) 'Treatment technique requirement' means a requirement of the
4 drinking water rules which specifies a specific treatment technique
5 for a contaminant which leads to reduction in the level of the
6 contaminant sufficient to comply with the drinking water rules.

7 Section 82. G.S. 130A-334 reads as rewritten:

8 "§ 130A-334. Definitions.

9 The following definitions shall apply throughout this Article:

10 (1) 'Construction' means any work at the site of placement done for
11 the purpose of preparing a residence, place of business or place of
12 public assembly for initial occupancy, or subsequent additions or
13 modifications which increase sewage flow.

14 (1a) 'Department' means the Department of Environment and Natural
15 Resources.

16 (2) Repealed by Session Laws 1985, c. 462, s. 18.

17 (2a) 'Industrial process wastewater' means any water-carried waste
18 resulting from any process of industry, manufacture, trade, or
19 business.

20 (3) 'Location' means the initial placement for occupancy of a
21 residence, place of business or place of public assembly.

22 (3a) 'Maintenance' means normal or routine maintenance including
23 replacement of broken pipes, cleaning, or adjustment to an existing
24 wastewater system.

25 (4), (5) Repealed by Session Laws 1985, c. 462, s. 18.

26 (6) 'Place of business' means a store, warehouse, manufacturing
27 establishment, place of amusement or recreation, service station,
28 office building or any other place where people work.

29 (7) 'Place of public assembly' means a fairground, auditorium,
30 stadium, church, campground, theater or any other place where
31 people assemble.

32 (7a) 'Plat' means a property survey prepared by a registered land
33 surveyor, drawn to a scale of one inch equals no more than 60 feet,
34 that includes: the specific location of the proposed facility and
35 appurtenances, the site for the proposed wastewater system, and
36 the location of water supplies and surface waters. 'Plat' also
37 means, for subdivision lots approved by the local planning
38 authority and recorded with the county register of deeds, a copy of
39 the recorded subdivision plat that is accompanied by a site plan
40 that is drawn to scale.

41 (7b) 'Pretreatment' means any biological, chemical, or physical process
42 or system for improving wastewater quality and reducing
43 wastewater constituents prior to final treatment and disposal in a
44 subsurface wastewater system and includes, but is not limited to

aeration, clarification, digestion, disinfection, filtration, separation, and settling.

(8) 'Public or community wastewater system' means a single system of wastewater collection, treatment and disposal owned and operated by a sanitary district, a metropolitan sewage district, a water and sewer authority, a county or municipality or a public utility.

(9) 'Relocation' means the displacement of a residence or place of business from one site to another.

(9a) 'Repair' means the extension, alteration, replacement, or relocation of existing components of a wastewater system.

(10) 'Residence' means a private home, dwelling unit in a multiple family structure, hotel, motel, summer camp, labor work camp, manufactured home, institution or any other place where people reside.

(10a) 'Secretary' means the Secretary of Environment and Natural Resources.

(11) Repealed by Session Laws 1992, c. 944, s. 3.

(12) 'Septic tank system' means a subsurface wastewater system consisting of a settling tank and a subsurface disposal field.

(13) 'Sewage' means the liquid and solid human body waste and liquid waste generated by water-using fixtures and appliances, including those associated with foodhandling. The term does not include industrial process wastewater or sewage that is combined with industrial process wastewater.

(13a) 'Site plan' means a drawing not necessarily drawn to scale that shows the existing and proposed property lines with dimensions, the location of the facility and appurtenances, the site for the proposed wastewater system, and the location of water supplies and surface waters.

(14) 'Wastewater' means any sewage or industrial process wastewater discharged, transmitted, or collected from a residence, place of business, place of public assembly, or other places into a wastewater system.

(15) 'Wastewater system' means a system of wastewater collection, treatment, and disposal in single or multiple components, including a privy, septic tank system, public or community wastewater system, wastewater reuse or recycle system, mechanical or biological wastewater treatment system, any other similar system, and any chemical toilet used only for human waste."

Section 83. G.S. 130A-336(d) reads as rewritten:

"(d) If a local health department repeatedly fails to issue or deny improvement permits for conventional septic tank systems within 60 days of receiving completed applications for the permits, then the Department of ~~Environment, Health, and~~

1 ~~Natural Resources~~ of Environment and Natural Resources may withhold public
2 health funding from that local health department."

3 Section 83.1. G.S. 130A-346 reads as rewritten:

4 "**§ 130A-346. Mosquito and vector control ~~program~~; program; definitions.**

5 (a) The Department shall establish and administer a vector control program to
6 protect the public health and to promote an environment suitable for habitation. A
7 vector is a living transporter and transmitter of the causative agent of a disease. The
8 program shall address the problems presented by vectors and other arthropods and
9 rodents of public health significance in this State, including, but not limited to,
10 mosquitoes, ticks, rodents, fleas and flies. The Department is authorized to engage in
11 research, conduct investigations and surveillance, implement a vector control
12 program and take other actions necessary to control vectors.

13 (b) The Commission shall adopt rules necessary to implement the program
14 including rules for the control of vectors and other arthropods and rodents.

15 (c) The following definitions shall apply throughout this article:

16 (1) 'Department' means the Department of Environment and Natural
17 Resources.

18 (2) 'Secretary' means the Secretary of Environment and Natural
19 Resources."

20 Section 84. G.S. 130A-342(c) reads as rewritten:

21 "(c) The performance of individual aerobic treatment plants is to be documented
22 by the counties and sent to the Department ~~of Environment, Health, and Natural~~
23 ~~Resources~~ annually."

24 Section 85. G.S. 130A-423 reads as rewritten:

25 "**§ 130A-423. North Carolina Childhood Vaccine-Related Injury Compensation**
26 **Program; exclusive remedy; relationship to federal law; subrogation.**

27 (a) There is established the North Carolina Childhood Vaccine-Related Injury
28 Compensation Program.

29 (b) The rights and remedies granted the claimant, the claimant's parent, guardian
30 ad litem, guardian, or personal representative shall exclude all other rights and
31 remedies of the claimant, his parent, guardian ad litem, guardian, or personal
32 representative against any respondent at common law or otherwise on account of
33 ~~such~~ injury, illness, disability, death, or condition. If ~~such~~ an action is filed, it shall
34 be dismissed, with prejudice, on the motion of any party under law.

35 (b1) A claimant may file a petition pursuant to this Article only after ~~such~~ the
36 claimant has filed an election pursuant to Section 2121 of the Public Health Service
37 Act, P.L. 99-660, permitting ~~such~~ the claimant to file a civil action for damages for a
38 vaccine-related injury or death or if ~~such~~ the claimant is otherwise permitted by
39 federal law to file an action against a vaccine manufacturer.

40 (c) Nothing in this Article prohibits any individual from bringing a civil action
41 against a vaccine manufacturer for damages for a vaccine-related injury or death if
42 the action is not barred by federal law under subtitle 2 of Title XXI of the Public
43 Health Service Act.

(d) If any action is brought against a vaccine manufacturer as permitted by subtitle 2 of Title XXI of the Public Health Service Act and subsection (c) of this section, the plaintiff in the action may recover damages only to the extent permitted by subdivisions (1) through (3) of subsection (a) of G.S. 130A-427. The aggregate amount awarded in any ~~such~~ action may not exceed the limitation established by subsection (b) of G.S. 130A-427. Regardless of whether ~~such~~ an action is brought against a vaccine manufacturer, a claimant who has filed an election pursuant to Section 2121 of the Public Health Service Act, as enacted into federal law by Public Law 99-660, permitting ~~such~~ a claimant to file a civil action for damages for a vaccine-related injury or death, or who is otherwise permitted by federal law to file an action against a vaccine manufacturer, may file a petition pursuant to G.S. 130A-425 to obtain services from the Department ~~and the Department of Human Resources~~ pursuant to subdivision (5) of subsection (a) of G.S. 130A-427 and, if no action has been brought against a vaccine manufacturer, to obtain other relief available pursuant to G.S. 130A-427.

(e) In order to prevent recovery of duplicate damages, or the imposition of duplicate liability, in the event that an individual seeks an award pursuant to G.S. 130A-427 and also files suit against the manufacturer as permitted by subtitle 2 of Title XXI of the Public Health Service Act and subsection (c) of this section, the following provisions shall apply:

(1) If, at the time an award is made pursuant to G.S. 130A-427, an individual has already recovered damages from a manufacturer pursuant to a judgment or settlement, the award shall consist only of a commitment to provide services pursuant to subdivision (5) of subsection (a) of G.S. 130A-427.

(2) If, at any time after an award is made to a claimant pursuant to G.S. 130A-427, an individual recovers damages for the same vaccine-related injury from a manufacturer pursuant to a judgment or settlement, the individual who recovers the damages shall reimburse the State for all amounts previously recovered from the State in the prior proceeding. Before a defendant in any action for a vaccine-related injury pays any amount to a plaintiff to discharge a judgment or settlement, he shall request from the Secretary ~~and the Secretary of Human Resources~~ a statement itemizing any reimbursement owed by the plaintiff pursuant to this subdivision, and, if any reimbursement is owed by the plaintiff to ~~either department, the Department,~~ the defendant shall pay the reimbursable amounts, as determined by ~~each the~~ the Secretary, directly to the ~~department to which such reimbursement is owed.~~ Department. This payment shall discharge the plaintiff's obligations to the State under this subdivision and any obligation the defendant may have to the plaintiff with respect to these amounts.

(3) If:

- 1 a. An award has been made to a claimant for an element of
- 2 damages pursuant to G.S. 130A-427; and
- 3 b. An individual has recovered for the same element of
- 4 damages pursuant to a judgment in, or settlement of, an
- 5 action for the same vaccine-related injury brought against a
- 6 manufacturer, and that amount has not been remitted to the
- 7 State pursuant to subdivision (2) of this subsection; and
- 8 c. The State seeks to recover the amounts it paid in an action
- 9 it brings against the manufacturer pursuant to G.S.
- 10 130A-430;

11 any judgment obtained by the State under G.S. 130A-430 shall be
12 reduced by the amount necessary to prevent the double recovery of
13 any element of damages from the manufacturer. Nothing in this
14 subdivision limits the State's right to obtain reimbursement from a
15 claimant under subdivision (2) of this subsection with respect to
16 any double payment that might be received by the claimant.

17 (f) Subrogation claims pursued under the National Childhood Vaccine Injury Act
18 of 1986 shall be filed with the appropriate court, not with the Industrial
19 Commission."

20 Section 86. G.S. 130A-427 reads as rewritten:

21 "§ 130A-427. Commission awards for vaccine-related injuries; duties of Secretary.

22 (a) Upon determining that a claimant has sustained a vaccine-related injury, the
23 Commission shall make an award providing compensation or services for any or all of
24 the following:

- 25 (1) Actual and projected reasonable expenses of medical care,
- 26 developmental evaluation, special education, vocational training,
- 27 physical, emotional or behavioral therapy, and residential and
- 28 custodial care and service expenses, that cannot be provided by the
- 29 Department ~~and the Department of Human Resources~~ pursuant to
- 30 subdivision (5) of this subsection;
- 31 (2) Loss of earnings and projected earnings, determined in accordance
- 32 with generally accepted actuarial principles;
- 33 (3) Noneconomic, general damages arising from pain, suffering, and
- 34 emotional distress;
- 35 (4) Reasonable attorneys fees;
- 36 (5) Needs that the Secretary ~~and the Secretary of Human Resources~~
- 37 determines on a case-by-case basis shall be met by medical, health,
- 38 developmental evaluation, special education, vocational training,
- 39 physical, emotional, or behavioral therapy, residential and
- 40 custodial care, and other essential and necessary services, to be
- 41 provided the injured party by the programs and services
- 42 administered by the ~~Department and the Department of Human~~
- 43 ~~Resources.~~ Department. The Secretary ~~and the Secretary of~~
- 44 ~~Human Resources~~ shall develop an itemized list of the service

needs of the injured party upon review and evaluation of the injured party's medical record and shall present it to the Commission prior to the Commission's determination. In the event that the Commission's award includes the provision of any of these services, the Secretary ~~and the Secretary of Human Resources~~ shall develop a comprehensive, coordinated plan for the delivery of these services to the injured party. Notwithstanding any other provision of State law, the Secretary ~~and the Secretary of Human Resources~~ shall waive all eligibility criteria in determining eligibility for services provided by the Department ~~and the Department of Human Resources~~ under the plan of care developed pursuant to this subdivision. If the award includes any such services, these services shall be provided by the Department ~~and the Department of Human Resources~~ free of any cost to the injured party.

(b) The money compensation component of the award may not be made pursuant to this section in excess of an aggregate amount of the present day value amount of three hundred thousand dollars (\$300,000) with respect to all injuries claimed to have resulted from the administration of a covered vaccine to a single individual. The value of all services to be provided by the Department ~~and the Department of Human Resources~~, Department, as part of this award is in addition to the total amount of money compensation, and is not included in the limitation prescribed by this subsection on the amount of money compensation that may be awarded. No damages may be awarded pursuant to subdivision (a)(3) on behalf of any person to whom the covered vaccine was not administered."

Section 87. G.S. 130A-430 reads as rewritten:

"§ 130A-430. Right of State to bring action against health care provider and manufacturer.

(a) If the Industrial Commission makes an award for a claimant who it determines has sustained a vaccine-related injury, the State may, within two years of the date the Commission renders its decision, bring an action against the health care provider who administered the vaccine on the ground that the health care provider was negligent in administering the vaccine. Damages in an action brought under this section are limited to the amount of the award made by the Commission plus the estimated present value of all the services to be provided to the claimant by the Department ~~and the Department of Human Resources~~ under G.S. 130A-427.

(b) Manufacturer. -- If the Industrial Commission makes an award for a claimant who it determines has sustained a vaccine-related injury, the State may, within two years of the date the Commission renders its decision, bring an action against the manufacturer who made the vaccine on the ground that the vaccine was a defective product. Damages in an action brought under this section are limited to the amount of the award made by the Commission plus the estimated present value of all the services to be provided to the claimant by the Department ~~and the Department of Human Resources~~ under G.S. 130A-427, the reasonable costs of prosecuting the

1 action, including, but not limited to, attorneys fees, fees charged by witnesses, and
2 costs of exhibits. For purposes of this subsection, a defective product is a covered
3 vaccine that was manufactured, transported, or stored in a negligent manner, or was
4 distributed after its expiration date, or that otherwise violated the applicable
5 requirements of any license, approval, or permit, or any applicable standards or
6 requirements issued under Section 351 of the Public Health Service Act, as amended,
7 or the federal Food, Drug, and Cosmetic Act, as these standards or requirements
8 were interpreted or applied by the federal agency charged with their enforcement.
9 The negligence or other action in violation of applicable federal standards or
10 requirements shall be demonstrated by the State, by a preponderance of the evidence,
11 to be the proximate cause of the injury for which an award was rendered pursuant to
12 G.S. 130A-427, in order to allow recovery by the State against the manufacturer
13 pursuant to this subsection."

14 Section 88. G.S. 130A-434(b) reads as rewritten:

15 "(b) Should the Department find that the sum of appropriations and receipts is
16 insufficient to meet financial obligations incurred in the administration of this article,
17 appropriations and receipts in the Department ~~and in the Department of Human~~
18 ~~Resources~~ which would otherwise revert to the General Fund may be transferred to
19 the Child Vaccine Injury Compensation Fund in order to meet such obligations. The
20 Department may also budget anticipated receipts as needed to implement this
21 article."

22 Section 89. G.S. 131D-10.3A reads as rewritten:

23 "**§ 131D-10.3A. Mandatory criminal checks of foster parents.**

24 (a) Effective January 1, 1996, the Department shall ensure that the criminal
25 histories of all foster parents are checked and a determination of the foster parent's
26 fitness to have responsibility for the safety and well-being of children based on the
27 criminal history is made. The Department shall ensure that, as of the effective date of
28 this act, all foster parents are checked for county, state, and federal criminal histories.

29 (b) The Department shall ensure that all foster parents who have been checked
30 pursuant to subsection (a) of this section are checked annually upon relicensure for
31 county and State criminal histories.

32 (c) The Department may prohibit a foster parent from providing foster care by
33 denying or revoking the license to provide foster care if the Department determines
34 that the foster parent is unfit to have responsibility for the safety and well-being of
35 children based on the criminal history.

36 (d) The Department of Justice shall provide to the Department of ~~Human~~
37 ~~Resources~~ Health and Human Services the criminal history of the foster parent
38 obtained from the State and National Repositories of Criminal Histories as requested
39 by the Department. The Department shall provide to the Department of Justice,
40 along with the request, the fingerprints of the foster parent to be checked, any
41 additional information required by the Department of Justice, and a form consenting
42 to the check of the criminal record and to the use of fingerprints and other
43 identifying information required by the State or National Repositories signed by the
44 foster parent to be checked. The fingerprints of the foster parent shall be forwarded

1 to the State Bureau of Investigation for a search of the State's criminal history record
2 file, and the State Bureau of Investigation shall forward a set of fingerprints to the
3 Federal Bureau of Investigation for a national criminal history record check.

4 (e) At the time of application, the foster parent whose criminal history is to be
5 checked shall be furnished with a statement substantially similar to the following:

6
7 'NOTICE

8
9 FOSTER PARENT
10 MANDATORY CRIMINAL HISTORY CHECK

11
12 NORTH CAROLINA LAW REQUIRES THAT A CRIMINAL
13 HISTORY CHECK BE CONDUCTED ON ALL PERSONS WHO PROVIDE
14 FOSTER CARE IN A LICENSED FAMILY FOSTER HOME.

15 'Criminal history' includes any county, state, and federal convictions or
16 pending indictments of any crime, of any of the following crimes: the following
17 Articles of Chapter 14 of the General Statutes: Article 6, Homicide; Article
18 7A, Rape and Kindred Offenses; Article 8, Assaults; Article 10, Kidnapping
19 and Abduction; Article 13, Malicious Injury or Damage by Use of Explosive or
20 Incendiary Device or Material; Article 26, Offenses Against Public Morality
21 and Decency; Article 27, Prostitution; Article 39, Protection of Minors; Article
22 40, Protection of the Family; and Article 59, Public Intoxication; violation of
23 the North Carolina Controlled Substances Act, Article 5 of Chapter 90 of the
24 General Statutes, and alcohol-related offenses such as sale to underage persons
25 in violation of G.S. 18B-302 or driving while impaired in violation of G.S. 20-
26 138.1 through G.S. 20-138.5; or similar crimes under federal law or under the
27 laws of other states. Your fingerprints will be used to check the criminal
28 history records of the State Bureau of Investigation (SBI) and the Federal
29 Bureau of Investigation (FBI).

30 If it is determined, based on your criminal history, that you are unfit to
31 have responsibility for the safety and well-being of children, you shall have the
32 opportunity to complete, or challenge the accuracy of, the information
33 contained in the SBI or FBI identification records.

34 If you are denied licensure or your foster home license is revoked by the
35 Department of ~~Human Resources~~ Health and Human Services as a result of
36 the criminal history check, you may request a hearing pursuant to Article 3 of
37 Chapter 150B of the General Statutes, the Administrative Procedure Act.

38 Any foster parent who intentionally falsifies any information required to
39 be furnished to conduct the criminal history is guilty of a Class 2
40 misdemeanor.'

41 Refusal to consent to a criminal history check is grounds for the Department to
42 prohibit the foster parent from providing foster care. Any foster parent who
43 intentionally falsifies any information required to be furnished to conduct the
44 criminal history is guilty of a Class 2 misdemeanor.

1 (f) The Department shall notify in writing the foster parent and that individual's
2 supervising agency of the determination by the Department of whether the foster
3 parent is qualified to provide foster care based on the foster parent's criminal history.
4 In accordance with the law regulating the dissemination of the contents of the
5 criminal history file furnished by the Federal Bureau of Investigation, the Department
6 shall not release nor disclose any portion of the foster parent's criminal history to the
7 foster parent. The Department shall also notify the foster parent of the foster parent's
8 right to review the criminal history information, the procedure for completing or
9 challenging the accuracy of the criminal history, and the foster parent's right to
10 contest the Department's determination.

11 A foster parent who disagrees with the Department's decision may request a
12 hearing pursuant to Chapter 150B of the General Statutes, the Administrative
13 Procedure Act.

14 (g) All the information that the Department receives through the checking of the
15 criminal history is privileged information and is not a public record but is for the
16 exclusive use of the Department and those persons authorized under this section to
17 receive the information. The Department may destroy the information after it is used
18 for the purposes authorized by this section after one calendar year.

19 (h) There is no liability for negligence on the part of a supervising agency, or a
20 State or local agency, or the employees of a State or local agency, arising from any
21 action taken or omission by any of them in carrying out the provisions of this section.
22 The immunity established by this subsection shall not extend to gross negligence,
23 wanton conduct, or intentional wrongdoing that would otherwise be actionable. The
24 immunity established by this subsection shall be deemed to have been waived to the
25 extent of indemnification by insurance, indemnification under Article 31A of Chapter
26 143 of the General Statutes, and to the extent sovereign immunity is waived under
27 the Torts Claim Act, as set forth in Article 31 of Chapter 143 of the General Statutes.

28 (i) The Department of Justice shall perform the State and national criminal
29 history checks on foster parents and shall charge the Department of ~~Human~~
30 ~~Resources~~ Health and Human Services a reasonable fee only for conducting the
31 checks of the national criminal history records authorized by this section. The
32 Division of Social Services, Department of ~~Human Resources~~, Health and Human
33 Services, shall bear the costs of implementing this section."

34 Section 90. G.S. 131E-136 reads as rewritten:

35 "§ 131E-136. Definitions.

36 As used in this Part, unless otherwise specified:

- 37 (1) 'Commission' means the North Carolina Medical Care
38 Commission.
39 (2) 'Home care agency' means a private or public organization which
40 provides home care services.
41 (3) 'Home care services' means any of the following services and
42 directly related medical supplies and appliances, which are
43 provided to an individual in a place of temporary or permanent
44 residence used as an individual's home:

- a. Nursing care provided by or under the supervision of a registered nurse;
- b. Physical, occupational, or speech therapy, when provided to an individual who also is receiving nursing services, or any other of these therapy services, in a place of temporary or permanent residence used as the individual's home;
- c. Medical social services;
- d. In-home aide services that involve hands-on care to an individual;
- e. Infusion nursing services; and
- f. Assistance with pulmonary care, pulmonary rehabilitation or ventilation.

The term does not include: health promotion, preventative health and community health services provided by public health departments; maternal and child health services provided by public health departments, by employees of the Department of ~~Environment, Health, and Natural Resources~~ Health and Human Services under G.S. 130A-124, or by developmental evaluation centers under contract with the Department of ~~Environment, Health, and Natural Resources~~ Health and Human Services to provide services under G.S. 130A-124; hospitals licensed under Article 5 of Chapter 131E of the General Statutes when providing follow-up care initiated to patients within six months after their discharge from the hospital; facilities and programs operated under the authority of G.S. 122C and providing services within the scope of G.S. 122C; schools, when providing services pursuant to Article 9 of Chapter 115C; the practice of midwifery by a person licensed under Article 10A of Chapter 90 of the General Statutes; hospices licensed under Article 10 of Chapter 131E of the General Statutes when providing care to a hospice patient; an individual who engages solely in providing his own services to other individuals; incidental health care provided by an employee of a physician licensed to practice medicine in North Carolina in the normal course of the physician's practice; or nursing registries if the registry discloses to a client or the client's responsible party, before providing any services, that (i) it is not a licensed home care agency, and (ii) it does not make any representations or guarantees concerning the training, supervision, or competence of the personnel provided.

- (4) 'Home health agency' means a home care agency which is certified to receive Medicare and Medicaid reimbursement for providing nursing care, therapy, medical social services, and home health aide services on a part-time, intermittent basis as set out in G.S.

1 131E-176(12), and is thereby also subject to Article 9 of Chapter
2 131E."

3 Section 91. The heading for Article 1 of Chapter 134A of the General
4 Statutes reads as rewritten:

5 "ARTICLE 1.

6 "Division of Youth Services in the Department of ~~Human Resources~~ Health and
7 Human Services."

8 Section 92. The heading for Article 7 of Chapter 143 of the General
9 Statutes reads as rewritten:

10 "ARTICLE 7.

11 "Persons Admitted to Department of ~~Human Resources~~ Health and Human Services
12 Institutions to Pay Costs."

13 Section 93. G.S. 143-138(b) reads as rewritten:

14 "(b) Contents of the Code. -- The North Carolina State Building Code, as adopted
15 by the Building Code Council, may include reasonable and suitable classifications of
16 buildings and structures, both as to use and occupancy; general building restrictions
17 as to location, height, and floor areas; rules for the lighting and ventilation of
18 buildings and structures; requirements concerning means of egress from buildings and
19 structures; requirements concerning means of ingress in buildings and structures; rules
20 governing construction and precautions to be taken during construction; rules as to
21 permissible materials, loads, and stresses; rules governing chimneys, heating
22 appliances, elevators, and other facilities connected with the buildings and structures;
23 rules governing plumbing, heating, air conditioning for the purpose of comfort
24 cooling by the lowering of temperature, and electrical systems; and such other
25 reasonable rules pertaining to the construction of buildings and structures and the
26 installation of particular facilities therein as may be found reasonably necessary for
27 the protection of the occupants of the building or structure, its neighbors, and
28 members of the public at large.

29 In addition, the Code may regulate activities and conditions in buildings,
30 structures, and premises that pose dangers of fire, explosion, or related hazards. Such
31 fire prevention code provisions shall be considered the minimum standards necessary
32 to preserve and protect public health and safety, subject to approval by the Council
33 of more stringent provisions proposed by a municipality or county as provided in
34 G.S. 143-138(e). These provisions may include regulations requiring the installation
35 of either battery-operated or electrical smoke detectors in every dwelling unit used as
36 rental property, regardless of the date of construction of the rental property. For
37 dwelling units used as rental property constructed prior to 1975, smoke detectors
38 shall have an Underwriters' Laboratories, Inc., listing or other equivalent national
39 testing laboratory approval, and shall be installed in accordance with either the
40 standard of the National Fire Protection Association or the minimum protection
41 designated in the manufacturer's instructions, which the property owner shall retain
42 or provide as proof of compliance.

43 The Code may contain provisions regulating every type of building or structure,
44 wherever it might be situated in the State.

1 Provided further, that nothing in this Article shall be construed to make any
2 building rules applicable to farm buildings located outside the building-rules
3 jurisdiction of any municipality.

4 Provided further, that no building permit shall be required under the Code or any
5 local variance thereof approved under subsection (e) for any construction,
6 installation, repair, replacement, or alteration costing five thousand dollars (\$5,000)
7 or less in any single family residence or farm building unless the work involves: the
8 addition, repair, or replacement of load bearing structures; the addition (excluding
9 replacement of same size and capacity) or change in the design of plumbing; the
10 addition, replacement or change in the design of heating, air conditioning, or
11 electrical wiring, devices, appliances, or equipment, the use of materials not
12 permitted by the North Carolina Uniform Residential Building Code; or the addition
13 (excluding replacement of like grade of fire resistance) of roofing.

14 Provided further, that no building permit shall be required under such Code from
15 any State agency for the construction of any building or structure, the total cost of
16 which is less than twenty thousand dollars (\$20,000), except public or institutional
17 buildings.

18 For the information of users thereof, the Code shall include as appendices

- 19 (1) Any rules governing boilers adopted by the Board of Boiler and
20 Pressure Vessels Rules,
- 21 (2) Any rules relating to the safe operation of elevators adopted by the
22 Commissioner of Labor, and
- 23 (3) Any rules relating to sanitation adopted by the Commission for
24 Health Services ~~or the Department of Environment, Health, and~~
25 ~~Natural Resources~~ which the Building Code Council believes
26 pertinent.

27 In addition, the Code may include references to such other rules of special types,
28 such as those of the Medical Care Commission and the Department of Public
29 Instruction as may be useful to persons using the Code. No rule issued by any agency
30 other than the Building Code Council shall be construed as a part of the Code, nor
31 supersede that Code, it being intended that they be presented with the Code for
32 information only.

33 Nothing in this Article shall extend to or be construed as being applicable to the
34 regulation of the design, construction, location, installation, or operation of (1)
35 equipment for storing, handling, transporting, and utilizing liquefied petroleum gases
36 for fuel purposes or anhydrous ammonia or other liquid fertilizers, except for
37 liquefied petroleum gas from the outlet of the first stage pressure regulator to and
38 including each liquefied petroleum gas utilization device within a building or
39 structure covered by the Code, or (2) equipment or facilities, other than buildings, of
40 a public utility, as defined in G.S. 62-3, or an electric or telephone membership
41 corporation, including without limitation poles, towers, and other structures
42 supporting electric or communication lines.

1 In addition, the Code may contain rules concerning minimum efficiency
2 requirements for replacement water heaters, which shall consider reasonable
3 availability from manufacturers to meet installation space requirements."

4 Section 94. G.S. 143-138(g) reads as rewritten:

5 "(g) Publication and Distribution of Code. -- The Building Code Council shall
6 cause to be printed, after adoption by the Council, the North Carolina State Building
7 Code and each amendment thereto. It shall, at the State's expense, distribute copies
8 of the Code and each amendment to State and local governmental officials,
9 departments, agencies, and educational institutions, as is set out in the table below.
10 (Those marked by an asterisk will receive copies only on written request to the
11 Council.)

12 OFFICIAL OR AGENCY	NUMBER OF COPIES
13 State Departments and Officials	
14 Governor	1
15 Lieutenant Governor	1
16 Auditor	1
17 Treasurer	1
18 Secretary of State	1
19 Superintendent of Public Instruction	1
20 Attorney General (Library)	1
21 Commissioner of Agriculture	1
22 Commissioner of Labor	1
23 Commissioner of Insurance	1
24 Department of ~~Environment, Health, Environment~~ and	
25 Natural Resources	1
26 Department of ~~Human Resources~~ <u>Health and Human</u>	
27 <u>Services</u>	1
28 Board of Transportation	1
29 Utilities Commission	1
30 Department of Administration	1
31 Clerk of the Supreme Court	1
32 Clerk of the Court of Appeals	1
33 Clerk of the Superior Court	1 each
34 Department of Cultural Resources [State	
35 Library]	5
36 Supreme Court Library	2
37 Legislative Library	1
38 Schools	
39 All state-supported colleges and universities	
40 in the State of North Carolina	* 1 each
41 Local Officials	
42 Clerks of the Superior Courts	1 each
43 Chief Building Inspector of each incorporated	
44 municipality or county	1

1 In addition, the Building Code Council shall make additional copies available at
2 such price as it shall deem reasonable to members of the general public."

3 Section 95. G.S. 143-280 reads as rewritten:

4 "**§ 143-280. Membership.**

5 The Commission shall consist of ~~one member~~ three members from the North
6 Carolina Department of ~~Human Resources~~, ~~one member from the Department of~~
7 ~~Human Resources~~, ~~one member from the Department of Human Resources~~, Health
8 and Human Services, one member from the boards of county commissioners, one
9 county superintendent of social services, one local health director, and one clerk of
10 the superior court."

11 Section 96. G.S. 143-300.8 reads as rewritten:

12 "**§ 143-300.8. Defense of local sanitarians.**

13 Any local health department sanitarian enforcing rules of the Commission for
14 Health Services under the supervision of the Department of ~~Environment, Health,~~
15 ~~and Natural Resources~~ Environment and Natural Resources pursuant to G.S. 130A-
16 4(b) shall be defended by the Attorney General, subject to the provisions of G.S. 143-
17 300.4, and shall be protected from liability in accordance with the provisions of this
18 Article in any civil or criminal action or proceeding brought against the sanitarian in
19 his official or individual capacity, or both, on account of an act done or omission
20 made in the scope and course of enforcing the rules of the Commission for Health
21 Services. The Department of ~~Environment, Health, and Natural Resources~~
22 Environment and Natural Resources shall pay any judgment against the sanitarian, or
23 any settlement made on his behalf, subject to the provisions of G.S. 143-300.6."

24 Section 97. G.S. 143-436 reads as rewritten:

25 "**§ 143-436. North Carolina Pesticide Board; creation and organization.**

26 (a) There is hereby established the North Carolina Pesticide Board which, together
27 with the Commissioner of Agriculture, shall be responsible for carrying out the
28 provisions of this Article.

29 (b) The Pesticide Board shall consist of seven members, to be appointed by the
30 Governor, as follows:

- 31 (1) One member each representing the North Carolina Department of
32 ~~Agriculture and two members representing the North Carolina~~
33 ~~Department of Environment, Health, and Natural Resources, one~~
34 ~~of whom shall be Agriculture, the State Health Director or his~~
35 ~~designee and one of whom shall represent designee, and one~~
36 ~~member from an environmental protection agency. agency in the~~
37 Department of Environment and Natural Resources. The persons
38 so selected may be either members of a policy board or
39 departmental officials or employees.
40 (2) A representative of the agricultural chemical industry.
41 (3) A person directly engaged in agricultural production.
42 (4) Two at-large members, from fields of endeavor other than those
43 enumerated in subdivisions (2) and (3) of this subsection, one of
44 whom shall be a nongovernmental conservationist.

1 (c) The members of the Pesticide Board shall serve staggered four-year terms. Of
2 the persons originally appointed, the members representing State agencies shall serve
3 two-year terms, and the four at-large members shall serve four-year terms. All
4 members shall hold their offices until their successors are appointed and qualified.
5 Any vacancy occurring in the membership of the Board prior to the expiration of the
6 term shall be filled by appointment by the Governor for the remainder of the
7 unexpired term. The Governor may at any time remove any member from the Board
8 for gross inefficiency, neglect of duty, malfeasance, misfeasance, or nonfeasance in
9 office. Each appointment to fill a vacancy in the membership of the Board shall be of
10 a person having the same credentials as his predecessor.

11 (d) The Board shall select its ~~chairman~~ chair from its own membership, to serve
12 for a term of two years. The ~~chairman~~ chair shall have a full vote. Any vacancy
13 occurring in the ~~chairmanship~~ chair's position shall be filled by the Board for the
14 remainder of the term. The Board may select such other officers as it deems
15 necessary.

16 (e) Any action of the Board shall require at least four concurring votes.

17 (f) The members of the Board who are not officers or employees of the State shall
18 receive for their services the per diem and compensation prescribed in G.S. 138-5."

19 Section 98. G.S. 143-573 reads as rewritten:

20 "§ 143-573. Task Force -- creation; membership; vacancies.

21 (a) There is created the North Carolina Child Fatality Task Force within the
22 Department of ~~Environment, Health, and Natural Resources~~ Health and Human
23 Services for budgetary purposes only.

24 (b) The Task Force shall be composed of ~~36~~ 35 members, ~~42~~ 11 of whom shall be
25 ex officio members, four of whom shall be appointed by the Governor, ten of whom
26 shall be appointed by the Speaker of the House of Representatives, and ten of whom
27 shall be appointed by the President Pro Tempore of the Senate. The ex officio
28 members other than the Chief Medical Examiner shall be nonvoting members and
29 may designate representatives from their particular departments, divisions, or offices
30 to represent them on the Task Force. The members shall be as follows:

- 31 (1) The Chief Medical Examiner;
- 32 (2) The Attorney General;
- 33 (3) The Director of the Division of Social Services;
- 34 (4) The Director of the State Bureau of Investigation;
- 35 (5) The Director of the Division of Maternal and Child Health of the
36 Department of ~~Environment, Health, and Natural Resources;~~
37 Health and Human Services;
- 38 (6) The Director of the Governor's Youth Advocacy and Involvement
39 Office;
- 40 (7) The Superintendent of Public Instruction;
- 41 (8) The Chairman of the State Board of Education;
- 42 (9) The Director of the Division of Mental Health, Developmental
43 Disabilities, and Substance Abuse Services;

- 1 (10) The Secretary of the Department of ~~Human Resources;~~ Health
2 and Human Services;
3 ~~(11) The Secretary of the Department of Environment, Health, and~~
4 ~~Natural Resources;~~
5 (11.1) The Director of the Administrative Office of the Courts;
6 (12) A director of a county department of social services appointed by
7 the Governor upon recommendation of the President of the North
8 Carolina Association of County Directors of Social Services;
9 (13) A representative from a Sudden Infant Death Syndrome counseling
10 and education program appointed by the Governor upon
11 recommendation of the Director of the Division of Maternal and
12 Child Health of the Department of ~~Environment, Health, and~~
13 ~~Natural Resources;~~ Health and Human Services;
14 (14) A representative from the North Carolina Child Advocacy Institute
15 appointed by the Governor upon recommendation of the President
16 of the Institute;
17 (14.1) A director of a local department of health, appointed by the
18 Governor upon the recommendation of the President of the North
19 Carolina Association of Local Health Directors;
20 (15) A representative from a private group, other than the North
21 Carolina Child Advocacy Institute, that advocates for children,
22 appointed by the Speaker of the House of Representatives upon
23 recommendation of private child advocacy organizations;
24 (16) A pediatrician, licensed to practice medicine in North Carolina,
25 appointed by the Speaker of the House of Representatives upon
26 recommendation of the North Carolina Pediatric Society;
27 (17) A representative from the North Carolina League of Municipalities
28 appointed by the Speaker of the House of Representatives upon
29 recommendation of the League;
30 (18) Two public members appointed by the Speaker of the House of
31 Representatives;
32 (19) A county or municipal law enforcement officer appointed by the
33 President Pro Tempore of the Senate upon recommendation of
34 organizations that represent local law enforcement officers;
35 (20) A district attorney appointed by the President Pro Tempore of the
36 Senate upon recommendation of the President of the North
37 Carolina Conference of District Attorneys;
38 (21) A representative from the North Carolina Association of County
39 Commissioners appointed by the President Pro Tempore of the
40 Senate upon recommendation of the Association;
41 (22) Two public members appointed by the President Pro Tempore of
42 the Senate; and
43 (23) Five members of the Senate appointed by the President Pro
44 Tempore of the Senate and five members of the House of

1 Representatives appointed by the Speaker of the House of
2 Representatives.

3 (c) All members of the Task Force are voting members. Vacancies in the
4 appointed membership shall be filled by the appointing officer who made the initial
5 appointment. The Speaker of the House of Representatives shall call the first
6 meeting no later than October 1, 1991. At the first meeting the members shall elect a
7 chair who shall preside for the duration of the Task Force."

8 Section 99. G.S. 143-575 reads as rewritten:

9 **"§ 143-575. State Team -- creation; membership; vacancies.**

10 (a) There is created the North Carolina Child Fatality Prevention Team within
11 the Department of ~~Environment, Health, and Natural Resources~~ Health and Human
12 Services for budgetary purposes only.

13 (b) The State Team shall be composed of eleven members of whom nine members
14 are ex officio and two are appointed. The ex officio members other than the Chief
15 Medical Examiner may designate a representative from their departments, divisions,
16 or offices to represent them on the State Team.

- 17 (1) The Chief Medical Examiner, who shall chair the State Team;
- 18 (2) The Attorney General;
- 19 (3) The Director of the Division of Social Services, Department of
20 ~~Human Resources;~~ Health and Human Services;
- 21 (4) The Director of the State Bureau of Investigation;
- 22 (5) The Director of the Division of Maternal and Child Health of the
23 Department of ~~Environment, Health, and Natural Resources;~~
24 Health and Human Services;
- 25 (6) The Superintendent of Public Instruction;
- 26 (7) The Director of the Division of Mental Health, Developmental
27 Disabilities, and Substance Abuse Services, Department of ~~Human~~
28 ~~Resources;~~ Health and Human Services;
- 29 (7.1) The Director of the Administrative Office of the Courts;
- 30 (8) The pediatrician appointed pursuant to G.S. 143-573(b)(16) to the
31 Task Force;
- 32 (9) A public member, appointed by the Governor; and
- 33 (10) The Team Coordinator.

34 (c) All members of the State Team are voting members. Vacancies in the
35 appointed membership shall be filled by the appointing officer who made the initial
36 appointment."

37 Section 100. G.S. 143-576.2(b) reads as rewritten:

38 "(b) Each Local Team shall consist of the following persons:

- 39 (1) The director of the county department of social services, and a
40 member of the director's staff;
- 41 (2) A local law enforcement officer, appointed by the board of county
42 commissioners;
- 43 (3) An attorney from the district attorney's office, appointed by the
44 district attorney;

- 1 (4) The executive director of the local community action agency, as
2 defined by the ~~Division of Economic Opportunity~~, Department of
3 ~~Human Resources~~, Health and Human Services, or the executive
4 director's designee;
5 (5) The superintendent of each local school administrative unit located
6 in the county, or the superintendent's designee;
7 (6) A member of the county board of social services, appointed by the
8 chair of that board;
9 (7) A local mental health professional, appointed by the director of the
10 area authority established under Chapter 122C of the General
11 Statutes;
12 (8) The local guardian ad litem coordinator, or the coordinator's
13 designee;
14 (9) The director of the local department of public health; and
15 (10) A local health care provider, appointed by the local board of
16 health.

17 In addition, a Local Team that reviews the records of additional child fatalities shall
18 include the following four additional members:

- 19 (1) An emergency medical services provider or firefighter, appointed
20 by the board of county commissioners;
21 (2) A district court judge, appointed by the chief district judge in that
22 district;
23 (3) A county medical examiner, appointed by the Chief Medical
24 Examiner;
25 (4) A representative of a local day care facility or Head Start program,
26 appointed by the director of the county department of social
27 services; and
28 (5) A parent of a child who died before reaching the child's
29 eighteenth birthday, to be appointed by the board of county
30 commissioners.

31 The Team Coordinator shall serve as an ex officio member of each Local Team that
32 reviews the records of additional child fatalities. The board of county commissioners
33 may appoint a maximum of five additional members to represent county agencies or
34 the community at large to serve on any Local Team. Vacancies on a Local Team
35 shall be filled by the original appointing authority."

36 Section 101. G.S. 143B-139.1 reads as rewritten:

37 "~~§ 143B-139.1. Department of Human Resources~~ Secretary of Health and Human
38 Services ~~-- head -- to establish adopt rules and regulations~~ applicable to local health
39 and human resource services agencies.

40 The Secretary of the Department of ~~Human Resources~~ Health and Human
41 Services ~~is authorized to establish~~ may adopt ~~rules and regulations~~ applicable to local
42 health and human resource services agencies for the purpose of program evaluation,
43 fiscal audits, and collection of third-party payments."

44 Section 102. G.S. 143B-139.2 reads as rewritten:

1 "§ 143B-139.2. Department of Human Resources Secretary of Health and Human
2 Services ~~---head---~~ requests for grants-in-aid from non-State agencies.

3 It is the intent of this General Assembly that non-State health and human
4 resources services agencies submit their appropriation requests for grants-in-aid
5 through the Secretary of the Department of ~~Human Resources~~ Health and Human
6 Services for recommendations to the Governor and the Advisory Budget Commission
7 and the General Assembly, and that agencies receiving these grants, at the request of
8 the Secretary of the Department of ~~Human Resources~~, Health and Human Services,
9 provide a postaudit of their operations that has been done by a certified public
10 accountant."

11 Section 103. G.S. 143B-150.7 reads as rewritten:

12 "§ 143B-150.7. Advisory Committee on Family-Centered Services; establishment,
13 membership, compensation.

14 (a) There is established the Advisory Committee on Family-Centered Services
15 within the Department of ~~Human Resources~~, Health and Human Services.

16 (b) The Committee shall have 24 members appointed for staggered four-year terms
17 and until their successors are appointed and qualify. The Governor shall have the
18 power to remove any member of the Committee from office in accordance with the
19 provisions of G.S. 143B-13. Members may succeed themselves for one term and may
20 be appointed again after being off the Committee for one term. Six of the members
21 shall be legislators appointed by the General Assembly, three of whom shall be
22 recommended by the Speaker of the House of Representatives, and three of whom
23 shall be recommended by the President Pro Tempore of the Senate. Two of the
24 members shall be appointed by the General Assembly from the public at large, one of
25 whom shall be recommended by the Speaker of the House of Representatives, and
26 one of whom shall be recommended by the President Pro Tempore of the Senate.
27 The remainder of the members shall be appointed by the Governor as follows:

28 (1) ~~Four~~ Five members representing the Department of ~~Human~~
29 ~~Resources~~, Health and Human Services, one of whom shall be the
30 Assistant Secretary for Children and Family, one of whom shall
31 represent the Division of Social Services, one of whom shall
32 represent the Division of Youth Services, ~~and~~ one of whom shall
33 represent the Division of Mental Health, Developmental
34 Disabilities, and Substance Abuse ~~Services~~, Services, and one of
35 whom shall represent the Division of Maternal and Child Health;

36 (2) ~~Three~~ Two members, one from each of the following: the
37 Administrative Office of the ~~Courts~~, Courts and the Department of
38 Public ~~Instruction~~, and the Division of Maternal and Child Health
39 ~~of the Department of Environment, Health, and Natural Resources;~~
40 Instruction;

41 (3) One member who represents the Juvenile Justice Planning
42 Committee of the Governor's Crime Commission, and one
43 member appointed at large;

- (4) One member who is a district court judge certified by the Administrative Office of the Courts to hear juvenile cases;
- (5) One member representing the schools of social work of The University of North Carolina;
- (6) Two members, one of whom is a provider of family preservation services, and one of whom is a consumer of family preservation services; and
- (7) Three members who represent county-level associations; one of whom represents the Association of County Commissioners, one of whom represents the Association of Directors of Social Services, and one of whom represents the North Carolina Council of Mental Health, Developmental Disabilities, and Substance Abuse Services.

The Secretary of the Department of ~~Human Resources~~ Health and Human Services shall serve as the ~~Chairman~~ Chair of the Committee. The Secretary shall appoint the cochair of the Committee for a two-year term on a rotating basis from among the Committee members who represent the Division of Youth Services, the Division of Social Services, and the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services.

(c) To the extent that funds are made available, members of the Committee shall receive per diem and necessary travel and subsistence expenses in accordance with G.S. 138-5.

(d) A majority of the Committee shall constitute a quorum for the transaction of its business.

(e) The Committee may use funds allocated to it to employ an administrative staff person to assist the Committee in carrying out its duties. Clerical and other support staff services needed by the Committee shall be provided by the Secretary of ~~Human Resources~~ Health and Human Services."

Section 104. G.S. 143B-150.9 reads as rewritten:

"§ 143B-150.9. State agency cooperation with Advisory Committee on Family-Centered Services.

All appropriate State agencies, including the Department of ~~Human Resources, the Department of Environment, Health, and Natural Resources,~~ Health and Human Services, the Department of Public Instruction, the Administrative Office of the Courts, the Governor's Crime Commission, and other public family preservation service providers shall cooperate with the Advisory Committee on Family-Centered Services in carrying out its responsibilities."

Section 105. G.S. 143B-168.12(a) reads as rewritten:

"(a) In order to receive State funds, the following conditions shall be met:

- (1) The North Carolina Partnership shall have a Board of Directors consisting of the following ~~39~~ 38 members:
 - a. The Secretary of ~~Human Resources,~~ Health and Human Services, ex officio;
 - b. ~~The Secretary of Environment, Health, and Natural Resources,~~ ex officio;

- 1 c. The Superintendent of Public Instruction, ex officio;
- 2 d. The President of the Department of Community Colleges, ex
- 3 officio;
- 4 e. One resident from each of the 1st, 3rd, 5th, 7th, 9th, and
- 5 11th Congressional Districts, appointed by the President Pro
- 6 Tempore of the Senate;
- 7 f. One resident from each of the 2nd, 4th, 6th, 8th, 10th, and
- 8 12th Congressional Districts, appointed by the Speaker of
- 9 the House of Representatives;
- 10 g. Seventeen members, of whom four shall be members of the
- 11 party other than the Governor's party, appointed by the
- 12 Governor;
- 13 h. The President Pro Tempore of the Senate, or a designee;
- 14 i. The Speaker of the House of Representatives, or a designee;
- 15 j. The Majority Leader of the Senate, or a designee;
- 16 k. The Majority Leader of the House of Representatives, or a
- 17 designee;
- 18 l. The Minority Leader of the Senate, or a designee; and
- 19 m. The Minority Leader of the House of Representatives, or a
- 20 designee.
- 21 (2) The North Carolina Partnership shall agree to adopt procedures
- 22 for its operations that are comparable to those of Article 33C of
- 23 Chapter 143 of the General Statutes, the Open Meetings Law, and
- 24 Chapter 132 of the General Statutes, the Public Records Law, and
- 25 provide for enforcement by the Department.
- 26 (3) The North Carolina Partnership shall oversee the development and
- 27 implementation of the local demonstration projects as they are
- 28 selected.
- 29 (4) The North Carolina Partnership shall develop and implement a
- 30 comprehensive standard fiscal accountability plan to ensure the
- 31 fiscal integrity and accountability of State funds appropriated to it
- 32 and to the local partnerships. The standard fiscal accountability
- 33 plan shall, at a minimum, include a uniform, standardized system
- 34 of accounting, internal controls, payroll, fidelity bonding, chart of
- 35 accounts, and contract management and monitoring. The North
- 36 Carolina Partnership may contract with outside firms to develop
- 37 and implement the standard fiscal accountability plan. All local
- 38 partnerships shall be required to participate in the standard fiscal
- 39 accountability plan developed and adopted by the North Carolina
- 40 Partnership pursuant to this subdivision.
- 41 (5) The North Carolina Partnership shall develop and implement a
- 42 centralized accounting and contract management system which
- 43 incorporates features of the required standard fiscal accountability
- 44 plan described in subdivision (4) of subsection (a) of this section.

1 The following local partnerships shall be required to participate in
2 the centralized accountability system developed by the North
3 Carolina Partnership pursuant to this subdivision:

4 a. Local partnerships which have significant deficiencies in
5 their accounting systems, internal controls, and contract
6 management systems, as determined by the North Carolina
7 Partnership based on the annual financial audits of the local
8 partnerships conducted by the Office of the State Auditor;
9 and

10 b. Local partnerships which are in the first two years of
11 operation following their selection. At the end of this two-
12 year period, local partnerships shall continue to participate
13 in the centralized accounting and contract management
14 system. With the approval of the North Carolina
15 Partnership, local partnerships may perform accounting and
16 contract management functions at the local level using the
17 standardized and uniform accounting system, internal
18 controls, and contract management systems developed by
19 the North Carolina Partnership.

20 Local partnerships which otherwise would not be required to
21 participate in the centralized accounting and contract management
22 system pursuant to this subdivision may voluntarily choose to
23 participate in the system. Participation or nonparticipation shall be
24 for a minimum of two years, unless, in the event of
25 nonparticipation, the North Carolina Partnership determines that
26 any partnership's annual financial audit reveals serious deficiencies
27 in accounting or contract management.

28 (6) The North Carolina Partnership shall develop a formula for
29 allocating direct services funds appropriated for this purpose to
30 local partnerships.

31 (7) The North Carolina Partnership may adjust its allocations on the
32 basis of local partnerships' performance assessments. In
33 determining whether to adjust its allocations to local partnerships,
34 the North Carolina Partnership shall consider whether the local
35 partnerships are meeting the outcome goals and objectives of the
36 North Carolina Partnership and the goals and objectives set forth
37 by the local partnerships in their approved annual program plans.

38 The North Carolina Partnership may use additional factors
39 to determine whether to adjust the local partnerships' allocations.
40 These additional factors shall be developed with input from the
41 local partnerships and shall be communicated to the local
42 partnerships when the additional factors are selected. These
43 additional factors may include board involvement, family and

community outreach, collaboration among public and private service agencies, and family involvement.

On the basis of performance assessments, local partnerships annually shall be rated 'superior', 'satisfactory', or 'needs improvement'. Local partnerships rated 'superior' shall receive, to the extent that funds are available, a ten percent (10%) increase in their annual funding allocation. Local partnerships rated 'satisfactory' shall receive their annual funding allocation. Local partnerships rated 'needs improvement' shall receive ninety percent (90%) of their annual funding allocation.

The North Carolina Partnership may contract with outside firms to conduct the performance assessments of local partnerships.

(8) The North Carolina Partnership shall establish a local partnership advisory committee comprised of 15 members. Eight of the members shall be chairs of local partnerships' board of directors, and seven shall be staff of local partnerships. Members shall be chosen by the Chair of the North Carolina Partnership from a pool of candidates nominated by their respective boards of directors. The local partnership advisory committee shall serve in an advisory capacity to the North Carolina Partnership and shall establish a schedule of regular meetings. Members shall serve two-year terms and may not serve more than two consecutive terms. Members shall be chosen from local partnerships on a rotating basis. The advisory committee shall annually elect a chair from among its members.

(9) The North Carolina Partnership shall report (i) quarterly to the Joint Legislative Commission on Governmental Operations and (ii) to the General Assembly and the Governor on the ongoing progress of all the local partnerships' work, including all details of the use to which the allocations were put, and on the continuing plans of the North Carolina Partnership and of the Department, together with legislative proposals, including proposals to implement the program statewide."

Section 106. G.S. 143B-179.5 reads as rewritten:

"§ 143B-179.5. Interagency Coordinating Council for Children from Birth to Five with Disabilities and Their Families; establishment, composition, organization; duties, compensation, reporting.

(a) There is established an Interagency Coordinating Council for Children from Birth to Five with Disabilities and Their Families in the Department of ~~Human Resources~~. Health and Human Services.

(b) The Interagency Coordinating Council shall have 26 members, appointed by the Governor. Effective July 1, 1994, the Governor shall designate 13 appointees to serve for two years and 13 appointees to serve for one year. Thereafter, the terms of all Council members shall be two years. The Governor shall have the power to

1 remove any member of the Council from office in accordance with the provisions of
2 G.S. 143B-16. Any appointment to fill a vacancy on the Council created by the
3 resignation, dismissal, death, or disability of a member shall be for the balance of the
4 unexpired term. Members may be appointed to succeed themselves for one term and
5 may be appointed again, after being off the Council for one term.

6 The composition of the Council and the designation of the Council's chair shall be
7 as specified in the 'Individuals with Disabilities Education Act' (IDEA), P.L. 102-119,
8 the federal early intervention legislation, except that two members shall be members
9 of the Senate, appointed from recommendations of the President Pro Tempore of the
10 Senate and two members shall be members of the House of Representatives,
11 appointed from recommendations of the Speaker of the House of Representatives.

12 (c) The chair may establish those standing and ad hoc committees and task forces
13 as may be necessary to carry out the functions of the Council and appoint Council
14 members or other individuals to serve on these committees and task forces. The
15 Council shall meet at least quarterly. A majority of the Council shall constitute a
16 quorum for the transaction of business.

17 (d) The Council shall advise the ~~Departments of Human Resources, and~~
18 ~~Environment, Health, and Natural Resources, Department of Health and Human~~
19 Services and other appropriate agencies in carrying out their early intervention
20 services, and the Department of Public Instruction, and other appropriate agencies, in
21 their activities related to the provision of special education services for preschoolers.
22 The Council shall specifically address in its studies and evaluations that it considers
23 necessary to its advising:

- 24 (1) The identification of sources of fiscal and other support for the
25 early intervention system;
- 26 (2) The development of policies related to the early intervention
27 services;
- 28 (3) The preparation of applications for available federal funds;
- 29 (4) The resolution of interagency disputes; and
- 30 (5) The promotion of interagency agreements.

31 (e) Members of the Council and parents on ad hoc committees and task forces of
32 the Council shall receive travel and subsistence expenses in accordance with the
33 provisions of G.S. 138-5.

34 (f) The Council shall prepare and submit an annual report to the Governor and to
35 the General Assembly on the status of the early intervention system for eligible
36 infants and toddlers and on the status of special education services for preschoolers.

37 All clerical and other services required by the Council shall be supplied by the
38 Secretary of ~~Human Resources~~ Health and Human Services and the Superintendent
39 of Public Instruction, as specified by the interagency agreement authorized by G.S.
40 122C-112(a)(13)."

41 Section 107. G.S. 143B-179.6 reads as rewritten:

42 "§ 143B-179.6. Interagency Coordinating Council for Handicapped Children from
43 Birth to Five Years of Age; agency cooperation.

1 All appropriate agencies, including the Department of ~~Human Resources~~, the
2 ~~Department of Environment, Health, and Natural Resources~~, Health and Human
3 Services and the Department of Public Instruction, and other public and private
4 service providers shall cooperate with the Council in carrying out its mandate."

5 Section 108. G.S. 143B-181 reads as rewritten:

6 "**§ 143B-181. Governor's Advisory Council on Aging -- members; selection; quorum;**
7 **compensation.**

8 The Governor's Advisory Council on Aging of the Department of ~~Human~~
9 ~~Resources~~ Health and Human Services shall consist of 33 members, 29 members to be
10 appointed by the Governor, two members to be appointed by the President Pro
11 Tempore of the Senate, and two members to be appointed by the Speaker of the
12 House of Representatives. The composition of the Council shall be as follows: one
13 representative of the Department of Administration; one representative of the
14 Department of Cultural Resources; one representative of the Employment Security
15 Commission; one representative of the Teachers' and State Employees' Retirement
16 System; one representative of the Commissioner of Labor; one representative of the
17 Department of Public Instruction; one representative of the Department of
18 ~~Environment, Health, Environment~~ and Natural Resources; one representative of the
19 Department of Insurance; one representative of the Department of Crime Control
20 and Public Safety; one representative of the Department of Community Colleges; one
21 representative of the School of Public Health of The University of North Carolina;
22 one representative of the School of Social Work of The University of North Carolina;
23 one representative of the Agricultural Extension Service of North Carolina State
24 University; one representative of the collective body of the Medical Society of North
25 Carolina; and 19 members at large. The at large members shall be citizens who are
26 knowledgeable about services supported through the Older Americans Act of 1965, as
27 amended, and shall include persons with greatest economic or social need, minority
28 older persons, and participants in programs under the Older Americans Act of 1965,
29 as amended. The Governor shall appoint 15 members at large who meet these
30 qualifications and are 60 years of age or older. The four remaining members at large,
31 two of whom shall be appointed by the President Pro Tempore of the Senate and two
32 of whom shall be appointed by the Speaker of the House of Representatives, shall be
33 broadly representative of the major private agencies and organizations in the State
34 who are experienced in or have demonstrated particular interest in the special
35 concerns of older persons. At least one of each of the at-large appointments of the
36 President Pro Tempore of the Senate and the Speaker of the House of
37 Representatives shall be persons 60 years of age or older. The Council shall meet at
38 least quarterly.

39 Members at large shall be appointed for four-year terms and until their successors
40 are appointed and qualify. Ad interim appointments shall be for the balance of the
41 unexpired term.

42 The Governor shall have the power to remove any member of the Council from
43 office in accordance with the provisions of G.S. 143B-16 of the Executive
44 Organization Act of 1973.

1 The Governor shall designate one member of the Council as ~~chairman~~ chair to
2 serve in such capacity at his pleasure.

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

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

6 All clerical and other services required by the Council shall be supplied by the
7 Secretary of ~~Human Resources~~ Health and Human Services."

8 Section 108.1. G.S. 143B-279.7 reads as rewritten:

9 "**§ 143B-279.7. Fish kill response protocols; report.**

10 (a) The Department of ~~Environment, Health,~~ Environment and Natural Resources
11 shall coordinate an intradepartmental effort to develop scientific protocols to respond
12 to significant fish kill events utilizing staff from the Division of Environmental
13 Management, Division of Marine Fisheries, ~~Division of Epidemiology,~~ Department of
14 Health and Human Services, Wildlife Resources Commission, the scientific
15 community, and other agencies, as necessary. In developing these protocols, the
16 Department of Environment and Natural Resources shall address the unpredictable
17 nature of fish kills caused by both natural and man-made factors. The protocols shall
18 contain written procedures to respond to significant fish kill events including:

- 19 (1) Developing a plan of action to evaluate the impact of fish kills on
20 public health and the environment.
21 (2) Responding to fish kills within 24 hours.
22 (3) Investigating and collecting data relating to fish kill events.
23 (4) Summarizing and distributing fish kill information to participating
24 agencies, scientists and other interested parties.

25 (b) The Secretary of the Department of Environment and Natural Resources shall
26 take all necessary and appropriate steps to effectively carry out the purposes of this
27 act including:

- 28 (1) Providing adequate training for fish kill investigators.
29 (2) Taking immediate action to protect public health and the
30 environment.
31 (3) Cooperating with agencies, scientists, and other interested parties,
32 to help determine the cause of the fish kill.

33 (c) The Department of Environment and Natural Resources shall report annually
34 to the Environmental Review Commission and the Senate Agriculture and
35 Environment Committee no later than December 1 of each year. This report shall
36 include a summary of all fish kill activity within the last year, an overview of any
37 trend analyses, a discussion of any new or modified methodologies or reporting
38 protocols, and any other relevant information."

39 Section 109. G.S. 143B-426.22(a) reads as rewritten:

40 "**§ 143B-426.22. Governor's Management Council.**

41 (a) Creation; Membership. -- The Governor's Management Council is created in
42 the Department of Administration. The Council shall contain the following
43 members: The Secretary of Administration, who shall serve as chairman, a senior staff
44 officer responsible for productivity and management programs from the Departments

1 of Commerce, Revenue, ~~Environment, Health,~~ Environment and Natural Resources,
2 Transportation, Crime Control and Public Safety, Cultural Resources, Correction,
3 ~~Human Resources,~~ Health and Human Services, and Administration; and an
4 equivalent officer from the Offices of State Personnel, State Budget and Management,
5 and the Governor's Program for Executive and Organizational Development. The
6 following persons may also serve on the Council if the entity represented chooses to
7 participate: a senior staff officer responsible for productivity and management
8 programs from any State department not previously specified in this section, and a
9 representative from The University of North Carolina."

10 Section 110. G.S. 150B-1(e) reads as rewritten:

11 "(e) Exemptions From Contested Case Provisions. -- The contested case
12 provisions of this Chapter apply to all agencies and all proceedings not expressly
13 exempted from the Chapter. The contested case provisions of this Chapter do not
14 apply to the following:

- 15 (1) The Department of ~~Human Resources~~ Health and Human Services
16 and the Department of ~~Environment, Health,~~ Environment and
17 Natural Resources in complying with the procedural safeguards
18 mandated by Section 680 of Part H of Public Law 99-457 as
19 amended (Education of the Handicapped Act Amendments of
20 1986).
- 21 (2) Repealed by Session Laws 1993, c. 501, s. 29.
- 22 (3) The North Carolina Low-Level Radioactive Waste Management
23 Authority in administering the provisions of G.S. 104G-9, 104G-10,
24 and 104G-11.
- 25 (4) The North Carolina Hazardous Waste Management Commission in
26 administering the provisions of G.S. 130B-11, 130B-13, and 130B-
27 14.
- 28 (5) Hearings required pursuant to the Rehabilitation Act of 1973,
29 (Public Law 93-122), as amended and federal regulations
30 promulgated thereunder. G.S. 150B-51(a) is considered a
31 contested case hearing provision that does not apply to these
32 hearings.
- 33 (6) The Department of Revenue.
- 34 (7) The Department of Correction.
- 35 (8) The Department of Transportation, except as provided in G.S. 136-
36 29.
- 37 (9) The Occupational Safety and Health Review Board in all actions
38 that do not involve agricultural employers.
- 39 (10) The North Carolina Global TransPark Authority with respect to
40 the acquisition, construction, operation, or use, including fees or
41 charges, of any portion of a cargo airport complex.
- 42 (11) Hearings that are provided by the Department of ~~Human~~
43 ~~Resources~~ Health and Human Services regarding the eligibility and
44 provision of services for eligible assaultive and violent children, as

defined in G.S. 122C-3(13a), shall be conducted pursuant to the provisions outlined in G.S. 122C, Article 4, Part 7."

Section 111. G.S. 148-10 reads as rewritten:

"§ 148-10. Department of ~~Environment, Health, and Natural Resources~~ Environment and Natural Resources to supervise sanitary and health conditions of prisoners.

The Department of ~~Environment, Health, and Natural Resources~~ Environment and Natural Resources shall have general supervision over the sanitary and health conditions of the central prison, over the prison camps, or other places of confinement of prisoners under the jurisdiction of the State Department of Correction, and shall make periodic examinations of the same and report to the State Department of Correction the conditions found there with respect to the sanitary and hygienic care of such prisoners."

Section 112. G.S. 153A-225(b) reads as rewritten:

"(b) If a prisoner in a local confinement facility dies, the medical examiner and the coroner shall be notified immediately. Within five days after the day of the death, the administrator of the facility shall make a written report to the local or district health director and to the Secretary of ~~Environment, Health, and Natural Resources~~ Health and Human Services. The report shall be made on forms developed and distributed by the Department of ~~Environment, Health, and Natural Resources~~ Health and Human Services."

Section 113. G.S. 153A-226(b) reads as rewritten:

"(b) The Commission for Health Services shall prepare a score sheet to be used by local health departments in inspecting local confinement facilities. The local health departments shall inspect local confinement facilities as often as may be required by the Commission for Health Services. If an inspector of the Department finds conditions that reflect hazards or deficiencies in the sanitation or food service of a local confinement facility, he shall immediately notify the local health department. The health department shall promptly inspect the facility. After making its inspection, the local health department shall forward a copy of its report to the Department of ~~Human Resources~~ Health and Human Services and to the unit operating the facility, on forms prepared by the Department of ~~Environment, Health, and Natural Resources~~ Environment and Natural Resources. The report shall indicate whether the facility and its kitchen or other place for preparing food is approved or disapproved for public health purposes. If the facility is disapproved, the situation shall be rectified according to the procedures of G.S. 153A-223."

Section 114. G.S. 159I-28 reads as rewritten:

"§ 159I-28. Rules.

(a) The Office of State Budget and Management and the Commission for Health Services ~~of the Department of Environment, Health, and Natural Resources~~ may adopt, modify and repeal rules establishing the procedures to be followed in the administration of this Chapter and regulations interpreting and applying the provisions of this Chapter, as provided in the Administrative Procedure Act. Uniform rules may be jointly adopted where feasible and desirable, and no rule

1 jointly adopted may be modified or revoked except upon the concurrence of both
2 agencies involved.

3 (b) A copy of the rules adopted to implement the provisions of this Chapter shall
4 be furnished free of charge by the Division and the Office of State Budget and
5 Management to any unit of local government."

6 Section 115. G.S. 161-11.1 reads as rewritten:

7 "**§ 161-11.1. Fees for Children's Trust Fund.**

8 (a) Five dollars (\$5.00) of each fee collected by a register of deeds on or after
9 October 1, 1983, for issuance of a marriage license pursuant to G.S. 161-10(a)(2) shall
10 be forwarded, as soon as practical but no later than 60 days after collection by the
11 register of deeds, to the county finance officer, who shall forward same to the State
12 Treasurer for deposit in the Children's Trust Fund.

13 (b) The register of deeds shall distribute with each marriage license issued a
14 pamphlet promoting the prevention of fetal alcohol syndrome, cocaine exposure, and
15 other potential harm to the fetus from drug and alcohol abuse by the mother. The
16 pamphlet to be distributed shall be prepared and paid for by the Department of
17 ~~Environment, Health, and Natural Resources~~, Health and Human Services, which
18 shall forward the requisite number of copies to the register of deeds of each county.
19 The funds necessary to prepare and distribute this pamphlet shall not come from the
20 Children's Trust Fund."

21 Section 116. G.S. 162A-30 reads as rewritten:

22 "**§ 162A-30. Construction of Article.**

23 This Article shall be construed as providing supplemental authority in addition to
24 the powers of the North Carolina Utilities Commission under Chapter 62 of the
25 North Carolina General Statutes, the North Carolina Environmental Management
26 Commission under Articles 21 and 38 of Chapter 143 of the North Carolina General
27 Statutes, and the North Carolina Department of ~~Human Resources~~ Environment and
28 Natural Resources under General Statutes ~~Chapter 130~~, Chapter 130A, and any other
29 provisions of law concerning local and regional sewage disposal."

30 Section 117. G.S. 163-82.14(b) reads as rewritten:

31 "(b) Death. -- The Department of ~~Environment, Health, and Natural Resources~~,
32 Health and Human Services, on or before the fifteenth day of March, June,
33 September, and December, shall furnish free of charge to each county board of
34 elections a certified list of the names of deceased persons who were residents of that
35 county. The Department of ~~Environment, Health, and Natural Resources~~ Health and
36 Human Services shall base each list upon information supplied by death certifications
37 it received during the preceding quarter. Upon the receipt of the certified list, the
38 county board of elections shall remove from its voter registration records any person
39 the list shows to be dead. The county board need not send any notice to the address
40 of the person so removed."

41 Section 118. The phrase "Human Resources" is deleted and replaced by
42 the phrase "Health and Human Services" wherever it occurs in each of the following
43 sections of the General Statutes:

44 G.S. 7A-29 Appeals of right from certain administrative agencies.

1	G.S. 7A-289.2	Definitions.
2	G.S. 7A-289.13	Legislative intent.
3	G.S. 7A-289.14	Duties of Secretary of Human Resources.
4	G.S. 7A-289.15	Purchase of care or services from programs meeting State
5		standards.
6	G.S. 7A-289.16	County assessment of youth needs.
7	G.S. 7A-289.32	Grounds for terminating parental rights.
8	G.S. 7A-450.4	Exemptions.
9	G.S. 7A-517	Definitions.
10	G.S. 7A-548	Duty of Director to report evidence of abuse, neglect;
11		investigation by local law enforcement; notification of
12		Department of Human Resources and State Bureau of
13		Investigation.
14	G.S. 7A-552	Central registry.
15	G.S. 7A-571	Taking a juvenile into temporary custody.
16	G.S. 7A-576	Place of secure or nonsecure custody.
17	G.S. 7A-652	Commitment of delinquent juvenile to Division of Youth
18		Services.
19	G.S. 7A-653	Transfer authority of Governor.
20	G.S. 7A-676	Expunction of records of juveniles alleged or adjudicated
21		delinquent and undisciplined.
22	G.S. 8B-1	Definitions; right to interpreter; determination of
23		competence.
24	G.S. 8B-6	List of interpreters; coordination of interpreter services.
25	G.S. 8B-8	Compensation.
26	G.S. 8B-10	North Carolina Interpreter Classification System
27		application and assessment fee.
28	G.S. 14-45.1	When abortion not unlawful.
29	G.S. 14-309.7	Licensing procedure.
30	G.S. 14-309.11	Accounting and use of proceeds.
31	G.S. 14-313	Youth access to tobacco products.
32	G.S. 14-316.1	Contributing to delinquency and neglect by parents and
33		others.
34	G.S. 15-155.1	Reports to district attorneys of aid to dependent children
35		and illegitimate births.
36	G.S. 15-155.2	District attorney to take action on report of aid to
37		dependent child or illegitimate birth.
38	G.S. 15-206	Cooperation with Department of Correction and officials
39		of local units.
40	G.S. 15A-533	Right to pretrial release in capital and noncapital cases.
41	G.S. 15A-534.2	Detention of impaired drivers.
42	G.S. 17C-3	North Carolina Criminal Justice Education and Training
43		Standards Commission established; members; terms;
44		vacancies.

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3	G.S. 20-17.6	Restoration of a license after a conviction of driving while
4		impaired or driving while less than 21 years old after
5		consuming alcohol or drugs.
6	G.S. 20-79.5	Special registration plates for elected and appointed State
7		government officials.
8	G.S. 20-79.7	Fees for special registration plates and distribution of the
9		fees.
10	G.S. 20-84	Vehicles owned by State, municipalities or orphanages,
11		etc.; certain vehicles operated by the local chapters of
12		American National Red Cross.
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16		child.
17	G.S. 50-13.9	Procedure to insure payment of child support.
18	G.S. 52C-3-309	Duties of State information agency.
19	G.S. 58-3-185	Lien created for payment of past-due child support
20		obligations.
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22	G.S. 58-51-120	Coverage of children.
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24	G.S. 58-67-10	Establishment of health maintenance organizations.
25	G.S. 58-3-185	Lien created for payment of past-due child support
26		obligations.
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28		reimbursement; and liability.
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30	G.S. 66-87	Injunctions.
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32		legislation.
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36		practices.
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38	G.S. 90-21.25	Definitions.
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41		offense.
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43		of Human Resources; fees.
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2		with controlled substances; effect of registration;
3		exceptions; waiver; inspection.
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23		nonpayment of child support.
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26		support obligations.
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35		restraint of trade; conflicting laws.
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41		compensation for services; consolidated human services
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8		considered in determining assistance paid under Chapters
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25		responsibilities.
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44		support.

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4	G.S. 110-139.1	Access to federal parent locator service; parental kidnapping and child custody cases.
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3		placement of children.
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15		with special needs.
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21		contracting, etc., for establishment and operation of
22		extension units of the community college system; use of
23		existing public school facilities.
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27		Board of Education, and Department of Public Instruction.
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9		definition; penalty.
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21	G.S. 131D-29	Revocation of license.
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24		committees.
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28		by municipalities and hospital authorities.
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29		members; selection; quorum; compensation.
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40		provide information.
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42	G.S. 143B-181.4	Responsibility for policy.
43	G.S. 143B-181.6	Purpose and intent.

1	G.S. 143B-181.10	Respite care program established; eligibility; services;
2		administration; payment rates.
3	G.S. 143B-181.15	Long-Term Care Ombudsman Program/Office; policy.
4	G.S. 143B-181.17	Office of State Long-Term Care Ombudsman
5		Program/Office; establishment.
6	G.S. 143B-181.18	Office of State Long-Term Care Ombudsman
7		Program/State Ombudsman duties.
8	G.S. 143B-181.55	Creation, membership, meetings, organization, and
9		adoption of measures.
10	G.S. 143B-216.30	Definitions.
11	G.S. 143B-216.31	Council for the Deaf and the Hard of Hearing -- creation
12		and duties.
13	G.S. 143B-216.32	Council for the Deaf and the Hard of Hearing --
14		membership; quorum; compensation.
15	G.S. 143B-216.33	Division of Services for the Deaf and Hard of Hearing --
16		creation, powers and duties.
17	G.S. 143B-269	Black Mountain Advancement Center for Women --
18		established; inmates; medical and food services; training;
19		work release.
20	G.S. 143B-407	North Carolina State Commission of Indian Affairs --
21		membership; term of office; chairman; compensation.
22	G.S. 143B-411.1	North Carolina Advisory Council on the Eastern Band of
23		the Cherokee -- creation; membership; terms of office.
24	G.S. 143B-415	(For applicability see note) Governor's Advocacy Council
25		on Children and Youth -- members; selection; quorum;
26		compensation.
27	G.S. 143B-417	North Carolina Internship Council -- creation; powers and
28		duties.
29	G.S. 143B-426.25	North Carolina Farmworker Council -- creation;
30		membership; meetings.
31	G.S. 143B-478	Governor's Crime Commission -- creation; composition;
32		terms; meetings, etc.
33	G.S. 147-45	Distribution of copies of State publications.
34	G.S. 148-19	Health services.
35	G.S. 150B-3	Special provisions on licensing.
36	G.S. 153A-217	Definitions.
37	G.S. 153A-221	Minimum standards.
38	G.S. 153A-221.1	Standards and inspections.
39	G.S. 153A-222	Inspections of local confinement facilities.
40	G.S. 153A-226	Sanitation and food.
41	G.S. 153A-230.4	Standards.
42	G.S. 153A-230.5	Satellite jails/work release units built with non-State funds.
43	G.S. 153A-250	Ambulance services.
44	G.S. 153A-256	County home.

1	G.S. 162-56	Place of confinement.
2	G.S. 162A-21	Preamble.
3	G.S. 163-152.1	Assistance to blind voters in primaries and elections.
4	G.S. 168-2	Right of access to and use of public places.
5	G.S. 168-4.2	May be accompanied by assistance dog.
6	G.S. 168-4.3	Training and registration of assistance dog.
7	G.S. 168-14	Vocational rehabilitation services for deaf persons.
8	Section 119. The phrase "Environment, Health, and Natural Resources"	
9	is deleted and replaced by the phrase "Environment and Natural Resources"	
10	wherever it occurs in each of the following sections of the General Statutes:	
11	G.S. 7A-29	Appeals of right from certain administrative agencies.
12	G.S. 14-131	Trespass on land under option by the federal government.
13	G.S. 14-137	Willfully or negligently setting fire to woods and fields
14	G.S. 15A-1343	Conditions of probation.
15	G.S. 20-79.5	Special registration plates for elected and appointed State
16		government officials.
17	G.S. 20-128	Prevention of noise, smoke, etc.; muffler cut-outs regulated.
18	G.S. 20-183.7	Fees for performing an inspection and putting an
19		inspection sticker on a vehicle; use of civil penalties.
20	G.S. 47-30	Plats and subdivisions; mapping requirements.
21	G.S. 58-78.1	(Applicable January 1, 1997) State Fire and Rescue
22		Commission created; membership.
23	G.S. 62-102	Application for certificate.
24	G.S. 68-43	Authority of Secretary of Environment, Health, and
25		Natural Resources to remove or confine ponies on
26		Ocracoke Island and Shackelford Banks.
27	G.S. 69-25.5	Methods of providing fire protection.
28	G.S. 74-38	Commission to file copies of bylaws with Department of
29		Environment, Health, and Natural Resources.
30	G.S. 74-49	Definitions.
31	G.S. 74-53	Reclamation plan.
32	G.S. 74-76	Definitions.
33	G.S. 75A-17	Enforcement of Chapter.
34	G.S. 75A-5.1	Commercial fishing boats; renewal of number.
35	G.S. 76-40	Navigable waters; certain practices regulated.
36	G.S. 77-13	Obstructing streams a misdemeanor.
37	G.S. 77-14	Obstructions in streams and drainage ditches.
38	G.S. 87-85	Definitions.
39	G.S. 87-91	Notice.
40	G.S. 87-94	Civil penalties.
41	G.S. 87-95	Injunctive relief.
42	G.S. 90A-37	Classification of water pollution control systems.
43	G.S. 90A-38	Grades of certificates.
44	G.S. 90A-39	Operator qualifications and examination.

1	G.S. 90A-43	Promotion of training and other powers.
2	G.S. 90A-47.3	Qualifications for certification; training; examination.
3	G.S. 100-2	Approval of memorials before acceptance by State;
4		regulation of existing memorials, etc.; "work of art"
5		defined; highway markers.
6	G.S. 102-8	Administrative agency.
7	G.S. 102-9	Duties and powers of the agency.
8	G.S. 100-11	Duties.
9	G.S. 100-12	Roads, trails, and fences authorized; protection of property.
10	G.S. 100-13	Fees for use of improvements; fees for other privileges;
11		leases; rules.
12	G.S. 100-14	Use of fees and other collections.
13	G.S. 102-1.1	Name and description in relation to 1983 North American
14		Datum.
15	G.S. 102-10	Prior work.
16	G.S. 102-15	Improvement of land records.
17	G.S. 102-17	County projects eligible for assistance.
18	G.S. 104E-10.1	Additional requirements for low-level radioactive waste
19		facilities.
20	G.S. 104E-5	Definitions.
21	G.S. 104E-7	Radiation Protection Commission-Creation and powers.
22	G.S. 104E-9	Powers and functions of Department of Environment,
23		Health, and Natural Resources.
24	G.S. 104E-15	Transportation of radioactive materials.
25	G.S. 104E-17	Payments to State and local agencies.
26	G.S. 104E-24	Administrative penalties.
27	G.S. 104F-4	(Applicable January 1, 1997) Advisory Committee.
28	G.S. 104G-11	Technology, license application, and environmental impact
29		statement.
30	G.S. 104G-13	Closure and decommissioning.
31	G.S. 104G-22	Inter-Agency Committee.
32	G.S. 105-122	Franchise or privilege tax on domestic and foreign
33		corporations.
34	G.S. 105-130.10	Amortization of air-cleaning devices, waste treatment
35		facilities and recycling facilities.
36	G.S. 105-130.34	Credit for certain real property donations.
37	G.S. 105-151.12	Credit for certain real property donations.
38	G.S. 105-275	Property classified and excluded from the tax base.
39	G.S. 105-277.7	Use-Value Advisory Board.
40	G.S. 105A-2	Definitions.
41	G.S. 106-202.14	Creation of Board; membership; terms; chairman; quorum;
42		board actions; compensation.
43	G.S. 106-202.17	Creation of committee; membership; terms; chairman;
44		meetings; committee action; quorum; compensation.

1	G.S. 106-760	Advisory Board.
2	G.S. 106-762	Fish disease management.
3	G.S. 106-802	Definitions.
4	G.S. 106-805	Written notice of swine farms.
5	G.S. 110-142.2	Suspension, revocation, restriction of license to operate a
6		motor vehicle, or hunting, fishing, or trapping licenses;
7		refusal of registration of motor vehicle.
8	G.S. 113-1	Meaning of terms.
9	G.S. 113-28.1	Designated employees commissioned special peace officers
10		by Governor.
11	G.S. 113-28.2	Powers of arrest.
12	G.S. 113-28.4	Oaths required.
13	G.S. 113-29	Policy and plan to be inaugurated by Department of
14		Environment, Health, and Natural Resources.
15	G.S. 113-35	State timber may be sold by Department of Environment,
16		Health, and Natural Resources; forest nurseries; control
17		over parks, etc.; operation of public service facilities;
18		concessions to private concerns.
19	G.S. 113-44.9	Definitions.
20	G.S. 113-51	Powers of Department of Environment, Health, and
21		Natural Resources.
22	G.S. 113-60.4	Purpose and intent.
23	G.S. 113-60.14	Compact Administrator; North Carolina members of
24		advisory committee.
25	G.S. 113-60.15	Agreements with nonconductor states.
26	G.S. 113-60.22	Definitions.
27	G.S. 113-60.32	Definitions.
28	G.S. 113-60.33	Standby duty.
29	G.S. 113-61	Private limited dividend corporations may be formed.
30	G.S. 113-64	Duties of supervision by Secretary of Environment, Health,
31		and Natural Resources.
32	G.S. 113-77.6	Definitions.
33	G.S. 113-81.1	Authority to render scientific forestry services.
34	G.S. 113-128	Definitions relating to agencies and their powers.
35	G.S. 113-145.5	Clean Water Management Trust Fund: Board of Trustees
36		established; membership qualifications; vacancies; meetings
37		and meeting facilities.
38	G.S. 113-145.8	Clean Water Management Trust Fund: Advisory Council.
39	G.S. 113-378	Persons drilling for oil or gas to register and furnish bond.
40	G.S. 113-389	Definitions.
41	G.S. 113A-33	Definitions.
42	G.S. 113A-52	Definitions.
43	G.S. 113A-74	Appalachian Trails System; connecting or side trails;
44		coordination with the National Trails System Act.

1	G.S. 113A-75	Assistance under this Article with the National Trails
2		System Act (PL 90-543).
3	G.S. 113A-85	Definitions.
4	G.S. 113A-103	Definitions.
5	G.S. 113A-104	Coastal Resources Commission.
6	G.S. 113A-107	State guidelines for the coastal area.
7	G.S. 113A-112	Planning grants.
8	G.S. 113A-113	Areas of environmental concern; in general.
9	G.S. 113A-118	Permit required.
10	G.S. 113A-124	Additional powers and duties.
11	G.S. 113A-129.2	Coastal Reserve Program.
12	G.S. 113A-153	North Carolina Land Policy Council.
13	G.S. 113A-164.3	Definitions.
14	G.S. 113A-166	Rules.
15	G.S. 113A-167	Existing billboards.
16	G.S. 113A-168	Removal, etc., of unlawful advertising.
17	G.S. 113A-169	Condemnation procedure.
18	G.S. 113A-170	Violation a misdemeanor; injunctive relief.
19	G.S. 113A-177	Statement of purpose.
20	G.S. 113A-178	Definitions.
21	G.S. 113A-183	Forest Development Fund.
22	G.S. 113A-193	Duties of Secretaries.
23	G.S. 113A-194	Assessment rates.
24	G.S. 113A-208	Regulation of mountain ridge construction by counties and
25		cities.
26	G.S. 113A-212	Assistance to counties and cities under ridge law.
27	G.S. 113A-221	Definitions.
28	G.S. 113B-3	Composition of Council; appointments; terms of members;
29		qualifications.
30	G.S. 120-70.33	Powers and duties.
31	G.S. 120-70.43	Powers and duties.
32	G.S. 120-70.62	Powers and duties.
33	G.S. 120-150	(Effective January 1, 1997) Creation; appointment of
34		members.
35	G.S. 120-161	Facilities and staff.
36	G.S. 120-183.7	Fees for performing an inspection and putting an
37		inspection sticker on a vehicle; use of civil penalties.
38	G.S. 121-4	Powers and duties of the Department of Cultural
39		Resources.
40	G.S. 126-5	Employees subject to Chapter; exemptions.
41	G.S. 130A-310.8	Recordation of inactive hazardous substance or waste
42		disposal sites.
43	G.S. 130A-336	Improvement permit and authorization for wastewater
44		system construction required.

1	G.S. 130A-342	Aerobic systems.
2	G.S. 130B-2	Definitions.
3	G.S. 130B-22	Inter-Agency Committee on Hazardous Waste.
4	G.S. 136-21	Drainage of highway; application to court; summons; commissioners.
5		
6	G.S. 136-28.8	Use of recycled materials in construction.
7	G.S. 136-44.12	Maintenance of roads and parking lots in areas administered by the Division of Parks and Recreation.
8		
9	G.S. 136-44.36D	Recreational leasing requirements.
10	G.S. 136-102.3	Filing record of results of test drilling or boring with Secretary of Administration and Secretary of Environment, Health, and Natural Resources.
11		
12		
13	G.S. 139-4	Powers and duties of Soil and Water Conservation Commission generally.
14		
15	G.S. 139-5	Creation of soil and water conservation districts.
16	G.S. 139-7	District board of supervisors-appointive members; organization of board; certain powers and duties.
17		
18	G.S. 139-8	Powers of districts and supervisors.
19	G.S. 139-13	Discontinuance of districts.
20	G.S. 139-46	Recreational and related aspects of watershed improvement programs.
21		
22	G.S. 143-58.2	State policy; bid procedures and specifications; identification of products.
23		
24	G.S. 143-116.8	Motor vehicle laws applicable to State parks and forests road system.
25		
26	G.S. 143-138	North Carolina State Building Code.
27	G.S. 143-166.2	Definitions.
28	G.S. 143-166.7	Applicability of Article.
29	G.S. 143-166.13	Persons entitled to benefits under Article.
30	G.S. 143-169	Limitations on publications.
31	G.S. 143-177.3	Sources of funds.
32	G.S. 143-211	Declaration of public policy.
33	G.S. 143-212	Definitions.
34	G.S. 143-214.8	Wetlands Restoration Program; established.
35	G.S. 143-214.11	Wetlands Restoration Program; compensatory mitigation.
36	G.S. 143-214.13	Wetlands Restoration Program: reporting requirement.
37	G.S. 143-215.3B	Wastewater Treatment Works Emergency Maintenance, Operation and Repair Fund.
38		
39	G.S. 143-215.18	Map or description of boundaries of capacity use areas.
40	G.S. 143-215.22I	Regulation of surface water transfers.
41	G.S. 143-215.22J	Scientific Advisory Council on Water Resources and Coastal Fisheries Management established; membership, compensation.
42		
43		
44	G.S. 143-215.40	Resolutions and ordinances assuring local cooperation.

1	G.S. 143-215.70	Secretary of Environment, Health, and Natural Resources
2		authorized to accept applications.
3		
4	G.S. 143-215.73A	Water Resources Development Plan.
5	G.S. 143-215.74F	Program authorized.
6	G.S. 143-215.77	Definitions.
7	G.S. 143-215.86	Other State agencies and State-designated local agencies.
8	G.S. 143-215.94HH	Oil spill contingency plan.
9	G.S. 143-240	Creation of Wildlife Resources Commission; districts;
10		qualifications of members.
11	G.S. 143-243	Organization of the Commission; election of officers;
12		Robert's Rules of Order.
13	G.S. 143-252	Article subject to Chapter 113.
14	G.S. 143-253	Jurisdictional questions.
15	G.S. 143-286.1	Nutbush Conservation Area.
16	G.S. 143-289	Contributions from certain counties and municipalities
17		authorized; other grants or donations.
18	G.S. 143-320	Definitions.
19	G.S. 143-323	Functions of Department of Environment, Health, and
20		Natural Resources.
21	G.S. 143-350	Definitions.
22	G.S. 143-439	Pesticide Advisory Committee; creation and functions.
23	G.S. 143-670	Definitions.
24	G.S. 143-671	Adopt-A-Beach Program; established; purposes.
25	G.S. 143B-2	Interim applicability of the Executive Organization Act of
26		1973.
27	G.S. 143B-6	Principal departments.
28	G.S. 143B-86	America's Four Hundredth Anniversary Committee-
29		members; selection; quorum; compensation.
30	G.S. 143B-115	John Motley Morehead Memorial Commission-members;
31		selection; quorum; compensation.
32	G.S. 143B-131.2	Roanoke Island Commission -- Purpose, powers and duties.
33	G.S. 143B-279.1	Department of Environment, Health, and Natural
34		Resources-creation.
35	G.S. 143B-279.4	The Department of Environment, Health, and Natural
36		Resources-Secretary; Deputy Secretaries.
37	G.S. 143B-281.1	Wildlife Resources Commission-transfer; independence
38		preserved; appointment of Executive Director and
39		employees.
40	G.S. 143B-282	Environmental Management Commission-creation; powers
41		and duties.
42	G.S. 143B-282.1	Environmental Management Commission-quasi-judicial
43		powers; procedures.

1	G.S. 143B-283	(Applicable January 1, 1997) Environmental Management
2		Commission-members; selection; removal; compensation;
3		quorum; services.
4	G.S. 143B-285.22	Creation.
5	G.S. 143B-285.23	Powers and duties of the Secretary of Environment,
6		Health, and Natural Resources.
7	G.S. 143B-289.2	Definitions.
8	G.S. 143B-289.3	Marine Fisheries Commission-creation; purpose and
9		transfer of function.
10	G.S. 143B-289.4	Marine Fisheries Commission-powers and duties.
11	G.S. 143B-289.5	Marine Fisheries Commission-members; selection; removal;
12		compensation; quorum; services.
13	G.S. 143B-289.11	Jurisdictional questions.
14	G.S. 143B-289.12	Rules of Department continued.
15	G.S. 143B-289.20	Office of Marine Affairs-organization; powers and duties.
16	G.S. 143B-289.22	Local advisory committees; duties; membership.
17	G.S. 143B-290	North Carolina Mining Commission-creation; powers and
18		duties.
19	G.S. 143B-294	Soil and Water Conservation Commission-creation; powers
20		and duties.
21	G.S. 143B-295	Soil and Water Conservation Commission-members;
22		selection; removal; compensation; quorum; services.
23	G.S. 143B-298	Sedimentation Control Commission-creation; powers and
24		duties.
25	G.S. 143B-299	Sedimentation Control Commission-members; selection;
26		compensation; meetings.
27	G.S. 143B-300	Water Pollution Control System Operators Certification
28		Commission-creation; powers and duties.
29	G.S. 143B-301	Water Pollution Control System Operators Certification
30		Commission-members; selection; removal; compensation;
31		quorum; services.
32	G.S. 143B-308	Forestry Council-creation; powers and duties.
33	G.S. 143B-309	Forestry Council-members; chairperson; selection; removal;
34		compensation; quorum.
35	G.S. 143B-313.1	North Carolina Parks and Recreation Authority; creation;
36		powers and duties.
37	G.S. 143B-313.2	North Carolina Parks and Recreation Authority; members;
38		selection; compensation; meetings.
39	G.S. 143B-317	Air Quality Compliance Advisory Panel-creation; powers
40		and duties.
41	G.S. 143B-318	Air Quality Compliance Advisory Panel-members;
42		chairman; selection; removal; compensation; quorum;
43		services.

1	G.S. 143B-333	North Carolina Trails Committee-creation; powers and
2		duties.
3	G.S. 143B-334	North Carolina Trails Committee-members; selection;
4		removal; compensation.
5	G.S. 143B-335	North Carolina Zoological Park Council-creation; powers
6		and duties.
7	G.S. 143B-336	North Carolina Zoological Park Council-members;
8		selection; removal; chairman; compensation; quorum;
9		services.
10	G.S. 143B-336.1	Special Zoo Fund.
11	G.S. 143B-344.17	North Carolina Aquariums Commission-organization,
12		powers, and duties.
13	G.S. 143B-344.18	Commission created; membership.
14	G.S. 143B-407	(Applicable January 1,1997) North Carolina State
15		Commission of Indian Affairs-membership; term of office;
16		chairman; compensation.
17	G.S. 143B-411.1	North Carolina Advisory Council on the Eastern Band of
18		the Cherokee-creation; membership; term of office.
19	G.S. 143B-417	North Carolina Internship Council-creation; powers and
20		duties.
21	G.S. 143B-426.22	Governor's Management Council.
22	G.S. 143B-426.25	(Applicable January 1, 1997) North Carolina Farmworker
23		Council-creation; membership; meetings.
24	G.S. 143B-437	Investigation of impact of proposed new and expanding
25		industry.
26	G.S. 146-30	Application of net proceeds.
27	G.S. 146-8	Disposition of mineral deposits in State lands under water.
28	G.S. 147-45	Distribution of copies of State publications.
29	G.S. 150B-1	Policy and scope.
30	G.S. 158-8.2	Creation of Northeastern North Carolina Regional
31		Economic Development Commission.
32	G.S. 159I-7	Solid Waste Management Loan Fund.
33	G.S. 161-22.2	Parcel identifier number indexes.

34 Section 120. References in the Session Laws to any department, division,
35 or other agency that is transferred by this act shall be considered to refer to the
36 successor department, division, or other agency. Every Session Law that refers to any
37 department, division, or other agency to which this act applies that relates to any
38 power, duty, function, or obligation of any department, division, or agency and that
39 continues in effect after this act shall be construed so as to be consistent with this act.

40 Section 121. The Revisor of Statutes is authorized to correct any
41 references or citations in the General Statutes to any portion of the General Statutes
42 that is recodified, transferred, subdivided, or amended by this act by deleting
43 incorrect references and substituting correct references.

1 Section 122. The Revisor of Statutes is authorized to delete any
2 reference to the Department of Human Resources, the Secretary of Human
3 Resources, and the Secretary of the Department of Human Resources in any portion
4 of the General Statutes to which conforming amendments are not made by this act
5 and to substitute, as appropriate and consistent with this act, the Department of
6 Health and Human Services and the Secretary of Health and Human Services.

7 Section 123. The Revisor of Statutes is authorized to delete any
8 reference to the Department of Environment, Health, and Natural Resources, the
9 Secretary of Environment, Health, and Natural Resources, and the Secretary of the
10 Department of Environment, Health, and Natural Resources in any portion of the
11 General Statutes to which conforming amendments are not made by this act and to
12 substitute, as appropriate and consistent with this act, the Department of
13 Environment and Natural Resources and the Secretary of Environment and Natural
14 Resources.

15 Section 125. All statutory authority, powers, duties, functions, records,
16 personnel, property, and unexpended balances of appropriations or other funds of
17 any agency which is transferred pursuant to this act shall be transferred in their
18 entirety.

19 Section 126. Unless specifically provided to the contrary or unless a
20 contrary intent is clear from the context, any official designation of any agency
21 transferred by this act as the State agency for any function, including specifically
22 purposes of federal programs, shall be considered to be a designation of the successor
23 agency.

24 Section 127. No later than 30 days after the effective date of this Act, the
25 Department of Health and Human Services and the Department of Environment and
26 Natural Resources shall enter into a Memorandum of Agreement that provides for
27 coordination between the departments as to any functions shared by the departments
28 as a result of the passage of this Act. This Memorandum shall require that the
29 Department of Environment and Natural Resources provide staff to the Commission
30 for Health Services for the Commission's duties under Articles 8, 9, 10, 11, and 12 of
31 Chapter 130A of the General Statutes. Until a Memorandum of Agreement has been
32 entered into by the departments, the Department of Health and Human Services shall
33 provide all clerical and other services required by the Commission for Health
34 Services.

35 Section 128. Pending the results of the study to be undertaken by the
36 Environmental Review Commission as provided in this act, on-site wastewater
37 functions, public drinking water programs, and environmental health programs shall
38 remain in the Department of Environment and Natural Resources, the Division of
39 Environmental Health shall remain intact in the Department of Environment and
40 Natural Resources, and the Department of Environment and Natural Resources shall
41 not consolidate on-site wastewater functions or drinking water programs in the
42 Division of Water Quality.

1 Section 129. The Environmental Review Commission shall study the
2 following issues and report its findings to the 1997 General Assembly, Regular
3 Session 1998, along with any legislation it proposes to address these issues:

- 4 (1) The appropriate roles and financing of local and state agencies in
5 reviewing, permitting, inspecting, and monitoring private wells,
6 community wells, municipal wells and municipal surface water
7 supplies;
- 8 (2) The appropriate roles and financing of local and state agencies in
9 reviewing, permitting, inspecting, monitoring and maintaining
10 septic tanks, package wastewater treatment plants, municipal
11 wastewater treatment plants, industrial treatment plants, and
12 animal waste operations;
- 13 (3) The appropriate roles and financing of local and state agencies in
14 administering the various environmental health programs;
- 15 (4) The integration of State review of the financial integrity of
16 applicants for drinking water and wastewater discharge permits;
- 17 (5) Policies to monitor the quality and prevent and reduce pollution of
18 groundwaters;
- 19 (6) Consistent State policies for cleaning up contaminated
20 groundwater and soils;
- 21 (7) Coordination of adoption and development of policies by the
22 Coastal Resources Commission, Environmental Management
23 Commission, Commission on Health Services, Marine Fisheries
24 Commission and other commissions having roles in water quality
25 or wastewater issues;
- 26 (8) Policies to monitor the quality and prevent and reduce pollution of
27 surface waters;
- 28 (9) Organization of the State's water planning agencies;
- 29 (10) Technical and financial assistance to business, industry, local
30 governments, and citizens;
- 31 (11) Policies to encourage water conservation;
- 32 (12) Policies to encourage regional water supply and wastewater
33 treatment planning; and
- 34 (13) The role of the North Carolina Cooperative Extension Services,
35 North Carolina Department of Agriculture and the North Carolina
36 Department of Transportation in the protection of water supplies.

37 Section 130. The Secretary of Health and Human Services may
38 reorganize the Department of Health and Human Services in accordance with G.S.
39 143B-10 and shall report as required by that section. In addition, the Department of
40 Health and Human Services shall do the following:

- 41 1) Report to the Joint Legislative Commission on Governmental
42 Operations by December 31, 1997 on the Department's progress in incorporating
43 health functions and agencies into the Department;

- 1 2) Report to the General Assembly by May 1, 1998 on additional
2 changes, including proposed legislation necessary to effectuate the purposes of this act
3 including the findings of the Environmental Review Commission's study.
- 4 3) Report to the Joint Legislative Commission on Governmental
5 Operations by October 31, 1998 on any proposed changes in the Department's
6 structure of boards and commissions not already implemented as a result of the
7 Environmental Review Commission's study or necessary to effectuate the purposes of
8 this act and to deliver services more efficiently;
- 9 4) Report to the General Assembly by February 1, 1999 on the
10 Department's progress in adopting any rule changes necessary to effectuate the
11 purposes of this act and any proposed legislation necessary to change the structure of
12 any boards and commissions as reported to the Joint Legislative Commission on
13 Governmental Operations.
- 14 Section 131. This act becomes effective July 1, 1997.



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 383

AMENDMENT NO. _____
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S383-ALV-02
S383-PCS2783

Date 7/15/97, 1997

Comm. Sub. [YES]
Amends Title [YES]

1 moves to amend the bill on page 1, lines 7-8,
2 by rewriting the lines to read:

3
4 "DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, TO MAKE TECHNICAL
5 AND CONFORMING STATUTORY CHANGES, TO CHANGE THE TERM 'AMBULANCE
6 ATTENDANT' TO 'MEDICAL RESPONDER', AND TO MAKE CHANGES TO THE
7 STATUTES RELATING TO MEDICAL RESPONDERS."; and

8
9 on page 124, line 16, by adding a new part after the line to read:

10
11 "PART 3. CHANGE THE TERM 'AMBULANCE ATTENDANT' TO 'MEDICAL
12 RESPONDER' AND CHANGE THE STATUTES RELATING TO MEDICAL RESPONDERS.

13
14 Section 129.1. G.S. 14-34.6 reads as rewritten:
15 '§ 14-34.6. Assault or affray on an emergency medical technician,
16 ~~ambulance attendant, medical responder,~~ emergency department nurse,
17 or emergency department physician.

18 (a) A person is guilty of a Class A1 misdemeanor if the person
19 commits an assault or an affray on an emergency medical technician,
20 ~~ambulance attendant, medical responder,~~ emergency department nurse,
21 or emergency department physician while the technician, attendant,
22 nurse, or physician is discharging or attempting to discharge
23 official duties.

24 (b) Unless a person's conduct is covered under some other
25 provision of law providing greater punishment, a person is guilty of
26 a Class I felony if the person violates subsection (a) of this
27 section and (i) inflicts bodily injury or (ii) uses a deadly weapon
28 other than a firearm.



NORTH CAROLINA GENERAL ASSEMBLY
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AMENDMENT NO. _____
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S383-ALV-02

1 (c) Unless a person's conduct is covered under some other
2 provision of law providing greater punishment, a person is guilty of
3 a Class F felony if the person violates subsection (a) of this
4 section and uses a firearm.'

5 Section 129.2. G.S. 14-276.1 reads as rewritten:
6 '§ 14-276.1. Impersonation of firemen or emergency medical services
7 personnel.

8 It is a Class 3 misdemeanor, for any person, with intent to
9 deceive, to impersonate a fireman or any emergency medical services
10 personnel, whether paid or voluntary, by a false statement, display
11 of insignia, emblem, or other identification on his person or
12 property, or any other act, which indicates a false status of
13 affiliation, membership, or level of training or proficiency, if:

- 14 (1) The impersonation is made with intent to impede the
15 performance of the duties of a fireman or any
16 emergency medical services personnel, or
17 (2) Any person reasonably relies on the impersonation and
18 as a result suffers injury to person or property.

19 For purposes of this section, emergency medical services personnel
20 means ~~an ambulance attendant~~, a medical responder, emergency medical
21 technician, emergency medical technician intermediates, emergency
22 medical technician paramedics, or other member of a rescue squad or
23 other emergency medical organization.'

24 Section 129.3. G.S. 131E-255 reads as rewritten:
25 '§ 131E-155. Definitions.

26 As used in this Article, unless otherwise specified:

- 27 (1) "Ambulance" means any privately or publicly owned
28 motor vehicle, aircraft, or vessel that is specially
29 designed, constructed, or modified and equipped and is
30 intended to be used for and is maintained or operated
31 for the transportation on the streets or highways,
32 waterways or airways of this State of persons who are
33 sick, injured, wounded, or otherwise incapacitated or
34 helpless.
35 (2) ~~"Ambulance attendant" means an individual who has~~
36 ~~completed a training program in emergency medical care~~
37 ~~and first aid approved by the Department and has been~~
38 ~~certified as an ambulance attendant by the Department.~~
39 (3) "Ambulance provider" means an individual, firm,
40 corporation or association who engages or professes to



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- 1 engage in the business or service of transporting
2 patients in an ambulance.
- 3 (4) "Commission" means the North Carolina Medical Care
4 Commission.
- 5 (5) "Emergency medical technician" means an individual who
6 has completed ~~a training~~ an educational program in
7 emergency medical care ~~at least equal to the National~~
8 ~~Standard Training Program for emergency medical~~
9 ~~technicians as defined by the United States Department~~
10 ~~of Transportation approved by the Department~~ and has
11 been certified as an emergency medical technician by
12 the Department.
- 13 (5a) "Medical Responder" means an individual who has
14 completed an educational program in emergency medical
15 care and first aid approved by the Department and has
16 been certified as a medical responder by the
17 Department.
- 18 (6) "Patient" means an individual who is sick, injured,
19 wounded, or otherwise incapacitated or helpless such
20 that the need for some medical assistance might be
21 anticipated while being transported to or from a
22 medical facility.
- 23 (7) "Practical examination" means a test where an
24 applicant for certification or recertification as an
25 emergency medical technician or ~~ambulance attendant~~
26 medical responder demonstrates the ability to perform
27 specified emergency medical care skills.'
- 28 Section 129.4. G.S. 131E-158(a) reads as rewritten:
- 29 '(a) Every ambulance when transporting a patient shall be occupied
30 at a minimum by the following:
- 31 (1) At least one emergency medical technician who shall be
32 responsible for the medical aspects of the mission
33 prior to arrival at the medical facility, assuming no
34 other individual of higher certification or license is
35 available; and
- 36 (2) One ~~ambulance attendant~~ medical provider who is
37 responsible for the operation of the vehicle and
38 rendering assistance to the emergency medical
39 technician.
- 40 An ambulance owned and operated by a licensed health care facility
41 that is used solely to transport sick or infirm patients with known



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1 nonemergency medical conditions between facilities or between a
2 residence and a facility for scheduled medical appointments is
3 exempt from the requirements of this subsection.'

4 Section 129.5. G.S. 131E-159 reads as rewritten:
5 '§ 131E-159. Requirements for certification.

6 (a) An individual seeking certification as an emergency medical
7 technician or ~~ambulance attendant medical responder~~ shall apply to
8 the Department using forms prescribed by that agency. The
9 Department's representatives shall examine the applicant for
10 emergency medical technician by written and practical examination
11 and the applicant for ~~ambulance attendant medical responder~~ by
12 written ~~(or oral if requested)~~ and practical examination. The
13 Department shall issue a certificate to the applicant who meets all
14 the requirements set forth in this Article and the rules adopted for
15 this Article and who successfully completes the examinations
16 required for certification. Emergency medical technician and
17 ~~ambulance attendant medical responder~~ certificates shall be valid
18 for a period not to exceed four years and may be renewed after
19 reexamination if the holder meets the requirements set forth in the
20 rules of the Commission. The Department is authorized to revoke or
21 suspend a certificate at any time it determines that the holder no
22 longer meets the qualifications prescribed for emergency medical
23 technicians or for ~~ambulance attendants, medical responders.~~

24 (b) The Commission shall adopt rules setting forth the
25 qualifications required for certification of ~~ambulance attendants~~
26 ~~medical responders~~ and emergency medical technicians.

27 (bl) An individual currently certified as an emergency medical
28 technician by the National Registry of Emergency Medical Technicians
29 or by another state where the ~~training/certification~~
30 ~~education/certification~~ requirements have been approved for
31 ~~reciprocity legal recognition~~ by the Department of ~~Human Resources,~~
32 ~~Health and Human Services,~~ in accordance with rules promulgated by
33 the Medical Care Commission, and who is either currently residing in
34 North Carolina or affiliated with a permitted ambulance provider
35 offering service within North Carolina, may be eligible for
36 certification as an emergency medical technician without
37 examination. This certification shall be valid for a period not to
38 exceed the length of the applicant's original certification or four
39 years, whichever is less.

40 (c) Duly authorized representatives of the Department may issue
41 temporary certificates with or without examination upon finding that



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1 this action will be in the public interest. Temporary certificates
2 shall be valid for a period not exceeding 90 days.'
3 Section 129.6. G.S. 131E-161 reads as rewritten:
4 '§ 131E-161. Violation declared misdemeanor.
5 It shall be the responsibility of the ambulance provider to ensure
6 that the ambulance operation complies with the provisions of this
7 Article and all rules adopted for this Article. Upon the violation
8 of any part of this Article or any rule adopted under authority of
9 this Article, the Department shall have the power to revoke or
10 suspend the permits of all vehicles owned or operated by the
11 violator. The operation of an ambulance without a valid permit or
12 after a permit has been suspended or revoked or without an emergency
13 medical technician and ~~ambulance attendant~~ medical responder aboard
14 as required by G.S. 131E-158, shall constitute a Class 1
15 misdemeanor."

SIGNED N. Warwick
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____



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(to be filled in by
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S383-ALV-04
S383-PCS2783

Date _____, 1997

Comm. Sub. [YES]
Amends Title []

1 moves to amend the bill on page 124, line 17,
2 by rewriting the line to read:

3
4

"Section 130. This act is effective when it becomes law.".

SIGNED *[Signature]*
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 383

S383-ALV-01
S383-PCS2783

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

Page 1 of _____

Date _____, 1997

Comm. Sub. [YES]
Amends Title [YES]

Amendment

1 moves to amend the bill on page 1, lines 7-8,
2 by rewriting the lines to read:

3
4 "DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, TO MAKE TECHNICAL
5 AND CONFORMING STATUTORY CHANGES, AND CONCERNING THE DEVELOPMENT OF
6 REHABILITATION BEDS AWARDED UNDER THE CERTIFICATE OF NEED PROCESS.";
7 and
8

9 on page 124, line 16, by adding a new section after the line to
10 read:

11 "Section 129.1. A licensed hospital which has operated a
12 rehabilitation unit of ten beds or less under a Certificate of Need
13 issued by the Department of Health and Human Services providing for
14 the development of the rehabilitation beds may continue to operate
15 the rehabilitation beds as provided by the Certificate of Need
16 notwithstanding a decision by the Court of Appeals regarding
17 amendment of the application for the Certificate of Need and any
18 orders for withdrawal of the Certificate of Need issued pursuant to
19 the Court of Appeals decision.".

SIGNED Culp
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____

TABLED _____



**North Carolina General Assembly
Legislative Services Office**

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April 2, 1997

MEMORANDUM

TO: House Human Resources Committee

FROM: John Young, Committee Staff

RE: **Senate Bill 383-Health to DHR/DEHNR Name Change-Proposed
Committee Substitute-CSLV-5**
Senators Perdue, Forrester, and Martin of Guilford

The 1989 General Assembly created the Department of Environment, Health and Natural Resources primarily to consolidate environmental functions within one department. Since the Division of Health Services within the Department of Human Resources had exercised a number of these functions, health responsibilities were also transferred into the new department of DEHNR. Since that time there has been a major emphasis, both State and nationally, on health issues and health reform efforts. In the structure of State government, the responsibility for public health, health care financing, regulation and purchase of health care services are spread across a number of agencies, divisions, and departments.

Senate Bill 383 combines the State's health and social services agencies and does the following:

- (1) Creates a new Department called Health and Human Services;
- (2) Transfers the functions of DHR into the newly created HHS
- (3) Creates a new Department of Environment and Natural Resources;
- (4) Transfers the public health functions of DEHNR, including the Commission for Health Services into the newly created HHS, but, pending a study by the ERC as directed in the act,
 - (a) maintains the Division of Environmental Health in DENR, including sanitation and mosquito vector control;
 - (b) provides that the responsibility for enforcement of Articles 10, North Carolina Drinking Water Act and 11, Wastewater Systems are retained by DENR, thus the DENR will retain

- responsibility for drinking water as well as solid waste, and on-site waste water; and
- (c) directs DENR **NOT** to consolidate the on-site wastewater or drinking water in the Division of Water Quality.
- (5) Moves Boards and Commissions to appropriate department (overlap remains, e.g., Commission for Health Services continues as rule-making body for public drinking water, environmental health programs, solid waste management and wastewater systems within the Department of Environment and Natural Resources;
- (6) Makes conforming changes throughout the General Statutes;
- (7) Does not change existing division or office references except when necessary for meaning or when existing reference is obsolete;
- (8) Secretary has normal reorganization powers under G.S. 143B, and shall report results of reorganization and any recommendations for changes in legislation to the 1998 General Assembly for consideration during the Short Session;
- (9) Proposed effective date is July 1, 1997; and
- (10) In addition HHS shall make the following reports;
- (a) Report to the Joint Legislative Commission on Governmental Operations by December 31, 1997 on the Department's progress in incorporating health functions and agencies into the Department,
- (b) Report to the General Assembly by May 1, 1998 on additional changes, including proposed legislation necessary to effectuate the purposes of the act including ERC study recommendations, and
- (c) Report to the Joint Legislative Commission on Governmental Operations by October 31, 1998 on any proposed changes in the Department's structure of boards and commissions necessary to effectuate the purposes of this act and to deliver services more effectively.
- (d) Report to the General Assembly by February 1, 1999 on the department's progress in adopting any rule changes necessary to effectuate the purposes of the act and any necessary legislation to change the structure of any boards and commissions
- (11) The Environmental Review Commission shall report to the 1998 Session on a number of issues.

**1997 COMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

The following report(s) from standing committee(s) is/are presented:

By Representative(s) **Howard and Aldridge** for the Committee on **Human Resources**.

☐ Committee Substitute for

S.B. 929 A BILL TO BE ENTITLED AN ACT TO ENHANCE AND IMPROVE
CHILD CARE IN NORTH CAROLINA.

☐ With a favorable report.

☐ With a favorable report and recommendation that the bill be re-referred to the Committee on
☐ Appropriations ☐ Finance ☐

☐ With a favorable report, as amended.

☐ With a favorable report, as amended, and recommendation that the bill be re-referred to the
Committee on ☐ Appropriations ☐ Finance ☐

☐ With a favorable report as to committee substitute bill (#), ☐ which changes the title,
unfavorable as to original bill (Committee Substitute Bill #), (and recommendation
that the committee substitute bill #) be re-referred to the Committee on .)

☒ With a favorable report as to House committee substitute bill (#), ~~☐ which changes
the title, unfavorable as to Senate committee substitute bill.~~

☐ And having received a unanimous vote in committee, is placed on the Consent Calendar.
(PUBLIC BILLS ONLY)

☐ With an unfavorable report.

☐ With recommendation that the House concur.

☐ With recommendation that the House do not concur.

☐ With recommendation that the House do not concur; request conferees.

☐ With recommendation that the House concur; committee believes bill to be material.

☐ With an unfavorable report, with a Minority Report attached.

☐ Without prejudice.

☐ With an indefinite postponement report.

☐ With an indefinite postponement report, with a Minority Report attached.

☐ With recommendation that it be adopted. (HOUSE RESOLUTION ONLY)

4/24/97

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

D

SENATE BILL 929
Proposed House Committee Substitute S929-PCSA776

Short Title: Enhance Child Care/AB.

(Public)

Sponsors:

Referred to:

April 17, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO ENHANCE AND IMPROVE CHILD CARE IN NORTH
3 CAROLINA.

4 The General Assembly of North Carolina enacts:

5 **PART 1. ENHANCE AND IMPROVE CHILD CARE.**

6 Section 1. The heading for Article 7, Chapter 110 of the General
7 Statutes, reads as rewritten:

8 "ARTICLE 7.
9 ~~Day-Care~~ Child Care Facilities."

10 Section 2. G.S. 110-85 reads as rewritten:

11 "**§ 110-85. Legislative intent and purpose.**

12 ~~The Recognizing the importance of the early years of life to a child's development,~~
13 ~~the~~ General Assembly hereby declares its intent with respect to ~~day~~ the early care
14 and education of children:

15 (1) The State should protect ~~the growing number of children who are~~
16 ~~placed in day-care~~ child care facilities ~~or in child-care~~
17 ~~arrangements when these children are under the supervision and in~~
18 ~~the care of persons other than their parents, grandparents,~~
19 ~~guardians or full-time custodians during the day.~~ by ensuring that
20 these facilities provide a physically safe and healthy environment
21 where the developmental needs of these children are met and
22 where these children are cared for by qualified persons of good
23 moral character.

(2) ~~This protection should assure that such children are cared for by persons of good moral character, that their physical safety and moral environment are protected, and that the day care resources conform to minimum standards relating to the health and safety of the children receiving day care.~~

(3) This Achieving this level of protection and early education requires the following elements for a comprehensive approach: elements: mandatory licensing of day-care child care facilities under minimum standards; facilities; promotion of higher levels of day care than required for a license quality child care through the development of higher enhanced standards which operators may comply with on a voluntary basis; registration of child day care homes which are too small to be regulated through licensing; and a program of education to help operators improve their programs and to develop deepen public understanding of day-care child care needs and problems. issues."

Section 3. G.S. 110-86 reads as rewritten:

"§ 110-86. Definitions.

Unless the context or subject matter otherwise requires, the terms or phrases used in this Article shall be defined as follows:

(1) Commission. The Child ~~Day-Care~~ Care Commission created under this Article.

(2) Child day care. ~~Any child-care~~ A program or arrangement wherein where three or more children less than 13 years ~~old~~ old, who do not reside where the care is provided, receive care ~~away from their own home by~~ on a regular basis of at least once per week for more than four hours but less than 24 hours per day from persons other than their parents, grandparents, aunts, uncles, brothers, sisters, first cousins, guardians or full-time custodians, or in the child's own home where other unrelated children are in care. or from persons not related to them by birth, marriage, or adoption. Child day care does not include ~~seasonal recreational programs operated for less than four consecutive months in a year. Child day care also does not include arrangements that provide only drop-in or short term child care for parents participating in activities that are not employment related and where the parents are on the premises or otherwise easily accessible, such as drop-in or short term child care offered in health spas, bowling alleys, shopping malls, resort hotels, and churches.~~ the following:

a. Arrangements operated in the home of any child receiving care if all of the children in care are related to each other and no more than two additional children are in care;

b. Recreational programs operated for less than four consecutive months in a year;

- 1 c. Specialized activities or instruction such as athletics, dance,
2 art, music lessons, horseback riding, gymnastics, or
3 organized clubs for children, such as Boy Scouts, Girl
4 Scouts, 4-H groups, or boys and girls clubs;
5 d. Drop-in or short-term care provided while parents
6 participate in activities that are not employment related and
7 where the parents are on the premises or otherwise easily
8 accessible, such as drop-in or short-term care provided in
9 health spas, bowling alleys, shopping malls, resort hotels, or
10 churches;
11 e. Public schools;
12 f. Nonpublic schools described in Part 2 of Article 39 of
13 Chapter 115C of the General Statutes that are accredited by
14 the Southern Association of Colleges and Schools and that
15 operate a child care facility as defined in subdivision (3) of
16 this section for less than six and one-half hours per day
17 either on or off the school site;
18 g. Bible schools conducted during vacation periods;
19 h. Care provided by facilities licensed under Article 2 of
20 Chapter 122C of the General Statutes;
21 i. Cooperative arrangements among parents to provide care
22 for their own children as a convenience rather than for
23 employment; and
24 j. Any child care program or arrangement consisting of two or
25 more separate components, each of which operates for four
26 hours or less per day with different children attending each
27 component.
28 (3) ~~Child day care facility. Includes any child day care center centers,~~
29 ~~family child care homes, and any other or child care arrangement~~
30 ~~not excluded by G.S. 110-86(2), which that provides day child care~~
31 ~~for more than five children, not including the operator's own~~
32 ~~school-aged children, under the age of 13 years, on a regular basis~~
33 ~~of at least once per week for more than four hours but less than 24~~
34 ~~hours per day, care, regardless of the time of day day, and~~
35 ~~regardless of whether the same or different children attend.~~
36 ~~wherever operated, and whether or not operated for profit. The~~
37 ~~following are not included: public schools; nonpublic schools~~
38 ~~described in Part 2 of Article 39 of Chapter 115C of the General~~
39 ~~Statutes and accredited by the Southern Association of Colleges~~
40 ~~and Schools, which regularly provide a course of grade school~~
41 ~~instruction and which do not provide child day care as defined in~~
42 ~~subdivision (2) of this section or operate a child day care facility as~~
43 ~~defined herein for children under five years of age for more than~~
44 ~~six and one-half hours per day either on or off the school site;~~

1 ~~summer camps having children in full-time residence; Bible schools~~
2 ~~conducted during vacation periods; facilities licensed under Article~~
3 ~~2 of Chapter 122C of the General Statutes; and cooperative~~
4 ~~arrangements among parents to provide care for their own children~~
5 ~~as a convenience rather than for employment.~~

6 ~~Child day care facilities are separated by capacity into the~~
7 ~~following categories which determine applicable requirements and~~
8 ~~standards as established by the Commission pursuant to G.S.~~
9 ~~110-88:~~

10 ~~Facility Type-~~

11 ~~Large Home~~

12 ~~Small Center~~

13 ~~Medium Center~~

14 ~~Large Center~~

15 ~~The Commission shall establish the maximum capacity for~~
16 ~~each of the four categories of facilities:~~

17 ~~a. A child care center is an arrangement where, at any one~~
18 ~~time, there are three or more preschool-age children or nine~~
19 ~~or more school-age children receiving child care.~~

20 ~~b. A family child care home is a child care arrangement~~
21 ~~located in a residence where, at any one time, more than~~
22 ~~two children, but less than nine children, receive child care.~~

23 ~~(4) Child day care home. Any day care program or child care~~
24 ~~arrangement wherein any person not excluded in G.S. 110-86(2)~~
25 ~~provides day care on a regular basis of at least once per week for~~
26 ~~more than four hours per day for more than two children under 13~~
27 ~~years of age, but not to exceed a maximum of eight children at any~~
28 ~~one time, wherever operated, and whether or not operated for~~
29 ~~profit. Of the children present at any one time, no more than five~~
30 ~~children shall be preschool-aged, as defined in rules adopted by~~
31 ~~the Commission. The four hour limit applies regardless of the time~~
32 ~~of day and regardless of whether the same or different children~~
33 ~~attend. Cooperative arrangements among parents to provide care~~
34 ~~for their own children as a convenience rather than for~~
35 ~~employment are not included.~~

36 ~~To determine whether a child care arrangement is a child~~
37 ~~day care home, all children shall be counted except the~~
38 ~~operator's own school-aged children and school-aged~~
39 ~~children who reside at the location of the day care home.~~

40 ~~(4.1) Department. Department of Human Resources.~~

41 ~~(5) Repealed by Session Laws 1975, c. 879, s. 15.~~

42 ~~(6) License. A license permit issued by the Secretary to any day-care~~
43 ~~child care facility which meets the statutory standards established~~
44 ~~under this Article.~~

- 1 (7) Operator. Includes the owner, director or other person having
2 primary responsibility for operation of a child ~~day~~ care facility
3 subject to licensing.
- 4 (8) Secretary. The Secretary of the Department of Human
5 Resources.
- 6 (9) Lead teacher. An individual who is responsible for planning and
7 implementing the daily program of activities for a group of
8 children in a child care facility.
- 9 (10) Child care administrator. A person who is responsible for the
10 operation of a child care facility and is on-site on a regular basis."

11 Section 4. (a) G.S. 110-88 reads as rewritten:

12 **"§ 110-88. Powers and duties of the Commission.**

13 The Commission shall have the following powers and duties:

- 14 (1) To develop policies and procedures for the issuance of a license
15 to any child ~~day~~ care facility ~~which~~ that meets all applicable
16 standards established under this Article.
- 17 (1a) To adopt applicable rules and standards based upon the capacity
18 of a child care facility.
- 19 (2) To require inspections by and satisfactory written reports from
20 representatives of local or State health agencies and fire ~~and~~
21 ~~building~~ inspection agencies and from representatives of the
22 Department prior to the issuance of a license to any child ~~day~~
23 care ~~facility. center.~~
- 24 (2a) To require annually, inspections by and satisfactory written
25 reports from representatives of local or State health agencies and
26 fire inspection agencies after a license is issued.
- 27 (3) ~~To make rules establishing minimum and reasonable standards~~
28 ~~for the operation of child day care homes and the issuance of~~
29 ~~registration certificates. These rules shall establish minimum~~
30 ~~standards of health and safety that will be required in child day~~
31 ~~care homes and will recognize the vital role that parents and~~
32 ~~guardians play in the monitoring of the care provided in child~~
33 ~~day care homes.~~
- 34 (4) Repealed by Session Laws 1975, c. 879, s. 15.
- 35 (5) To ~~make~~ adopt rules and develop policies for implementation of
36 this Article, including procedures for application, approval,
37 ~~renewal~~ annual compliance visits for centers, and revocation of
38 licenses.
- 39 (6) To ~~make~~ adopt rules for the issuance of a provisional license that
40 shall be in effect for no more than 12 consecutive months to a
41 child ~~day~~ care facility ~~and a provisional registration certificate to~~
42 ~~a child day care home~~ that does not conform in every respect
43 with the standards established in this Article and rules adopted by
44 the Commission pursuant to this Article, ~~provided that the~~

Secretary finds that Article but that the operator is making a reasonable effort to conform to the standards, ~~except that a provisional license or provisional registration certificate shall not be issued for more than 12 consecutive months and shall not be renewed.~~ standards.

(6a) To ~~make adopt~~ rules for administrative action against a child day care facility ~~or child day care home~~ when the Secretary's investigations pursuant to G.S. 110-105(a)(3) ~~or G.S. 110-105.1(a)(4)~~ substantiate that child abuse or neglect did occur in the ~~facility or home.~~ facility. The rules shall provide for type types of sanction shall be determined by sanctions which shall depend upon the severity of the incident and the probability of reoccurrence. The ~~administrative actions shall include~~ rules shall also provide for written warnings and special provisional ~~licenses or registration certificates.~~ licenses.

~~A written warning may be issued which shall specify any corrective action to be taken by the operator. The Department shall make an unannounced visit within one month after issuance of the written warning to determine whether the corrective action has occurred. If the corrective action has not occurred, a special provisional license or registration certificate may be issued.~~

~~When a special provisional license or registration certificate is issued, it shall require specific corrective action. It shall be in effect for no more than six months from imposition and shall not be renewed. imposition. The special provisional license or registration certificate and the letter which clearly states the reasons for the special provisional status shall be posted where parents can see them. Under the terms of the special provisional license or registration, the facility or home shall not enroll any new children until notified by the Department that it is satisfied the abusive or neglectful situation no longer exists. The Department shall make an unannounced visit at least every eight weeks during the period the special provisional license or registration certificate is in effect. Specific corrective action required by a written warning, special provisional license or special provisional registration certificate, or any other administrative penalty authorized by this Article may include the permanent removal from day care of the substantiated abuser or neglecter.~~

~~Nothing in this subdivision shall restrict the Secretary from using any other statutory or administrative remedies available.~~

(7) To develop and promulgate adopt voluntary enhanced program standards which reflect higher levels of day quality child care than required by the standards established by this Article, which will recognize better physical facilities, more qualified personnel, and

1 ~~higher quality programs. The Commission may adopt rules for the~~
2 ~~issuance of two grades of licenses: an "A" license for compliance~~
3 ~~with the provisions of the Article, and an "AA" license for those~~
4 ~~licensees meeting the voluntary higher standards promulgated by~~
5 ~~the Commission. the mandatory standards established by this~~
6 ~~Article. These enhanced program standards must address, at a~~
7 ~~minimum, staff/child ratios, staff qualifications, parent involvement,~~
8 ~~operational and personnel policies, developmentally appropriate~~
9 ~~curricula, and facility square footage.~~

10 (8) To develop a procedure by which the Department shall furnish
11 those forms as may be required for implementation of this Article.

12 (9) Repealed by Session Laws 1985, c. 757, s. 156(66).

13 (10) To ~~develop~~ adopt rules for the issuance of a temporary license
14 which shall expire in ~~90 days~~ six months and which may be issued
15 to the operator of a new facility center or to the operator of a
16 previously licensed facility center when a change in ownership or
17 location occurs.

18 (11) To ~~develop~~ adopt rules for ~~the care of sick~~ child care facilities
19 which provide care for children in facilities and homes who are
20 mildly sick.

21 (12) To adopt rules regulating the amount of time a child care
22 administrator shall be on-site at a child care center."

23 (b) The enhanced program standards adopted by the Commission
24 pursuant to G.S. 110-88(7) shall expire July 1, 1999.

25 Section 5. G.S. 110-90 reads as rewritten:

26 **"§ 110-90. Powers and duties of Secretary of Human Resources.**

27 The Secretary ~~of Human Resources~~ shall have the following powers and duties
28 under the policies and rules of the Commission:

29 (1) To administer the licensing program for child ~~day care facilities~~
30 ~~and the registration system for child day care homes:~~ facilities.

31 (2) To obtain and coordinate the necessary services from other State
32 departments and units of local government which are necessary to
33 implement the provisions of this Article.

34 (3) To employ the administrative personnel and staff as may be
35 necessary to implement this Article where required services,
36 inspections or reports are not available from existing State agencies
37 and units of local government.

38 (4) To issue a rated license ~~effective for one year~~ to any child ~~day~~ care
39 facility which meets the standards established by this Article. The
40 rating shall be based on program standards, education levels of
41 staff, and compliance history of the child care facility.

42 (5) To revoke the license of any child ~~day~~ care facility ~~or the~~
43 ~~registration certificate of any child day care home which~~ that
44 ceases to meet the standards established by this Article and rules

on these standards adopted by the Commission, or ~~which that~~ demonstrates a pattern of noncompliance with this Article or the rules, or to deny a license ~~or registration certificate~~ to any applicant that fails to meet the standards or the rules. These revocations and denials shall be done in accordance with the procedures set out in G.S. 150B and this Article and rules adopted by the Commission.

(6) To prosecute or defend on behalf of the State, through the office of the Attorney General, any legal actions arising out of the administration or enforcement of this Article.

(7) To promote and coordinate educational programs and materials for operators of child ~~day~~ care facilities ~~and child day care homes~~ which are designed to improve the quality of ~~day~~ child care available in the State, using the resources of other State and local agencies and educational institutions where appropriate.

(8) ~~To issue a rated license when any operator of a child day care facility required to be licensed hereunder or requiring licensure pursuant to subdivision (11) of this section has satisfied the Secretary that it has met the voluntary standards developed and adopted by the Commission.~~

(9) To levy a civil penalty pursuant to G.S. 110-103.1, or an administrative penalty pursuant to G.S. 110-102.2, or to order summary suspension of a ~~license or registration~~ license. These actions shall be done in accordance with the procedures set out in G.S. 150B and this Article and rules adopted by the Commission.

(10) To issue final agency decisions in all G.S. 150B contested cases proceedings filed as a result of actions taken under this Article including, but not limited to the denial, ~~revocation~~ revocation, or suspension of a license or the levying of a civil or administrative penalty.

(11) To issue a license ~~or registration certificate~~ to any child care arrangement that does not meet the definition of child ~~day~~ care facility ~~or child day care home~~ in G.S. 110-86 whenever the operator of the arrangement chooses to comply with the requirements of this Article and the rules adopted by the ~~Commission~~, Commission and voluntarily applies for a child ~~day~~ care facility ~~license or child day care home registration certificate~~ license. The Commission shall adopt rules for the issuance or removal of the ~~licenses or registration certificates~~ licenses."

Section 6. G.S. 110-90.1 is repealed.

Section 7. G.S. 110-90.2 reads as rewritten:

"§ 110-90.2. Mandatory ~~day~~ child care providers' criminal history checks.

(a) For purposes of this section:

- 1 (1) 'Child ~~day~~ care', notwithstanding the definition in G.S. 110-86,
2 means any child ~~day~~ care provided in child ~~day~~ care facilities ~~and~~
3 ~~child day care homes, including child day care facilities and child~~
4 ~~day care homes~~ required to be licensed ~~or registered~~ under this
5 Article and ~~nonregistered~~ nonlicensed child ~~day~~ care homes
6 approved to receive or receiving State or federal funds for
7 providing child ~~day~~ care.
- 8 (2) 'Child ~~day~~ care provider' means a person who:
9 a. Is employed by or seeks to be employed by a child ~~day~~ care
10 facility ~~or child day care home~~ providing child ~~day~~ care as
11 defined in subdivision (1) of this ~~subsection; subsection and~~
12 ~~has contact with the children; or~~
13 b. Owns or operates or seeks to own or operate a child ~~day~~
14 care facility ~~or child day care home~~ or nonlicensed child
15 care home providing child ~~day~~ care as defined in
16 subdivision (1) of this ~~subsection; subsection; or~~
17 c. Is a member of the household in a family child care home
18 or nonlicensed child care home and is over 15 years old and
19 is present when children are in care. This subdivision shall
20 apply only to new family child care homes and nonlicensed
21 homes beginning March 1, 1998.
- 22 (3) 'Criminal history' means a county, state, or federal criminal history
23 of conviction or pending indictment of a crime, whether a
24 misdemeanor or a felony, that bears upon an individual's fitness to
25 have responsibility for the safety and well-being of children as set
26 forth in ~~G.S. 110-90.1; G.S. 110-91(8).~~ Such crimes include the
27 following North Carolina crimes contained in any of the following
28 Articles of Chapter 14 of the General Statutes: Article 6,
29 Homicide; Article 7A, Rape and Kindred Offenses; Article 8,
30 Assaults; Article 10, Kidnapping and Abduction; Article 13,
31 Malicious Injury or Damage by Use of Explosive or Incendiary
32 Device or Material; Article 26, Offenses Against Public Morality
33 and Decency; Article 27, Prostitution; Article 39, Protection of
34 Minors; Article 40, Protection of the Family; and Article 59, Public
35 Intoxication. Such crimes also include possession or sale of drugs
36 in violation of the North Carolina Controlled Substances Act,
37 Article 5 of Chapter 90 of the General Statutes, and alcohol-
38 related offenses such as sale to underage persons in violation of
39 G.S. 18B-302 or driving while impaired in violation of G.S. 20-
40 138.1 through G.S. 20-138.5. In addition to the North Carolina
41 crimes listed in this subdivision, such crimes also include similar
42 crimes under federal law or under the laws of other states.
- 43 (b) Effective January 1, 1996, the Department shall ensure that the criminal
44 history of all child ~~day~~ care providers is checked and a determination is made of the

1 child ~~day~~ care provider's fitness to have responsibility for the safety and well-being of
2 children based on the criminal history. The Department shall ensure that child ~~day~~
3 care providers who have lived in North Carolina continuously for the previous five
4 years are checked for county and State criminal histories. The Department shall
5 ensure that all other child ~~day~~ care providers are checked for county, State, and
6 national criminal histories. The Department may prohibit a child ~~day~~ care provider
7 from providing child ~~day~~ care if the Department determines that the child ~~day~~ care
8 provider is unfit to have responsibility for the safety and well-being of children based
9 on the criminal history, in accordance with ~~G.S. 110-90.1~~ G.S. 110-91(8).

10 (c) The Department of Justice shall provide to the Division of Child
11 Development, Department of Human Resources, the criminal history from the State
12 and National Repositories of Criminal Histories of any child ~~day~~ care provider as
13 requested by the Division.

14 The Division shall provide to the Department of Justice, along with the request,
15 the fingerprints of the provider to be checked, any additional information required by
16 the Department of Justice, and a form consenting to the check of the criminal record
17 and to the use of fingerprints and other identifying information required by the
18 repositories signed by the child ~~day~~ care provider to be checked. The fingerprints of
19 the provider shall be forwarded to the State Bureau of Investigation for a search of
20 their criminal history record file and the State Bureau of Investigation shall forward a
21 set of fingerprints to the Federal Bureau of Investigation for a national criminal
22 history record check.

23 At the time of application the ~~day~~ child care provider whose criminal history is to
24 be checked shall be furnished with a statement substantially similar to the following:

25 **'NOTICE**

26 **CHILD ~~DAY~~ CARE PROVIDER**

27 **MANDATORY CRIMINAL HISTORY CHECK**

28 NORTH CAROLINA LAW REQUIRES THAT A CRIMINAL
29 HISTORY CHECK BE CONDUCTED ON ALL PERSONS WHO
30 PROVIDE CHILD ~~DAY~~ CARE IN A LICENSED ~~OR REGISTERED~~
31 CHILD ~~DAY~~ CARE FACILITY, AND ALL PERSONS PROVIDING
32 CHILD ~~DAY~~ CARE IN ~~NONREGISTERED~~ NONLICENSED CHILD
33 ~~DAY~~ CARE HOMES THAT RECEIVE STATE OR FEDERAL
34 FUNDS.

35 'Criminal history' includes county, state, and federal convictions or
36 pending indictments of any of the following crimes: the following Articles
37 of Chapter 14 of the General Statutes: Article 6, Homicide; Article 7A,
38 Rape and Kindred Offenses; Article 8, Assaults; Article 10, Kidnapping
39 and Abduction; Article 13, Malicious Injury or Damage by Use of
40 Explosive or Incendiary Device or Material; Article 26, Offenses Against
41 Public Morality and Decency; Article 27, Prostitution; Article 39,
42 Protection of Minors; Article 40, Protection of the Family; and Article 59,
43 Public Intoxication; violation of the North Carolina Controlled
44 Substances Act, Article 5 of Chapter 90 of the General Statutes, and

1 alcohol-related offenses such as sale to underage persons in violation of
2 G.S. 18B-302 or driving while impaired in violation of G.S. 20-138.1
3 through G.S. 20-138.5; or similar crimes under federal law or under the
4 laws of other states. Your fingerprints will be used to check the criminal
5 history records of the State Bureau of Investigation (SBI) and the Federal
6 Bureau of Investigation (FBI).

7 If it is determined, based on your criminal history, that you are unfit
8 to have responsibility for the safety and well-being of children, you shall
9 have the opportunity to complete, or challenge the accuracy of, the
10 information contained in the SBI or FBI identification records.

11 If you disagree with the determination of the North Carolina
12 Department of Human Resources on your fitness to provide child ~~day~~
13 care, you may file a civil lawsuit within 60 days after receiving written
14 notification of disqualification in the district court in the county where
15 you live.

16 Any child ~~day~~ care provider who intentionally falsifies any
17 information required to be furnished to conduct the criminal history shall
18 be guilty of a Class 2 misdemeanor.'

19 Refusal to consent to a criminal history check is grounds for the Department to
20 prohibit the child ~~day~~ care provider from providing child ~~day~~ care. Any child ~~day~~
21 care provider who intentionally falsifies any information required to be furnished to
22 conduct the criminal history shall be guilty of a Class 2 misdemeanor.

23 (d) The Department shall notify in writing the child ~~day~~ care provider, and the
24 child ~~day~~ care provider's employer, if any, or for nonlicensed child care homes the
25 local purchasing agency, of the determination by the Department whether the ~~day~~
26 child care provider is qualified to provide child ~~day~~ care based on the child ~~day~~ care
27 provider's criminal history. In accordance with the law regulating the dissemination
28 of the contents of the criminal history file furnished by the Federal Bureau of
29 Investigation, the Department shall not release nor disclose any portion of the child
30 ~~day~~ care provider's criminal history to the child ~~day~~ care provider or the child ~~day~~
31 care provider's ~~employer~~. employer or local purchasing agency. The Department
32 shall also notify the child ~~day~~ care provider of the procedure for completing or
33 challenging the accuracy of the criminal history and the child ~~day~~ care provider's
34 right to contest the Department's determination in court.

35 A child ~~day~~ care provider who disagrees with the Department's decision may file a
36 civil action in the district court of the county of residence of the child ~~day~~ care
37 ~~provider~~. provider within 60 days after receiving written notification of
38 disqualification.

39 (e) All the information that the Department receives through the checking of the
40 criminal history is privileged information and is not a public record but is for the
41 exclusive use of the Department and those persons authorized under this section to
42 receive the information. The Department may destroy the information after it is used
43 for the purposes authorized by this section after one calendar year.

1 (f) There shall be no liability for negligence on the part of an employer of a child
2 ~~day~~ care provider, an owner or operator of a child ~~day~~ care ~~home or~~ facility, a State
3 or local agency, or the employees of a State or local agency, arising from any action
4 taken or omission by any of them in carrying out the provisions of this section. The
5 immunity established by this subsection shall not extend to gross negligence, wanton
6 conduct, or intentional wrongdoing that would otherwise be actionable. The
7 immunity established by this subsection ~~shall be deemed to have been~~ is waived to
8 the extent of indemnification by insurance, indemnification under Article 31A of
9 Chapter 143 of the General Statutes, and to the extent sovereign immunity is waived
10 under the Torts Claim Act, as set forth in Article 31 of Chapter 143 of the General
11 Statutes.

12 (g) The child ~~day~~ care provider ~~who seeks to be employed in child day care and~~
13 ~~the child day care provider who seeks to own or operate child day care~~ shall pay the
14 cost of the fingerprinting and the local ~~check at the time the child day care provider~~
15 ~~seeks to provide child day care.~~ check. The Department of Justice shall perform the
16 State criminal history check. If the Department determines that a ~~day~~ child care
17 provider who has lived continuously in the State less than five years is not
18 disqualified based on the local and State criminal history record check, the
19 Department shall request a criminal history check from the National Repository of
20 Criminal History from the Department of Justice. The Department of Human
21 Resources shall pay the cost for the national criminal history record check."

22 Section 8. (a) G.S. 110-91 reads as rewritten:

23 "**§ 110-91. Mandatory standards for a license.**

24 All child care facilities shall comply with all State laws and federal laws and local
25 ordinances that pertain to child health, safety, and welfare. The Except as otherwise
26 provided in this Article, the following standards in this section shall be complied with
27 by all child day care facilities, except as otherwise provided in this Article. facilities.
28 However, none of the standards in this section apply to the school-age children of the
29 operator of a child care facility but do apply to the preschool-age children of the
30 operator. Children 13 years of age or older may receive child care on a voluntary
31 basis provided all applicable required standards are met. These The standards in this
32 section, along with any other applicable State laws and federal laws or local
33 ordinances, shall be the only required standards for the issuance of a license by the
34 Secretary under the policies and procedures of the Commission except that the
35 Commission may, in its discretion, adopt less stringent standards for the licensing of
36 facilities subject to licensing but which provide care on a temporary, part-time,
37 drop-in, seasonal, after-school or other than a full-time basis.

38 (1) Medical Care and Sanitation. -- The Commission for Health
39 Services shall adopt rules which establish minimum sanitation
40 standards for child ~~day~~ care ~~facilities~~ centers and their personnel.
41 The sanitation rules adopted by the Commission for Health
42 Services shall cover such matters as the cleanliness of floors, walls,
43 ceilings, storage spaces, utensils, and other facilities; adequacy of
44 ventilation; sanitation of water supply, lavatory facilities, toilet

1 facilities, sewage disposal, food protection facilities, bactericidal
2 treatment of eating and drinking utensils, and solid-waste storage
3 and disposal; methods of food preparation and serving; infectious
4 disease control; sleeping facilities; and other items and facilities as
5 are necessary in the interest of the public health. The Commission
6 for Health Services shall allow child care facilities to use domestic
7 kitchen equipment, provided appropriate temperature levels for
8 heating, cooling, and storing are maintained. Child care centers
9 that fry foods shall use commercial hoods. These rules shall be
10 developed in consultation with the Department.

11 The Commission shall adopt rules for child care facilities to
12 establish minimum requirements for child and staff health
13 assessments and medical care procedures. These rules shall be
14 developed in consultation with the Department of Environment,
15 Health, and Natural Resources. Each child shall have a health
16 assessment before being admitted or within 30 days following
17 admission to a child day care facility. The assessment shall be
18 done by: (i) a licensed physician, (ii) the physician's authorized
19 agent who is currently approved by the North Carolina Medical
20 Board, or comparable certifying board in any state contiguous to
21 North Carolina, (iii) a certified nurse practitioner, or (iv) a public
22 health nurse meeting the Department of Environment, Health, and
23 Natural Resources' Standards for Early Periodic Screening,
24 Diagnosis, and Treatment Program. ~~A record of each child's~~
25 ~~assessment shall be on file in the records of the facility.~~ However,
26 no health assessment shall be required of any any staff or child
27 who is and has been in normal health ~~and whose~~ when the staff, or
28 the child's parent, guardian, or full-time custodian objects in
29 writing to a health assessment on religious grounds which conform
30 to the teachings and practice of any recognized church or religious
31 denomination.

32 ~~Each child shall be immunized in a manner that meets the~~
33 ~~requirements of Article 6 of Chapter 130A of the General Statutes~~
34 ~~and the pertinent rules adopted by the Commission for Health~~
35 ~~Services.~~

36 ~~Each child day care facility shall have a plan of emergency~~
37 ~~medical care which shall include provisions for communication~~
38 ~~with and transportation to a specified medical resource, unless~~
39 ~~otherwise previously instructed. No child receiving day care shall~~
40 ~~be administered any drug or other medication without specific~~
41 ~~written instructions from a physician or the child's parent,~~
42 ~~guardian or full-time custodian. Emergency information on each~~
43 ~~child in care, including the names, addresses, and telephone~~
44 ~~numbers of the child's physician and parents, legal guardian or~~

~~full-time custodian shall be readily available to the staff of the child day care facility while children are in care.~~

~~Nonprofit, tax-exempt organizations~~ Organizations that provide prepared meals to ~~day~~ child care centers only are considered ~~day~~ child care centers for purposes of compliance with appropriate sanitation standards.

- (2) ~~Health-Related Activities. -- Each child in a child day care facility shall receive nutritious food and refreshments under rules to be adopted by the Commission. The Commission shall adopt rules for child care facilities to ensure that all children receive nutritious food and beverages according to their developmental needs. After consultation with the State Health Director, nutrition standards shall provide for specific requirements appropriate for infants, children of different ages. Nutrition standards shall provide for specific requirements for children older than infants, including a daily food plan for meals and snacks served that shall be adequate for good nutrition. The number and size of servings and snacks shall be appropriate for the ages of the children and shall be planned according to the number of hours the child is in care. Menus for meals and snacks shall be planned at least one week in advance, dated, and posted where they can be seen by parents.~~

~~Each child day care facility shall have a rest period for each child in care after lunch or at some other appropriate time and arrange for each child in care to be out-of-doors each day if weather conditions permit.~~

~~Each child day care facility shall have a rest period for each child in care after lunch or at some other appropriate time.~~

~~No child day care facility shall care for more than 25 children in one group. Facilities providing care for 26 or more children shall provide for two or more groups according to the ages of children and shall provide separate supervisory personnel for each group.~~

- (3) ~~Location. -- Each child day care facility shall be located in an area which is free from conditions which are deemed~~ considered hazardous to the physical and moral welfare of the children in care in the opinion of the ~~Commission.~~ Secretary.

- (4) ~~Building. -- Each child day care facility shall be located in a building which meets the appropriate requirements of the North Carolina Building Code under standards which shall be developed by the Building Code Council, subject to adoption by the Commission specifically for child day care facilities, including facilities operated in a private residence. These standards shall be consistent with the provisions of this Article. A local building code enforcement officer shall approve any proposed alternate~~

1 material, design, or method of construction, provided the building
2 code enforcement officer finds that the alternate, for the purpose
3 intended, is at least the equivalent of that prescribed in the
4 technical building codes in quality, strength, effectiveness, fire
5 resistance, durability, or safety. A local building code enforcement
6 officer shall require that sufficient evidence or proof be submitted
7 to substantiate any claim made regarding the alternate. The Child
8 Care Commission may request changes to the Building Code to
9 suit the special needs of preschool children. Satisfactorily written
10 reports from representatives of building inspection agencies shall
11 be required prior to the issuance of a license and whenever
12 renovations are made to a child care center, or when the operator
13 requests licensure of space not previously approved for child care.

14 (5) Fire Prevention. -- Each child ~~day~~ care facility shall be located in a
15 building that meets ~~the~~ appropriate requirements for fire
16 prevention and safe evacuation that apply to child ~~day~~ care
17 facilities as established by the Department of ~~Insurance, subject to~~
18 ~~adoption by the Commission. Insurance in consultation with the~~
19 ~~Department. Each~~ Except for child care centers located on State
20 property, each child day care facility center shall be inspected at
21 least annually by a local fire department or volunteer fire
22 department for compliance with these ~~requirements, except that~~
23 ~~child-day requirements. Child care facilities centers~~ located on
24 State property shall be inspected at least annually by an official
25 designated by the Department of Insurance.

26 (6) Space and Equipment Requirements. -- There shall be no less than
27 25 square feet of indoor space for each child for which a child ~~day~~
28 care ~~facility center~~ is licensed, exclusive of closets, passageways,
29 kitchens, and bathrooms, and this floor space shall provide during
30 rest periods 200 cubic feet of airspace per child for which the
31 ~~facility center~~ is licensed. There shall be adequate outdoor play
32 area for each child under rules adopted by the Commission which
33 shall be related to the size ~~and type~~ of ~~facility, center and the~~
34 ~~availability and location of outside land area, except in area. In no~~
35 ~~event shall the minimum required exceed 75 square feet per child,~~
36 ~~which child. The outdoor area shall be protected to assure the~~
37 ~~safety of the children receiving day child care by an adequate fence~~
38 ~~or other protection, provided, however, that a protection. A~~
39 ~~facility center operated in a public school shall be deemed to have~~
40 ~~adequate fencing protection, provided, also, that a facility~~
41 ~~protection. A center operating exclusively during the evening and~~
42 ~~early morning hours, between 6:00 P.M. and 6:00 A.M., need not~~
43 ~~meet the outdoor play area requirements mandated by this~~
44 ~~subdivision.~~

Each child day care facility shall provide indoor area equipment and furnishings that are child size, sturdy, safe, and in good repair. Each child care facility that provides outdoor area equipment and furnishings shall provide outdoor area equipment and furnishings that are child size, sturdy, free of hazards that pose a threat of serious injury to children while engaged in normal play activities, and in good repair. The Commission shall adopt standards to establish minimum requirements for equipment appropriate for the size of child care facility being operated pursuant to G.S. 110-86(3). Space shall be available for proper storage of beds, cribs, mats, cots, sleeping garments, and linens as well as designated space for each child's personal belongings.

(7) ~~Staff-Child Ratio.~~ Ratio and Capacity for Child Care Facilities. -- In determining the staff-child ~~ratio,~~ ratio in child care facilities, all children younger than 13 years old shall be counted.

a. The Commission shall adopt rules for child care centers regarding staff-child ratios, group sizes and multi-age groupings ~~for each category of facility~~ other than for infants and toddlers, provided that these rules shall be no less stringent than those currently required for staff-child ratios as enacted in Section 156(e) of Chapter 757 of the 1985 Session Laws.

1. Except as otherwise provided in this subdivision, The the staff-child ratios and group sizes for infants and toddlers in child care centers shall be no less stringent than as follows:

Age	Ratio Staff/Children	Group Size
0 to 12 months	<u>1/5</u>	10
12 to 24 months	<u>1/6</u>	12
2 to 3 years	<u>1/10</u>	20.

No child care center shall care for more than 25 children in one group. Child care centers providing care for 26 or more children shall provide for two or more groups according to the ages of children and shall provide separate supervisory personnel and separate identifiable space for each group.

2. When any preschool-aged child is enrolled in a child care center and the licensed capacity of the center is six through 12 children, the staff-child ratios shall be no less stringent than as follows:

Age	Ratio Staff/Children
<u>0 to 12 months</u>	<u>1/5 preschool children plus 3 additional school-aged children</u>

12 to 24 months 1/6 preschool children plus 2 additional school-aged children.

The following shall also apply:

I. There is no specific group size.

II. When only one caregiver is required to meet the staff-child ratio, the operator shall make available to parents the name, address, and phone number of an adult who is nearby and available for emergency relief.

III. Children shall be supervised at all times. All children who are not asleep or resting shall be visually supervised. Children may sleep or rest in another room as long as a caregiver can hear them and respond immediately.

b. Family Child Care Home Capacity. -- Of the children present at any one time in a family child care home, no more than five children shall be preschool-aged, including the operator's own preschool-age children.

(8) Qualifications for Staff. -- All child care center administrators shall be at least 21 years of age. All child care center administrators shall have the North Carolina Early Childhood Administration Credential or its equivalent as determined by the Department. All child care administrators performing administrative duties as of the date this act becomes law and child care administrators who assume administrative duties at any time after this act becomes law and until September 1, 1998, shall obtain the required credential by September 1, 2000. Child care administrators who assume administrative duties after September 1, 1998, shall begin working toward the completion of the North Carolina Early Childhood Administration Credential or its equivalent within six months after assuming administrative duties and shall complete the credential or its equivalent within two years after beginning work to complete the credential. Each child day care facility center shall be under the direction or supervision of a literate person at least 21 years of age, meeting these requirements. All staff counted in determining toward meeting the required staff-child ratio shall be at least 16 years of age, provided that persons younger than 18 years of age work under the direct supervision of a literate credentialed staff person who is at least 21 years of age. All lead teachers in a child care center shall have at least a North Carolina Early Childhood Credential or its equivalent as determined by the Department. Lead teachers shall be enrolled in the North Carolina Early Childhood Credential coursework or its equivalent as determined by the Department within six months after becoming

1 employed as a lead teacher or within six months after this act
2 becomes law, whichever is later, and shall complete the credential
3 or its equivalent within 18 months after enrollment.

4 For child care centers licensed to care for 200 or more
5 children, the Department, in collaboration with the North
6 Carolina Institute for Early Childhood Professional
7 Development, shall establish categories to recognize the
8 levels of education achieved by child care center
9 administrators and teachers who perform administrative
10 functions. The Department shall use these categories to
11 establish appropriate staffing based on the size of the center
12 and the individual staff responsibilities.

13 Effective January 1, 1998, an operator of a licensed family
14 child care home shall be at least 21 years old and have a
15 high school diploma or its equivalent. Operators of a family
16 child care home licensed prior to January 1, 1998, shall be
17 at least 18 years of age and literate. Literate is defined as
18 understanding licensing requirements and having the ability
19 to communicate with the family and relevant emergency
20 personnel. Any operator of a licensed family child care
21 home shall be the person on-site providing child care.

22 No person shall be an operator of nor be employed in a
23 child day care facility who has been convicted of a crime
24 involving child neglect, child abuse, or moral turpitude, or
25 who is an habitually excessive user of alcohol or who
26 illegally uses narcotic or other impairing drugs, or who is
27 mentally or emotionally impaired to an extent that may be
28 injurious to children.

29 The Commission shall adopt standards to establish ~~minimum~~
30 appropriate qualifications for ~~operators, supervisors,~~
31 ~~caregivers and all other staff who have direct contact with~~
32 ~~the children in child care centers.~~ These standards shall
33 reflect training, experience, education ~~or~~ and credentialing
34 and shall be appropriate for the size ~~facility being operated~~
35 ~~according to the categories defined in G.S. 110-86(3).~~
36 center and the level of individual staff responsibilities. It is
37 the intent of this provision to guarantee that all children in
38 ~~day child~~ care are cared for by qualified people ~~but also to~~
39 ~~recognize that qualifications for good child care may not be~~
40 ~~limited to formal education or training standards. To this~~
41 ~~end, the standards adopted by the Commission pertaining to~~
42 ~~training and educational requirements shall include~~
43 ~~provision that these requirements may be met by informal as~~
44 ~~well as formal training and educational experience. people.~~

No requirements may interfere with the teachings or doctrine of any established religious organization.

- (9) Records. -- Each child ~~day~~ care facility shall keep accurate records on each child receiving care in the child ~~day~~ care facility and on each staff member or other person delegated responsibility for the care of children in accordance with a form furnished or approved by the Commission, and shall submit ~~attendance reports~~ records as required by the Department.

~~Each child day care facility shall keep accurate records on each staff member or other person delegated responsibility for the care of children in accordance with a form approved by the Commission.~~

All records of any child ~~day~~ care facility, except financial records, shall be ~~subject to~~ available for review by the Secretary or by duly authorized representatives of the Department or a cooperating agency who shall be designated by the ~~Secretary.~~ Secretary and shall be submitted as required by the Department.

~~Any effort to falsify information provided to the Department shall be deemed by the Secretary to be evidence of violation of this Article on the part of the operator or sponsor of the child day care facility and shall constitute a cause for revoking or denying a license to this child day care facility.~~

- (10) Each operator or staff member shall ~~truly and honestly show each attend to any child in that person's care true love, devotion and tender care.~~ a nurturing and appropriate manner, and in keeping with the child's developmental needs.

Each ~~day~~ child care facility shall have a written policy on discipline, describing the methods and practices used to discipline children enrolled in that facility. This written policy shall be discussed with, and a copy given to, each child's parent prior to the first time the child attends the facility. Subsequently, any change in discipline methods or practices shall be communicated in writing to the parents prior to the effective date of the change.

The use of corporal punishment as a form of discipline is prohibited in ~~day~~ child care facilities and may not be used by any operator or staff member of any ~~day~~ child care facility, except that corporal punishment may be used in ~~church~~ religious sponsored child ~~day~~ care facilities as defined in G.S. 110-106, only if (i) the ~~church~~ religious sponsored child ~~day~~ care facility files with the Department a notice stating that corporal punishment is part of the religious training of its program, and (ii) the ~~church~~ religious sponsored child ~~day~~ care facility clearly states in its written policy of discipline that corporal punishment is part of the religious training of its program. The written policy on discipline of

- 1 ~~nonchurch~~ nonreligious sponsored child day care facilities shall
2 clearly state the prohibition on corporal punishment.
- 3 (11) Staff Development. -- The Commission shall adopt minimum
4 standards for ongoing staff development for ~~facilities~~; facilities but
5 limited to the following topic areas:
- 6 a. Planning a safe, healthy learning environment;
7 b. Steps to advance children's physical and intellectual
8 development;
9 c. Positive ways to support children's social and emotional
10 development;
11 d. Strategies to establish productive relationships with families;
12 e. Strategies to manage an effective program operation;
13 f. Maintaining a commitment to professionalism;
14 g. Observing and recording children's behavior;
15 h. Principles of child growth and development; and
16 i. Learning activities that promote inclusion of children with
17 special needs.
- 18 These standards shall include annual requirements for ongoing
19 ~~in-service training for all staff~~; staff development appropriate to job
20 responsibilities. A person may carry forward in-service training
21 hours that are in excess of the previous year's requirement to meet
22 up to one-half of the current year's required in-service training
23 hours.
- 24 (12) ~~Planned Age Developmentally~~ Appropriate Activities. -- Each
25 ~~child day care facility shall have a planned schedule of activities~~
26 ~~posted in a prominent place to enable parents to review it, and a~~
27 ~~written plan of age developmentally appropriate activities available~~
28 ~~to parents. Each facility shall have age appropriate activities and~~
29 ~~play materials to implement the written plan; and play materials.~~
30 The Commission shall establish minimum standards for
31 ~~age appropriate~~ developmentally appropriate activities ~~appropriate~~
32 ~~for each category of facility as defined in G.S. 110-86(3); child care~~
33 facilities. Each child care facility shall have a planned schedule of
34 developmentally appropriate activities displayed in a prominent
35 place for parents to review and the appropriate materials and
36 equipment available to implement the scheduled activities. Each
37 child care center shall make four of the following activity areas
38 available daily: art and other creative play, children's books, blocks
39 and block building, manipulatives, and family living and dramatic
40 play.
- 41 (13) Transportation. -- ~~All child day care facilities shall abide by North~~
42 ~~Carolina law regulating the use of seat belts and child passenger~~
43 ~~restraint devices. All vehicles operated by any facility staff person~~
44 ~~or volunteer to transport children shall be properly equipped with~~

1 appropriate seat belts or child restraint devices as approved by the
2 ~~Commissioner of Motor Vehicles. Each~~ When a child care facility
3 staff person or a volunteer of a child care facility transports
4 children in a vehicle, each adult and child shall be restrained by an
5 appropriate seat safety belt or restraint device when the vehicle is
6 in motion. ~~These restraint regulations do not apply to vehicles not~~
7 ~~required by federal law to be equipped with seat restraints. All~~
8 ~~vehicles used to transport children shall meet and maintain the~~
9 ~~safety inspection standards of the Division of Motor Vehicles of the~~
10 ~~Department of Transportation and the facility shall comply with all~~
11 ~~other applicable State and federal laws and regulations concerning~~
12 ~~the operation of a motor vehicle.~~ Children may never be left
13 unattended in a vehicle.

14 The ratio of adults to children in child day care vehicles
15 may not be less than the staff/child ratios prescribed by G.S.
16 110-91(7). The Commission shall adopt standards for transporting
17 children under the age of two, including standards addressing this
18 particular age's staff/child ratio during transportation.

19 (14) Any effort to falsify information provided to the Department shall
20 be considered by the Secretary to be evidence of violation of this
21 Article on the part of the operator or sponsor of the child care
22 facility and shall constitute a cause for revoking or denying a
23 license to such child care facility."

24 Section 9. G.S. 110-92 reads as rewritten:

25 "**§ 110-92. Duties of State and local agencies.**

26 When requested by an operator of a ~~day-care facility~~ child care center or by the
27 ~~Secretary~~ Secretary, it shall be the duty of local and district health departments to
28 visit and inspect a ~~day-care facility~~ child care center to determine whether the ~~facility~~
29 center complies with the health and sanitation standards required by this Article and
30 with the minimum sanitation standards adopted as rules by the Commission for
31 Health Services as authorized by G.S. 110-91(1), and to submit written reports on
32 ~~such~~ these visits or inspections to the Department on forms approved and provided
33 by the Department of Environment, Health, and Natural Resources.

34 When requested by an operator of a ~~day-care facility~~ child care center or by the
35 Secretary, it shall be the duty of the ~~local and district health departments, and any~~
36 building inspector, fire prevention inspector, or fireman employed by local
37 government, or any fireman having jurisdiction, or other officials or personnel of
38 local government to visit and inspect a ~~day-care facility~~ child care center for the
39 purposes specified in this Article, including plans for evacuation of the premises and
40 protection of children in case of fire, and to report on ~~such~~ these visits or inspections
41 in writing to the Secretary so that ~~such~~ these reports may serve as the basis for action
42 or decisions by the Secretary or Department as authorized by this Article."

43 Section 10. G.S. 110-93 reads as rewritten:

44 "**§ 110-93. ~~Licensing procedure.~~ Application for a license.**

1 (a) Each ~~operator of~~ person who seeks to operate a ~~day-care~~ child care facility
2 shall ~~annually~~ apply to the Department for a license. The application shall be in ~~such~~
3 ~~the form as is~~ required by the Department. Each operator seeking a license shall be
4 responsible for ~~accompanying his application with~~ supplying with the application the
5 necessary supporting data and reports to show conformity with rules adopted by the
6 Commission for Health Services pursuant to G.S. 110-91(1) and with the standards
7 established or authorized by this ~~Article~~ Article, including any required reports from
8 the local and district health departments, local building inspectors, local firemen,
9 voluntary firemen, and others, on forms which shall be provided by the Department.

10 (b) If an operator conforms to the rules adopted by the Commission for Health
11 Services pursuant to G.S. 110-91(1) and with the standards established or authorized
12 by this Article as shown in ~~his~~ the application and other supporting data, the
13 ~~Secretary of Human Resources~~ shall issue a license ~~for no more than 12 months that~~
14 shall remain valid until the Secretary notifies the licensee otherwise pursuant to G.S.
15 150B-3 or other provisions of this Article, subject to suspension or revocation for
16 cause as provided in this Article. If the applicant fails to conform to the required
17 rules and standards, the Secretary may issue a provisional license under the policies
18 of the ~~Commission provided that the~~ Commission. The Department shall notify the
19 operator shall be notified in writing by registered or certified mail ~~of~~ the reasons the
20 Department issued for issuance of a provisional license.

21 (c) ~~Each licensed operator of a child day-care facility must annually apply in order~~
22 ~~to renew the license and must accompany such renewal application with such~~
23 ~~supporting data and reports as are required to show conformity with the standards~~
24 ~~established under this Article.~~

25 (d) Repealed by Session Laws 1977, c. 929, s. 1."

26 Section 11. G.S. 110-94 reads as rewritten:

27 "**§ 110-94. Administrative Procedure Act.**

28 The provisions of ~~General Statutes~~ Chapter 150B of the General Statutes known
29 ~~as the Administrative Procedure Act~~ shall be applicable to the ~~Commission and~~
30 Commission, to the rules ~~it~~ the Commission ~~adopts~~. ~~The Administrative Procedure~~
31 ~~Act shall also apply~~ adopts, and to child ~~day~~ care contested cases. However, a child
32 ~~day~~ care operator shall have 30 days to file a petition for a contested case pursuant to
33 G.S. 150B-23. The contested case hearing shall be scheduled to be held within 120
34 days of the date the petition for a hearing is received, pursuant to G.S. 150B-23(a), in
35 any contested case resulting from administrative action taken by the ~~Department~~
36 Secretary to revoke a ~~license, registration certificate,~~ license or Letter of Compliance
37 or from administrative action taken in a situation in which child abuse or neglect in a
38 child ~~day~~ care facility ~~or home~~ has been substantiated. A request for continuance of
39 a hearing shall be granted upon a showing of good cause by either party."

40 Section 12. G.S. 110-98 reads as rewritten:

41 "**§ 110-98. Mandatory compliance.**

42 It shall be unlawful for any ~~operator or employee of a day-care facility or day-care~~
43 ~~home person to to:~~

(1) ~~offer~~ Offer or provide ~~day~~ child care without complying with the provisions of this ~~Article.~~ Article; or

(2) Advertise without disclosing the child care facility's identifying number that is on the license or the letter of compliance."

Section 13. G.S. 110-98.1 reads as rewritten:

"§ 110-98.1. Prima facie evidence of existence of ~~day-care.~~ child care.

A ~~child-care~~ child care arrangement providing ~~day~~ child care for more than two children for more than four hours per day on two or more consecutive days shall be prima facie evidence of the existence of a ~~day-care~~ child care ~~facility or day-care home.~~ facility."

Section 14. G.S. 110-99 reads as rewritten:

"§110-99. Display of license.

(a) Each ~~day-care~~ child care facility shall ~~maintain~~ display its current license ~~displayed~~ in a prominent place at all times so that the public may be on notice that the facility is licensed and may observe any ~~grade or~~ rating which may appear on the license. Any license issued to a child care facility under this Article shall remain the property of the State and may be removed by persons employed or designated by the Secretary in the event that the license is revoked or suspended, or in the event that the rating is changed.

(b) A person who provides only drop-in or short-term child care as described in G.S. 110-86(2)(d) shall notify the Department that the person is providing only drop-in or short-term child care. Any person providing only drop-in or short-term child care as described in G.S. 110-86(2)(d) shall display in a prominent place at all times a notice that the child care arrangement is not required to be licensed and regulated by the Department and is not licensed and regulated by the Department."

Section 15. G.S. 110-100 is repealed.

Section 16. G.S. 110-101 is repealed.

Section 17. G.S. 110-101.1 reads as rewritten:

"§ 110-101.1. Corporal punishment banned in certain ~~'nonregistered'~~ 'nonlicensed' homes.

The use of corporal punishment as a form of discipline is prohibited in those ~~day~~ child care homes that are not required to be ~~registered~~ licensed under this Article but that receive State or federal subsidies for child ~~day~~ care unless this care is provided to children by their parents, stepparents, grandparents, aunts, uncles, step-grandparents, or great-grandparents. Care provided children by their parents, stepparents, grandparents, aunts, uncles, step-grandparents, or great-grandparents is not subject to this section. Religious sponsored ~~nonregistered~~ nonlicensed homes are also exempt from this section."

Section 18. G.S. 110-102 reads as rewritten:

"§ 110-102. Information for parents.

The Secretary of ~~Human Resources~~ shall provide to each operator of a ~~day-care~~ child care facility a summary of this Article for the parents, guardian, or full-time custodian of each child receiving ~~day~~ child care in the facility to be distributed by the operator. The summary shall include the name and address of the Secretary of

1 ~~Human Resources~~ and the address of the Commission. The summary shall also
2 include a statement regarding the mandatory duty prescribed in G.S. 7A-543 of any
3 person suspecting child abuse or neglect has taken place in day child care, or
4 elsewhere, to report to the county Department of Social Services. The statement shall
5 include the definitions of child abuse and neglect described in the Juvenile Code in
6 G.S. 7A-517 and of child abuse described in the Criminal Code in G.S. 14-318.2 and
7 G.S. 14-318.4. The statement shall stress that this reporting law does not require that
8 the person reporting reveal ~~his~~ the person's identity."

9 Section 19. G.S. 110-102.1 reads as rewritten:

10 **"§ 110-102.1. Reporting of missing or deceased children.**

11 (a) Operators and staff, as defined in G.S. 110-86(7), ~~110-90.1~~ and G.S. 110-91(8),
12 or any adult present with the approval of the care provider in a ~~day-care child care~~
13 ~~facility or home~~, as defined in ~~G.S. 110-86(3)~~, ~~(4)~~ G.S. 110-86(3) and G.S. 110-106,
14 upon learning that a child which has been placed in their care or presence is missing,
15 shall immediately report the missing child to law enforcement. For purposes of this
16 Article, a child is anyone under the age of 18.

17 (b) If a child dies while in day child care, or of injuries sustained in day child care,
18 a report of the death must be made by the day child care operator to the Secretary
19 within 24 hours of the child's death or on the next working day."

20 Section 20. G.S. 110-103 reads as rewritten:

21 **"§ 110-103. Criminal penalty.**

22 Any person who violates the provisions of G.S. 110-98 through G.S. ~~110-100~~ 110-
23 99 or G.S. 110-102 shall be guilty of a Class 1 ~~misdemeanor~~. misdemeanor, except
24 that Any any person operating a family child care home as defined in G.S. 110-86(3)
25 who violates G.S. 110-101 the provisions of G.S. 110-98 through G.S. 110-99 or G.S.
26 110-102 shall be guilty of a Class 3 misdemeanor."

27 Section 21. G.S. 110-103.1(a) reads as rewritten:

28 "(a) A civil penalty may be levied against any operator of any child ~~day care~~
29 ~~facility or home~~ who violates any provision of this Article. The penalty shall not
30 exceed one thousand dollars (\$1,000) for each violation documented on any given
31 date. Every operator shall be provided a schedule of the civil penalties established by
32 the Commission pursuant to this Article."

33 Section 22. G.S. 110-104 reads as rewritten:

34 **"§ 110-104. Injunctive relief.**

35 The Secretary or ~~his~~ the Secretary's designee may seek injunctive relief in the
36 district court of the county in which a ~~day-care child care facility or day-care home~~
37 is located against the continuing operation of that ~~day-care child care facility or~~
38 ~~day-care home~~ at any time, whether or not any administrative proceedings are
39 pending. The district court may grant injunctive relief, temporary, preliminary, or
40 permanent, when there is any violation of this Article or of the rules promulgated by
41 the Commission or the Commission for Health Services that threatens serious harm
42 to children in the ~~day-care child care facility or day-care home~~, facility, or when a
43 final order to deny or revoke a license ~~or registration~~ has been violated, or when a
44 ~~day-care child care facility is operating without a license or a day-care home is~~

1 ~~operating without being registered, license, or when a day-care child care facility or~~
2 ~~day-care home repeatedly violates the provisions of this Article or rules adopted~~
3 ~~pursuant to it after having been notified of the violation."~~

4 Section 23. G.S. 110-105 reads as rewritten:

5 **"§ 110-105. Authority to inspect facilities.**

6 (a) The Commission shall adopt standards and rules under this subsection which
7 provide for the following types of inspections:

- 8 (1) An initial licensing ~~or certification~~ inspection, which shall not
9 occur until the administrator of the facility receives prior notice of
10 the initial inspection ~~or certification~~ visit;
- 11 (2) A plan for ~~routine inspections of visits to~~ all facilities, including
12 announced and unannounced visits, which shall be confidential
13 unless a court orders its ~~disclosure, and which shall be conducted~~
14 ~~without prior notice to the facility; disclosure;~~
- 15 (3) An inspection that may be conducted without notice, if there is
16 probable cause to believe that an emergency situation exists or
17 there is a complaint alleging a violation of licensure law. When the
18 Department is notified by the county director of social services that
19 the director has received a report of child abuse or neglect in a
20 child ~~day-care~~ care facility, or when the Department is notified by
21 any other person that alleged abuse or neglect has occurred in a
22 facility, the Commission's rules shall provide for an inspection
23 conducted without notice to the child ~~day-care~~ care facility to
24 determine whether the alleged abuse or neglect has occurred. This
25 inspection shall be conducted within seven calendar days of receipt
26 of the report, and when circumstances ~~warrant~~ warrant, additional
27 ~~visits, the second inspection shall be conducted within one month~~
28 ~~of the first visit. visits shall be conducted.~~

29 The Secretary or the Secretary's designee, upon presenting appropriate credentials to
30 the operator of the child ~~day-care~~ care facility, ~~is authorized to~~ may perform
31 inspections in accordance with the standards and rules promulgated under this
32 subsection. The Secretary or the Secretary's designee may inspect any area of a
33 building in which there is reasonable evidence that children are in care.

34 (b) If an operator refuses to allow the Secretary or ~~his~~ the Secretary's designee to
35 inspect the ~~day-care~~ child care facility, the Secretary shall seek an administrative
36 warrant in accordance with G.S. 15-27.2."

37 Section 24. G.S. 110-105.1 is repealed.

38 Section 25. G.S. 110-105.2 reads as rewritten:

39 **"§ 110-105.2. Abuse and neglect violations.**

40 (a) For purposes of this Article, child abuse and neglect, as defined in G.S. 7A-517
41 and in G.S. 14-318.2 and G.S. 14-318.4, occurring in ~~day-care~~ child care ~~facilities~~
42 facilities, and homes, are violations of the licensure ~~and registration~~ standards and of
43 the licensure ~~and registration~~ law.

(b) When an investigation pursuant to G.S. 110-105(a)(3) substantiates that child abuse or neglect did occur in a child care facility, the Department may issue a written warning which shall specify any corrective action to be taken by the operator. The Department shall make an unannounced visit within one month after issuance of the written warning to determine whether the corrective action has occurred. If the corrective action has not occurred, then the Department may issue a special provisional license.

(c) When the Department issues a special provisional license pursuant to this section, the Department shall send a letter which states the reasons for the special provisional status, and the license shall specify corrective action that shall be taken by the operator. A special provisional license issued pursuant to this section shall be in effect for no more than six months from issuance. The operator shall post, where parents can see them, the letter stating the reasons for the special provisional status and the special provisional license. Under the terms of the special provisional license, the Secretary may limit enrollment of new children until satisfied the abusive or neglectful situation no longer exists. The Department shall make unannounced visits as often as the Department believes it is necessary during the period the special provisional license is in effect.

(d) Specific corrective action required by a written warning, special provisional license, or any other administrative penalty authorized by this Article may include the permanent removal of the substantiated abuser or neglecter from child care.

(e) Nothing in this section shall restrict the Secretary from using any other statutory or administrative remedies available."

Section 26. G.S. 110-106 reads as rewritten:

"§ 110-106. Religious sponsored ~~day-care~~ child care facilities.

(a) The term ~~'church day-care~~ 'religious sponsored child care facility' as used ~~herein in this section~~ shall include any ~~day-care~~ child care facility or summer day camp operated by a church, synagogue or school of religious charter.

(b) ~~Reporting Procedure Regarding of Church Day-Care~~ Religious Sponsored Child Care Facilities. --

(1) ~~Church-day~~ Religious sponsored child care facilities shall file with the Department a notice of intent to operate a ~~day~~ child care facility and the date it will begin operation at least 30 days prior to that date. Within 30 days after beginning operation, the facility shall provide to the Department written reports and supporting data which show the facility is in compliance with applicable provisions of G.S 110-91. After the ~~church-day~~ religious sponsored child care facility has filed this information with the Department, the facility shall be visited by a representative of the Department to ~~assure~~ ensure compliance with the applicable provisions of G.S. 110-91.

(2) Each ~~church-day-care~~ religious sponsored child care facility shall ~~annually~~ file with the Department a report indicating that it meets the minimum standards for facilities as provided in the applicable

provisions of G.S. ~~110-91~~ 110-91 as required by the Department. The reports shall be in accordance with rules adopted by the Commission. Each ~~church-day-care~~ religious sponsored child care facility shall be responsible for ~~accompanying~~ supplying with its report ~~with~~ the necessary supporting data to show conformity with those minimum standards, including reports from the local and district health departments, local building inspectors, local firemen, volunteer firemen, and other, on forms which shall be provided by the Department.

(3) It shall be the responsibility of the Department to notify the facility if it fails to meet the minimum requirements. The Secretary shall be responsible for carrying out the enforcement provisions provided by the General Assembly in Article 7 of Chapter 110 including inspection to ~~insure~~ ensure compliance. The Secretary ~~shall be empowered to~~ may issue an order requiring a ~~church-day-care~~ religious sponsored child care facility which fails to meet the standards established pursuant to this Article to cease operating. A ~~church-day-care~~ religious sponsored child care facility may request a hearing to determine if it is in compliance with the applicable provisions of G.S. 110-91. If the Secretary determines that it is not, ~~it~~ the Secretary may order the facility to cease operation until it is in compliance.

(4) ~~Church-day-care~~ Religious sponsored child care facilities including summer day camps shall be exempt from the requirement that they obtain a license and that the license be displayed and shall be exempt from any subsequent rule or regulatory program not dealing specifically with the minimum standards as provided in the applicable provisions of G.S. 110-91. Nothing in this Article shall be interpreted to allow the State to regulate or otherwise interfere with the religious training offered as a part of any ~~church-day-care~~ religious sponsored child care program. Nothing in this Article shall prohibit any ~~church-operated, synagogue-operated, or religious-affiliated~~ religious sponsored child care facility from becoming licensed by the State if it so chooses.

(5) ~~Church-day-care~~ Religious sponsored child care facilities found to be in violation of the applicable provisions of G.S. 110-91 shall be subject to the injunctive provisions of G.S. 110-104, except that they may not be enjoined for operating without a license. The Secretary ~~is empowered to~~ may seek an injunction against any ~~such~~ religious sponsored child care facility under the conditions specified in G.S. 110-104 with the above exception and when any ~~such~~ religious sponsored child care facility operates without submitting the required forms and following the procedures required by this Article.

1 (c) ~~G.S. 110-91(8), G.S. 110-91(11), G.S. 110-91(12), 110-91(12) and the second~~
2 ~~paragraph of G.S. 110-91(8)~~ do not apply to religious sponsored day-care child care
3 facilities, and these facilities are exempt from any requirements prescribed by
4 subsection (b) of this section that arise out of these provisions. ~~No staff qualifications~~
5 ~~other than those prescribed by the first paragraph of G.S. 110-91(8) shall apply to~~
6 ~~religious sponsored day-care facilities.~~

7 (d) No person shall be an operator of nor be employed in a religious sponsored
8 child care facility who has been convicted of a crime involving child neglect, child
9 abuse, or moral turpitude, or who is a habitually excessive user of alcohol or who
10 illegally uses narcotic or other impairing drugs, or who is mentally or emotionally
11 impaired to an extent that may be injurious to children.

12 (e) Each religious sponsored child care facility shall be under the direction or
13 supervision of a literate person at least 21 years of age. All staff counted toward
14 meeting the required staff/child ratio shall be at least 16 years old, provided that
15 persons younger than 18 years old work under the direct supervision of a literate staff
16 person at least 21 years old. Effective January 1, 1998, a person operating a religious
17 sponsored child care home must be at least 21 years old and literate. Persons
18 operating religious sponsored child care homes prior to January 1, 1998, shall be at
19 least 18 years old and literate. The definition of literate in G.S. 110-91(8) shall apply
20 to this subsection."

21 Section 27. G.S. 110-106.1 is repealed.

22 Section 28. G.S. 110-91(6) limits the authority of the Child Care
23 Commission to adopt rules to ensure that outdoor play area equipment and
24 furnishings at child care facilities are free of hazards that pose a threat of serious
25 injury to children while engaged in normal supervised play activities. Accordingly,
26 pursuant to G.S. 150B-21.7, rules adopted by the Child Care Commission requiring
27 conformance to United States Consumer Product Safety Commission guidelines for
28 playground safety, including amendments thereto, are repealed.

29 Section 28.1. The following rules are repealed:

30 10 NCAC 3U .0510(e), Activity Areas: Preschool Children Two Years
31 and Older; and

32 10 NCAC 3U .0714(g), Other Staffing Requirements.

33 PART 2. STATUTORY TECHNICAL AND CONFORMING CHANGES.

34 Section 29. G.S. 7A-474.3(b) reads as rewritten:

35 "(b) Eligible Cases. Legal assistance shall be provided to eligible clients under
36 this Article only in the following types of cases:

- 37 (1) Family violence or spouse abuse;
- 38 (2) Assistance for the disabled in obtaining federal Social Security
39 benefits;
- 40 (3) Representation of eligible farmers faced with the potential of farm
41 foreclosure;
- 42 (4) Representation of eligible clients over the age of 60 regarding the
43 following matters:
 - 44 a. Wills and estates;

- b. Safe and sanitary housing;
 - c. Pensions and retirement rights;
 - d. Social Security and Medicare rights;
 - e. Access to health care;
 - f. Food and nutrition; and
 - g. Transportation.
- (5) Representation of eligible clients designed to enable them to obtain the necessary skills and means to obtain meaningful employment at a decent wage and reduce the public welfare rolls; and
- (6) Representation of eligible clients under the age of 21 or eligible families with legal problems affecting persons under the age of 21 regarding the following matters:
- a. Financial support and custody of children;
 - b. ~~Day~~ Child care;
 - c. Child abuse or neglect;
 - d. Safe and sanitary housing;
 - e. Food and nutrition; and
 - f. Access to health care."

Section 30. G.S. 7A-517(5) reads as rewritten:

- "(5) Caretaker. -- Any person other than a parent, guardian, or custodian who has responsibility for the health and welfare of a juvenile in a residential setting. A person responsible for a juvenile's health and welfare means a stepparent, foster parent, an adult member of the juvenile's household, an adult relative entrusted with the juvenile's care, or any person such as a house parent or cottage parent who has primary responsibility for supervising a juvenile's health and welfare in a residential child care facility or residential educational facility. 'Caretaker' also means any person who has the responsibility for the care of a juvenile in a ~~child day care home or~~ child ~~day~~ care facility as defined in Article 7 of Chapter 110 of the General Statutes and includes any person who has the approval of the care provider to assume responsibility for the juveniles under the care of the care provider. Nothing in this subdivision shall be construed to impose a legal duty of support under Chapter 50 or Chapter 110 of the General Statutes. The duty imposed upon a caretaker as defined in this subdivision shall be for the purpose of Chapter 7A of the General Statutes only."

Section 31. G.S. 7A-542 reads as rewritten:

"§ 7A-542. Protective services.

The Director of the Department of Social Services in each county of the State shall establish protective services for juveniles alleged to be abused, neglected, or dependent.

1 Protective services shall include the investigation and screening of complaints,
2 casework or other counseling services to parents or other caretakers as provided by
3 the director to help the parents or other caretakers and the court to prevent abuse or
4 neglect, to improve the quality of child care, to be more adequate parents or
5 caretakers, and to preserve and stabilize family life.

6 The provisions of this Article shall also apply to child ~~day~~ care facilities ~~and child~~
7 ~~day care homes~~ as defined in G.S. 110-86."

8 Section 32. G.S. 7A-543 reads as rewritten:

9 "**§ 7A-543. Duty to report child abuse, neglect, dependency, or death due to**
10 **maltreatment.**

11 Any person or institution who has cause to suspect that any juvenile is abused,
12 neglected, or dependent, as defined by G.S. 7A-517, or has died as the result of
13 maltreatment, shall report the case of that juvenile to the Director of the Department
14 of Social Services in the county where the juvenile resides or is found. The report
15 may be made orally, by telephone, or in writing. The report shall include
16 information as is known to the person making it including the name and address of
17 the juvenile; the name and address of the juvenile's parent, guardian, or caretaker;
18 the age of the juvenile; the names and ages of other juveniles in the home; the
19 present whereabouts of the juvenile if not at the home address; the nature and extent
20 of any injury or condition resulting from abuse, neglect, or dependency; and any
21 other information which the person making the report believes might be helpful in
22 establishing the need for protective services or court intervention. If the report is
23 made orally or by telephone, the person making the report shall give the person's
24 name, address, and telephone number. Refusal of the person making the report to
25 give a name shall not preclude the Department's investigation of the alleged abuse,
26 neglect, dependency, or death as a result of maltreatment.

27 Upon receipt of any report of child sexual abuse in a ~~day~~ child care ~~facility or day~~
28 ~~care home, facility,~~ the Director shall notify the State Bureau of Investigation within
29 24 hours or on the next work day. If child sexual abuse in a ~~day~~ child care facility ~~or~~
30 ~~day care home~~ is not alleged in the initial report, but during the course of the
31 investigation there is reason to suspect that child sexual abuse has occurred, the
32 Director shall immediately notify the State Bureau of Investigation. Upon
33 notification that child sexual abuse may have occurred in a ~~day~~ child care ~~facility or~~
34 ~~day care home, facility,~~ the State Bureau of Investigation may form a task force to
35 investigate the report."

36 Section 33. G.S. 7A-548 reads as rewritten:

37 "**§ 7A-548. Duty of Director to report evidence of abuse, neglect; investigation by**
38 **local law enforcement; notification of Department of Human Resources and State**
39 **Bureau of Investigation.**

40 (a) If the Director finds evidence that a juvenile may have been abused as defined
41 by G.S. 7A-517(1), the Director shall make an immediate oral and subsequent written
42 report of the findings to the district attorney or the district attorney's designee and
43 the appropriate local law enforcement agency within 48 hours after receipt of the
44 report. The local law enforcement agency shall immediately, but no later than 48

1 hours after receipt of the information, initiate and coordinate a criminal investigation
2 with the protective services investigation being conducted by the county Department
3 of Social Services. Upon completion of the investigation, the district attorney shall
4 determine whether criminal prosecution is appropriate and may request the Director
5 or the Director's designee to appear before a magistrate.

6 If the Director receives information that a juvenile may have been physically
7 harmed in violation of any criminal statute by any person other than the juvenile's
8 parent, guardian, custodian, or caretaker, the Director shall make an immediate oral
9 and subsequent written report of that information to the district attorney or the
10 district attorney's designee and to the appropriate local law enforcement agency
11 within 48 hours after receipt of the information. The local law enforcement agency
12 shall immediately, but no later than 48 hours after receipt of the information, initiate
13 a criminal investigation. Upon completion of the investigation, the district attorney
14 shall determine whether criminal prosecution is appropriate.

15 If the report received pursuant to G.S. 7A-543 involves abuse or neglect of a
16 juvenile in day child care, ~~either in a day care facility or a day care home~~, the
17 Director shall notify the Department of Human Resources within 24 hours or on the
18 next working day of receipt of the report.

19 (a1) If the Director finds evidence that a juvenile has been abused or neglected as
20 defined by G.S. 7A-517 in a day child care facility ~~or day care home~~, facility, ~~he the~~
21 Director shall immediately so notify the Department of Human Resources and, in the
22 case of child sexual abuse, the State Bureau of Investigation, in such a way as does
23 not violate the law guaranteeing the confidentiality of the records of the Department
24 of Social Services.

25 (a2) Upon completion of the investigation, the Director shall give the Department
26 written notification of the results of the investigation required by G.S. 7A-544. Upon
27 completion of an investigation of child sexual abuse in a day child care facility ~~or day~~
28 ~~care home~~, facility, the Director shall also make written notification of the results of
29 the investigation to the State Bureau of Investigation.

30 The Director of the Department of Social Services shall submit a report of alleged
31 abuse, neglect, or dependency cases or child fatalities that are the result of alleged
32 maltreatment to the central registry under the policies adopted by the Social Services
33 Commission.

34 (b) Repealed by Session Laws 1991, (Reg. Sess., 1992), c. 923, s. 4."

35 Section 34. G.S. 95-28.3(a) reads as rewritten:

36 "(a) It is the belief of the General Assembly that parent involvement is an
37 essential component of school success and positive student outcomes. Therefore,
38 employers shall grant four hours per year leave to any employee who is a parent,
39 guardian, or person standing in loco parentis of a school-aged child so that the
40 employee may attend or otherwise be involved at that child's school. However, any
41 leave under this section is subject to the following conditions:

42 (1) The leave shall be at a mutually agreed upon time between the
43 employer and the employee.

(2) The employer may require an employee to provide the employer with a written request for the leave at least 48 hours before the time desired for the leave.

(3) The employer may require that the employee furnish written verification from the child's school that the employee attended or was otherwise involved at that school during the time of the leave.

For the purpose of this section, 'school' means any (i) public school, (ii) private church school, church of religious charter, or nonpublic school described in Parts 1 and 2 of Article 39 of Chapter 115C of the General Statutes that regularly provides a course of grade school instruction, (iii) preschool, and (iv) child day care facility as defined in G.S. 110-86(3)."

Section 36. G.S. 105-164.13(26a) reads as rewritten:

"(26a) Food sold not for profit by a public school cafeteria to a child day care center that participates in the Child and Adult Care Food Program of the Department of Public Instruction."

Section 37. G.S. 114-15.3 reads as rewritten:

"§ 114-15.3. Investigations of child sexual abuse in day child care.

The Director of the Bureau may form a task force to investigate and gather evidence following a notification by the director of a county department of social services, pursuant to G.S. 7A-543, that child sexual abuse may have occurred in a day child care facility or day care home. facility."

Section 38. G.S. 114-19.3(a) reads as rewritten:

"(a) Authority. -- The Department of Justice may provide to any of the following entities a criminal record check of an individual who is employed by that entity, has applied for employment with that entity, or has volunteered to provide direct care on behalf of that entity:

(1) Hospitals licensed under Chapter 131E of the General Statutes.

(2) Nursing homes or combination homes licensed under Chapter 131E of the General Statutes.

(3) Adult care homes licensed under Chapter 131D of the General Statutes.

(4) Home care agencies or hospices licensed under Chapter 131E of the General Statutes.

(5) Child placing agencies licensed under Chapter 131D of the General Statutes.

(6) Residential child care facilities licensed under Chapter 131D of the General Statutes.

(7) Hospitals licensed under Chapter 122C of the General Statutes.

(8) Area mental health, developmental disabilities, and substance abuse authorities licensed under Chapter 122C of the General Statutes, including a contract agency of an area authority that is subject to the provisions of Article 4 of that Chapter.

(9) Licensed child day care facilities and registered and nonregistered nonlicensed child day care homes regulated by the State.

1 (10) Any other organization or corporation, whether for profit or
2 nonprofit, that provides direct care or services to children, the sick,
3 the disabled, or the elderly."

4 Section 39. G.S. 114-19.5 reads as rewritten:

5 **"§ 114-19.5. Criminal record checks of child ~~day~~ care providers.**

6 The Department of Justice may provide to the Division of Child Development,
7 Department of Human Resources, the criminal history from the State and National
8 Repositories of Criminal Histories in accordance with G.S. 110-90.2, of any child ~~day~~
9 care provider, as defined in G.S. 110-90.2. The Division shall provide to the
10 Department of Justice, along with the request, the fingerprints of the provider to be
11 checked, any additional information required by the Department of Justice, and a
12 form consenting to the check of the criminal record and to the use of fingerprints and
13 other identifying information required by the State or National Repositories signed by
14 the child ~~day~~ care provider to be checked. The Division shall keep all information
15 pursuant to this section privileged, as provided in G.S. 110-90.2(e). The Department
16 of Justice shall charge a reasonable fee only for conducting the checks of the national
17 criminal history records authorized by this section."

18 Section 40. G.S. 115C-468(c) reads as rewritten:

19 "(c) The Superintendent of Public Instruction may earmark up to twenty percent
20 (20%) of the funds available for scholarship loans each year for awards to applicants
21 who have been employed for at least one year as teacher assistants and who are
22 currently employed as teacher assistants. Preference for these scholarship loans from
23 funds earmarked for teacher assistants shall be given first to applicants who worked
24 as teacher assistants for at least five years and whose positions as teacher assistants
25 were abolished and then to applicants who already hold a baccalaureate degree or
26 who have already been formally admitted to an approved teacher education program
27 in North Carolina. The criteria for awarding scholarship loans to applicants who
28 worked as teacher assistants for at least five years and whose positions as teacher
29 assistants were abolished shall include whether the teacher assistant has been
30 admitted to an approved teacher education program in North Carolina.

31 The Superintendent of Public Instruction may further earmark a portion of these
32 funds each year for two-year awards to applicants who have been employed for at
33 least one year as teacher assistants to attend community colleges to get other skills of
34 use in public schools or to get an early childhood associate degree. The provisions of
35 this Article shall apply to these scholarship loans except that a recipient of one of
36 these scholarship loans may receive credit upon the amount due by reason of the loan
37 as provided in G.S. 115C-471(5) or by working in a nonteaching position in the
38 North Carolina public schools or by working in a licensed ~~day~~ child care center in
39 North Carolina."

40 Section 41. G.S. 120-70.71 reads as rewritten:

41 **"§ 120-70.71. Powers and duties.**

42 The Commission shall study State government policy and programs affecting the
43 family, specifically addressing family issues from the point of existing laws,
44 governmental programs needed or already functioning, and current family life issues.

1 The Commission shall work in close collaboration with various agencies and
2 programs dealing with the family. Among the issues the Commission may consider
3 studying are the following:

- 4 (1) The feasibility of establishing model projects that would be located
5 primarily in low-income, high dropout rate communities in North
6 Carolina:
 - 7 a. To teach adults in the family to read; and
 - 8 b. To provide after school care for school-aged children using
9 volunteers who could be retirees in the provision of services;
- 10 (2) The fiscal impact of a cash stipend created by a tax deduction or
11 by industry dollars to promote literacy or the obtainment of a
12 General Education Development Degree for persons who are
13 presently illiterate or outside the school system;
- 14 (3) The need for ~~day~~ care for children and senior citizens, an increase
15 in Aid to Families with Dependent Children payments and
16 eligibility requirements, coordination of State law with federal
17 welfare reform programs, in-home services for the elderly,
18 additional funding for adult day care, and incentives for industries
19 to develop ~~day~~ child care programs;
- 20 (4) The relationship between the decline of real income and the tax
21 structure, college tax credits, the minimum wage, and welfare
22 support systems;
- 23 (5) The State's efforts in the areas of adolescent pregnancy and
24 teaching about adolescent sexuality;
- 25 (6) A comprehensive review of State and federal programs
26 encouraging business and industry to provide adequate child care
27 for their employees;
- 28 (7) An analysis of what the State is currently doing to encourage
29 North Carolina businesses and industry to provide adequate child
30 care for their employees;
- 31 (8) A survey of North Carolina employers that presently provide child
32 care options for their employees and what types of options they
33 provide;
- 34 (9) A comprehensive study of the types of tax incentives and other
35 incentives that would encourage North Carolina businesses --
36 especially those that have 50 or more employees -- to either
37 provide on-site child care facilities or provide other child care
38 options and the cost to the State of these tax incentives;
- 39 (10) Recommendations of what the State could be doing to encourage
40 North Carolina businesses to provide on-site child care facilities or
41 other child care options for their employees;
- 42 (11) Recommendations of a comprehensive policy for North Carolina to
43 encourage businesses within the State to provide on-site child care
44 facilities or other child care options for their employees;

- 1 (12) The concept of requiring coverage of child health supervision
2 services in all health insurance policies sold or delivered within the
3 State;
4 (13) The issue of domestic violence; and
5 (14) The problem of suicide among the youth of the State."
6 Section 42. G.S. 120-123(44) reads as rewritten:
7 "(44) The Child ~~Day-Care~~ Care Commission, as established by G.S.
8 143B-168.3."
9 Section 43. G.S. 122C-22(a) reads as rewritten:
10 "(a) The following are excluded from the provisions of this Article and are not
11 required to obtain licensure under this Article:
12 (1) Physicians and psychologists engaged in private office practice;
13 (2) General hospitals licensed under Article 5 of Chapter 131E of the
14 General Statutes, that operate special units for the mentally ill,
15 developmentally disabled, or substance abusers;
16 (3) State and ~~federally-operated~~ federally operated facilities;
17 (4) Adult care homes licensed under Chapter 131D of the General
18 Statutes;
19 (5) Developmental child ~~day~~ care centers licensed under Article 7 of
20 Chapter 110 of the General Statutes;
21 (6) Persons subject to licensure under rules of the Social Services
22 Commission;
23 (7) Persons subject to rules and regulations of the Division of
24 Vocational Rehabilitation Services; and
25 (8) Facilities that provide occasional respite care for not more than
26 two individuals at a time; provided that the primary purpose of the
27 facility is other than as defined in G.S. 122C-3(14)."
28 Section 44. G.S. 122E-8(d) reads as rewritten:
29 "(d) The Agency shall also give priority to applications which include provisions
30 such as:
31 (1) Interest rates and loan terms more favorable than those
32 conventionally offered;
33 (2) Developer contributions to project costs;
34 (3) Local government contributions to project costs, including
35 infrastructure improvements, contributions of publicly owned land
36 for housing development, and the provision of funds for such
37 services as ~~day~~ child care and job training;
38 (4) Coordination with other housing and/or infrastructure investments
39 in the community;
40 (5) Provision of housing to the disabled, single parent households, or
41 rurally isolated households; or
42 (6) Provision of housing to persons whose current housing fails to meet
43 basic standards of health and safety and who have little prospect of

improving the condition of their housing except by residing in an eligible project receiving assistance under this Chapter."

Section 45. G.S. 130A-131.5 reads as rewritten:

"§ 130A-131.5. Commission to adopt rules.

(a) For the protection of the public health, the Commission shall adopt rules for the prevention and control of lead poisoning in children. The rules shall include provisions for:

- (1) Reporting by laboratories of elevated blood lead levels in children less than six years of age; the rules shall specify the public health agency to which reports shall be made, and shall establish when a blood lead level is considered to be elevated. The rules shall further provide the specific information to be included in the reports, the time limits for reporting, and the form in which reports shall be submitted;
- (2) Investigation by the Department to determine the source of elevated blood lead levels;
- (3) Identification of lead poisoning hazards;
- (4) Examination and testing of children less than six years of age who are reasonably suspected of having elevated blood lead levels; and
- (5) Abatement of lead poisoning hazards in dwellings, schools and ~~day~~ child care facilities centers determined by the Department to be a potential source of an elevated blood lead level in a child less than six years of age.

(b) Abatement orders issued by the Department pursuant to this section shall require elimination of the lead poisoning hazard. Removal of children from the dwelling, school, or ~~day child care facility center~~ shall not constitute abatement if the property continues to be used for a dwelling, school, or ~~day child care facility center.~~

Section 46. G.S. 130A-136 reads as rewritten:

"§ 130A-136. School principals and ~~day-care~~ child care operators to report.

A principal of a school and an operator of a ~~day-care~~ child care facility, as defined in G.S. 110-86(3), who has reason to suspect that a person within the school or ~~day-care~~ child care facility has a communicable disease or communicable condition declared by the Commission to be reported, shall report information required by the Commission to the local health director of the county or district in which the school or facility is located."

Section 47. G.S. 130A-155 reads as rewritten:

"§ 130A-155. Submission of certificate to ~~day-care~~ child care facility and school authorities; record maintenance; reporting.

(a) No child shall attend a school (K-12), whether public, private or religious, or a ~~day-care~~ child care facility as defined in G.S. 110-86(3), unless a certificate of immunization indicating that the child has received the immunizations required by G.S. 130A-152 is presented to the school or facility. The parent, guardian, or responsible person must present a certificate of immunization on the child's first day

1 of attendance to the principal of the school or operator of the facility, as defined in
2 G.S. 110-86(7). If a certificate of immunization is not presented on the first day, the
3 principal or operator shall present a notice of deficiency to the parent, guardian or
4 responsible person. The parent, guardian or responsible person shall have 30 calendar
5 days from the first day of attendance to obtain the required immunization for the
6 child. If the administration of vaccine in a series of doses given at medically approved
7 intervals requires a period in excess of 30 calendar days, additional days upon
8 certification by a physician may be allowed to obtain the required immunization.
9 Upon termination of 30 calendar days or the extended period, the principal or
10 operator shall not permit the child to attend the school or facility unless the required
11 immunization has been obtained.

12 (b) The school or ~~day-care~~ child care facility shall maintain on file immunization
13 records for all children attending the school or facility which contain the information
14 required for a certificate of immunization as specified in G.S. 130A-154. These
15 certificates shall be open to inspection by the Department and the local health
16 department during normal business hours. When a child transfers to another school
17 or facility, the school or facility which the child previously attended shall, upon
18 request, send a copy of the child's immunization record at no charge to the school or
19 facility to which the child has transferred.

20 (c) Within 60 calendar days after the commencement of a new school year, the
21 school shall file an immunization report with the Department. The ~~day-care~~ child
22 care facility shall file an immunization report annually with the Department. The
23 report shall be filed on forms prepared by the Department and shall state the number
24 of children attending the school or facility, the number of children who had not
25 obtained the required immunization within 30 days of their first attendance, the
26 number of children who received a medical exemption and the number of children
27 who received a religious exemption.

28 (d) Any adult who attends school (K-12), whether public, private or religious, shall
29 obtain the immunizations required in G.S. 130A-152 and shall present to the school a
30 certificate in accordance with this section. The physician or local health department
31 administering a required vaccine to the adult shall give a certificate of immunization
32 to the person. The certificate shall state the person's name, address, date of birth and
33 sex; the number of doses of the vaccine given; the date the doses were given; the
34 name and addresses of the physician or local health department administering the
35 required immunization; and other relevant information required by the Commission."

36 Section 48. The heading for Article 3E, Chapter 143 of the General
37 Statutes, reads as rewritten:

38 "ARTICLE 3E.

39 State/Public School Child ~~Day~~ Care Contracts."

40 Section 49. G.S. 143-64.50 reads as rewritten:

41 "**§ 143-64.50. State/public school-contracted on-, near-site day child care facilities;**
42 **location authorization; contract for program services authorization.**

43 State agencies and local boards of education may contract with any city, county, or
44 other political subdivision of the State, governmental or private agency, person,

1 association, or corporation to establish child day care services in State buildings and
2 public schools. If the child day care program is located in a State building that is not
3 used for legislative activity, the procedure for approving the location of the program
4 shall be pursuant to G.S. 143-341(4). If the child day care program is located in a
5 State building used for legislative activity, the procedure for approving the location of
6 the program shall be pursuant to G.S. 120-32.1. If the child day care program is
7 located in any other State building, the procedure for contracting for child day care
8 services shall be pursuant to G.S. 143-49(3). If the child day care program is located
9 in a State building used for legislative activity, the procedure for contracting for child
10 day care services shall be pursuant to G.S. 120-32(4).

11 Contracts for services awarded pursuant to this section are exempt from the
12 provisions of G.S. 66-58(a) and the contract may provide for payment of rent by the
13 lessee or the operator of the facility."

14 Section 50. G.S. 143-64.51 reads as rewritten:

15 "**§ 143-64.51. State/public school-contracted child day care facilities; licensing**
16 **requirements.**

17 All child day care facilities established pursuant to this Article shall be licensed
18 and regulated under the provisions of Article 7 of Chapter 110 of the General
19 Statutes, entitled 'Day Child Care Facilities.'"

20 Section 51. G.S. 143-64.52 reads as rewritten:

21 "**§ 143-64.52. State/public school-contracted child day care facilities; limitation of**
22 **State/local board liability.**

23 The operators of the child day care facilities established pursuant to this Article
24 shall assume all financial and legal responsibility for the operation of the programs
25 and shall maintain adequate insurance coverage for the operations taking place in the
26 facilities. Neither the operator or any of the staff of the facilities are considered State
27 employees or local board of education employees by virtue of this Article alone. The
28 State or the local boards of education are financially and legally responsible only for
29 the maintenance of the building."

30 Section 52. G.S. 143-576.2(b) reads as rewritten:

31 "(b) Each Local Team shall consist of the following persons:

- 32 (1) The director of the county department of social services, and a
33 member of the director's staff;
- 34 (2) A local law enforcement officer, appointed by the board of county
35 commissioners;
- 36 (3) An attorney from the district attorney's office, appointed by the
37 district attorney;
- 38 (4) The executive director of the local community action agency, as
39 defined by the Division of Economic Opportunity, Department of
40 Human Resources, or the executive director's designee;
- 41 (5) The superintendent of each local school administrative unit located
42 in the county, or the superintendent's designee;
- 43 (6) A member of the county board of social services, appointed by the
44 chair of that board;

- 1 (7) A local mental health professional, appointed by the director of the
- 2 area authority established under Chapter 122C of the General
- 3 Statutes;
- 4 (8) The local guardian ad litem coordinator, or the coordinator's
- 5 designee;
- 6 (9) The director of the local department of public health; and
- 7 (10) A local health care provider, appointed by the local board of
- 8 health.

9 In addition, a Local Team that reviews the records of additional child fatalities shall
10 include the following four additional members:

- 11 (1) An emergency medical services provider or firefighter, appointed
- 12 by the board of county commissioners;
- 13 (2) A district court judge, appointed by the chief district judge in that
- 14 district;
- 15 (3) A county medical examiner, appointed by the Chief Medical
- 16 Examiner;
- 17 (4) A representative of a local ~~day~~ child care facility or Head Start
- 18 program, appointed by the director of the county department of
- 19 social services; and
- 20 (5) A parent of a child who died before reaching the child's
- 21 eighteenth birthday, to be appointed by the board of county
- 22 commissioners.

23 The Team Coordinator shall serve as an ex officio member of each Local Team that
24 reviews the records of additional child fatalities. The board of county commissioners
25 may appoint a maximum of five additional members to represent county agencies or
26 the community at large to serve on any Local Team. Vacancies on a Local Team
27 shall be filled by the original appointing authority."

28 Section 53. G.S. 143-599 reads as rewritten:

29 **"§ 143-599. Exemptions.**

30 All of the following facilities shall be exempt from the provisions of this Article:

- 31 (1) Any primary or secondary school or ~~day~~ child care center, except
- 32 for a teacher's lounge.
- 33 (2) An enclosed elevator.
- 34 (3) Public school bus.
- 35 (4) Hospital, nursing home, rest home, and State facility operated
- 36 under the authority of G.S. 122C-181.
- 37 (5) Local health department.
- 38 (6) Any nonprofit organization or corporation whose primary purpose
- 39 is to discourage the use of tobacco products by the general public.
- 40 (7) Tobacco manufacturing, processing, and administrative facilities."

41 Section 54. G.S. 143B-138 reads as rewritten:

42 **"§ 143B-138. Department of Human Resources -- functions and organization.**

- 43 (a) Repealed by Session Laws 1989, c. 727, s. 5.

(b) All functions, powers, duties, and obligations heretofore vested in commissions, boards, councils, committees, or subunits of the Department of Human Resources which are not transferred by G.S. 143B-279.3 shall continue to be vested in the Department of Human Resources. These shall include, but are not limited to, the following:

- (1) Division of Aging.
- (2) Respite Care Program.
- (3) Governor's Advisory Council on Aging.
- (4) Division of Services for the Blind.
- (5) Commission for the Blind.
- (6) Professional Advisory Committee.
- (7) Consumer and Advocacy Advisory Committee for the Blind.
- (8) Division of Medical Assistance.
- (9) Division of Mental Health, Developmental Disabilities, and Substance Abuse Services.
- (10) Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services.
- (11) Division of Social Services.
- (12) Social Services Commission.
- (13) Division of Facility Services.
- (14) Medical Care Commission.
- (15) Child ~~Day-Care~~ Care Commission.
- (16) Emergency Medical Services Advisory Council.
- (17) Division of Vocational Rehabilitation.
- (18) Division of Youth Services.
- (19) Division of Schools for the Deaf and the Blind.
- (20) Board of Directors of the Governor Morehead School.
- (21) Board of Directors for the North Carolina Schools for the Deaf.
- (22) North Carolina Council for the Hearing Impaired.
- (23) Council on Developmental Disabilities.
- (24) North Carolina Council on the Holocaust.

(c) All functions, powers, duties, and obligations heretofore vested in the Economic Opportunity Division of the Department of Natural Resources and Community Development are hereby transferred to and vested in the Department of Human Resources by a Type I transfer as defined in G.S. 143A-6.

(d) The Department of Human Resources is vested with all other functions, powers, duties, and obligations as are conferred by the Constitution and laws of this State."

Section 55. G.S. 143B-153(8) reads as rewritten:

- "(8) The Commission may establish by regulation, except for Title XX services provided solely through the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, rates or fees for:

- 1 a. A fee schedule for the payment of the costs of necessary ~~day~~
2 child care in licensed facilities and registered plans for
3 minor children of needy families.
- 4 b. A fee schedule for the payment by recipients for services
5 which are established in accordance with Title XX of the
6 Social Security Act and implementing regulations; and
- 7 c. The payment of an administrative fee not to exceed two
8 hundred dollars (\$200.00) to be paid by public or nonprofit
9 agencies which employ students under the Plan Assuring
10 College Education (PACE) program.
- 11 d. Child support enforcement services as defined by G.S. 110-
12 130.1."

13 Section 56. G.S. 143B-168.3 reads as rewritten:

14 **"§ 143B-168.3. Child ~~Day-Care~~ Care Commission -- powers and duties.**

15 The Child Day-Care Licensing Commission of the Department of Administration
16 is transferred, recodified, and renamed the Child ~~Day-Care~~ Care Commission of the
17 Department of Human Resources with the power and duty to adopt rules to be
18 followed in the licensing and operation of child ~~day~~ care facilities ~~and child day care~~
19 ~~homes~~ as provided by Article 7 of Chapter 110 of the General Statutes.

20 (a) The Child ~~Day-Care~~ Care Commission shall adopt rules:

- 21 (1) For the issuance of licenses to any ~~day~~ child care facility; and
- 22 (2) To ~~register child day care homes and to~~ adopt rules as provided by
23 Article 7 of Chapter 110 of the General Statutes of the State of
24 North Carolina, and to establish standards for '~~AA~~' enhanced
25 program licenses, as authorized by G.S. 110-88(7).

26 (b) The Commission shall adopt rules consistent with the provisions of this
27 Chapter. All rules not inconsistent with the provisions of this Chapter heretofore
28 adopted by the Child Day-Care Licensing Commission shall remain in full force and
29 effect unless and until repealed or superseded by action of the Child ~~Day-Care~~ Care
30 Commission. All rules and regulations adopted by the Commission shall be enforced
31 by the Department of Human Resources."

32 Section 57. G.S. 143B-168.4(a) reads as rewritten:

33 **"§ 143B-168.4. Child ~~Day-Care~~ Care Commission -- members; selection; quorum.**

34 (a) The Child ~~Day-Care~~ Care Commission of the Department of Human
35 Resources shall consist of 15 members. Seven of the members shall be appointed by
36 the Governor and eight by the General Assembly, four upon the recommendation of
37 the President Pro Tempore of the Senate, and four upon the recommendation of the
38 Speaker of the House of Representatives. Four of the members appointed by the
39 Governor, two by the General Assembly on the recommendation of the President Pro
40 Tempore of the Senate, and two by the General Assembly on the recommendation of
41 the Speaker of the House of Representatives, shall be members of the public who are
42 not employed in, or providing, ~~day~~ child care and who have no financial interest in a
43 ~~day child care facility or home.~~ facility. Two of the foregoing public members
44 appointed by the Governor, one of the foregoing public members recommended by

1 the President Pro Tempore of the Senate, and one of the foregoing public members
2 recommended by the Speaker of the House of Representatives shall be parents of
3 children receiving ~~day~~ child care services. Of the remaining two public members
4 appointed by the Governor, one shall be a pediatrician currently licensed to practice
5 in North Carolina. Three of the members appointed by the Governor shall be ~~day~~
6 child care providers, one of whom shall be affiliated with a for profit ~~day~~ child care
7 ~~facility, center~~, one of whom shall be affiliated with a for profit ~~day~~ family child care
8 home, and one of whom shall be affiliated with a nonprofit ~~home or~~ facility. Two of
9 the members appointed by the General Assembly on the recommendation of the
10 President Pro Tempore of the Senate, and two by the General Assembly on
11 recommendation of the Speaker of the House of Representatives, shall be ~~day~~ child
12 care providers, one affiliated with a for profit ~~day~~ child care ~~facility or home~~, facility,
13 and one affiliated with a nonprofit ~~day~~ child care ~~facility or home~~. facility. None may
14 be employees of the State."

15 Section 58. G.S. 143B-168.5 reads as rewritten:

16 "**§ 143B-168.5. Child ~~Day~~ Care -- special unit.**

17 There is established within the Department of Human Resources a special unit to
18 deal primarily with violations involving child abuse and neglect in child ~~day~~ care
19 arrangements. The Child ~~Day~~ Care Commission shall make rules for the
20 investigation of reports of child abuse or neglect and for administrative action when
21 child abuse or neglect is substantiated, pursuant to G.S. 110-88(6a), 110-105, and
22 ~~110-105.1.~~ 110-105.2."

23 Section 59. G.S. 143B-168.14 reads as rewritten:

24 "**§ 143B-168.14. Local partnerships; conditions.**

25 (a) In order to receive State funds, the following conditions shall be met:

26 (1) Each local demonstration project shall be coordinated by a new
27 local partnership responsible for developing a comprehensive,
28 collaborative, long-range plan of services to children and families
29 in the service-delivery area. The board of directors of each local
30 partnership shall consist of members including representatives of
31 public and private nonprofit health and human service agencies,
32 ~~day~~ child care providers, the business community, foundations,
33 county and municipal governments, local education units, and
34 families. The Department, in cooperation with the North Carolina
35 Partnership, may specify in its requests for applications the local
36 agencies that shall be represented on a local board of directors.
37 No existing local, private, nonprofit 501(c)(3) organization, other
38 than one established on or after July 1, 1993, and that meets the
39 guidelines for local partnerships as established under this Part,
40 shall be eligible to apply to serve as the local partnership for the
41 purpose of this Part.

42 (2) Each local partnership shall agree to adopt procedures for its
43 operations that are comparable to those of Article 33C of Chapter
44 143 of the General Statutes, the Open Meetings Law, and Chapter

1 132 of the General Statutes, the Public Records Law, and provide
2 for enforcement by the Department.

3 (3) Each local partnership shall adopt procedures to ensure that all
4 personnel who provide services to young children and their
5 families under this Part know and understand their responsibility
6 to report suspected child abuse, neglect, or dependency, as defined
7 in G.S. 7A-517.

8 (4) Each local partnership shall participate in the uniform, standard
9 fiscal accountability plan developed and adopted by the North
10 Carolina Partnership.

11 (b) Each local partnership shall be subject to audit and review by the State
12 Auditor under Article 5A of Chapter 147 of the General Statutes. The State Auditor
13 shall conduct annual financial and compliance audits of the local partnerships."

14 Section 60. G.S. 143B-168.15 reads as rewritten:

15 "**§ 143B-168.15. Use of State funds.**

16 (a) State funds allocated to local projects for services to children and families shall
17 be used to meet assessed needs, expand coverage, and improve the quality of these
18 services. The local plan shall address the assessed needs of all children to the extent
19 feasible. It is the intent of the General Assembly that the needs of both young
20 children below poverty who remain in the home, as well as the needs of young
21 children below poverty who require services beyond those offered in child care
22 settings, be addressed. Therefore, as local partnerships address the assessed needs of
23 all children, they should devote an appropriate amount of their State allocations,
24 considering these needs and other available resources, to meet the needs of children
25 below poverty and their families.

26 (b) Depending on local, regional, or statewide needs, funds may be used to
27 support activities and services that shall be made available and accessible to
28 providers, children, and families on a voluntary basis. Of the funds allocated to local
29 partnerships that are designated by the Secretary for direct services, seventy-five
30 percent (75%) shall be used for any one or more of the following activities and
31 services:

- 32 (1) Child ~~day~~ care services, including:
- 33 a. Child ~~day~~ care subsidies to reduce waiting lists;
 - 34 b. Raising the county child ~~day~~ care subsidy rate to the State
35 market rate, if applicable, in return for improvements in the
36 quality of child ~~day~~ care services;
 - 37 c. Raising the income eligibility for child ~~day~~ care subsidies to
38 seventy-five percent (75%) of the State median family
39 income;
 - 40 d. Start-up funding for child ~~day~~ care providers;
 - 41 e. Assistance to enable child ~~day~~ care providers to conform to
42 licensing and building code requirements;
 - 43 f. Child ~~day~~ care resources and referral services;
 - 44 g. Enhancement of the quality of child ~~day~~ care provided;

- h. Technical assistance for child day care providers;
 - i. Quality grants for child day care centers or family child day care homes;
 - j. Expanded services or enhanced rates for children with special needs;
 - k. Head Start services;
 - l. Development of comprehensive child day care services that include child health and family support;
 - m. Activities to reduce staff turnover;
 - n. Activities to serve children with special needs;
 - o. Transportation services related to providing child day care services;
 - p. Evaluation of plan implementation of child day care services; and
 - q. Needs and resources assessments for child day care services.
- (2) Family- and child-centered services, including early childhood education and child development services, including:
- a. Enhancement of the quality of family- and child-centered services provided;
 - b. Technical assistance for family- and child-centered services;
 - c. Needs and resource assessments for family- and child-centered services;
 - d. Home-centered services; and
 - e. Evaluation of plan implementation of family- and child-centered services.
- (3) Other appropriate activities and services for child day care providers and for family- and child-centered services, including:
- a. Staff and organizational development, leadership and administrative development, technology assisted education, and long-range planning; and
 - b. Procedures to ensure that infants and young children receive needed health, immunization, and related services.

(c) Long-term plans for local projects that do not receive their full allocation in the first year, other than those selected in 1993, should consider how to meet the assessed needs of low-income children and families within their neighborhoods or communities. These plans also should reflect a process to meet these needs as additional allocations and other resources are received.

(d) State funds designated for start-up and related activities may be used for capital expenses or to support activities and services for children, families, and providers. State funds designated to support direct services for children, families, and providers shall not be used for major capital expenses unless the North Carolina Partnership approves this use of State funds based upon a finding that a local partnership has demonstrated that (i) this use is a clear priority need for the local plan, (ii) it is necessary to enable the local partnership to provide services and

1 activities to underserved children and families, and (iii) the local partnership will not
2 otherwise be able to meet this priority need by using State or federal funds available
3 to that local partnership. The funds approved for capital projects in any two
4 consecutive fiscal years may not exceed ten percent (10%) of the total funds for
5 direct services allocated to a local partnership in those two consecutive fiscal years.

6 (e) State funds allocated to local partnerships shall not supplant current
7 expenditures by counties on behalf of young children and their families, and
8 maintenance of current efforts on behalf of these children and families shall be
9 sustained. State funds shall not be applied without the Secretary's approval where
10 State or federal funding sources, such as Head Start, are available or could be made
11 available to that county.

12 (f) Local partnerships may carry over funds from one fiscal year to the next,
13 subject to the following conditions:

14 (1) Local partnerships in their first year of receiving direct services
15 funding may, on a one-time basis only, carry over any unspent
16 funds to the subsequent fiscal year.

17 (2) Any local partnership may carry over any unspent funds to the
18 subsequent fiscal year, subject to the limitation that funds carried
19 over may not exceed the increase in funding the local partnership
20 received during the current fiscal year over the prior fiscal year.

21 (g) Not less than thirty percent (30%) of each local partnership's direct services
22 allocation shall be used to expand child day care subsidies. To the extent practicable,
23 these funds shall be used to enhance the affordability, availability, and quality of
24 child day care services as described in this section."

25 Section 61. G.S. 143B-178 reads as rewritten:

26 **"§ 143B-178. Council on Developmental Disabilities -- definitions.**

27 The following definitions apply to this Chapter:

28 (1) The term 'developmental disability' means a severe, chronic
29 disability of a person which:

30 a. Is attributable to a mental or physical impairment or
31 combination of mental and physical impairments;

32 b. Is manifested before the person attains age 22, unless the
33 disability is caused by a traumatic head injury and is
34 manifested after age 22;

35 c. Is likely to continue indefinitely;

36 d. Results in substantial functional limitations in three or more
37 of the following areas of major life activity: (i) self-care, (ii)
38 receptive and expressive language, (iii) learning, (iv)
39 mobility, (v) self-direction, (vi) capacity for independent
40 living, and (vii) economic self-sufficiency; and

41 e. Reflects the person's need for a combination and sequence
42 of special, interdisciplinary, or generic care, treatment, or
43 other services which are of lifelong or extended duration
44 and are individually planned and coordinated.

(2) The term 'services for persons with developmental disabilities,' as it is used in this Article, means:

- a. Alternative community living arrangement services, employment related activities, child development services, and case management services; and
- b. Any other specialized services or special adaptations of generic services including diagnosis, evaluation, treatment, personal care, ~~day~~ child care, adult care, special living arrangements, training, education, sheltered employment, recreation and socialization, counseling of the individual with such a disability and of his family, protective and other social and sociolegal services, information and referral services, follow-along services, nonvocational social-developmental services, and transportation services necessary to assure delivery of services to persons with developmental disabilities, and services to promote and coordinate activities to prevent developmental disabilities."

Section 62. G.S. 153A-234 reads as rewritten:

"§ 153A-234. Fire marshal.

A county may appoint a fire marshal and employ persons as his assistants. A county may also impose any duty that might be imposed on a fire marshal on any other officer or employee of the county. The board of commissioners shall set the duties of the fire marshal, which may include but are not limited to:

- (1) Advising the board on improvements in the fire-fighting or fire prevention activities under the county's supervision or control.
- (2) Coordinating fire-fighting and training activities under the county's supervision or control.
- (3) Coordinating fire prevention activities under the county's supervision or control.
- (4) Assisting incorporated volunteer fire departments in developing and improving their fire-fighting or fire prevention capabilities.
- (5) Making fire prevention inspections, including the periodic inspections and reports of school buildings required by Chapter 115 and the inspections of ~~day-care~~ child care facilities required by Chapter 110. A fire marshal shall not make electrical inspections unless he is qualified to do so under G.S. 153A-351."

Section 63. Except as otherwise provided in this act, this act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1997

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SENATE BILL 929

Short Title: Enhance Child Care/AB.

(Public)

Sponsors: Senator Cooper.

Referred to: Children & Human Resources.

April 17, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO ENHANCE AND IMPROVE CHILD CARE IN NORTH
3 CAROLINA.

4 The General Assembly of North Carolina enacts:

5 **PART 1. ENHANCE AND IMPROVE CHILD CARE.**6 Section 1. The heading for Article 7, Chapter 110 of the General
7 Statutes, reads as rewritten:

8 "ARTICLE 7.

9 Day-Care Child Care Facilities."

10 Section 2. G.S. 110-85 reads as rewritten:

11 **"§ 110-85. Legislative intent and purpose.**12 The Recognizing the importance of the early years of life to a child's development,
13 the General Assembly hereby declares its intent with respect to day the early care
14 and education of children:15 (1) The State should protect ~~the growing number of children who are~~
16 ~~placed in day-care child care facilities or in child-care~~
17 ~~arrangements when these children are under the supervision and in~~
18 ~~the care of persons other than their parents, grandparents,~~
19 ~~guardians or full-time custodians during the day.~~ by ensuring that
20 these facilities provide a physically safe and healthy environment
21 where the developmental needs of these children are met and
22 where these children are cared for by qualified persons of good
23 moral character.

(2) ~~This protection should assure that such children are cared for by persons of good moral character, that their physical safety and moral environment are protected, and that the day care resources conform to minimum standards relating to the health and safety of the children receiving day care.~~

(3) This Achieving this level of protection and early education requires the following elements for a comprehensive approach: elements: mandatory licensing of day-care child care facilities under minimum standards; facilities; promotion of higher levels of day care than required for a license quality child care through the development of higher enhanced standards which operators may comply with on a voluntary basis; registration of child day care homes which are too small to be regulated through licensing; and a program of education to help operators improve their programs and to develop deepen public understanding of day-care child care needs and problems. issues."

Section 3. G.S. 110-86 reads as rewritten:

"§ 110-86. Definitions.

Unless the context or subject matter otherwise requires, the terms or phrases used in this Article shall be defined as follows:

(1) Commission. The Child Day-Care Care Commission created under this Article.

(2) Child day care. ~~Any child-care~~ A program or arrangement wherein where three or more children less than 13 years old old, who do not reside where the care is provided, receive care away from their own home by on a regular basis of at least once per week for more than four hours but less than 24 hours per day from persons other than their parents, grandparents, aunts, uncles, brothers, sisters, first cousins, guardians or full-time custodians, or in the child's own home where other unrelated children are in care. or from persons not related to them by birth, marriage, or adoption. Child day care does not include seasonal recreational programs operated for less than four consecutive months in a year. Child day care also does not include arrangements that provide only drop-in or short-term child care for parents participating in activities that are not employment related and where the parents are on the premises or otherwise easily accessible, such as drop-in or short-term child care offered in health spas, bowling alleys, shopping malls, resort hotels, and churches. the following:

a. Arrangements operated in the home of any child receiving care if all of the children in care are related to each other and no more than two additional children are in care;

b. Recreational programs operated for less than four consecutive months in a year;

- 1 c. Specialized activities or instruction such as athletics, dance,
2 art, music lessons, horseback riding, gymnastics, or
3 organized clubs for children, such as Boy Scouts, Girl
4 Scouts, 4-H groups, or boys and girls clubs;
5 d. Drop-in or short-term care provided while parents
6 participate in activities that are not employment related and
7 where the parents are on the premises or otherwise easily
8 accessible, such as drop-in or short-term care provided in
9 health spas, bowling alleys, shopping malls, resort hotels, or
10 churches;
11 e. Public schools or any child care program operated by a
12 public school;
13 f. Nonpublic schools described in Part 2 of Article 39 of
14 Chapter 115C of the General Statutes that are accredited by
15 the Southern Association of Colleges and Schools and that
16 operate a child care facility as defined in subsection (3) of
17 this section for less than six and one-half hours per day
18 either on or off the school site;
19 g. State-approved charter schools as described in Part 6A of
20 Article 16 of Chapter 115C of the General Statutes;
21 h. Bible schools conducted during vacation periods;
22 i. Care provided by facilities licensed under Article 2 of
23 Chapter 122C of the General Statutes;
24 j. Cooperative arrangements among parents to provide care
25 for their own children as a convenience rather than for
26 employment; and
27 k. Any child care program or arrangement consisting of two or
28 more separate components, each of which operates for four
29 hours or less per day with different children attending each
30 component.
31 (3) ~~Child day care facility. Includes any child day care center centers,~~
32 ~~family child care homes, and any other or child care arrangement~~
33 ~~not excluded by G.S. 110-86(2), which that provides day child care~~
34 ~~for more than five children, not including the operator's own~~
35 ~~school-aged children, under the age of 13 years, on a regular basis~~
36 ~~of at least once per week for more than four hours but less than 24~~
37 ~~hours per day, care, regardless of the time of day day, and~~
38 ~~regardless of whether the same or different children attend.~~
39 ~~wherever operated, and whether or not operated for profit. The~~
40 ~~following are not included: public schools; nonpublic schools~~
41 ~~described in Part 2 of Article 39 of Chapter 115C of the General~~
42 ~~Statutes and accredited by the Southern Association of Colleges~~
43 ~~and Schools, which regularly provide a course of grade school~~
44 ~~instruction and which do not provide child day care as defined in~~

subdivision (2) of this section or operate a child day care facility as defined herein for children under five years of age for more than six and one-half hours per day either on or off the school site; summer camps having children in full-time residence; Bible schools conducted during vacation periods; facilities licensed under Article 2 of Chapter 122C of the General Statutes; and cooperative arrangements among parents to provide care for their own children as a convenience rather than for employment.

Child day care facilities are separated by capacity into the following categories which determine applicable requirements and standards as established by the Commission pursuant to G.S. 110-88:

Facility Type

Large Home

Small Center

Medium Center

Large Center

The Commission shall establish the maximum capacity for each of the four categories of facilities.

- a. A child care center is an arrangement where, at any one time, there are six or more preschool age children or nine or more school age children receiving child care.
- b. A family child care home is a child care arrangement located in a residence where, at any one time, more than two children, but less than nine children, receive child care.

(4) ~~Child day care home. Any day care program or child care arrangement wherein any person not excluded in G.S. 110-86(2) provides day care on a regular basis of at least once per week for more than four hours per day for more than two children under 13 years of age, but not to exceed a maximum of eight children at any one time, wherever operated, and whether or not operated for profit. Of the children present at any one time, no more than five children shall be preschool-aged, as defined in rules adopted by the Commission. The four hour limit applies regardless of the time of day and regardless of whether the same or different children attend. Cooperative arrangements among parents to provide care for their own children as a convenience rather than for employment are not included.~~

~~To determine whether a child care arrangement is a child day care home, all children shall be counted except the operator's own school-aged children and school-aged children who reside at the location of the day care home.~~

- 1 (4.1) Department. Department of Human Resources.
2 (5) Repealed by Session Laws 1975, c. 879, s. 15.
3 (6) License. A ~~license~~ permit issued by the Secretary to any ~~day-care~~
4 child care facility which meets the statutory standards established
5 under this Article.
6 (7) Operator. Includes the owner, director or other person having
7 primary responsibility for operation of a child ~~day~~ care facility
8 subject to licensing.
9 (8) Secretary. The Secretary of the Department of Human
10 Resources.
11 (9) Lead teacher. An individual who is responsible for planning and
12 implementing the daily program of activities for a group of
13 children in a child care center.
14 (10) Child care administrator. A person who is responsible for the
15 operation of a child care center and is on site on a regular basis."
16 Section 4. G.S. 110-88 reads as rewritten:
17 "§ 110-88. Powers and duties of the Commission.
18 The Commission shall have the following powers and duties:
19 (1) To develop policies and procedures for the issuance of a license
20 to any child ~~day~~ care facility ~~which~~ that meets all applicable
21 standards established under this Article.
22 (1a) To adopt applicable rules and standards based upon the capacity
23 of a child care facility.
24 (2) To require inspections by and satisfactory written reports from
25 representatives of local or State health agencies and fire ~~and~~
26 ~~building~~ inspection agencies and from representatives of the
27 Department prior to the issuance of a license to any child ~~day~~
28 ~~care facility.~~ center.
29 (2a) To require annually, inspections by and satisfactory written
30 reports from representatives of local or State health agencies and
31 fire inspection agencies after a license is issued.
32 (3) ~~To make rules establishing minimum and reasonable standards~~
33 ~~for the operation of child day care homes and the issuance of~~
34 ~~registration certificates. These rules shall establish minimum~~
35 ~~standards of health and safety that will be required in child day~~
36 ~~care homes and will recognize the vital role that parents and~~
37 ~~guardians play in the monitoring of the care provided in child~~
38 ~~day care homes.~~
39 (4) Repealed by Session Laws 1975, c. 879, s. 15.
40 (5) To ~~make~~ adopt rules and develop policies for implementation of
41 this Article, including procedures for application, approval,
42 ~~renewal~~ and revocation of licenses.
43 (6) To ~~make~~ adopt rules for the issuance of a provisional license that
44 shall be in effect for no more than 12 consecutive months to a

1 child day care facility and a provisional registration certificate to
2 a child day care home that does not conform in every respect
3 with the standards established in this Article and rules adopted by
4 the Commission pursuant to this Article, provided that the
5 Secretary finds that Article but that the operator is making a
6 reasonable effort to conform to the standards, except that a
7 provisional license or provisional registration certificate shall not
8 be issued for more than 12 consecutive months and shall not be
9 renewed. standards.

10 (6a) To ~~make~~ adopt rules for administrative action against a child day
11 care facility or child day care home when the Secretary's
12 investigations pursuant to G.S. 110-105(a)(3) or ~~G.S.~~
13 ~~110-105.1(a)(4)~~ substantiate that child abuse or neglect did occur
14 in the facility or home. facility. The rules shall provide for type
15 types of sanction shall be determined by sanctions which shall
16 depend upon the severity of the incident and the probability of
17 reoccurrence. The ~~administrative actions shall include~~ rules shall
18 also provide for written warnings and special provisional licenses
19 or registration certificates. licenses.

20 A ~~written warning may be issued which shall specify any~~
21 ~~corrective action to be taken by the operator. The Department~~
22 ~~shall make an unannounced visit within one month after issuance~~
23 ~~of the written warning to determine whether the corrective action~~
24 ~~has occurred. If the corrective action has not occurred, a special~~
25 ~~provisional license or registration certificate may be issued.~~

26 When a special provisional license or registration certificate
27 is issued, it shall require specific corrective action. It shall be in
28 effect for no more than six months from imposition and shall not
29 be renewed. ~~imposition.~~ The special provisional license or
30 registration certificate and the letter which clearly states the
31 reasons for the special provisional status shall be posted where
32 parents can see them. Under the terms of the special provisional
33 license or registration, the facility or home shall not enroll any new
34 children until notified by the Department that it is satisfied the
35 abusive or neglectful situation no longer exists. The Department
36 shall make an unannounced visit at least every eight weeks during
37 the period the special provisional license or registration certificate
38 is in effect. Specific corrective action required by a written
39 warning, special provisional license or special provisional
40 registration certificate, or any other administrative penalty
41 authorized by this Article may include the permanent removal
42 from day care of the substantiated abuser or neglecter.

43 Nothing in this subdivision shall restrict the Secretary from
44 using any other statutory or administrative remedies available.

- 1 (7) To develop and ~~promulgate~~ adopt voluntary enhanced program
2 standards which reflect higher levels of day quality child care than
3 required by the standards established by this Article, which will
4 recognize better physical facilities, more qualified personnel, and
5 higher quality programs. The Commission may adopt rules for the
6 issuance of two grades of licenses: an "A" license for compliance
7 with the provisions of the Article, and an "AA" license for those
8 licensees meeting the voluntary higher standards promulgated by
9 the Commission. the mandatory standards established by this
10 Article. These enhanced program standards must address, at a
11 minimum, staff/child ratios, staff qualifications, parent involvement,
12 operational and personnel policies, developmentally appropriate
13 curricula, and facility square footage.
- 14 (8) To develop a procedure by which the Department shall furnish
15 those forms as may be required for implementation of this Article.
- 16 (9) Repealed by Session Laws 1985, c. 757, s. 156(66).
- 17 (10) To ~~develop~~ adopt rules for the issuance of a temporary license
18 which shall expire in ~~90 days~~ six months and which may be issued
19 to the operator of a new facility center or to the operator of a
20 previously licensed facility center when a change in ownership or
21 location occurs.
- 22 (11) To ~~develop~~ adopt rules for ~~the care of sick~~ child care facilities
23 which provide care for children in facilities and homes who are
24 mildly sick.
- 25 (12) To adopt rules regulating the amount of time a child care
26 administrator shall be on site at a child care center."

27 Section 5. G.S. 110-90 reads as rewritten:

28 **"§ 110-90. Powers and duties of Secretary of Human Resources.**

29 The Secretary of ~~Human Resources~~ shall have the following powers and duties
30 under the policies and rules of the Commission:

- 31 (1) To administer the licensing program for child ~~day care facilities~~
32 ~~and the registration system for child day care homes.~~ facilities.
- 33 (2) To obtain and coordinate the necessary services from other State
34 departments and units of local government which are necessary to
35 implement the provisions of this Article.
- 36 (3) To employ the administrative personnel and staff as may be
37 necessary to implement this Article where required services,
38 inspections or reports are not available from existing State agencies
39 and units of local government.
- 40 (4) To issue a rated license ~~effective for one year~~ to any child ~~day~~ care
41 facility which meets the standards established by this Article. The
42 rating shall be based on program standards, education levels of
43 staff, and compliance history of the child care facility.

- (5) To revoke the license of any child ~~day~~ care facility ~~or the registration certificate of any child day care home which~~ that ceases to meet the standards established by this Article and rules on these standards adopted by the Commission, or ~~which~~ that demonstrates a pattern of noncompliance with this Article or the rules, or to deny a license ~~or registration certificate~~ to any applicant that fails to meet the standards or the rules. These revocations and denials shall be done in accordance with the procedures set out in G.S. 150B and this Article and rules adopted by the Commission.
- (6) To prosecute or defend on behalf of the State, through the office of the Attorney General, any legal actions arising out of the administration or enforcement of this Article.
- (7) To promote and coordinate educational programs and materials for operators of child ~~day~~ care facilities ~~and child day care homes~~ which are designed to improve the quality of ~~day~~ child care available in the State, using the resources of other State and local agencies and educational institutions where appropriate.
- (8) ~~To issue a rated license when any operator of a child day care facility required to be licensed hereunder or requiring licensure pursuant to subdivision (11) of this section has satisfied the Secretary that it has met the voluntary standards developed and adopted by the Commission.~~
- (9) To levy a civil penalty pursuant to G.S. 110-103.1, or an administrative penalty pursuant to G.S. 110-102.2, or to order summary suspension of a ~~license or registration~~ license. These actions shall be done in accordance with the procedures set out in G.S. 150B and this Article and rules adopted by the Commission.
- (10) To issue final agency decisions in all G.S. 150B contested cases proceedings filed as a result of actions taken under this Article including, but not limited to the denial, ~~revocation~~ revocation, or suspension of a license or the levying of a civil or administrative penalty.
- (11) To issue a license ~~or registration certificate~~ to any child care arrangement that does not meet the definition of child ~~day~~ care facility ~~or child day care home~~ in G.S. 110-86 whenever the operator of the arrangement chooses to comply with the requirements of this Article and the rules adopted by the ~~Commission~~ Commission and voluntarily applies for a child ~~day~~ care facility ~~license or child day care home registration certificate~~ license. The Commission shall adopt rules for the issuance or removal of the ~~licenses or registration certificates~~ licenses."

Section 6. G.S. 110-90.1 is repealed.

Section 7. G.S. 110-90.2 reads as rewritten:

1 "§ 110-90.2. Mandatory ~~day~~ child care providers' criminal history checks.

2 (a) For purposes of this section:

3 (1) 'Child ~~day~~ care', notwithstanding the definition in G.S. 110-86,
4 means any child ~~day~~ care provided in child ~~day~~ care facilities ~~and~~
5 ~~child day care homes, including child day care facilities and child~~
6 ~~day care homes~~ required to be licensed ~~or registered~~ under this
7 Article and ~~nonregistered~~ nonlicensed child ~~day~~ care homes
8 approved to receive or receiving State or federal funds for
9 providing child ~~day~~ care.

10 (2) 'Child ~~day~~ care provider' means a person who:

11 a. Is employed by or seeks to be employed by a child ~~day~~ care
12 facility ~~or child day care home~~ providing child ~~day~~ care as
13 defined in subdivision (1) of this ~~subsection; subsection and~~
14 has contact with the children; or

15 b. Owns or operates or seeks to own or operate a child ~~day~~
16 care facility or ~~child day care home~~ a nonlicensed child care
17 home providing child ~~day~~ care as defined in subdivision (1)
18 of this ~~subsection; subsection; or~~

19 c. Is a member of the household in a family child care home
20 or nonlicensed child care home and is over 15 years old and
21 is present when children are in care. This subdivision shall
22 apply only to new family child care homes and nonlicensed
23 homes beginning March 1, 1998.

24 (3) 'Criminal history' means a county, state, or federal criminal history
25 of conviction or pending indictment of a crime, whether a
26 misdemeanor or a felony, that bears upon an individual's fitness to
27 have responsibility for the safety and well-being of children as set
28 forth in ~~G.S. 110-90.1; G.S. 110-91(8).~~ Such crimes include the
29 following North Carolina crimes contained in any of the following
30 Articles of Chapter 14 of the General Statutes: Article 6,
31 Homicide; Article 7A, Rape and Kindred Offenses; Article 8,
32 Assaults; Article 10, Kidnapping and Abduction; Article 13,
33 Malicious Injury or Damage by Use of Explosive or Incendiary
34 Device or Material; Article 26, Offenses Against Public Morality
35 and Decency; Article 27, Prostitution; Article 39, Protection of
36 Minors; Article 40, Protection of the Family; and Article 59, Public
37 Intoxication. Such crimes also include possession or sale of drugs
38 in violation of the North Carolina Controlled Substances Act,
39 Article 5 of Chapter 90 of the General Statutes, and alcohol-
40 related offenses such as sale to underage persons in violation of
41 G.S. 18B-302 or driving while impaired in violation of G.S. 20-
42 138.1 through G.S. 20-138.5. In addition to the North Carolina
43 crimes listed in this subdivision, such crimes also include similar
44 crimes under federal law or under the laws of other states.

(b) Effective January 1, 1996, the Department shall ensure that the criminal history of all child ~~day~~ care providers is checked and a determination is made of the child ~~day~~ care provider's fitness to have responsibility for the safety and well-being of children based on the criminal history. The Department shall ensure that child ~~day~~ care providers who have lived in North Carolina continuously for the previous five years are checked for county and State criminal histories. The Department shall ensure that all other child ~~day~~ care providers are checked for county, State, and national criminal histories. The Department may prohibit a child ~~day~~ care provider from providing child ~~day~~ care if the Department determines that the child ~~day~~ care provider is unfit to have responsibility for the safety and well-being of children based on the criminal history, in accordance with ~~G.S. 110-90.1.~~ G.S. 110-91(8).

(c) The Department of Justice shall provide to the Division of Child Development, Department of Human Resources, the criminal history from the State and National Repositories of Criminal Histories of any child ~~day~~ care provider as requested by the Division.

The Division shall provide to the Department of Justice, along with the request, the fingerprints of the provider to be checked, any additional information required by the Department of Justice, and a form consenting to the check of the criminal record and to the use of fingerprints and other identifying information required by the repositories signed by the child ~~day~~ care provider to be checked. The fingerprints of the provider shall be forwarded to the State Bureau of Investigation for a search of their criminal history record file and the State Bureau of Investigation shall forward a set of fingerprints to the Federal Bureau of Investigation for a national criminal history record check.

At the time of application the ~~day~~ child care provider whose criminal history is to be checked shall be furnished with a statement substantially similar to the following:

'NOTICE

CHILD ~~DAY~~ CARE PROVIDER

MANDATORY CRIMINAL HISTORY CHECK

NORTH CAROLINA LAW REQUIRES THAT A CRIMINAL HISTORY CHECK BE CONDUCTED ON ALL PERSONS WHO PROVIDE CHILD ~~DAY~~ CARE IN A LICENSED ~~OR REGISTERED~~ CHILD ~~DAY~~ CARE FACILITY, AND ALL PERSONS PROVIDING CHILD ~~DAY~~ CARE IN ~~NONREGISTERED~~ NONLICENSED CHILD ~~DAY~~ CARE HOMES THAT RECEIVE STATE OR FEDERAL FUNDS.

'Criminal history' includes county, state, and federal convictions or pending indictments of any of the following crimes: the following Articles of Chapter 14 of the General Statutes: Article 6, Homicide; Article 7A, Rape and Kindred Offenses; Article 8, Assaults; Article 10, Kidnapping and Abduction; Article 13, Malicious Injury or Damage by Use of Explosive or Incendiary Device or Material; Article 26, Offenses Against Public Morality and Decency; Article 27, Prostitution; Article 39, Protection of Minors; Article 40, Protection of the Family; and Article 59,

1 Public Intoxication; violation of the North Carolina Controlled
2 Substances Act, Article 5 of Chapter 90 of the General Statutes, and
3 alcohol-related offenses such as sale to underage persons in violation of
4 G.S. 18B-302 or driving while impaired in violation of G.S. 20-138.1
5 through G.S. 20-138.5; or similar crimes under federal law or under the
6 laws of other states. Your fingerprints will be used to check the criminal
7 history records of the State Bureau of Investigation (SBI) and the Federal
8 Bureau of Investigation (FBI).

9 If it is determined, based on your criminal history, that you are unfit
10 to have responsibility for the safety and well-being of children, you shall
11 have the opportunity to complete, or challenge the accuracy of, the
12 information contained in the SBI or FBI identification records.

13 If you disagree with the determination of the North Carolina
14 Department of Human Resources on your fitness to provide child ~~day~~
15 care, you may file a civil lawsuit within 60 days after receiving written
16 notification of disqualification in the district court in the county where
17 you live.

18 Any child ~~day~~ care provider who intentionally falsifies any
19 information required to be furnished to conduct the criminal history shall
20 be guilty of a Class 2 misdemeanor.'

21 Refusal to consent to a criminal history check is grounds for the Department to
22 prohibit the child ~~day~~ care provider from providing child ~~day~~ care. Any child ~~day~~
23 care provider who intentionally falsifies any information required to be furnished to
24 conduct the criminal history shall be guilty of a Class 2 misdemeanor.

25 (d) The Department shall notify in writing the child ~~day~~ care provider, and the
26 child ~~day~~ care provider's employer, if any, or for nonlicensed child care homes the
27 local purchasing agency, of the determination by the Department whether the ~~day~~
28 child care provider is qualified to provide child ~~day~~ care based on the child ~~day~~ care
29 provider's criminal history. In accordance with the law regulating the dissemination
30 of the contents of the criminal history file furnished by the Federal Bureau of
31 Investigation, the Department shall not release nor disclose any portion of the child
32 ~~day~~ care provider's criminal history to the child ~~day~~ care provider or the child ~~day~~
33 care provider's ~~employer~~. employer or local purchasing agency. The Department
34 shall also notify the child ~~day~~ care provider of the procedure for completing or
35 challenging the accuracy of the criminal history and the child ~~day~~ care provider's
36 right to contest the Department's determination in court.

37 A child ~~day~~ care provider who disagrees with the Department's decision may file a
38 civil action in the district court of the county of residence of the child ~~day~~ care
39 ~~provider~~. provider within 60 days after receiving written notification of
40 disqualification.

41 (e) All the information that the Department receives through the checking of the
42 criminal history is privileged information and is not a public record but is for the
43 exclusive use of the Department and those persons authorized under this section to

1 receive the information. The Department may destroy the information after it is used
2 for the purposes authorized by this section after one calendar year.

3 (f) There shall be no liability for negligence on the part of an employer of a child
4 ~~day~~ care provider, an owner or operator of a child ~~day~~ care ~~home or~~ facility, a State
5 or local agency, or the employees of a State or local agency, arising from any action
6 taken or omission by any of them in carrying out the provisions of this section. The
7 immunity established by this subsection shall not extend to gross negligence, wanton
8 conduct, or intentional wrongdoing that would otherwise be actionable. The
9 immunity established by this subsection ~~shall be deemed to have been~~ is waived to
10 the extent of indemnification by insurance, indemnification under Article 31A of
11 Chapter 143 of the General Statutes, and to the extent sovereign immunity is waived
12 under the Torts Claim Act, as set forth in Article 31 of Chapter 143 of the General
13 Statutes.

14 (g) The child ~~day~~ care provider ~~who seeks to be employed in child day care and~~
15 ~~the child day care provider who seeks to own or operate child day care~~ shall pay the
16 cost of the fingerprinting and the local ~~check at the time the child day care provider~~
17 ~~seeks to provide child day care.~~ check. The Department of Justice shall perform the
18 State criminal history check. If the Department determines that a ~~day~~ child care
19 provider who has lived continuously in the State less than five years is not
20 disqualified based on the local and State criminal history record check, the
21 Department shall request a criminal history check from the National Repository of
22 Criminal History from the Department of Justice. The Department of Human
23 Resources shall pay the cost for the national criminal history record check."

24 Section 8. (a) G.S. 110-91 reads as rewritten:

25 "§ 110-91. Mandatory standards for a license.

26 All child care facilities shall comply with all State and federal laws and local
27 ordinances that pertain to child health, safety, and welfare. The Except as otherwise
28 provided in this Article, the following standards in this section shall be complied with
29 by all child day care facilities, except as otherwise provided in this Article: facilities.
30 However, none of the standards in this section apply to the school age children of the
31 operator of a child care facility but do apply to the preschool age children of the
32 operator. Children 13 years of age or older may receive child care on a voluntary
33 basis provided all applicable required standards are met. These The standards in this
34 section, along with any other applicable State and federal laws or local ordinances,
35 shall be the only required standards for the issuance of a license by the Secretary
36 under the policies and procedures of the Commission except that the Commission
37 may, in its discretion, adopt less stringent appropriate standards for the licensing of
38 facilities subject to licensing but which provide care on a temporary, part-time,
39 drop-in, seasonal, after-school or other than a full-time basis.

40 (1) Medical Care and Sanitation. -- The Commission for Health
41 Services shall adopt rules which establish minimum sanitation
42 standards for child ~~day~~ care facilities and their personnel. The
43 sanitation rules adopted by the Commission for Health Services
44 shall cover such matters as the cleanliness of floors, walls, ceilings,

1 storage spaces, utensils, and other facilities; adequacy of
2 ventilation; sanitation of water supply, lavatory facilities, toilet
3 facilities, sewage disposal, food protection facilities, bactericidal
4 treatment of eating and drinking utensils, and solid-waste storage
5 and disposal; methods of food preparation and serving; infectious
6 disease control; sleeping facilities; and other items and facilities as
7 are necessary in the interest of the public health. These rules shall
8 be developed in consultation with the Department.

9 The Commission shall adopt rules for child care facilities to
10 establish minimum requirements for child and staff health
11 assessments and medical care procedures. These rules shall be
12 developed in consultation with the Department of Environment,
13 Health, and Natural Resources. Each child shall have a health
14 assessment before being admitted or within 30 days following
15 admission to a child ~~day~~ care facility. The assessment shall be
16 done by: (i) a licensed physician, (ii) the physician's authorized
17 agent who is currently approved by the North Carolina Medical
18 Board, or comparable certifying board in any state contiguous to
19 North Carolina, (iii) a certified nurse practitioner, or (iv) a public
20 health nurse meeting the Department of Environment, Health, and
21 Natural Resources' Standards for Early Periodic Screening,
22 Diagnosis, and Treatment Program. ~~A record of each child's~~
23 ~~assessment shall be on file in the records of the facility.~~ However,
24 no health assessment shall be required of any any staff or child
25 who is and has been in normal health and whose when the staff, or
26 the child's parent, guardian, or full-time custodian objects in
27 writing to a health assessment on religious grounds which conform
28 to the teachings and practice of any recognized church or religious
29 denomination.

30 ~~Each child shall be immunized in a manner that meets the~~
31 ~~requirements of Article 6 of Chapter 130A of the General Statutes~~
32 ~~and the pertinent rules adopted by the Commission for Health~~
33 ~~Services.~~

34 ~~Each child day care facility shall have a plan of emergency~~
35 ~~medical care which shall include provisions for communication~~
36 ~~with and transportation to a specified medical resource, unless~~
37 ~~otherwise previously instructed. No child receiving day care shall~~
38 ~~be administered any drug or other medication without specific~~
39 ~~written instructions from a physician or the child's parent,~~
40 ~~guardian or full-time custodian. Emergency information on each~~
41 ~~child in care, including the names, addresses, and telephone~~
42 ~~numbers of the child's physician and parents, legal guardian or~~
43 ~~full-time custodian shall be readily available to the staff of the~~
44 ~~child day care facility while children are in care.~~

1 ~~Nonprofit, tax-exempt organizations~~ Organizations that
2 provide prepared meals to ~~day~~ child care centers only are
3 considered ~~day~~ child care centers for purposes of compliance with
4 appropriate sanitation standards.

- 5 (2) ~~Health-Related Activities. -- Each child in a child day care facility~~
6 ~~shall receive nutritious food and refreshments under rules to be~~
7 ~~adopted by the Commission. The Commission shall adopt rules for~~
8 ~~child care facilities to ensure that all children receive nutritious~~
9 ~~food and beverages according to their developmental needs.~~ After
10 consultation with the State Health Director, nutrition standards
11 shall provide for ~~specific~~ requirements appropriate for ~~infants~~
12 children of different ages. ~~Nutrition standards shall provide for~~
13 ~~specific requirements for children older than infants, including a~~
14 ~~daily food plan for meals and snacks served that shall be adequate~~
15 ~~for good nutrition. The number and size of servings and snacks~~
16 ~~shall be appropriate for the ages of the children and shall be~~
17 ~~planned according to the number of hours the child is in care.~~
18 ~~Menus for meals and snacks shall be planned at least one week in~~
19 ~~advance, dated, and posted where they can be seen by parents.~~

20 Each child ~~day~~ care facility shall have a rest period for each
21 child in care after lunch or at some other appropriate time and
22 arrange for each child in care to be out-of-doors each day if
23 weather conditions permit.

24 ~~Each child day care facility shall have a rest period for each~~
25 ~~child in care after lunch or at some other appropriate time.~~

26 ~~No child day care facility shall care for more than 25~~
27 ~~children in one group. Facilities providing care for 26 or more~~
28 ~~children shall provide for two or more groups according to the~~
29 ~~ages of children and shall provide separate supervisory personnel~~
30 ~~for each group.~~

- 31 (3) ~~Location. -- Each child day care facility shall be located in an area~~
32 ~~which is free from conditions which are deemed~~ considered
33 ~~hazardous to the physical and moral welfare of the children in care~~
34 ~~in the opinion of the Commission.~~ Secretary.

- 35 (4) ~~Building. -- Each child day care facility shall be located in a~~
36 ~~building which meets the appropriate requirements of the North~~
37 ~~Carolina Building Code under standards which shall be developed~~
38 ~~by the Building Code Council, subject to adoption by the~~
39 ~~Commission~~ Council specifically for child ~~day~~ care facilities,
40 including facilities operated in a private residence. These
41 standards shall be consistent with the provisions of this Article.
42 Satisfactorily written reports from representatives of building
43 inspection agencies shall be required prior to the issuance of a
44 license and whenever renovations are made to a child care center,

1 or when the operator requests licensure of space not previously
2 approved for child care.

- 3 (5) Fire Prevention. -- Each child ~~day~~ care facility shall be located in a
4 building that meets the appropriate requirements for fire
5 prevention and safe evacuation that apply to child ~~day~~ care
6 facilities as established by the Department of ~~Insurance, subject to~~
7 ~~adoption by the Commission.~~ Insurance. ~~Each~~ Except for child
8 care centers located on State property, each child ~~day~~ care ~~facility~~
9 center shall be inspected at least annually by a local fire
10 department or volunteer fire department for compliance with these
11 requirements, except that child day requirements. Child care
12 facilities centers located on State property shall be inspected at
13 least annually by an official designated by the Department of
14 Insurance.

- 15 (6) Space and Equipment Requirements. -- There shall be no less than
16 25 square feet of indoor space for each child for which a child ~~day~~
17 care ~~facility~~ center is licensed, exclusive of closets, passageways,
18 kitchens, and bathrooms, and this floor space shall provide during
19 rest periods 200 cubic feet of airspace per child for which the
20 facility center is licensed. There shall be adequate outdoor play
21 area for each child under rules adopted by the Commission which
22 shall be related to the size ~~and type of facility, the center and~~
23 availability and location of outside land ~~area, except in area.~~ In no
24 event shall the minimum required exceed 75 square feet per ~~child,~~
25 ~~which child.~~ The outdoor area shall be protected to assure the
26 safety of the children receiving ~~day~~ child care by an adequate fence
27 or other ~~protection; provided, however, that a~~ protection. A
28 facility center operated in a public school shall be deemed to have
29 adequate fencing ~~protection; provided, also, that a~~ facility
30 protection. A center operating exclusively during the evening and
31 early morning hours, between 6:00 P.M. and 6:00 A.M., need not
32 meet the outdoor play area requirements mandated by this
33 subdivision.

34 Each child ~~day~~ care facility shall provide indoor area
35 equipment and furnishings that are child size, sturdy, safe, and in
36 good repair. Each child care center shall provide outdoor play area
37 equipment and surfacing that are child size, sturdy, free of hazards
38 that pose a threat of serious injury to children while engaged in
39 normal play activities, and in good repair. The Commission shall
40 adopt standards to establish minimum requirements for equipment
41 appropriate for the size of child care facility being operated
42 ~~pursuant to G.S. 110-86(3).~~ facility. Space shall be available for
43 proper storage of beds, cribs, mats, cots, sleeping garments, and

linens as well as designated space for each child's personal belongings.

The Department shall develop guidelines pertaining to outdoor play area equipment and surfacing at child care centers. These guidelines shall not be considered rules under Chapter 150B of the General Statutes and are not binding upon child care operators. These guidelines shall be designed to assist operators in determining whether the equipment and surfacing they currently or intend to provide is child-size, sturdy, safe, and in good repair. Inspection of outdoor equipment and surfacing shall be included in center inspections conducted pursuant to this Article. The Department shall make these guidelines available to operators and shall also make available information and technical assistance that will better enable operators to provide and maintain a safe outdoor play environment. A child care center operator shall make available to consumers of the center's services the most recent inspection report findings with respect to outdoor play area equipment and surfacing at the child care center.

Rules adopted by the Commission regarding outdoor play area equipment and surfacing at child care centers shall be limited to ensuring that outdoor play area equipment and surfacing at child care centers are free of hazards that pose a threat of serious injury to children while engaged in normal play activities.

- (7) ~~Staff-Child Ratio.~~ Ratio and Group Size. -- In determining the staff-child ratio, all children younger than 13 years old shall be counted. The Commission shall adopt rules for child care centers regarding staff-child ratios, group sizes and multi-age groupings for each category of facility other than for infants and toddlers, provided that these rules shall be no less stringent than those currently required for staff-child ratios as enacted in Section 156(e) of Chapter 757 of the 1985 Session Laws. The staff-child ratios and group sizes for infants and toddlers shall be no less stringent than as follows:

Age	Ratio	Group Size
0 to 12 months	5	10
12 to 24 months	6	12
2 to 3 years	10	20.

No child care center shall care for more than 25 children in one group. Child care centers providing for 26 or more children shall provide for two or more groups according to the ages of children and shall provide separate supervisory personnel and separate identifiable space for each group.

- (7a) Family Child Care Home Capacity. -- Of the children present at any one time in a family child care home, no more than five

1 children shall be preschool aged, including the operator's own
2 preschool age children.

- 3 (8) Qualifications for Staff. -- All child care center administrators shall
4 be at least 21 years of age and have at least a North Carolina Early
5 Childhood Administration Credential or its equivalent as defined
6 by the Department. Each child day care facility center shall be
7 under the direction or supervision of a literate person at least 21
8 years of age meeting these requirements. All staff counted in
9 determining toward meeting the required staff-child ratio shall be
10 at least 16 years of age, provided that persons younger than 18
11 years of age work under the direct supervision of a literate
12 credentialed staff person who is at least 21 years of age. All lead
13 teachers in a child care center shall have at least a North Carolina
14 Early Childhood Credential or its equivalent as determined by the
15 Department.

16 The Department in collaboration with the North Carolina
17 Institute for Early Childhood Professional Development shall
18 establish categories to recognize the levels of education achieved
19 by child care center administrators and teachers. The Department
20 shall use these categories to establish appropriate staffing based on
21 the size center and the individual staff responsibilities.

22 Effective January 1, 1998, an operator of a licensed family
23 child care home shall be at least 21 years old and have a high
24 school diploma or its equivalent. Operators of a family child care
25 home licensed prior to January 1, 1998 shall be at least 18 years of
26 age and literate. Literate is defined as understanding licensing
27 requirements and having the ability to communicate with the
28 family and relevant emergency personnel. Any operator of a
29 licensed family child care home shall be the person on site
30 providing child care.

31 No person shall be an operator of nor be employed in a
32 child day care facility who has been convicted of a crime involving
33 child neglect, child abuse, or moral turpitude, or who is an
34 habitually excessive user of alcohol or who illegally uses narcotic
35 or other impairing drugs, or who is mentally or emotionally
36 impaired to an extent that may be injurious to children.

37 The Commission shall adopt standards to establish minimum
38 appropriate qualifications for operators, supervisors, caregivers and
39 all other staff who have direct contact with the children in child
40 care centers. These standards shall reflect training, experience,
41 education or and credentialing and shall be appropriate for the size
42 facility being operated according to the categories defined in G.S.
43 110-86(3): center and the level of individual staff responsibilities.
44 It is the intent of this provision to guarantee that all children in

1 ~~day child~~ care are cared for by qualified people but also to
2 ~~recognize that qualifications for good child care may not be limited~~
3 ~~to formal education or training standards. To this end, the~~
4 ~~standards adopted by the Commission pertaining to training and~~
5 ~~educational requirements shall include provision that these~~
6 ~~requirements may be met by informal as well as formal training~~
7 ~~and educational experience. people.~~ No requirements may
8 interfere with the teachings or doctrine of any established religious
9 organization.

- 10 (9) Records. -- Each child day care facility shall keep accurate records
11 on each child receiving care in the child day care facility and on
12 each staff member or other person delegated responsibility for the
13 care of children in accordance with a form furnished or approved
14 by the Commission, and shall submit ~~attendance reports~~ records as
15 required by the Department.

16 ~~Each child day care facility shall keep accurate records on~~
17 ~~each staff member or other person delegated responsibility for the~~
18 ~~care of children in accordance with a form approved by the~~
19 ~~Commission.~~

20 All records of any child day care facility, except financial
21 records, shall be ~~subject to~~ available for review by the Secretary or
22 by duly authorized representatives of the Department or a
23 cooperating agency who shall be designated by the Secretary.
24 Secretary and shall be submitted as required by the Department.

25 ~~Any effort to falsify information provided to the Department~~
26 ~~shall be deemed by the Secretary to be evidence of violation of this~~
27 ~~Article on the part of the operator or sponsor of the child day care~~
28 ~~facility and shall constitute a cause for revoking or denying a~~
29 ~~license to this child day care facility.~~

- 30 (10) Each operator or staff member shall ~~truly and honestly show each~~
31 attend to any child in that person's care true love, devotion and
32 tender care. a nurturing and appropriate manner, and in keeping
33 with the child's developmental needs.

34 Each day child care facility shall have a written policy on
35 discipline, describing the methods and practices used to discipline
36 children enrolled in that facility. This written policy shall be
37 discussed with, and a copy given to, each child's parent prior to
38 the first time the child attends the facility. Subsequently, any
39 change in discipline methods or practices shall be communicated
40 in writing to the parents prior to the effective date of the change.

41 The use of corporal punishment as a form of discipline is
42 prohibited in day child care facilities and may not be used by any
43 operator or staff member of any day child care facility, except that
44 corporal punishment may be used in ~~church~~ religious sponsored

1 child day care facilities as defined in G.S. 110-106, only if (i) the
2 church religious sponsored child day care facility files with the
3 Department a notice stating that corporal punishment is part of the
4 religious training of its program, and (ii) the church religious
5 sponsored child day care facility clearly states in its written policy
6 of discipline that corporal punishment is part of the religious
7 training of its program. The written policy on discipline of
8 nonchurch nonreligious sponsored child day care facilities shall
9 clearly state the prohibition on corporal punishment.

10 (11) Staff Development. -- The Commission shall adopt minimum
11 standards for ongoing staff development for facilities. facilities but
12 limited to the following topic areas:

- 13 a. Planning a safe, healthy learning environment;
14 b. Steps to advance children's physical and intellectual
15 development;
16 c. Positive ways to support children's social and emotional
17 development;
18 d. Strategies to establish productive relationships with families;
19 e. Strategies to manage an effective program operation;
20 f. Maintaining a commitment to professionalism;
21 g. Observing and recording children's behavior;
22 h. Principles of child growth and development; and
23 i. Learning activities that promote inclusion of children with
24 special needs.

25 These standards shall include annual requirements for ongoing
26 in-service training for all staff. staff development appropriate to job
27 responsibilities. Contact hours of inservice training received
28 annually shall not carry over from year to year.

29 (12) Planned Age Developmentally Appropriate Activities. -- Each
30 child day care facility shall have a planned schedule of activities
31 posted in a prominent place to enable parents to review it, and a
32 written plan of age developmentally appropriate activities available
33 to parents. Each facility shall have age appropriate activities and
34 play materials to implement the written plan, and play materials.
35 The Commission shall establish minimum standards for
36 age appropriate developmentally appropriate activities appropriate
37 for each category of facility as defined in G.S. 110-86(3). child care
38 facilities. Each child care facility shall have a planned schedule of
39 developmentally appropriate activities posted in a prominent place
40 for parents to review and the appropriate materials and equipment
41 available to implement the scheduled activities. Each child care
42 center shall make four of the following activity areas available
43 daily: art and other creative play, children's books, blocks and
44 block building, manipulatives, and family living and dramatic play.

(13) ~~Transportation. -- All child day care facilities shall abide by North Carolina law regulating the use of seat belts and child passenger restraint devices. All vehicles operated by any facility staff person or volunteer to transport children shall be properly equipped with appropriate seat belts or child restraint devices as approved by the Commissioner of Motor Vehicles. Each~~ When a child care facility staff person or a volunteer of a child care facility transports children in a vehicle, each adult and child shall be restrained by an appropriate seat safety belt or restraint device when the vehicle is in motion. These restraint regulations do not apply to vehicles not required by federal law to be equipped with seat restraints. All vehicles used to transport children shall meet and maintain the safety inspection standards of the Division of Motor Vehicles of the Department of Transportation and the facility shall comply with all other applicable State and federal laws and regulations concerning the operation of a motor vehicle. Children may never be left unattended in a vehicle.

The ratio of adults to children in child day care vehicles may not be less than the staff/child ratios prescribed by G.S. ~~110-91(7)~~. G.S. 110-91(7) and G.S. 110-91(7a). The Commission shall adopt standards for transporting children under the age of two, including standards addressing this particular age's staff/child ratio during transportation.

(14) Any effort to falsify information provided to the Department shall be considered by the Secretary to be evidence of violation of this Article on the part of the operator or sponsor of the child care facility and shall constitute a cause for revoking or denying a license to such child care facility."

(b) The provision in G.S. 110-91(8) regarding child care center administrators is effective January 1, 2003. The provision in G.S. 110-91(8) regarding lead teachers is effective January 1, 2002."

Section 9. G.S. 110-92 reads as rewritten:

"§ 110-92. Duties of State and local agencies.

When requested by an operator of a ~~day-care facility~~ child care center or by the ~~Secretary~~ Secretary, it shall be the duty of local and district health departments to visit and inspect a ~~day-care facility~~ child care center to determine whether the facility center complies with the health and sanitation standards required by this Article and with the minimum sanitation standards adopted as rules by the Commission for Health Services as authorized by G.S. 110-91(1), and to submit written reports on ~~such these~~ visits or inspections to the Department on forms approved and provided by the Department of Environment, Health, and Natural Resources.

When requested by an operator of a ~~day-care facility~~ child care center or by the Secretary, it shall be the duty of the ~~local and district health departments, and any~~ building inspector, fire prevention inspector, or fireman employed by local

1 government, or any fireman having jurisdiction, or other officials or personnel of
2 local government to visit and inspect a ~~day-care facility~~ child care center for the
3 purposes specified in this Article, including plans for evacuation of the premises and
4 protection of children in case of fire, and to report on ~~such~~ these visits or inspections
5 in writing to the Secretary so that ~~such~~ these reports may serve as the basis for action
6 or decisions by the Secretary or Department as authorized by this Article."

7 Section 10. G.S. 110-93 reads as rewritten:

8 "**§ 110-93. ~~Licensing procedure. Application for a license.~~**

9 (a) Each ~~operator of person who seeks to operate a day-care~~ child care facility
10 shall ~~annually~~ apply to the Department for a license. The application shall be in ~~such~~
11 the form ~~as is~~ required by the Department. Each operator seeking a license shall be
12 responsible for ~~accompanying his application with~~ supplying with the application the
13 necessary supporting data and reports to show conformity with rules adopted by the
14 Commission for Health Services pursuant to G.S. 110-91(1) and with the standards
15 established or authorized by this ~~Article~~ Article, including any required reports from
16 the local and district health departments, local building inspectors, local firemen,
17 voluntary firemen, and others, on forms which shall be provided by the Department.

18 (b) If an operator conforms to the rules ~~adopted by the Commission for Health~~
19 ~~Services pursuant to G.S. 110-91(1) and with~~ the standards established or authorized
20 by this Article as shown in ~~his~~ the application and other supporting data, the
21 Secretary ~~of Human Resources~~ shall issue a license ~~for no more than 12 months that~~
22 shall remain valid until the Secretary notifies the licensee otherwise pursuant to G.S.
23 150B-3 or other provisions of this Article, subject to suspension or revocation for
24 cause as provided in this Article. If the applicant fails to conform to the required
25 rules and standards, the Secretary may issue a provisional license under the policies
26 of the ~~Commission provided that the~~ Commission. The Department shall notify the
27 operator shall be notified in writing by registered or certified mail ~~of~~ the reasons the
28 Department issued ~~for issuance of~~ a provisional license.

29 (c) ~~Each licensed operator of a child day-care facility must annually apply in order~~
30 ~~to renew the license and must accompany such renewal application with such~~
31 ~~supporting data and reports as are required to show conformity with the standards~~
32 ~~established under this Article.~~

33 (d) Repealed by Session Laws 1977, c. 929, s. 1."

34 Section 11. G.S. 110-94 reads as rewritten:

35 "**§ 110-94. Administrative Procedure Act.**

36 The provisions of ~~General Statutes~~ Chapter 150B of the General Statutes known
37 ~~as the Administrative Procedure Act~~ shall be applicable to the ~~Commission and~~
38 Commission, to the rules ~~it the Commission~~ adopts. ~~The Administrative Procedure~~
39 ~~Act shall also apply~~ adopts, and to child ~~day~~ care contested cases. However, a child
40 ~~day~~ care operator shall have 30 days to file a petition for a contested case pursuant to
41 G.S. 150B-23. The contested case hearing shall be scheduled to be held within 120
42 days of the date the petition for a hearing is received, pursuant to G.S. 150B-23(a), in
43 any contested case resulting from administrative action taken by the ~~Department~~
44 Secretary to revoke a license; license ~~registration certificate~~; or Letter of Compliance

1 or from administrative action taken in a situation in which child abuse or neglect in a
2 child ~~day~~ care facility ~~or home~~ has been substantiated. A request for continuance of
3 a hearing shall be granted upon a showing of good cause by either party."

4 Section 12. G.S. 110-98 reads as rewritten:

5 "**§ 110-98. Mandatory compliance.**

6 It shall be unlawful for any ~~operator or employee of a day-care facility or day-care~~
7 ~~home person to~~ to:

8 (1) ~~offer~~ Offer or provide ~~day~~ child care without complying with the
9 provisions of this ~~Article~~. Article; or

10 (2) Advertise without disclosing the child care facility's license or
11 other identifying number that is on the license or the letter of
12 compliance."

13 Section 13. G.S. 110-98.1 reads as rewritten:

14 "**§ 110-98.1. Prima facie evidence of existence of ~~day-care~~; child care.**

15 A ~~child-care~~ child care arrangement providing ~~day~~ child care for more than two
16 children for more than four hours per day on two or more consecutive days shall be
17 prima facie evidence of the existence of a ~~day-care~~ child care ~~facility or day-care~~
18 ~~home; facility.~~"

19 Section 14. G.S. 110-99 reads as rewritten:

20 "**§110-99. Display of license.**

21 (a) Each ~~day-care~~ child care facility shall ~~maintain~~ display its current license
22 ~~displayed~~ in a prominent place designated by the Department at all times so that the
23 public may be on notice that the facility is licensed and may observe any grade or
24 rating which may appear on the license. Any license issued to a child care facility
25 under this Article shall remain the property of the State and may be removed by
26 persons employed or designated by the Secretary in the event that the license is
27 revoked or suspended, or in the event that the grade or rating is changed.

28 (b) A person who provides only drop-in or short-term child care as described in
29 G.S. 110-86(2)(d) shall notify the Department that the person is providing only drop-
30 in or short-term child care. Any person providing only drop-in or short-term child
31 care as described in G.S. 110-86(2)(d) shall display in a prominent place at all times a
32 notice that the child care arrangement is not required to be licensed and regulated by
33 the Department and is not licensed and regulated by the Department."

34 Section 15. G.S. 110-100 is repealed.

35 Section 16. G.S. 110-101 is repealed.

36 Section 17. G.S. 110-101.1 reads as rewritten:

37 "**§ 110-101.1. Corporal punishment banned in certain ~~'nonregistered'~~ nonlicensed**
38 **homes.**

39 The use of corporal punishment as a form of discipline is prohibited in those ~~day~~
40 child care homes that are not required to be ~~registered~~ licensed under this Article but
41 that receive State or federal subsidies for child ~~day~~ care unless this care is provided
42 to children by their parents, stepparents, grandparents, aunts, uncles, step-
43 grandparents, or great-grandparents. Care provided children by their parents,
44 stepparents, grandparents, aunts, uncles, step-grandparents, or great-grandparents is

1 not subject to this section. Religious sponsored ~~nonregistered~~ nonlicensed homes are
2 also exempt from this section."

3 Section 18. G.S. 110-102 reads as rewritten:

4 "**§ 110-102. Information for parents.**

5 The Secretary ~~of Human Resources~~ shall provide to each operator of a ~~day-care~~
6 child care facility a summary of this Article for the parents, guardian, or full-time
7 custodian of each child receiving ~~day~~ child care in the facility to be distributed by the
8 operator. The summary shall include the name and address of the Secretary ~~of~~
9 ~~Human Resources~~ and the address of the Commission. The summary shall also
10 include a statement regarding the mandatory duty prescribed in G.S. 7A-543 of any
11 person suspecting child abuse or neglect has taken place in ~~day~~ child care, or
12 elsewhere, to report to the county Department of Social Services. The statement shall
13 include the definitions of child abuse and neglect described in the Juvenile Code in
14 G.S. 7A-517 and of child abuse described in the Criminal Code in G.S. 14-318.2 and
15 G.S. 14-318.4. The statement shall stress that this reporting law does not require that
16 the person reporting reveal ~~his~~ the person's identity."

17 Section 19. G.S. 110-102.1 reads as rewritten:

18 "**§ 110-102.1. Reporting of missing or deceased children.**

19 (a) Operators and staff, as defined in G.S. 110-86(7), ~~110-90.1~~ and G.S. 110-91(8),
20 or any adult present with the approval of the care provider in a ~~day-care~~ child care
21 facility ~~or home~~, as defined in ~~G.S. 110-86(3)~~, ~~(4)~~ G.S. 110-86(3) and G.S. 110-106,
22 upon learning that a child which has been placed in their care or presence is missing,
23 shall immediately report the missing child to law enforcement. For purposes of this
24 Article, a child is anyone under the age of 18.

25 (b) If a child dies while in ~~day~~ child care, or of injuries sustained in ~~day~~ child care,
26 a report of the death must be made by the ~~day~~ child care operator to the Secretary
27 within 24 hours of the child's death or on the next working day."

28 Section 20. G.S. 110-103 reads as rewritten:

29 "**§ 110-103. Criminal penalty.**

30 Any person who violates the provisions of G.S. 110-98 through G.S. ~~110-100~~ 110-
31 99 or G.S. 110-102 shall be guilty of a Class 1 ~~misdemeanor~~. misdemeanor, except
32 that Any any person operating a family child care home as defined in G.S. 110-86(3)
33 ~~who violates G.S. 110-101~~ shall be guilty of a Class 3 misdemeanor."

34 Section 21. G.S. 110-103.1(a) reads as rewritten:

35 "(a) A civil penalty may be levied against any operator of any child ~~day~~ care
36 facility ~~or home~~ who violates any provision of this Article. The penalty shall not
37 exceed one thousand dollars (\$1,000) for each violation documented on any given
38 date. Every operator shall be provided a schedule of the civil penalties established by
39 the Commission pursuant to this Article."

40 Section 22. G.S. 110-104 reads as rewritten:

41 "**§ 110-104. Injunctive relief.**

42 The Secretary or ~~his~~ the Secretary's designee may seek injunctive relief in the
43 district court of the county in which a ~~day-care~~ child care facility ~~or day-care home~~ is
44 located against the continuing operation of that ~~day-care~~ child care facility ~~or~~

1 ~~day-care home~~ at any time, whether or not any administrative proceedings are
2 pending. The district court may grant injunctive relief, temporary, preliminary, or
3 permanent, when there is any violation of this Article or of the rules promulgated by
4 the Commission or the Commission for Health Services that threatens serious harm
5 to children in the ~~day-care~~ child care facility or day-care home, facility, or when a
6 final order to deny or revoke a license ~~or registration~~ has been violated, or when a
7 ~~day-care~~ child care facility is operating without a ~~license or a day-care home is~~
8 ~~operating without being registered, license,~~ or when a ~~day-care~~ child care facility or
9 ~~day-care home~~ repeatedly violates the provisions of this Article or rules adopted
10 pursuant to it after having been notified of the violation."

11 Section 23. G.S. 110-105 reads as rewritten:

12 "§ 110-105. Authority to inspect facilities.

13 (a) The Commission shall adopt standards and rules under this subsection which
14 provide for the following types of inspections:

- 15 (1) An initial licensing ~~or certification~~ inspection, which shall not
16 occur until the administrator of the facility receives prior notice of
17 the initial inspection ~~or certification~~ visit;
- 18 (2) A plan for ~~routine inspections of~~ visits to all facilities, including
19 announced and unannounced visits which shall be confidential
20 unless a court orders its disclosure, and which ~~shall~~ may be
21 conducted without prior notice to the facility;
- 22 (3) An inspection that may be conducted without notice, if there is
23 probable cause to believe that an emergency situation exists or
24 there is a complaint alleging a violation of licensure law. When the
25 Department is notified by the county director of social services that
26 the director has received a report of child abuse or neglect in a
27 child ~~day-care~~ care facility, or when the Department is notified by
28 any other person that alleged abuse or neglect has occurred in a
29 facility, the Commission's rules shall provide for an inspection
30 conducted without notice to the child ~~day-care~~ care facility to
31 determine whether the alleged abuse or neglect has occurred. This
32 inspection shall be conducted within seven calendar days of receipt
33 of the report, and when circumstances ~~warrant~~ warrant, additional
34 ~~visits, the second inspection shall be conducted within one month~~
35 ~~of the first visit. visits shall be conducted.~~

36 The Secretary or the Secretary's designee, upon presenting appropriate credentials to
37 the operator of the child ~~day-care~~ care facility, ~~is authorized to~~ may perform
38 inspections in accordance with the standards and rules promulgated under this
39 subsection. The Secretary or the Secretary's designee may inspect any area of a
40 building in which there is reasonable evidence that children are in care.

41 (b) If an operator refuses to allow the Secretary or ~~his~~ the Secretary's designee to
42 inspect the ~~day-care~~ child care facility, the Secretary shall seek an administrative
43 warrant in accordance with G.S. 15-27.2."

44 Section 24. G.S. 110-105.1 is repealed.

1 Section 25. G.S. 110-105.2 reads as rewritten:

2 "**§ 110-105.2. Abuse and neglect violations.**

3 (a) For purposes of this Article, child abuse and neglect, as defined in G.S. 7A-517
4 and in G.S. 14-318.2 and G.S. 14-318.4, occurring in ~~day-care~~ child care facilities and
5 ~~homes, facilities~~ are violations of the licensure and ~~registration~~ standards and of the
6 licensure and ~~registration~~ law.

7 (b) When an investigation pursuant to G.S. 110-105(a)(3) substantiates that child
8 abuse or neglect did occur in a child care facility, the Department may issue a written
9 warning which shall specify any corrective action to be taken by the operator. The
10 Department shall make an unannounced visit within one month after issuance of the
11 written warning to determine whether the corrective action has occurred. If the
12 corrective action has not occurred, then the Department may issue a special
13 provisional license.

14 (c) When the Department issues a special provisional license pursuant to this
15 section, the Department shall send a letter which states the reasons for the special
16 provisional status, and the license shall specify corrective action that shall be taken by
17 the operator. A special provisional license issued pursuant to this section shall be in
18 effect for no more than six months from issuance. The operator shall post, where
19 parents can see them, the letter stating the reasons for the special provisional status
20 and the special provisional license. Under the terms of the special provisional
21 license, the Secretary may limit enrollment of new children until satisfied the abusive
22 or neglectful situation no longer exists. The Department shall make unannounced
23 visits as often as the Department believes it is necessary during the period the special
24 provisional license is in effect.

25 (d) Specific corrective action required by a written warning, special provisional
26 license, or any other administrative penalty authorized by this Article may include
27 the permanent removal of the substantiated abuser or neglecter from child care.

28 (e) Nothing in this section shall restrict the Secretary from using any other
29 statutory or administrative remedies available."

30 Section 26. G.S. 110-106 reads as rewritten:

31 "**§ 110-106. Religious sponsored ~~day-care~~ child care facilities.**

32 (a) The term ~~'church-day-care~~ 'religious sponsored child care facility' as used
33 ~~herein in this section~~ shall include any ~~day-care~~ child care facility or summer day
34 camp operated by a church, synagogue or school of religious charter.

35 (b) ~~Reporting Procedure Regarding of Church-Day-Care Religious Sponsored~~
36 Child Care Facilities. --

37 (1) ~~Church-day~~ Religious sponsored child care facilities shall file with
38 the Department a notice of intent to operate a ~~day~~ child care
39 facility and the date it will begin operation at least 30 days prior to
40 that date. Within 30 days after beginning operation, the facility
41 shall provide to the Department written reports and supporting
42 data which show the facility is in compliance with applicable
43 provisions of G.S 110-91. After the ~~church-day~~ religious sponsored
44 child care facility has filed this information with the Department,

the facility shall be visited by a representative of the Department to ~~assure~~ ensure compliance with the applicable provisions of G.S. 110-91.

- (2) Each ~~church-day-care~~ religious sponsored child care facility shall ~~annually~~ file with the Department a report indicating that it meets the minimum standards for facilities as provided in the applicable provisions of G.S. ~~110-91~~ 110-91 as required by the Department.

The reports shall be in accordance with rules adopted by the Commission. Each ~~church-day-care~~ religious sponsored child care facility shall be responsible for ~~accompanying~~ supplying with its report with the necessary supporting data to show conformity with those minimum standards, including reports from the local and district health departments, local building inspectors, local firemen, volunteer firemen, and other, on forms which shall be provided by the Department.

- (3) It shall be the responsibility of the Department to notify the facility if it fails to meet the minimum requirements. The Secretary shall be responsible for carrying out the enforcement provisions provided by the General Assembly in Article 7 of Chapter 110 including inspection to ~~insure~~ ensure compliance. The Secretary ~~shall be empowered to~~ may issue an order requiring a ~~church-day-care~~ religious sponsored child care facility which fails to meet the standards established pursuant to this Article to cease operating. A ~~church-day-care~~ religious sponsored child care facility may request a hearing to determine if it is in compliance with the applicable provisions of G.S. 110-91. If the Secretary determines that it is not, ~~it~~ the Secretary may order the facility to cease operation until it is in compliance.

- (4) ~~Church-day-care~~ Religious sponsored child care facilities including summer day camps shall be exempt from the requirement that they obtain a license and that the license be displayed and shall be exempt from any subsequent rule or regulatory program not dealing specifically with the minimum standards as provided in the applicable provisions of G.S. 110-91. Nothing in this Article shall be interpreted to allow the State to regulate or otherwise interfere with the religious training offered as a part of any ~~church-day-care~~ religious sponsored child care program. Nothing in this Article shall prohibit any ~~church-operated, synagogue-operated, or religious-affiliated~~ religious sponsored child care facility from becoming licensed by the State if it so chooses.

- (5) ~~Church-day-care~~ Religious sponsored child care facilities found to be in violation of the applicable provisions of G.S. 110-91 shall be subject to the injunctive provisions of G.S. 110-104, except that they may not be enjoined for operating without a license. The

Secretary ~~is empowered to~~ may seek an injunction against any ~~such~~ religious sponsored child care facility under the conditions specified in G.S. 110-104 with the above exception and when any ~~such~~ religious sponsored child care facility operates without submitting the required forms and following the procedures required by this Article.

(c) ~~G.S. 110-91(8), G.S. 110-91(11), G.S. 110-91(12), 110-91(12) and the second paragraph of G.S. 110-91(8)~~ do not apply to religious sponsored day care child care facilities, and these facilities are exempt from any requirements prescribed by subsection (b) of this section that arise out of these provisions. ~~No staff qualifications other than those prescribed by the first paragraph of G.S. 110-91(8) shall apply to religious sponsored day care facilities.~~

(d) No person shall be an operator of nor be employed in a religious sponsored child care facility who has been convicted of a crime involving child neglect, child abuse, or moral turpitude, or who is a habitually excessive user of alcohol or who illegally uses narcotic or other impairing drugs, or who is mentally or emotionally impaired to an extent that may be injurious to children.

(e) Each religious sponsored child care center shall be under the direction or supervision of a literate person at least 21 years of age. All staff counted toward meeting the required staff/child ratio shall be at least 16 years old, provided that persons younger than 18 years old work under the direct supervision of a literate staff person at least 21 years old. Effective January 1, 1998, a person operating a religious sponsored family child care home must be at least 21 years old and literate. Persons operating religious sponsored family child care homes prior to January 1, 1998, shall be at least 18 years old and literate. The definition of literate in G.S. 110-91(8) shall apply to this subsection."

Section 27. G.S. 110-106.1 is repealed.

Section 28. Pursuant to G.S. 150B-21.7, rules adopted by the Child Care Commission pertaining to outdoor play area equipment and surfacing at child care centers that become effective on January 1, 1999, are repealed.

Section 28.1. The following rules are repealed:

10 NCAC 3U .0510(e), Activity Areas: Preschool Children Two Years and Older; and

10 NCAC 3U .0714(g), Other Staffing Requirements.

PART 2. STATUTORY TECHNICAL AND CONFORMING CHANGES.

Section 29. G.S. 7A-474.3(b) reads as rewritten:

"(b) Eligible Cases. Legal assistance shall be provided to eligible clients under this Article only in the following types of cases:

- (1) Family violence or spouse abuse;
- (2) Assistance for the disabled in obtaining federal Social Security benefits;
- (3) Representation of eligible farmers faced with the potential of farm foreclosure;

- (4) Representation of eligible clients over the age of 60 regarding the following matters:
- a. Wills and estates;
 - b. Safe and sanitary housing;
 - c. Pensions and retirement rights;
 - d. Social Security and Medicare rights;
 - e. Access to health care;
 - f. Food and nutrition; and
 - g. Transportation.
- (5) Representation of eligible clients designed to enable them to obtain the necessary skills and means to obtain meaningful employment at a decent wage and reduce the public welfare rolls; and
- (6) Representation of eligible clients under the age of 21 or eligible families with legal problems affecting persons under the age of 21 regarding the following matters:
- a. Financial support and custody of children;
 - b. ~~Day~~ Child care;
 - c. Child abuse or neglect;
 - d. Safe and sanitary housing;
 - e. Food and nutrition; and
 - f. Access to health care."

Section 30. G.S. 7A-517(5) reads as rewritten:

"(5) Caretaker. -- Any person other than a parent, guardian, or custodian who has responsibility for the health and welfare of a juvenile in a residential setting. A person responsible for a juvenile's health and welfare means a stepparent, foster parent, an adult member of the juvenile's household, an adult relative entrusted with the juvenile's care, or any person such as a house parent or cottage parent who has primary responsibility for supervising a juvenile's health and welfare in a residential child care facility or residential educational facility. 'Caretaker' also means any person who has the responsibility for the care of a juvenile in a ~~child day care home or~~ child ~~day~~ care facility as defined in Article 7 of Chapter 110 of the General Statutes and includes any person who has the approval of the care provider to assume responsibility for the juveniles under the care of the care provider. Nothing in this subdivision shall be construed to impose a legal duty of support under Chapter 50 or Chapter 110 of the General Statutes. The duty imposed upon a caretaker as defined in this subdivision shall be for the purpose of Chapter 7A of the General Statutes only."

Section 31. G.S. 7A-542 reads as rewritten:

"§ 7A-542. Protective services.

1 The Director of the Department of Social Services in each county of the State
2 shall establish protective services for juveniles alleged to be abused, neglected, or
3 dependent.

4 Protective services shall include the investigation and screening of complaints,
5 casework or other counseling services to parents or other caretakers as provided by
6 the director to help the parents or other caretakers and the court to prevent abuse or
7 neglect, to improve the quality of child care, to be more adequate parents or
8 caretakers, and to preserve and stabilize family life.

9 The provisions of this Article shall also apply to child ~~day~~ care facilities ~~and child~~
10 ~~day-care homes~~ as defined in G.S. 110-86."

11 Section 32. G.S. 7A-543 reads as rewritten:

12 "**§ 7A-543. Duty to report child abuse, neglect, dependency, or death due to**
13 **maltreatment.**

14 Any person or institution who has cause to suspect that any juvenile is abused,
15 neglected, or dependent, as defined by G.S. 7A-517, or has died as the result of
16 maltreatment, shall report the case of that juvenile to the Director of the Department
17 of Social Services in the county where the juvenile resides or is found. The report
18 may be made orally, by telephone, or in writing. The report shall include
19 information as is known to the person making it including the name and address of
20 the juvenile; the name and address of the juvenile's parent, guardian, or caretaker;
21 the age of the juvenile; the names and ages of other juveniles in the home; the
22 present whereabouts of the juvenile if not at the home address; the nature and extent
23 of any injury or condition resulting from abuse, neglect, or dependency; and any
24 other information which the person making the report believes might be helpful in
25 establishing the need for protective services or court intervention. If the report is
26 made orally or by telephone, the person making the report shall give the person's
27 name, address, and telephone number. Refusal of the person making the report to
28 give a name shall not preclude the Department's investigation of the alleged abuse,
29 neglect, dependency, or death as a result of maltreatment.

30 Upon receipt of any report of child sexual abuse in a ~~day child~~ care ~~facility or day~~
31 ~~care home, facility,~~ the Director shall notify the State Bureau of Investigation within
32 24 hours or on the next work day. If child sexual abuse in a ~~day child~~ care facility ~~or~~
33 ~~day-care home~~ is not alleged in the initial report, but during the course of the
34 investigation there is reason to suspect that child sexual abuse has occurred, the
35 Director shall immediately notify the State Bureau of Investigation. Upon
36 notification that child sexual abuse may have occurred in a ~~day child~~ care ~~facility or~~
37 ~~day-care home, facility,~~ the State Bureau of Investigation may form a task force to
38 investigate the report."

39 Section 33. G.S. 7A-548 reads as rewritten:

40 "**§ 7A-548. Duty of Director to report evidence of abuse, neglect; investigation by**
41 **local law enforcement; notification of Department of Human Resources and State**
42 **Bureau of Investigation.**

43 (a) If the Director finds evidence that a juvenile may have been abused as defined
44 by G.S. 7A-517(1), the Director shall make an immediate oral and subsequent written

1 report of the findings to the district attorney or the district attorney's designee and
2 the appropriate local law enforcement agency within 48 hours after receipt of the
3 report. The local law enforcement agency shall immediately, but no later than 48
4 hours after receipt of the information, initiate and coordinate a criminal investigation
5 with the protective services investigation being conducted by the county Department
6 of Social Services. Upon completion of the investigation, the district attorney shall
7 determine whether criminal prosecution is appropriate and may request the Director
8 or the Director's designee to appear before a magistrate.

9 If the Director receives information that a juvenile may have been physically
10 harmed in violation of any criminal statute by any person other than the juvenile's
11 parent, guardian, custodian, or caretaker, the Director shall make an immediate oral
12 and subsequent written report of that information to the district attorney or the
13 district attorney's designee and to the appropriate local law enforcement agency
14 within 48 hours after receipt of the information. The local law enforcement agency
15 shall immediately, but no later than 48 hours after receipt of the information, initiate
16 a criminal investigation. Upon completion of the investigation, the district attorney
17 shall determine whether criminal prosecution is appropriate.

18 If the report received pursuant to G.S. 7A-543 involves abuse or neglect of a
19 juvenile in day child care, ~~either in a day care facility or a day care home~~, the
20 Director shall notify the Department of Human Resources within 24 hours or on the
21 next working day of receipt of the report.

22 (a1) If the Director finds evidence that a juvenile has been abused or neglected as
23 defined by G.S. 7A-517 in a day child care ~~facility or day care home~~, he facility, the
24 Director shall immediately so notify the Department of Human Resources and, in the
25 case of child sexual abuse, the State Bureau of Investigation, in such a way as does
26 not violate the law guaranteeing the confidentiality of the records of the Department
27 of Social Services.

28 (a2) Upon completion of the investigation, the Director shall give the Department
29 written notification of the results of the investigation required by G.S. 7A-544. Upon
30 completion of an investigation of child sexual abuse in a day child care ~~facility or day~~
31 ~~care home~~, facility, the Director shall also make written notification of the results of
32 the investigation to the State Bureau of Investigation.

33 The Director of the Department of Social Services shall submit a report of alleged
34 abuse, neglect, or dependency cases or child fatalities that are the result of alleged
35 maltreatment to the central registry under the policies adopted by the Social Services
36 Commission.

37 (b) Repealed by Session Laws 1991, (Reg. Sess., 1992), c. 923, s. 4."

38 Section 34. G.S. 95-28.3(a) reads as rewritten:

39 "(a) It is the belief of the General Assembly that parent involvement is an
40 essential component of school success and positive student outcomes. Therefore,
41 employers shall grant four hours per year leave to any employee who is a parent,
42 guardian, or person standing in loco parentis of a school-aged child so that the
43 employee may attend or otherwise be involved at that child's school. However, any
44 leave under this section is subject to the following conditions:

- 1 (1) The leave shall be at a mutually agreed upon time between the
2 employer and the employee.
3 (2) The employer may require an employee to provide the employer
4 with a written request for the leave at least 48 hours before the
5 time desired for the leave.
6 (3) The employer may require that the employee furnish written
7 verification from the child's school that the employee attended or
8 was otherwise involved at that school during the time of the leave.

9 For the purpose of this section, 'school' means any (i) public school, (ii) private
10 church school, church of religious charter, or nonpublic school described in Parts 1
11 and 2 of Article 39 of Chapter 115C of the General Statutes that regularly provides a
12 course of grade school instruction, (iii) preschool, and (iv) child ~~day~~ care facility as
13 defined in G.S. 110-86(3)."

14 Section 35. G.S. 105-60 reads as rewritten:

15 **"§ 105-60. ~~Day-care~~ Child care facilities.**

16 Every person, firm or corporation engaged in operating a ~~day-care~~ child care
17 facility as defined in G.S. 110-86(3) shall pay an annual license tax for the privilege
18 of operating a ~~day-care~~ child care facility. This privilege license tax for a ~~day-care~~
19 child care facility licensed by the Department of Human Resources under Article 7,
20 Chapter 110 of the General Statutes shall be as follows: fifty dollars (\$50.00) for
21 fewer than 50 children; one hundred dollars (\$100.00) for 50 to 99 children; two
22 hundred dollars (\$200.00) for 100 to 149 children; three hundred dollars (\$300.00) for
23 150 to 200 children; and four hundred dollars (\$400.00) for more than 200 children."

24 Section 36. G.S. 105-164.13(26a) reads as rewritten:

25 "(26a) Food sold not for profit by a public school cafeteria to a child ~~day~~
26 care center that participates in the Child and Adult Care Food
27 Program of the Department of Public Instruction."

28 Section 37. G.S. 114-15.3 reads as rewritten:

29 **"§ 114-15.3. Investigations of child sexual abuse in ~~day~~ child care.**

30 The Director of the Bureau may form a task force to investigate and gather
31 evidence following a notification by the director of a county department of social
32 services, pursuant to G.S. 7A-543, that child sexual abuse may have occurred in a ~~day~~
33 child care facility or day-care home. facility."

34 Section 38. G.S. 114-19.3(a) reads as rewritten:

35 "(a) Authority. -- The Department of Justice may provide to any of the following
36 entities a criminal record check of an individual who is employed by that entity, has
37 applied for employment with that entity, or has volunteered to provide direct care on
38 behalf of that entity:

- 39 (1) Hospitals licensed under Chapter 131E of the General Statutes.
40 (2) Nursing homes or combination homes licensed under Chapter
41 131E of the General Statutes.
42 (3) Adult care homes licensed under Chapter 131D of the General
43 Statutes.

- (4) Home care agencies or hospices licensed under Chapter 131E of the General Statutes.
- (5) Child placing agencies licensed under Chapter 131D of the General Statutes.
- (6) Residential child care facilities licensed under Chapter 131D of the General Statutes.
- (7) Hospitals licensed under Chapter 122C of the General Statutes.
- (8) Area mental health, developmental disabilities, and substance abuse authorities licensed under Chapter 122C of the General Statutes, including a contract agency of an area authority that is subject to the provisions of Article 4 of that Chapter.
- (9) Licensed child ~~day~~ care facilities ~~and registered~~ and nonregistered child ~~day~~ care homes regulated by the State.
- (10) Any other organization or corporation, whether for profit or nonprofit, that provides direct care or services to children, the sick, the disabled, or the elderly."

Section 39. G.S. 114-19.5 reads as rewritten:

"§ 114-19.5. Criminal record checks of child ~~day~~ care providers.

The Department of Justice may provide to the Division of Child Development, Department of Human Resources, the criminal history from the State and National Repositories of Criminal Histories in accordance with G.S. 110-90.2, of any child ~~day~~ care provider, as defined in G.S. 110-90.2. The Division shall provide to the Department of Justice, along with the request, the fingerprints of the provider to be checked, any additional information required by the Department of Justice, and a form consenting to the check of the criminal record and to the use of fingerprints and other identifying information required by the State or National Repositories signed by the child ~~day~~ care provider to be checked. The Division shall keep all information pursuant to this section privileged, as provided in G.S. 110-90.2(e). The Department of Justice shall charge a reasonable fee only for conducting the checks of the national criminal history records authorized by this section."

Section 40. G.S. 115C-468(c) reads as rewritten:

"(c) The Superintendent of Public Instruction may earmark up to twenty percent (20%) of the funds available for scholarship loans each year for awards to applicants who have been employed for at least one year as teacher assistants and who are currently employed as teacher assistants. Preference for these scholarship loans from funds earmarked for teacher assistants shall be given first to applicants who worked as teacher assistants for at least five years and whose positions as teacher assistants were abolished and then to applicants who already hold a baccalaureate degree or who have already been formally admitted to an approved teacher education program in North Carolina. The criteria for awarding scholarship loans to applicants who worked as teacher assistants for at least five years and whose positions as teacher assistants were abolished shall include whether the teacher assistant has been admitted to an approved teacher education program in North Carolina.

1 The Superintendent of Public Instruction may further earmark a portion of these
2 funds each year for two-year awards to applicants who have been employed for at
3 least one year as teacher assistants to attend community colleges to get other skills of
4 use in public schools or to get an early childhood associate degree. The provisions of
5 this Article shall apply to these scholarship loans except that a recipient of one of
6 these scholarship loans may receive credit upon the amount due by reason of the loan
7 as provided in G.S. 115C-471(5) or by working in a nonteaching position in the
8 North Carolina public schools or by working in a licensed ~~day~~ child care center in
9 North Carolina."

10 Section 41. G.S. 120-70.71 reads as rewritten:

11 "**§ 120-70.71. Powers and duties.**

12 The Commission shall study State government policy and programs affecting the
13 family, specifically addressing family issues from the point of existing laws,
14 governmental programs needed or already functioning, and current family life issues.
15 The Commission shall work in close collaboration with various agencies and
16 programs dealing with the family. Among the issues the Commission may consider
17 studying are the following:

- 18 (1) The feasibility of establishing model projects that would be located
19 primarily in low-income, high dropout rate communities in North
20 Carolina:
 - 21 a. To teach adults in the family to read; and
 - 22 b. To provide after school care for school-aged children using
23 volunteers who could be retirees in the provision of services;
- 24 (2) The fiscal impact of a cash stipend created by a tax deduction or
25 by industry dollars to promote literacy or the obtainment of a
26 General Education Development Degree for persons who are
27 presently illiterate or outside the school system;
- 28 (3) The need for ~~day~~ care for children and senior citizens, an increase
29 in Aid to Families with Dependent Children payments and
30 eligibility requirements, coordination of State law with federal
31 welfare reform programs, in-home services for the elderly,
32 additional funding for adult day care, and incentives for industries
33 to develop ~~day~~ child care programs;
- 34 (4) The relationship between the decline of real income and the tax
35 structure, college tax credits, the minimum wage, and welfare
36 support systems;
- 37 (5) The State's efforts in the areas of adolescent pregnancy and
38 teaching about adolescent sexuality;
- 39 (6) A comprehensive review of State and federal programs
40 encouraging business and industry to provide adequate child care
41 for their employees;
- 42 (7) An analysis of what the State is currently doing to encourage
43 North Carolina businesses and industry to provide adequate child
44 care for their employees;

- (8) A survey of North Carolina employers that presently provide child care options for their employees and what types of options they provide;
- (9) A comprehensive study of the types of tax incentives and other incentives that would encourage North Carolina businesses -- especially those that have 50 or more employees -- to either provide on-site child care facilities or provide other child care options and the cost to the State of these tax incentives;
- (10) Recommendations of what the State could be doing to encourage North Carolina businesses to provide on-site child care facilities or other child care options for their employees;
- (11) Recommendations of a comprehensive policy for North Carolina to encourage businesses within the State to provide on-site child care facilities or other child care options for their employees;
- (12) The concept of requiring coverage of child health supervision services in all health insurance policies sold or delivered within the State;
- (13) The issue of domestic violence; and
- (14) The problem of suicide among the youth of the State."

Section 42. G.S. 120-123(44) reads as rewritten:

"(44) The Child ~~Day-Care~~ Care Commission, as established by G.S. 143B-168.3."

Section 43. G.S. 122C-22(a) reads as rewritten:

"(a) The following are excluded from the provisions of this Article and are not required to obtain licensure under this Article:

- (1) Physicians and psychologists engaged in private office practice;
- (2) General hospitals licensed under Article 5 of Chapter 131E of the General Statutes, that operate special units for the mentally ill, developmentally disabled, or substance abusers;
- (3) State and ~~federally-operated~~ federally operated facilities;
- (4) Adult care homes licensed under Chapter 131D of the General Statutes;
- (5) Developmental child ~~day~~ care centers licensed under Article 7 of Chapter 110 of the General Statutes;
- (6) Persons subject to licensure under rules of the Social Services Commission;
- (7) Persons subject to rules and regulations of the Division of Vocational Rehabilitation Services; and
- (8) Facilities that provide occasional respite care for not more than two individuals at a time; provided that the primary purpose of the facility is other than as defined in G.S. 122C-3(14)."

Section 44. G.S. 122E-8(d) reads as rewritten:

"(d) The Agency shall also give priority to applications which include provisions such as:

- 1 (1) Interest rates and loan terms more favorable than those
- 2 conventionally offered;
- 3 (2) Developer contributions to project costs;
- 4 (3) Local government contributions to project costs, including
- 5 infrastructure improvements, contributions of publicly owned land
- 6 for housing development, and the provision of funds for such
- 7 services as ~~day~~ child care and job training;
- 8 (4) Coordination with other housing and/or infrastructure investments
- 9 in the community;
- 10 (5) Provision of housing to the disabled, single parent households, or
- 11 rurally isolated households; or
- 12 (6) Provision of housing to persons whose current housing fails to meet
- 13 basic standards of health and safety and who have little prospect of
- 14 improving the condition of their housing except by residing in an
- 15 eligible project receiving assistance under this Chapter."

16 Section 45. G.S. 130A-131.5 reads as rewritten:

17 "§ 130A-131.5. Commission to adopt rules.

18 (a) For the protection of the public health, the Commission shall adopt rules for

19 the prevention and control of lead poisoning in children. The rules shall include

20 provisions for:

- 21 (1) Reporting by laboratories of elevated blood lead levels in children
- 22 less than six years of age; the rules shall specify the public health
- 23 agency to which reports shall be made, and shall establish when a
- 24 blood lead level is considered to be elevated. The rules shall
- 25 further provide the specific information to be included in the
- 26 reports, the time limits for reporting, and the form in which reports
- 27 shall be submitted;
- 28 (2) Investigation by the Department to determine the source of
- 29 elevated blood lead levels;
- 30 (3) Identification of lead poisoning hazards;
- 31 (4) Examination and testing of children less than six years of age who
- 32 are reasonably suspected of having elevated blood lead levels; and
- 33 (5) Abatement of lead poisoning hazards in dwellings, schools and ~~day~~
- 34 child care facilities determined by the Department to be a potential
- 35 source of an elevated blood lead level in a child less than six years
- 36 of age.

37 (b) Abatement orders issued by the Department pursuant to this section shall

38 require elimination of the lead poisoning hazard. Removal of children from the

39 dwelling, school, or ~~day~~ child care facility shall not constitute abatement if the

40 property continues to be used for a dwelling, school, or ~~day~~ child care facility."

41 Section 46. G.S. 130A-136 reads as rewritten:

42 "§ 130A-136. School principals and ~~day-care~~ child care operators to report.

43 A principal of a school and an operator of a ~~day-care~~ child care facility, as defined

44 in G.S. 110-86(3), who has reason to suspect that a person within the school or

1 ~~day-care~~ child care facility has a communicable disease or communicable condition
2 declared by the Commission to be reported, shall report information required by the
3 Commission to the local health director of the county or district in which the school
4 or facility is located."

5 Section 47. G.S. 130A-155 reads as rewritten:

6 "**§ 130A-155. Submission of certificate to ~~day-care~~ child care facility and school**
7 **authorities; record maintenance; reporting.**

8 (a) No child shall attend a school (K-12), whether public, private or religious, or a
9 ~~day-care~~ child care facility as defined in G.S. 110-86(3), unless a certificate of
10 immunization indicating that the child has received the immunizations required by
11 G.S. 130A-152 is presented to the school or facility. The parent, guardian, or
12 responsible person must present a certificate of immunization on the child's first day
13 of attendance to the principal of the school or operator of the facility, as defined in
14 G.S. 110-86(7). If a certificate of immunization is not presented on the first day, the
15 principal or operator shall present a notice of deficiency to the parent, guardian or
16 responsible person. The parent, guardian or responsible person shall have 30 calendar
17 days from the first day of attendance to obtain the required immunization for the
18 child. If the administration of vaccine in a series of doses given at medically approved
19 intervals requires a period in excess of 30 calendar days, additional days upon
20 certification by a physician may be allowed to obtain the required immunization.
21 Upon termination of 30 calendar days or the extended period, the principal or
22 operator shall not permit the child to attend the school or facility unless the required
23 immunization has been obtained.

24 (b) The school or ~~day-care~~ child care facility shall maintain on file immunization
25 records for all children attending the school or facility which contain the information
26 required for a certificate of immunization as specified in G.S. 130A-154. These
27 certificates shall be open to inspection by the Department and the local health
28 department during normal business hours. When a child transfers to another school
29 or facility, the school or facility which the child previously attended shall, upon
30 request, send a copy of the child's immunization record at no charge to the school or
31 facility to which the child has transferred.

32 (c) Within 60 calendar days after the commencement of a new school year, the
33 school shall file an immunization report with the Department. The ~~day-care~~ child
34 care facility shall file an immunization report annually with the Department. The
35 report shall be filed on forms prepared by the Department and shall state the number
36 of children attending the school or facility, the number of children who had not
37 obtained the required immunization within 30 days of their first attendance, the
38 number of children who received a medical exemption and the number of children
39 who received a religious exemption.

40 (d) Any adult who attends school (K-12), whether public, private or religious, shall
41 obtain the immunizations required in G.S. 130A-152 and shall present to the school a
42 certificate in accordance with this section. The physician or local health department
43 administering a required vaccine to the adult shall give a certificate of immunization
44 to the person. The certificate shall state the person's name, address, date of birth and

1 sex; the number of doses of the vaccine given; the date the doses were given; the
2 name and addresses of the physician or local health department administering the
3 required immunization; and other relevant information required by the Commission."

4 Section 48. The heading for Article 3E, Chapter 143 of the General
5 Statutes reads as rewritten:

6 "ARTICLE 3E.

7 State/Public School Child ~~Day~~ Care Contracts."

8 Section 49. G.S. 143-64.50 reads as rewritten:

9 "**§ 143-64.50. State/public school-contracted on-, near-site day child care facilities;**
10 **location authorization; contract for program services authorization.**

11 State agencies and local boards of education may contract with any city, county, or
12 other political subdivision of the State, governmental or private agency, person,
13 association, or corporation to establish child ~~day~~ care services in State buildings and
14 public schools. If the child ~~day~~ care program is located in a State building that is not
15 used for legislative activity, the procedure for approving the location of the program
16 shall be pursuant to G.S. 143-341(4). If the child ~~day~~ care program is located in a
17 State building used for legislative activity, the procedure for approving the location of
18 the program shall be pursuant to G.S. 120-32.1. If the child ~~day~~ care program is
19 located in any other State building, the procedure for contracting for child ~~day~~ care
20 services shall be pursuant to G.S. 143-49(3). If the child ~~day~~ care program is located
21 in a State building used for legislative activity, the procedure for contracting for child
22 ~~day~~ care services shall be pursuant to G.S. 120-32(4).

23 Contracts for services awarded pursuant to this section are exempt from the
24 provisions of G.S. 66-58(a) and the contract may provide for payment of rent by the
25 lessee or the operator of the facility."

26 Section 50. G.S. 143-64.51 reads as rewritten:

27 "**§ 143-64.51. State/public school-contracted child day care facilities; licensing**
28 **requirements.**

29 All child ~~day~~ care facilities established pursuant to this Article shall be licensed
30 and regulated under the provisions of Article 7 of Chapter 110 of the General
31 Statutes, entitled '~~Day~~ Child Care Facilities.'"

32 Section 51. G.S. 143-64.52 reads as rewritten:

33 "**§ 143-64.52. State/public school-contracted child day care facilities; limitation of**
34 **State/local board liability.**

35 The operators of the child ~~day~~ care facilities established pursuant to this Article
36 shall assume all financial and legal responsibility for the operation of the programs
37 and shall maintain adequate insurance coverage for the operations taking place in the
38 facilities. Neither the operator or any of the staff of the facilities are considered State
39 employees or local board of education employees by virtue of this Article alone. The
40 State or the local boards of education are financially and legally responsible only for
41 the maintenance of the building."

42 Section 52. G.S. 143-576.2(b) reads as rewritten:

43 "(b) Each Local Team shall consist of the following persons:

- (1) The director of the county department of social services, and a member of the director's staff;
- (2) A local law enforcement officer, appointed by the board of county commissioners;
- (3) An attorney from the district attorney's office, appointed by the district attorney;
- (4) The executive director of the local community action agency, as defined by the Division of Economic Opportunity, Department of Human Resources, or the executive director's designee;
- (5) The superintendent of each local school administrative unit located in the county, or the superintendent's designee;
- (6) A member of the county board of social services, appointed by the chair of that board;
- (7) A local mental health professional, appointed by the director of the area authority established under Chapter 122C of the General Statutes;
- (8) The local guardian ad litem coordinator, or the coordinator's designee;
- (9) The director of the local department of public health; and
- (10) A local health care provider, appointed by the local board of health.

In addition, a Local Team that reviews the records of additional child fatalities shall include the following four additional members:

- (1) An emergency medical services provider or firefighter, appointed by the board of county commissioners;
- (2) A district court judge, appointed by the chief district judge in that district;
- (3) A county medical examiner, appointed by the Chief Medical Examiner;
- (4) A representative of a local ~~day~~ child care facility or Head Start program, appointed by the director of the county department of social services; and
- (5) A parent of a child who died before reaching the child's eighteenth birthday, to be appointed by the board of county commissioners.

The Team Coordinator shall serve as an ex officio member of each Local Team that reviews the records of additional child fatalities. The board of county commissioners may appoint a maximum of five additional members to represent county agencies or the community at large to serve on any Local Team. Vacancies on a Local Team shall be filled by the original appointing authority."

Section 53. G.S. 143-599 reads as rewritten:

"§ 143-599. Exemptions.

All of the following facilities shall be exempt from the provisions of this Article:

- 1 (1) Any primary or secondary school or ~~day~~ child care center, except
- 2 for a teacher's lounge.
- 3 (2) An enclosed elevator.
- 4 (3) Public school bus.
- 5 (4) Hospital, nursing home, rest home, and State facility operated
- 6 under the authority of G.S. 122C-181.
- 7 (5) Local health department.
- 8 (6) Any nonprofit organization or corporation whose primary purpose
- 9 is to discourage the use of tobacco products by the general public.
- 10 (7) Tobacco manufacturing, processing, and administrative facilities."

11 Section 54. G.S. 143B-138 reads as rewritten:

12 **"§ 143B-138. Department of Human Resources -- functions and organization.**

13 (a) Repealed by Session Laws 1989, c. 727, s. 5.

14 (b) All functions, powers, duties, and obligations heretofore vested in
15 commissions, boards, councils, committees, or subunits of the Department of Human
16 Resources which are not transferred by G.S. 143B-279.3 shall continue to be vested in
17 the Department of Human Resources. These shall include, but are not limited to, the
18 following:

- 19 (1) Division of Aging.
- 20 (2) Respite Care Program.
- 21 (3) Governor's Advisory Council on Aging.
- 22 (4) Division of Services for the Blind.
- 23 (5) Commission for the Blind.
- 24 (6) Professional Advisory Committee.
- 25 (7) Consumer and Advocacy Advisory Committee for the Blind.
- 26 (8) Division of Medical Assistance.
- 27 (9) Division of Mental Health, Developmental Disabilities, and
- 28 Substance Abuse Services.
- 29 (10) Commission for Mental Health, Developmental Disabilities, and
- 30 Substance Abuse Services.
- 31 (11) Division of Social Services.
- 32 (12) Social Services Commission.
- 33 (13) Division of Facility Services.
- 34 (14) Medical Care Commission.
- 35 (15) Child ~~Day-Care~~ Care Commission.
- 36 (16) Emergency Medical Services Advisory Council.
- 37 (17) Division of Vocational Rehabilitation.
- 38 (18) Division of Youth Services.
- 39 (19) Division of Schools for the Deaf and the Blind.
- 40 (20) Board of Directors of the Governor Morehead School.
- 41 (21) Board of Directors for the North Carolina Schools for the Deaf.
- 42 (22) North Carolina Council for the Hearing Impaired.
- 43 (23) Council on Developmental Disabilities.
- 44 (24) North Carolina Council on the Holocaust.

(c) All functions, powers, duties, and obligations heretofore vested in the Economic Opportunity Division of the Department of Natural Resources and Community Development are hereby transferred to and vested in the Department of Human Resources by a Type I transfer as defined in G.S. 143A-6.

(d) The Department of Human Resources is vested with all other functions, powers, duties, and obligations as are conferred by the Constitution and laws of this State."

Section 55. G.S. 143B-153(8) reads as rewritten:

"(8) The Commission may establish by regulation, except for Title XX services provided solely through the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, rates or fees for:

- a. A fee schedule for the payment of the costs of necessary ~~day~~ child care in licensed facilities and registered plans for minor children of needy families.
- b. A fee schedule for the payment by recipients for services which are established in accordance with Title XX of the Social Security Act and implementing regulations; and
- c. The payment of an administrative fee not to exceed two hundred dollars (\$200.00) to be paid by public or nonprofit agencies which employ students under the Plan Assuring College Education (PACE) program.
- d. Child support enforcement services as defined by G.S. 110-130.1."

Section 56. G.S. 143B-168.3 reads as rewritten:

"§ 143B-168.3. ~~Child Day-Care~~ Child Day-Care Commission -- powers and duties.

The Child Day-Care Licensing Commission of the Department of Administration is transferred, recodified, and renamed the ~~Child Day-Care~~ Child Day-Care Commission of the Department of Human Resources with the power and duty to adopt rules to be followed in the licensing and operation of child ~~day~~ care facilities ~~and child-day-care homes~~ as provided by Article 7 of Chapter 110 of the General Statutes.

(a) The ~~Child Day-Care~~ Child Day-Care Commission shall adopt rules:

- (1) For the issuance of licenses to any ~~day~~ child care facility; and
- (2) To ~~register child-day-care homes and to~~ adopt rules as provided by Article 7 of Chapter 110 of the General Statutes of the State of North Carolina, and to establish standards for ~~"AA"~~ enhanced program licenses, as authorized by G.S. 110-88(7).

(b) The Commission shall adopt rules consistent with the provisions of this Chapter. All rules not inconsistent with the provisions of this Chapter heretofore adopted by the Child Day-Care Licensing Commission shall remain in full force and effect unless and until repealed or superseded by action of the ~~Child Day-Care~~ Child Day-Care Commission. All rules and regulations adopted by the Commission shall be enforced by the Department of Human Resources."

Section 57. G.S. 143B-168.4(a) reads as rewritten:

1 "§ 143B-168.4. Child ~~Day-Care~~ Care Commission -- members; selection; quorum.

2 (a) The Child ~~Day-Care~~ Care Commission of the Department of Human
3 Resources shall consist of 15 members. Seven of the members shall be appointed by
4 the Governor and eight by the General Assembly, four upon the recommendation of
5 the President Pro Tempore of the Senate, and four upon the recommendation of the
6 Speaker of the House of Representatives. Four of the members appointed by the
7 Governor, two by the General Assembly on the recommendation of the President Pro
8 Tempore of the Senate, and two by the General Assembly on the recommendation of
9 the Speaker of the House of Representatives, shall be members of the public who are
10 not employed in, or providing, ~~day child~~ care and who have no financial interest in a
11 ~~day child care facility or home facility~~. Two of the foregoing public members
12 appointed by the Governor, one of the foregoing public members recommended by
13 the President Pro Tempore of the Senate, and one of the foregoing public members
14 recommended by the Speaker of the House of Representatives shall be parents of
15 children receiving ~~day child~~ care services. Of the remaining two public members
16 appointed by the Governor, one shall be a pediatrician currently licensed to practice
17 in North Carolina. Three of the members appointed by the Governor shall be ~~day~~
18 child care providers, one of whom shall be affiliated with a for profit ~~day child~~ care
19 ~~facility, center~~, one of whom shall be affiliated with a for profit ~~day family child~~ care
20 home, and one of whom shall be affiliated with a nonprofit ~~home or~~ facility. Two of
21 the members appointed by the General Assembly on the recommendation of the
22 President Pro Tempore of the Senate, and two by the General Assembly on
23 recommendation of the Speaker of the House of Representatives, shall be ~~day~~ care
24 providers, one affiliated with a for profit ~~day care facility or home, facility~~, and one
25 affiliated with a nonprofit ~~day care facility or home, facility~~. None may be employees
26 of the State."

27 Section 58. G.S. 143B-168.5 reads as rewritten:

28 "§ 143B-168.5. Child ~~Day~~ Care -- special unit.

29 There is established within the Department of Human Resources a special unit to
30 deal primarily with violations involving child abuse and neglect in child ~~day~~ care
31 arrangements. The Child ~~Day~~ Care Commission shall make rules for the
32 investigation of reports of child abuse or neglect and for administrative action when
33 child abuse or neglect is substantiated, pursuant to G.S. 110-88(6a), 110-105, and
34 ~~110-105.1, 110-105.2.~~"

35 Section 59. G.S. 143B-168.14 reads as rewritten:

36 "§ 143B-168.14. Local partnerships; conditions.

37 (a) In order to receive State funds, the following conditions shall be met:

38 (1) Each local demonstration project shall be coordinated by a new
39 local partnership responsible for developing a comprehensive,
40 collaborative, long-range plan of services to children and families
41 in the service-delivery area. The board of directors of each local
42 partnership shall consist of members including representatives of
43 public and private nonprofit health and human service agencies,
44 ~~day child~~ care providers, the business community, foundations,

1 county and municipal governments, local education units, and
2 families. The Department, in cooperation with the North Carolina
3 Partnership, may specify in its requests for applications the local
4 agencies that shall be represented on a local board of directors.
5 No existing local, private, nonprofit 501(c)(3) organization, other
6 than one established on or after July 1, 1993, and that meets the
7 guidelines for local partnerships as established under this Part,
8 shall be eligible to apply to serve as the local partnership for the
9 purpose of this Part.

10 (2) Each local partnership shall agree to adopt procedures for its
11 operations that are comparable to those of Article 33C of Chapter
12 143 of the General Statutes, the Open Meetings Law, and Chapter
13 132 of the General Statutes, the Public Records Law, and provide
14 for enforcement by the Department.

15 (3) Each local partnership shall adopt procedures to ensure that all
16 personnel who provide services to young children and their
17 families under this Part know and understand their responsibility
18 to report suspected child abuse, neglect, or dependency, as defined
19 in G.S. 7A-517.

20 (4) Each local partnership shall participate in the uniform, standard
21 fiscal accountability plan developed and adopted by the North
22 Carolina Partnership.

23 (b) Each local partnership shall be subject to audit and review by the State
24 Auditor under Article 5A of Chapter 147 of the General Statutes. The State Auditor
25 shall conduct annual financial and compliance audits of the local partnerships."

26 Section 60. G.S. 143B-168.15 reads as rewritten:

27 "§ 143B-168.15. Use of State funds.

28 (a) State funds allocated to local projects for services to children and families shall
29 be used to meet assessed needs, expand coverage, and improve the quality of these
30 services. The local plan shall address the assessed needs of all children to the extent
31 feasible. It is the intent of the General Assembly that the needs of both young
32 children below poverty who remain in the home, as well as the needs of young
33 children below poverty who require services beyond those offered in child care
34 settings, be addressed. Therefore, as local partnerships address the assessed needs of
35 all children, they should devote an appropriate amount of their State allocations,
36 considering these needs and other available resources, to meet the needs of children
37 below poverty and their families.

38 (b) Depending on local, regional, or statewide needs, funds may be used to
39 support activities and services that shall be made available and accessible to
40 providers, children, and families on a voluntary basis. Of the funds allocated to local
41 partnerships that are designated by the Secretary for direct services, seventy-five
42 percent (75%) shall be used for any one or more of the following activities and
43 services:

44 (1) Child day care services, including:

- 1 a. Child ~~day~~ care subsidies to reduce waiting lists;
- 2 b. Raising the county child ~~day~~ care subsidy rate to the State
- 3 market rate, if applicable, in return for improvements in the
- 4 quality of child ~~day~~ care services;
- 5 c. Raising the income eligibility for child ~~day~~ care subsidies to
- 6 seventy-five percent (75%) of the State median family
- 7 income;
- 8 d. Start-up funding for child ~~day~~ care providers;
- 9 e. Assistance to enable child ~~day~~ care providers to conform to
- 10 licensing and building code requirements;
- 11 f. Child ~~day~~ care resources and referral services;
- 12 g. Enhancement of the quality of child ~~day~~ care provided;
- 13 h. Technical assistance for child ~~day~~ care providers;
- 14 i. Quality grants for child ~~day~~ care centers or family child ~~day~~
- 15 care homes;
- 16 j. Expanded services or enhanced rates for children with
- 17 special needs;
- 18 k. Head Start services;
- 19 l. Development of comprehensive child ~~day~~ care services that
- 20 include child health and family support;
- 21 m. Activities to reduce staff turnover;
- 22 n. Activities to serve children with special needs;
- 23 o. Transportation services related to providing child ~~day~~ care
- 24 services;
- 25 p. Evaluation of plan implementation of child ~~day~~ care
- 26 services; and
- 27 q. Needs and resources assessments for child ~~day~~ care services.
- 28 (2) Family- and child-centered services, including early childhood
- 29 education and child development services, including:
- 30 a. Enhancement of the quality of family- and child-centered
- 31 services provided;
- 32 b. Technical assistance for family- and child-centered services;
- 33 c. Needs and resource assessments for family- and child-
- 34 centered services;
- 35 d. Home-centered services; and
- 36 e. Evaluation of plan implementation of family- and child-
- 37 centered services.
- 38 (3) Other appropriate activities and services for child ~~day~~ care
- 39 providers and for family- and child-centered services, including:
- 40 a. Staff and organizational development, leadership and
- 41 administrative development, technology assisted education,
- 42 and long-range planning; and
- 43 b. Procedures to ensure that infants and young children receive
- 44 needed health, immunization, and related services.

1 (c) Long-term plans for local projects that do not receive their full allocation in
2 the first year, other than those selected in 1993, should consider how to meet the
3 assessed needs of low-income children and families within their neighborhoods or
4 communities. These plans also should reflect a process to meet these needs as
5 additional allocations and other resources are received.

6 (d) State funds designated for start-up and related activities may be used for
7 capital expenses or to support activities and services for children, families, and
8 providers. State funds designated to support direct services for children, families, and
9 providers shall not be used for major capital expenses unless the North Carolina
10 Partnership approves this use of State funds based upon a finding that a local
11 partnership has demonstrated that (i) this use is a clear priority need for the local
12 plan, (ii) it is necessary to enable the local partnership to provide services and
13 activities to underserved children and families, and (iii) the local partnership will not
14 otherwise be able to meet this priority need by using State or federal funds available
15 to that local partnership. The funds approved for capital projects in any two
16 consecutive fiscal years may not exceed ten percent (10%) of the total funds for
17 direct services allocated to a local partnership in those two consecutive fiscal years.

18 (e) State funds allocated to local partnerships shall not supplant current
19 expenditures by counties on behalf of young children and their families, and
20 maintenance of current efforts on behalf of these children and families shall be
21 sustained. State funds shall not be applied without the Secretary's approval where
22 State or federal funding sources, such as Head Start, are available or could be made
23 available to that county.

24 (f) Local partnerships may carry over funds from one fiscal year to the next,
25 subject to the following conditions:

26 (1) Local partnerships in their first year of receiving direct services
27 funding may, on a one-time basis only, carry over any unspent
28 funds to the subsequent fiscal year.

29 (2) Any local partnership may carry over any unspent funds to the
30 subsequent fiscal year, subject to the limitation that funds carried
31 over may not exceed the increase in funding the local partnership
32 received during the current fiscal year over the prior fiscal year.

33 (g) Not less than thirty percent (30%) of each local partnership's direct services
34 allocation shall be used to expand child day care subsidies. To the extent practicable,
35 these funds shall be used to enhance the affordability, availability, and quality of
36 child day care services as described in this section."

37 Section 61. G.S. 143B-178 reads as rewritten:

38 "**§ 143B-178. Council on Developmental Disabilities -- definitions.**

39 The following definitions apply to this Chapter:

40 (1) The term 'developmental disability' means a severe, chronic
41 disability of a person which:

42 a. Is attributable to a mental or physical impairment or
43 combination of mental and physical impairments;

- 1 b. Is manifested before the person attains age 22, unless the
2 disability is caused by a traumatic head injury and is
3 manifested after age 22;
4 c. Is likely to continue indefinitely;
5 d. Results in substantial functional limitations in three or more
6 of the following areas of major life activity: (i) self-care, (ii)
7 receptive and expressive language, (iii) learning, (iv)
8 mobility, (v) self-direction, (vi) capacity for independent
9 living, and (vii) economic self-sufficiency; and
10 e. Reflects the person's need for a combination and sequence
11 of special, interdisciplinary, or generic care, treatment, or
12 other services which are of lifelong or extended duration
13 and are individually planned and coordinated.
- 14 (2) The term 'services for persons with developmental disabilities,' as
15 it is used in this Article, means:
16 a. Alternative community living arrangement services,
17 employment related activities, child development services,
18 and case management services; and
19 b. Any other specialized services or special adaptations of
20 generic services including diagnosis, evaluation, treatment,
21 personal care, ~~day~~ child care, adult care, special living
22 arrangements, training, education, sheltered employment,
23 recreation and socialization, counseling of the individual
24 with such a disability and of his family, protective and other
25 social and sociolegal services, information and referral
26 services, follow-along services, nonvocational social-
27 developmental services, and transportation services
28 necessary to assure delivery of services to persons with
29 developmental disabilities, and services to promote and
30 coordinate activities to prevent developmental disabilities.

31 Section 62. G.S. 153A-234 reads as rewritten:

32 **"§ 153A-234. Fire marshal.**

33 A county may appoint a fire marshal and employ persons as his assistants. A
34 county may also impose any duty that might be imposed on a fire marshal on any
35 other officer or employee of the county. The board of commissioners shall set the
36 duties of the fire marshal, which may include but are not limited to:

- 37 (1) Advising the board on improvements in the fire-fighting or fire
38 prevention activities under the county's supervision or control.
39 (2) Coordinating fire-fighting and training activities under the
40 county's supervision or control.
41 (3) Coordinating fire prevention activities under the county's
42 supervision or control.
43 (4) Assisting incorporated volunteer fire departments in developing
44 and improving their fire-fighting or fire prevention capabilities.

- 1 (5) Making fire prevention inspections, including the periodic
2 inspections and reports of school buildings required by Chapter
3 115 and the inspections of ~~day-care~~ child care facilities required by
4 Chapter 110. A fire marshal shall not make electrical inspections
5 unless he is qualified to do so under G.S. 153A-351."
6 Section 63. Except as otherwise provided in this act, this act is effective
7 when it becomes law.



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July 24, 1997

MEMORANDUM

TO: House Human Resources Committee

FROM: John Young, Committee Staff

RE: PHCS for Senate Bill 929-Enhance Child Care

PHCS for Senate Bill 929 makes the following changes to Article 7 of Chapter 110 of the General Statutes relating to child care:

1. Definitions

- a. Redefines "child care" as a program or arrangement when three or more children less than 13 years old, who do not reside where care is provided, receive care on a regular basis of at least once per week for more than four hours but less than 24 hours per day from people other than their guardians or full time custodians or from people not related to them by birth, marriage, or adoption.
- b. Lists ten activities that are not considered "child care" and don't have to be licensed.
- c. Five categories of care reduced to two: centers and family care homes. The term "facilities" will refer to both centers and family child care homes.
- d. Definitions added for "lead teacher" and "child care administrator".

2. Powers and duties of the Child Care Commission

- a. Adopt applicable rules and standards based on capacity of child care facility.
- b. Develop and adopt voluntary enhanced program standards that must address, at a minimum, staff/child ratios, staff qualifications, parent involvement, operational and

personnel policies, developmentally appropriate curricula, and facility square footage.

- c. Adopt rules regulating amount of time child care administrator must be on site at child care center.
 - d. Establish minimum standards for developmentally appropriate activities in child care facilities specified in the act.
 - e. Adopt rules specifying requirements for nutritious meals in family child care homes.
3. Licensing Changes
- a. Allows the Secretary of DHR to issue a permanent "rated license" that will reflect program standards, staff education levels and compliance history.
 - b. Deletes one year limitation on license and is valid until Secretary notifies operator otherwise..
 - c. Drop-in and short term child care arrangements will be required to display a notice that they are not licensed.
4. Family Care Home Proposals
- a. Requires verification of children's immunization and health assessments.
 - b. Raises the minimum age of a family child care provider from 18 to 21.
 - c. Effective January 1, 1998, requires family child care providers to have a high school diploma or its equivalent.
 - d. Providers will be required to complete annual on-going training in child development in addition to already required first aid and CPR.
 - e. Family care homes will provide activities and play materials that are safe and that meet children's needs.
 - f. Effective March 1, 1998, for new homes and unlicensed homes, requires criminal record checks for all household members over age 15 who are present when children are in care . Also applies to nonregistered homes approved to receive subsidy.
 - g. Of the children present at any one time in a family child care home, no more than five children may be preschool

aged, including the operator's own preschool aged children.

5. Child Care Center Proposals

- a. Administrators of centers will have at least a NC Early Childhood Administration credential or its equivalent. Provides for administrators to begin credentialing while performing duties.
- b. Lead teachers in centers will be required to have at least a NC Early Childhood Credential or its equivalent. Provides for lead teachers to begin credentialing while performing duties.
- c. DHR will establish categories to recognize levels of staff education appropriate to centers licensed to care for 200 or more children.
- d. Topics for on-going staff training will be limited to nine areas of early care and education.
- e. All teachers in child care centers will be required to receive child development training annually.

6. Other Provisions

- a. Requires that all child care facilities must comply with all federal and state laws and local ordinances that pertain to health, safety and welfare. Does not apply to operator's school-aged children but does apply to operator's preschool children.
- b. Provides that religious sponsored child care center must be under direction or supervision of literate person at least 21 years of age and all staff counted toward meeting staff/child ratio must be at least 16, provided that people younger than 18 work under direct supervision of literate person at least 21. Effective January 1, 1998, the person operating a religious sponsored family child care home must be at least 18 years old and literate.
- c. Repeals playground rules and restricts the Department's authority to make such rules.

Changes Made by HPCS from Original Senate Bill

1. **G.S. 110-86 "Definitions"**

The following changes were made to the exemptions for child care regulation;

- a. (2) e-"public schools"-The HPCS deleted the phrase from the Senate Bill "or any child care program operated by a public school".
- b. The HPCS deleted an exemption for charter schools so that charter schools would come under the law for day care just as any other applicant.
- c. 3a. definition of "child care center"-Senate definition included six or more pre-school-age children. HPCS definition changed to three or more children.

2. **G.S. 110-88-Powers of the Commission**

Under power (5), the HPCS added the phrase "annual compliance visits for centers".

3. **G.S. 110-91-Mandatory standards for a license**

The following changes were made:

- a. The Senate version changed the current statutory phrase "less stringent standards" to "appropriate. The HPCS retains the current statutory phrase "less stringent standards".
- b. The HPCS allows the Commission for Health Services to allow child care facilities to use domestic kitchen equipment rather than commercial equipment provided appropriate temperature levels for heating, cooling, and storing are maintained.

- c. The HPCS allows the Commissioner of Insurance to grant exemptions to the Building Code to make buildings suitable for preschool children when sought by the Child Care Commission. Centers who fry shall use commercial hoods.
- d. Under the fire prevention requirements, the HPCS allows DHR to consult with the Department of Insurance for those requirements affecting child care centers.
- e. HPCS adopts House language already agreed to by all parties as contained in HB 896 for outdoor playground equipment. Section 28 limits the authority of the Child Care Commission to adopt rules concerning outdoor play equipment.
- f. Staff/Child ratio language was changed to reflect the House position as stated in HB 896 for large day care homes.
- g. Both the Senate version and the HPCS require administrators and lead teachers to obtain certain credentials. The HPCS was changed to allow these persons to obtain these credentials while working.
- h. DHR in collaboration with the North Carolina Institute of Early Childhood Professional development is required to establish categories to recognize levels of education for child care administrators. The HPCS limits this to child care centers licensed to care for 200 or more children.
- i. Both Senate and House versions require in-service training as part of staff development. The HPCS allows a person to carry forward in-service training hours that are in excess of the previous year's requirement to meet up to one-half of the current year's requirement.

4. **G.S. 110-93-Application for a license**
Changed to make (a) and (b) consistent as it relates to conformity with rules adopted by the Commission for Health Services.
5. **G.S. 110-103-Criminal penalty**
Changed to clarify that a violation of the applicable statutes by family child care home operators is a Class 3 misdemeanor.



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 929

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S929-ALV-4
S929-PCS4639

Page 1 of ____

Date _____, 1997

Comm. Sub. ☒
Amends Title ☐

1 moves to amend the bill on page 28, lines 28-29, by inserting
2 between the lines the following new section:

3
4 "Section 28.2. (a) G.S. 115C-244(c) reads as rewritten:
5 '(c) Any pupil enrolled in any school, or the parent or guardian
6 of any such pupil, or the person standing in loco parentis to such
7 pupil, may apply to the principal of such school for transportation
8 of such pupil to and from such school by school bus for the
9 regularly organized school day. Upon application, the principal
10 shall assign a pupil to a school bus if the pupil is entitled to
11 school bus transportation under this Article and the rules of the
12 State Board of Education. If the parent, guardian, or the person
13 standing in loco parentis to such pupil applies to be picked up or
14 discharged at a day care center within the pupil's school district,
15 the principal shall assign that pupil to a bus which has the
16 designated day care on its regularly scheduled route including
17 turnaround zone. Such assignment shall be made by the principal so
18 as to provide for the orderly, safe and efficient transportation of
19 pupils to such school and so as to promote the orderly and efficient
20 administration of the school and the health, safety and general
21 welfare of the pupils to be so transported. Assignments of pupils
22 and employees to school buses may be changed by the principal of the
23 school as he may from time to time find proper for the safe and
24 efficient transportation of such pupils and employees.'

25 (b) This section applies beginning with the 1997-98 school
26 year."

SIGNED Jim Bulley
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____

TABLED _____



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 929

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

S929-ALV-3
S929-PCS4639

Page 1 of ____

Date _____, 1997

Comm. Sub. [X]
Amends Title []

1 moves to amend the bill on page 14, line 43, through page 15, line
2 2, by rewriting the lines to read:

3
4 "consistent with the provisions of this Article. A local building
5 code enforcement officer shall approve any proposed alternate
6 material, design, or method of construction, provided the building
7 code enforcement officer finds that the alternate, for the purpose
8 intended, is at least the equivalent of that prescribed in the
9 technical building codes in quality, strength, effectiveness, fire
10 resistance, durability, or safety. A local building code
11 enforcement officer shall require that sufficient evidence or proof
12 be submitted to substantiate any claim made regarding the alternate.
13 The Child Care Commission may request changes to the Building Code
14 to suit the special needs of preschool children."

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

August 18, 1997

MEMORANDUM

TO: House Human Resources Committee

FROM: John Young, Committee Staff

RE: Senate Bill 806

INTRODUCTION

Senate Bill 806 seeks to expand the existing Childhood Lead Program in the Division of Environmental Health (DEHNR) by establishing a voluntary preventive maintenance program in which landlords may participate in order to receive liability relief and protection against financial discrimination. (See G. S. 130A-131.9D, p6 of the Third Edition of the bill). Much of the rest of the bill covering laboratory reporting, testing, and abatement are taken directly from the Administrative Code and are currently being implemented by the Department.

SENATE BILL 806

Senate Bill 806 adds sections to Article 5 of Chapter 130A with provisions for controlling lead exposure of children. The committee substitute requires the reporting to the Department of Environment, Health and Natural Resources, by all laboratories doing business in the state, the blood lead levels of one microgram per deciliter or more for all children less than six (6) years of age. The Department is also required to obtain information on all children who reside, regularly visit, or attend a dwelling or facility in which a child less than six (6) years of age is found to have a persistent elevated blood lead level or confirmed lead poisoning.

The Department is further directed to conduct an investigation of any dwelling or facility in which a persistent elevated blood level or confirmed lead poisoning is found. The investigation shall include all supplemental addresses of such a child. The investigation is to determine whether or not a lead poisoning hazard exists.

Upon a determination by the Department that a lead poisoning hazard exists, the Department is required to give notice to the owner or managing agent of the dwelling, dwelling unit, school, or day care facility and to all persons residing in or attending the dwelling or facility. The notice shall include a list of possible methods of abatement of the lead poisoning hazard.

The Department shall also advise the parents or legal guardians of a child who has an elevated blood lead level of 10 micrograms per deciliter or greater as to the importance of carrying out routine cleaning activities in their housing unit. The Department would also advise the owner or managing agent.

Abatement Plan

If the Department finds that a child less than six (6) years of age has confirmed lead poisoning of twenty (20) micrograms per deciliter, and the child resides or attends a dwelling or facility containing a lead poisoning hazard, the Department shall require abatement of the lead poisoning hazard.

The procedure for establishing an abatement plan is set forth as follows:

1) The owner or managing agent shall submit a written abatement plan to the Department within fourteen (14) days of receipt of notice and shall obtain written approval of the plan prior to initiating abatement.

2) If the plan is not approved, the Department shall require a modified plan and shall indicate the modifications necessary for approval.

3) The owner or managing agent shall notify the Department and the occupants of the dates of abatement activities a minimum of three (3) days prior to commencement of the activities.

4) Abatement is to be completed within sixty (60) days of the Department's approval of the plan. An extension of thirty (30) days may be granted upon written request.

The committee substitute prohibits the abatement of lead poisoning hazards in paint through the following methods:

- 1) stripping paint on-site with methylene chloride-based solutions
- 2) torch or flame burning
- 3) heating paint with a heat gun above 1,100 degrees Fahrenheit
- 4) covering with new paint or wallpaper unless all readily accessible lead-based paint has been removed
- 5) uncontrolled abrasive blasting
- 6) uncontrolled waterblasting

Abatement plans are to reduce a lead poisoning hazard to below the following levels:

- Floor lead dust levels - 100 micrograms per square foot.
- Windowsill lead dust levels - 500 micrograms per square foot.
- Window trough lead dust levels - 800 micrograms per square foot.
- Soil lead levels - 400 parts per million or such other higher level as determined by the Department to prevent a hazard in light of the condition and use of the land and in light of other relevant factors.
- Drinking water lead levels - 15 parts per billion.

The committee substitute requires that all lead-containing waste and residue of the abatement of lead be removed and disposed of in accordance with applicable federal, State, and local laws and rules.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

D

SENATE BILL 806

Children & Human Resources Committee Substitute Adopted 4/17/97

Third Edition Engrossed 6/10/97

Proposed House Committee Substitute S806-PCS1880

Short Title: Childhood Lead Exposure Control.

(Public)

Sponsors:

Referred to:

April 10, 1997

1 A BILL TO BE ENTITLED
2 AN ACT PERTAINING TO THE CONTROL OF LEAD EXPOSURE OF
3 CHILDREN.

4 The General Assembly of North Carolina enacts:

5 Section 1. Part 4 of Article 5 of Chapter 130A of the General Statutes is
6 amended by adding the following new sections to read:

7 "§ 130A-131.7. Definitions.

8 As used in this Part, unless the context requires otherwise, the term:

- 9 (1) Abatement. -- Identifying lead-based paint, identifying or assessing
10 a lead-based paint hazard, or undertaking any of the following
11 measures to eliminate a lead-based paint hazard:
12 a. Removing lead-based paint from a surface and repainting
13 the surface.
14 b. Removing a component, such as a windowsill, painted with
15 lead-based paint and replacing the component.
16 c. Enclosing a surface painted with lead-based paint with
17 paneling, vinyl siding, or another approved material.
18 d. Encapsulating a surface painted with lead-based paint with a
19 sealant.
20 e. Any other measure approved by the Commission.
21 The term includes an inspection and a risk assessment.

- (2) 'Confirmed lead poisoning' means a blood lead concentration of 20 micrograms per deciliter or greater determined by the lower of two consecutive blood tests within a six-month period.
- (3) 'Child-occupied facility' means a building, or portion of a building, constructed prior to 1978, regularly visited by a child who is less than 6 years of age. Child-occupied facilities may include, but are not limited to, child care facilities, preschools, nurseries, kindergarten classrooms, schools, clinics, or treatment centers including the common areas, the grounds, any outbuildings, or other structures appurtenant to the facility.
- (4) 'Department' means the Department of Environment, Health, and Natural Resources or its authorized agent.
- (5) 'Elevated blood lead level' means a blood lead concentration of 10 micrograms per deciliter or greater determined by the lower of two consecutive blood tests within a six-month period.
- (6) 'Lead-based paint hazard' means a condition that is likely to cause adverse health effects as a result of exposure to lead-based paint or to soil or dust that contains lead derived from lead-based paint.
- (7) 'Lead poisoning hazard' means the presence of readily accessible or mouthable lead-bearing substances, including lead-based paint, measuring 1.0 milligram per square centimeter or greater by X-ray fluorescence or five-tenths of one percent (0.5%) or greater by chemical analysis; or 15 parts per billion or greater in drinking water; or 100 micrograms per square foot or greater for dust on floors; or 500 micrograms per square foot or greater for dust on windowsills; or 800 micrograms per square foot or greater for dust in window troughs, or soil lead concentrations in an amount greater than or equal to 400 parts per million that is determined by the Department to present a hazard in light of (i) the condition and use of the land and (ii) other relevant factors.
- (8) 'Lead-safe housing' is housing that was built since 1978 or has been tested by a person that has been certified to perform risk assessments and found to have no lead-based paint hazards within the meaning of the Residential Lead-Based Paint Reduction Act of 1992, 42 U.S.C. § 4851b(15).
- (9) 'Managing agent' means any person who has charge, care, or control of a building or part thereof in which dwelling units or rooming units are leased.
- (10) 'Maintenance standard' means the following:
- a. Using safe work practices, repairing and repainting areas of deteriorated paint inside a residential housing unit and for single-family and duplex residential dwellings built prior to 1950, repairing and repainting areas of deteriorated paint on interior and exterior surfaces;

- 1 b. Cleaning the interior of the unit to remove dust that
- 2 constitutes a lead poisoning hazard;
- 3 c. Adjusting doors and windows to minimize friction or impact
- 4 on surfaces;
- 5 d. Subject to the occupant's approval, appropriately cleaning
- 6 any carpets;
- 7 e. Taking such steps as are necessary to ensure that all interior
- 8 surfaces on which dust might collect are readily cleanable;
- 9 and
- 10 f. Providing the occupant or occupants all information
- 11 required to be provided under the Residential Lead-Based
- 12 Paint Hazard Reduction Act of 1992, and amendments
- 13 thereto.
- 14 (11) 'Mouthable lead-bearing substance' means any substance on
- 15 surfaces or fixtures five feet or less from the floor or ground that
- 16 form a protruding corner or similar edge, or protrude one-half inch
- 17 or more from a flat wall surface, or are freestanding, containing
- 18 lead-contaminated dust at a level that constitutes a lead poisoning
- 19 hazard. Mouthable surfaces or fixtures include toys, vinyl
- 20 miniblinds, doors, door jambs, stairs, stair rails, windows,
- 21 windowsills, and baseboards.
- 22 (12) 'Persistent elevated blood lead level' means a blood lead
- 23 concentration of 15-19 micrograms per deciliter determined by the
- 24 lowest of three consecutive blood tests. The first two blood tests
- 25 shall be performed within a six-month period, and the third blood
- 26 test shall be performed at least 12 weeks and not more than six
- 27 months after the second blood test.
- 28 (13) 'Readily accessible lead-bearing substance' means any substance
- 29 containing lead at a level that constitutes a lead poisoning hazard
- 30 which can be ingested or inhaled by a child under 6 years of age.
- 31 Readily accessible substances include deteriorated paint that is
- 32 peeling, chipping, cracking, flaking, or blistering to the extent that
- 33 the paint has separated from the substrate. Readily accessible
- 34 substances also include soil, water, and paint that is chalking.
- 35 (14) 'Regularly visits' means the presence at a residential housing unit
- 36 or child-occupied facility on at least two different days within any
- 37 week, provided that each day's visit lasts at least three hours and
- 38 the combined weekly visits last at least six hours, and the
- 39 combined annual visits last at least 60 hours.
- 40 (15) 'Remediation' means the elimination or control of lead poisoning
- 41 hazards by methods approved by the Department.
- 42 (16) 'Residential housing unit' means a dwelling, dwelling unit, or other
- 43 structure, all or part of which is designed or used for human
- 44 habitation, including the common areas, the grounds, any

1 outbuildings, or other structures appurtenant to the residential
2 housing unit.

3 (17) 'Supplemental address' means a residential housing unit or child-
4 occupied facility where a child with a persistent elevated blood
5 lead level or a confirmed lead poisoning regularly visits or attends.
6 Supplemental address also means a residential housing unit or
7 child-occupied facility where a child resided, regularly visited, or
8 attended within the six months immediately preceding the
9 determination of a persistent elevated blood lead level or a
10 confirmed lead poisoning.

11 **"§ 130A-131.8. Reports of blood levels in children.**

12 All laboratories doing business in this State shall report to the Department blood
13 lead levels of one microgram per deciliter or greater for children less than 6 years of
14 age and for individuals whose ages are unknown at the time of testing. Reports shall
15 be made within five working days after test completion on forms provided by the
16 Department or on self-generated forms containing: the child's full name, date of
17 birth, sex, race, address, and Medicaid number, if any; the name, address, and
18 telephone number of the requesting health care provider; the name, address, and
19 telephone number of the testing laboratory; the laboratory results, the specimen type
20 -- venous or capillary; the laboratory sample number, and the dates the sample was
21 collected and analyzed. Such reports may be made by electronic submissions.

22 **"§ 130A-131.9. Examination and testing.**

23 When the Department has a reasonable suspicion that a child less than 6 years of
24 age has a persistent elevated blood lead level or a confirmed lead poisoning, the
25 Department may require that child to be examined and tested within 30 days. The
26 Department shall require from the owner, managing agent, or tenant of the
27 residential housing unit or child-occupied facility information on each child who
28 resides in, regularly visits, or attends, or, who has within the past six months, resided
29 in, regularly visited, or attended the unit or facility. The information required shall
30 include each child's name and date of birth, the names and addresses of each child's
31 parents, legal guardian, or full-time custodian. The owner, managing agent, or tenant
32 shall submit the required information within 10 days of receipt of the request from
33 the Department.

34 **"§ 130A-131.9A. Investigation to identify lead poisoning hazards.**

35 (a) When the Department learns of a persistent elevated blood lead level or a
36 confirmed lead poisoning, the Department shall conduct an investigation to identify
37 the lead poisoning hazards to children. The Department shall investigate the
38 residential housing unit or child-occupied facility where the child with the persistent
39 elevated blood lead level or the confirmed lead poisoning resides, regularly visits, or
40 attends. The Department shall also investigate the supplemental addresses of the
41 child who has a persistent elevated blood lead level or a confirmed lead poisoning.

42 (b) The Department shall also conduct an investigation when it reasonably suspects
43 that a lead poisoning hazard to children exists in a residential housing unit or child-

1 occupied facility occupied, regularly visited, or attended by a child less than 6 years
2 of age.

3 (c) In conducting an investigation, the Department may take samples of surface
4 materials, or other materials suspected of containing lead, for analysis and testing. If
5 samples are taken, chemical determination of the lead content of the samples shall be
6 by atomic absorption spectros copy or equivalent methods approved by the
7 Department.

8 **"§ 130A-131.9B. Notification.**

9 Upon determination that a lead poisoning hazard exists, the Department shall give
10 written notice of the lead poisoning hazard to the owner or managing agent of the
11 residential housing unit or child-occupied facility and to all persons residing in,
12 attending, or regularly visiting the unit or facility. The written notice to the owner or
13 managing agent shall include a list of possible methods of abatement of the lead-
14 based paint hazards and of possible methods of remediation of any other lead
15 poisoning hazard.

16 **"§ 130A-131.9C. Abatement and remediation.**

17 (a) Upon determination that a child less than 6 years of age has a confirmed lead
18 poisoning of 20 micrograms per deciliter or greater and that child resides in, attends,
19 or regularly visits, a residential housing unit or child-occupied facility containing lead
20 poisoning hazards, the Department shall require abatement of the lead-based paint
21 hazards and the remediation of other lead poisoning hazards. The Department shall
22 also require the abatement of the lead-based paint hazards and the remediation of
23 other lead poisoning hazards identified at the supplemental addresses of a child less
24 than 6 years of age with a confirmed lead poisoning of 20 micrograms per deciliter or
25 greater.

26 (b) When abatement of lead-based paint hazards or remediation of other lead
27 poisoning hazards is required under subsection (a) of this section, the owner or
28 managing agent shall submit a written remediation plan to the Department within 14
29 days of receipt of the lead poisoning hazard notification and shall obtain written
30 approval of the plan prior to initiating abatement of lead-based paint hazards or
31 remediation of other lead poisoning hazards. The remediation plan shall comply
32 with subsections (g), (h), and (i) of this section.

33 (c) If the remediation plan submitted fails to meet the requirements of this section,
34 the Department shall issue an order requiring submission of a modified plan. The
35 order shall indicate the modifications which shall be made to the remediation plan
36 and the date by which the plan as modified shall be submitted to the Department.

37 (d) If the owner or managing agent does not submit a remediation plan within 14
38 days, the Department shall issue an order requiring submission of a remediation plan
39 within five days of receipt of the order.

40 (e) The owner or managing agent shall notify the Department and the occupants of
41 the dates of remediation activities at least three days prior to the commencement of
42 the activities.

43 (f) Abatement of lead-based paint hazards and remediation of other lead poisoning
44 hazards shall be completed within 60 days of the Department's approval of the

1 remediation plan. If these activities are not completed within 60 days as required, the
2 Department shall issue an order requiring completion of the activities. An owner or
3 managing agent may apply to the Department for an extension of the deadline. The
4 Department may issue an order extending the deadline for 30 days upon proper
5 written application by the owner or managing agent.

6 (g) The following methods of abatement of lead-based paint hazards are
7 prohibited:

- 8 (1) Stripping paint on-site with methylene chloride-based solutions;
- 9 (2) Torch or flame burning;
- 10 (3) Heating paint with a heat gun above 1,100 degrees Fahrenheit;
- 11 (4) Covering with new paint or wallpaper unless all readily accessible
12 lead-based paint has been removed;
- 13 (5) Uncontrolled abrasive blasting; or
- 14 (6) Uncontrolled waterblasting.

15 (h) All lead-containing waste and residue shall be removed and disposed of in
16 accordance with applicable federal, State, and local laws and rules.

17 (i) All remediation plans shall require that the lead poisoning hazards be reduced
18 to below the following levels:

- 19 (1) Floor lead dust levels are less than 100 micrograms per square foot;
- 20 (2) Windowsill lead dust levels are less than 500 micrograms per
21 square foot;
- 22 (3) Window trough lead dust levels are less than 800 micrograms per
23 square foot;
- 24 (4) Soil lead levels are less than 400 parts per million or such other
25 level higher than 400 parts per million as determined by the
26 Department to prevent a hazard in light of the condition and use
27 of the land and in light of other relevant factors; and
- 28 (5) Drinking water lead levels less than 15 parts per billion.

29 (j) The Department shall verify by visual inspection that the approved remediation
30 plan has been completed. The Department may also verify plan completion by
31 residual lead dust monitoring and soil or drinking water lead level measurement.
32 Compliance with the maintenance standard shall be deemed equivalent to meeting
33 the remediation plan requirements as long as exterior surfaces are also addressed.

34 (k) Removal of children from the residential housing unit or child-occupied facility
35 shall not constitute abatement or remediation if the property continues to be used for
36 a residential housing unit or child-occupied facility.

37 "§ 130A-131.9D. Effect of compliance with maintenance standard.

38 Any owner of a residential housing unit constructed prior to 1978 who is sued by a
39 current or former occupant seeking damages for injuries allegedly arising from
40 exposure to lead-based paint or lead-contaminated dust, shall not be deemed liable (i)
41 for any injuries sustained by that occupant after the owner first complied with the
42 maintenance standard defined under G.S. 130A-131.7(10) provided the owner has
43 repeated the steps provided for in the maintenance standard annually and obtained a
44 certificate of compliance under G.S. 130A-131.9E annually during such occupancy; or

1 (ii) if the owner is able to show by other documentation that compliance with the
2 maintenance standard has been maintained during the period when the injuries were
3 sustained; or (iii) if the owner is able to show that the unit was lead-safe housing
4 containing no lead-based paint hazards during the period when the injuries were
5 sustained.

6 **"§ 130A-131.9E. Certificate of evidence of compliance.**

7 An owner of a unit who has complied with the maintenance standard may apply
8 annually to the Department for a certificate of compliance. Upon presentation of
9 acceptable proof of compliance, the Department shall provide to the owner a
10 certificate evidencing compliance. The Department may issue a certificate based
11 solely on information provided by the owner and may revoke the certificate upon
12 showing that any of the information is erroneous or inadequate, or upon finding that
13 the unit is no longer in compliance with the maintenance standard.

14 **"§ 130A-131.9F. Discrimination in financing.**

15 (a) No bank or financial institution in the business of lending money for the
16 purchase, sale, construction, rehabilitation, improvement, or refinancing of real
17 property or the lending of money secured by an interest in real property may refuse
18 to make such loans merely because of the presence of lead-based paint on the
19 residential real property or in the residential housing unit provided that the owner is
20 in compliance with the maintenance standard and has obtained a certificate of
21 compliance under G.S. 130A-131.9E annually.

22 (b) Nothing in this section shall (i) require a financial institution to extend a loan
23 or otherwise provide financial assistance if it is clearly evident that health-related
24 issues, other than those related to lead-based paint, make occupancy of the housing
25 accommodation an imminent threat to the health or safety of the occupant, or (ii) be
26 construed to preclude a financial institution from considering the fair market value of
27 the property which will secure the proposed loan.

28 (c) Failure to meet the maintenance standard shall not be deemed a default under
29 existing mortgages.

30 **"§ 130A-131.9G. Resident responsibilities.**

31 In any residential housing unit occupied by a child less than 6 years old who has
32 an elevated blood lead level of 10 micrograms per deciliter or greater, the
33 Department shall advise, in writing, the owner or managing agent and the child's
34 parents or legal guardian as to the importance of carrying out routine cleaning
35 activities in the units they occupy, own, or manage. Such cleaning activities shall
36 include:

- 37 (1) Wiping clean all windowsills with a damp cloth or sponge at least
38 weekly;
- 39 (2) Regularly washing all surfaces accessible to children;
- 40 (3) In the case of a leased residential housing unit, identifying any
41 deteriorated paint in the unit and notifying the owner or managing
42 agent of such conditions within 72 hours of discovery; and
- 43 (4) Identifying and understanding potential lead poisoning hazards in
44 the environment of each child under the age of 6 in the unit

1 (including toys, vinyl miniblinds, playground equipment, drinking
2 water, soil, and painted surfaces), and taking steps to prevent
3 children from ingesting lead such as encouraging children to wash
4 their faces and hands frequently and especially after playing
5 outdoors."

6 Section 2. The Commission for Health Services shall adopt rules in
7 accordance with Chapter 150B of the General Statutes to implement this act.

8 Section 3. This act becomes effective October 1, 1997.

Maintenance Standard

The committee substitute defines a "maintenance standard" and provides that compliance with the maintenance standard shall be deemed equivalent to meeting the abatement plan requirements. The maintenance standard means the following:

- 1) Repairing and repainting areas of deteriorated paint inside a residential housing unit;
- 2) Cleaning the interior of the unit to remove dust that may contain hazardous amounts of lead as defined by the Department;
- 3) Adjusting doors and windows to minimize friction or impact on surfaces;
- 4) Subject to the occupant's approval, appropriately cleaning any carpets;
- 5) Taking such steps as are necessary to ensure that all interior surfaces on which dust might collect are readily cleanable; and
- 6) Providing the occupant or occupants all information required to be provided under the Residential Lead-Based Paint Hazard Reduction Act of 1992, and amendments thereto.

Effect of Compliance with Maintenance Standard

An owner of a unit complying with the maintenance standard may apply annually to the Department for a certificate of evidence of compliance. The Department shall issue the certificate upon presentation of acceptable proof of compliance. Any owner of pre-1978 property who complies with the maintenance standard and obtains a certificate of compliance shall not be liable in any suit by a current or former occupant seeking damages for injuries arising from exposure to lead-based paint or lead-contaminated dust.

The committee substitute further provides that "[n]o bank or financial institution in the business of lending money for the purchase, sale, construction, rehabilitation, improvement, or refinancing of real property or the lending of money secured by an interest in real property may refuse to make such loans merely because of the presence of lead-based paint on the residential real property or in the residential dwelling unit provided that the owner is in compliance with the maintenance standard and has obtained a certificate of compliance under G.S. 130A-131.9E."

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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3

SENATE BILL 806

Children & Human Resources Committee Substitute Adopted 4/17/97

Third Edition Engrossed 6/10/97

Short Title: Childhood Lead Exposure Control.

(Public)

Sponsors:

Referred to: Appropriations.

April 10, 1997

1 A BILL TO BE ENTITLED
2 AN ACT PERTAINING TO THE CONTROL OF LEAD EXPOSURE OF
3 CHILDREN.

4 The General Assembly of North Carolina enacts:

5 Section 1. Part 4 of Article 5 of Chapter 130A of the General Statutes is
6 amended by adding the following new sections to read:

7 "**§ 130A-131.7. Definitions.**

8 As used in this Part, unless the context requires otherwise, the term:

- 9 (1) Abatement. -- Identifying lead-based paint, identifying or assessing
10 a lead-based paint hazard, or undertaking any of the following
11 measures to eliminate a lead-based paint hazard:
12 a. Removing lead-based paint from a surface and repainting
13 the surface.
14 b. Removing a component, such as a windowsill, painted with
15 lead-based paint and replacing the component.
16 c. Enclosing a surface painted with lead-based paint with
17 paneling, vinyl siding, or another approved material.
18 d. Encapsulating a surface painted with lead-based paint with a
19 sealant.
20 e. Any other measure approved by the Commission.
21 The term includes an inspection and a risk assessment.

1 (h) All lead-containing waste and residue of the abatement of lead shall be
2 removed and disposed of by the person performing the abatement in accordance with
3 applicable federal, State, and local laws and rules.

4 (i) All abatement plans shall require that the lead poisoning hazards be reduced to
5 below the following levels:

6 (1) Floor lead dust levels are less than 100 micrograms per square foot;

7 (2) Windowsill lead dust levels are less than 500 micrograms per
8 square foot;

9 (3) Window trough lead dust levels are less than 800 micrograms per
10 square foot;

11 (4) Soil lead levels are less than 400 parts per million or such other
12 level higher than 400 parts per million as determined by the
13 Department to prevent a hazard in light of the condition and use
14 of the land and in light of other relevant factors; and

15 (5) Drinking water lead levels less than 15 parts per billion.

16 (j) The Department shall verify by visual inspection that the approved abatement
17 plan has been completed. The Department may also verify plan completion by
18 residual lead dust monitoring and soil or drinking water lead level measurement.
19 Compliance with the maintenance standard shall be deemed equivalent to meeting
20 the abatement plan requirements as long as exterior surfaces are also addressed.

21 (k) Removal of children from the dwelling, school, or day care facility shall not
22 constitute abatement if the property continues to be used for a dwelling, school, or
23 day care facility.

24 **"§ 130A-131.9D. Effect of compliance with maintenance standard.**

25 Any owner of a residential housing unit constructed prior to 1978 who is sued by a
26 current or former occupant seeking damages for injuries allegedly arising from
27 exposure to lead-based paint or lead-contaminated dust, shall not be deemed liable (i)
28 for any injuries sustained by that occupant after the owner first complied with the
29 maintenance standard defined under G.S. 130A-131.7(10) provided the owner has
30 repeated the steps provided for in the maintenance standard annually and obtained a
31 certificate of compliance under G.S. 130A-131.9E annually during such occupancy; or
32 (ii) if the owner is able to show that the unit was lead-safe housing containing no
33 lead-based paint hazards during the period when the injuries were sustained.

34 **"§ 130A-131.9E. Certificate of evidence of compliance.**

35 An owner of a unit who has complied with the maintenance standard may apply
36 annually to the Department for and upon presentation of acceptable proof of
37 compliance shall be provided by the Department a certificate evidencing such
38 compliance. The owner shall be entitled to the liability relief provided for in G.S.
39 130A-131.9D upon obtaining such certificate or certificates.

40 **"§ 130A-131.9F. Discrimination in financing.**

41 (a) No bank or financial institution in the business of lending money for the
42 purchase, sale, construction, rehabilitation, improvement, or refinancing of real
43 property or the lending of money secured by an interest in real property may refuse
44 to make such loans merely because of the presence of lead-based paint on the

1 residential real property or in the residential housing unit provided that the owner is
2 in compliance with the maintenance standard and has obtained a certificate of
3 compliance under G.S. 130A-131.9E annually.

4 (b) Nothing in this section shall (i) require a financial institution to extend a loan
5 or otherwise provide financial assistance if it is clearly evident that health-related
6 issues, other than those related to lead-based paint, make occupancy of the housing
7 accommodation an imminent threat to the health or safety of the occupant, or (ii) be
8 construed to preclude a financial institution from considering the fair market value of
9 the property which will secure the proposed loan.

10 (c) Failure to meet the maintenance standard shall not be deemed a default under
11 existing mortgages.

12 **"§ 130A-191.9G. Resident responsibilities.**

13 In any residential housing unit occupied by a child less than six years old who has
14 an elevated blood lead level of 10 micrograms per deciliter or greater, the
15 Department shall advise, in writing, the owner or managing agent and the child's
16 parents or legal guardian as to the importance of carrying out routine cleaning
17 activities in the units they occupy, own, or manage. Such cleaning activities shall
18 include:

- 19 (1) Wiping clean all window sills with a damp cloth or sponge at least
20 weekly;
21 (2) Regularly washing all surfaces accessible to children;
22 (3) In the case of a leased residential housing unit, identifying any
23 deteriorated paint in the unit and notifying the owner or managing
24 agent of such conditions within 72 hours of discovery; and
25 (4) Identifying and understanding potential lead poisoning hazards in
26 the environment of each child under the age of six in the unit
27 (including toys, vinyl miniblinds, playground equipment, drinking
28 water, soil, and painted surfaces), and taking steps to prevent
29 children from ingesting lead such as encouraging children to wash
30 their face and hands frequently and especially after playing
31 outdoors."

32 Section 2. The Department shall adopt rules under Chapter 150B of the
33 General Statutes to implement this act.

34 Section 3. This act becomes effective October 1, 1997.