

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 491  
Committee Substitute Favorable 4/28/97

Short Title: Consolidate Youth Councils/AB.

(Public)

Sponsors:

Referred to:

March 10, 1997

A BILL TO BE ENTITLED

AN ACT TO CONSOLIDATE THE STATE YOUTH ADVISORY AND NORTH CAROLINA INTERNSHIP COUNCILS WITHIN THE GOVERNOR'S COUNCIL ON CHILDREN AND YOUTH AND CREATE THE COUNCIL FOR YOUTH IN THE DEPARTMENT OF ADMINISTRATION AND TO MAKE CONFORMING CHANGES TO OTHER RELATED STATUTES.

The General Assembly of North Carolina enacts:

Section 1. Part 18 of Article 9 of Chapter 143B of the General Statutes is repealed.

Section 2. G.S. 143B-414 reads as rewritten:

**"§ 143B-414. Governor's ~~Advocacy~~ Council on Children and Youth – creation; powers and duties.**

(a) There is hereby created the Governor's ~~Advocacy~~ Council on Children and Youth of the Department of Administration.

(b) The Council shall have the following functions and duties:

(1) To act as an advocate for children and youth within State and local governments, and with private agencies serving children and youth;

- 1           (2)    To provide assistance ~~in the development and coordination of~~ to  
2           individuals and children in child advocacy systems at the regional and  
3           ~~local levels within the State;~~  
4           (3)    To perform a continuing review of existing programs of State  
5           government for children and youth and their families;  
6           (4)    To, in cooperation with State, local or private agencies, identify needs  
7           of children and youth and their families that are not currently being met  
8           and recommend new programs or improvement of existing programs;  
9           (5)    To review any new programs affecting children and youth proposed by  
10          any State agency and recommend changes to avoid duplication of  
11          services, to promote better planning, or otherwise to make more  
12          effective use of available resources;  
13          (5.1) To screen applications for student internships and select from these  
14          applications the recipients of student internships;  
15          (5.2) To determine the appropriateness of proposals for projects for student  
16          interns submitted by the offices and departments enumerated in  
17          subdivision (5.3) of this subsection;  
18          (5.3) To determine the number of student interns to be allocated to each of the  
19          following offices or departments:  
20           a.     Office of the Governor  
21           b.     Department of Administration  
22           c.     Department of Correction  
23           d.     Department of Cultural Resources  
24           e.     Department of Revenue  
25           f.     Department of Transportation  
26           g.     Department of Environment, Health, and Natural Resources  
27           h.     Department of Commerce  
28           i.     Department of Crime Control and Public Safety  
29           j.     Department of Human Resources  
30           k.     Office of the Lieutenant Governor  
31           l.     Office of the Secretary of State  
32           m.     Office of the State Auditor  
33           n.     Office of the State Treasurer  
34           o.     Department of Public Instruction  
35           p.     Department of Agriculture  
36           q.     Department of Labor  
37           r.     Department of Insurance  
38           s.     Office of the Speaker of the House of Representatives  
39           t.     Justices of the Supreme Court and Judges of the Court of  
40           Appeals  
41           u.     Department of Community Colleges  
42           v.     Office of State Personnel  
43           w.     Office of the Senate President Pro Tempore;

- 1           (5.4) To receive on behalf of the Department of Administration and to  
2           recommend expenditure of gifts and grants from public and private  
3           donors and to award grants;  
4           (5.5) To suggest, monitor, and impact legislation affecting children and  
5           youth;  
6           (6) ~~To meet at least annually with the Governor and present a written~~ an annual  
7           report to the Governor concerning the health and well-being of North  
8           Carolina's children and youth and the effectiveness of current programs  
9           and the need for new programs for children and youth;  
10          (7) To provide information to the general public and State, local and private  
11          agencies serving children and youth and their families concerning the  
12          activities and findings of the Council; and  
13          (8) ~~To perform other advisory functions assigned by~~ advise the Secretary of  
14          Administration or a legislative committee. upon any matter the Secretary  
15          may refer to it; and  
16          (9) To adopt bylaws, guidelines, and policies necessary to carry out its  
17          powers and duties and to recommend rules to the Secretary of  
18          Administration that the Secretary may adopt. This function shall not  
19          require the Secretary to adopt rules nor prevent the Secretary from  
20          adopting rules when the Secretary believes them to be necessary or  
21          desirable."

22           Section 3. G.S. 143B-415 reads as rewritten:

23   "**§ 143B-415. Governor's ~~Advocacy~~ Council on Children and Youth – members;**  
24   **selection; quorum; compensation.**

25           (a) ~~The Governor's Advocacy Council on Children and Youth shall consist of 18~~  
26   ~~members. The composition of the Council shall be as follows: two members appointed by~~  
27   ~~the President Pro Tempore of the Senate from the membership of the Senate; two~~  
28   ~~members selected by the Speaker of the House of Representatives from the membership~~  
29   ~~of the House of Representatives; 14 members appointed by the Governor. 20 members as~~  
30   follows:

- 31           (1) One Senator appointed by the General Assembly upon the  
32           recommendation of the President Pro Tempore of the Senate.  
33           (2) One representative of a child or youth organization appointed by the  
34           General Assembly upon the recommendation of the President Pro  
35           Tempore of the Senate.  
36           (3) One Representative appointed by the General Assembly upon the  
37           recommendation of the Speaker of the House of Representatives.  
38           (4) One representative of a child or youth organization appointed by the  
39           General Assembly upon the recommendation of the Speaker of the  
40           House of Representatives.  
41           (5) Sixteen members appointed by the Governor as follows:  
42           a. An attorney.

- 1            b. Two young adults, each of whom is over 18 years old but less  
2            than 25 years old at the time of appointment and who have an  
3            interest in and knowledge of children or youth services or  
4            programs.
- 5            c. Two public college or university representatives, one of whom  
6            must represent an historically African-American college or  
7            university.
- 8            d. A private college or university representative.
- 9            e. A community college representative.
- 10          f. Two male and two female youths, each of whom is 18 years old  
11          or younger at the time of appointment.
- 12          g. Five representatives of children and youth organizations.

13          ~~Of the members appointed by the Governor, at least one shall come from each~~  
14 ~~congressional district in accordance with G.S. 147-12(3)b.~~

15          ~~In selecting the 14 members of the Council, the Governor shall select 10 public-~~  
16 ~~spirited adult citizens who have an interest in and knowledge of children and youth,~~  
17 ~~persons who work with children or representatives of organizations concerned with~~  
18 ~~problems of children and youth. The remaining four members to be appointed by the~~  
19 ~~Governor shall consist of two youths of each sex who are 18 years of age or under at the~~  
20 ~~time of their appointments.~~

21          ~~(b) The initial members of the Council shall be the members of the former~~  
22 ~~Governor's Advocacy Council on Children and Youth of the Department of Human~~  
23 ~~Resources whose terms shall expire on the date they would have, had said Council of the~~  
24 ~~Department of Human Resources not been transferred. At the end of the respective terms~~  
25 ~~of office of the initial members of the Council, the appointment of all members shall be~~  
26 ~~as provided in this section and for terms of four years and until their successors are~~  
27 ~~appointed and qualify. Any appointment to fill a vacancy on the Council created by the~~  
28 ~~resignation, death, dismissal, or disability of a member shall be for the balance of the~~  
29 ~~unexpired term. The members appointed by the General Assembly upon the~~  
30 ~~recommendation of the President Pro Tempore of the Senate and upon the~~  
31 ~~recommendation of the Speaker of the House of Representatives shall serve for two-year~~  
32 ~~terms to commence as of July 1. The youth members 18 years old or younger appointed~~  
33 ~~by the Governor shall serve two-year terms to commence as of July 1. The initial term~~  
34 ~~for six of the remaining members appointed by the Governor shall be one year to~~  
35 ~~commence as of July 1. The initial terms of the remaining six members appointed by the~~  
36 ~~Governor shall be two years to commence as of July 1. At the end of the respective terms~~  
37 ~~of office of these last 12 members appointed by the Governor, the appointment of their~~  
38 ~~successors shall be for terms of two years and until their successors are appointed and~~  
39 ~~qualify.~~

40          Of the members appointed by the Governor, at least one shall come from each  
41 congressional district in accordance with G.S. 147-12(3b).

1 Vacancies in appointments made by the General Assembly shall be filled in  
2 accordance with G.S. 120-122. Other vacancies shall be filled in the same manner as the  
3 original appointment.

4 ~~(c) The Governor. Each appointing officer may remove any member of the Council~~  
5 ~~appointed by the Governor. that officer.~~

6 The Governor shall designate from the membership of the Council a ~~chairman~~ chair  
7 and a ~~vice chairman~~ vice-chair to serve at his ~~the Governor's pleasure.~~ pleasure for not  
8 more than two terms.

9 ~~The Council shall meet at least quarterly and upon the call of the chairman or upon~~  
10 ~~written request of at least nine members.~~

11 The members of the Council shall receive per diem and necessary travel and  
12 subsistence expenses in accordance with the provisions of G.S. 138-5.

13 A majority of the Council shall constitute a quorum for the transaction of business.

14 (d) All administrative, management, clerical and other functions and services  
15 required by the Council shall be supplied by the Secretary of Administration."

16 Section 4. G.S. 143B-416 reads as rewritten:

17 **"§ 143B-416. Governor's Advocacy Council on Children and Youth – access to**  
18 **information.**

19 Unless otherwise prohibited by law, every State and local agency, department, board,  
20 commission, school, or corporation that supervises, administers, or otherwise directs  
21 programs or services for children and youth shall provide the Council with any requested  
22 information relating to such programs and services."

23 Section 5. G.S. 143B-385 and G.S. 143B-386 are repealed.

24 Section 6. G.S. 143B-387 reads as rewritten:

25 **"§ 143B-387. State Youth Council. North Carolina Council for Youth – creation;**  
26 **powers and duties.**

27 (a) ~~There shall be a State Youth Council. It shall be established within one year of~~  
28 ~~July 1, 1975, in accordance with the methods and procedures established by the Youth~~  
29 ~~Advisory Council. The State Youth Council is authorized and empowered to do the~~  
30 ~~following:~~ There is created the North Carolina Council for Youth in the Department of  
31 Administration.

32 (b) The Council shall have the following functions and duties:

33 (1) To consider problems affecting youth and recommend solutions or  
34 approaches to these problems to State and local governments and their  
35 officials;

36 (2) To promote statewide activities for the benefit of youth; ~~and,~~

37 (3) ~~To elect the youth representatives to the Youth Advisory Council.~~ To  
38 encourage the establishment and support of local youth councils in  
39 every county of the State;

40 (4) To receive on behalf of the Department of Administration and to  
41 recommend to the Secretary of Administration the expenditure of gifts  
42 and grants from public and private donors and to award grants;

1           (5) To advise the Secretary of Administration upon any matter the Secretary  
2           may refer to it; and

3           (6) To perform any other duties as may be assigned to it by the Secretary of  
4           Administration."

5           Section 7. Part 7 of Article 9 of Chapter 143B is amended by adding a new  
6 section to read:

7 **"§ 143B-387.1. North Carolina Council for Youth – members; selection; quorum;**  
8 **compensation.**

9           (a) The North Carolina Council for Youth shall consist of 12 members appointed  
10 by the Governor. Each member shall be 18 years old or younger at the time of  
11 appointment. The Governor may remove any member of the Council.

12           (b) The initial term of six of the members shall be one year to commence as of  
13 July 1. The initial terms of the remaining six members shall be two years to commence  
14 as of July 1. At the end of the respective terms of office of the initial members of the  
15 Council, the appointment of their successors shall be for terms of two years and until  
16 their successors are appointed and qualify.

17           At least one member shall come from each congressional district in accordance with  
18 G.S. 147-12(3b).

19           Any appointment to fill a vacancy on the Council shall be for the balance of the  
20 unexpired term.

21           (c) The Governor shall designate from the initial membership of the Council a  
22 chair and a vice-chair to serve at the Governor's pleasure for no more than one year.  
23 After this initial first-year appointment, the Council shall elect annually a chair and a  
24 vice-chair to serve a one-year term in their respective offices.

25           The members of the Council shall receive per diem and necessary travel and  
26 subsistence expenses in accordance with the provisions of G.S. 138-5.

27           A majority of the Council shall constitute a quorum for the transaction of business.

28           (d) All administrative, management, clerical, and other functions and services  
29 required by the Council shall be supplied by the Secretary of Administration."

30           Section 8. The terms of all current members of the Governor's Advocacy  
31 Council on Children and Youth and the State Youth Council shall terminate on June 30,  
32 1997, no matter the expiration date of their terms, and the terms of all new appointees to  
33 the Governor's Council on Children and Youth and the North Carolina Council for Youth  
34 shall begin on July 1, 1997.

35           Section 9. The Revisor of Statutes is authorized to delete any reference to the  
36 Governor's Advocacy Council on Children and Youth in any portion of the General  
37 Statutes to which conforming amendments are not made by this act and to substitute, as  
38 appropriate and consistent with this act, the Governor's Council on Children and Youth.

39           Section 10. The Revisor of Statutes is authorized to delete any reference to the  
40 State Youth Council in any portion of the General Statutes to which conforming  
41 amendments are not made by this act and to substitute, as appropriate and consistent with  
42 this act, the North Carolina Council for Youth.

43           Section 11. This act becomes effective July 1, 1997.