

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

3

SENATE BILL 709

House Committee Substitute Favorable 5/22/96

House Committee Substitute #2 Favorable 6/11/96

Short Title: Allow Consolidated Human Services.

(Public)

Sponsors:

Referred to:

April 13, 1995

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE CONSOLIDATION OF HUMAN SERVICES BY COUNTIES, TO MAKE PROVISIONS RELATIVE TO THE STATE AND FEDERAL FUNDING STREAMS FOR CONSOLIDATED HUMAN SERVICES FUNCTIONS, TO PROVIDE THAT THE MEMBERSHIP OF A CONSOLIDATED HUMAN SERVICES BOARD SHALL BE APPOINTED SOLELY BY THE BOARD OF COUNTY COMMISSIONERS, AND TO CHANGE THE STATUS OF COUNTY EMPLOYEES OF A CONSOLIDATED COUNTY HUMAN SERVICES AGENCY WITH REGARD TO THEIR COVERAGE UNDER THE STATE PERSONNEL ACT.

The General Assembly of North Carolina enacts:

Section 1. Article 3 of Chapter 143B of the General Statutes is amended by adding a new Part to read:

**PART 1A. CONSOLIDATED COUNTY HUMAN SERVICES.**

**§ 143B-139.7. Consolidated county human services funding.**

(a) The Secretary of the Department of Human Resources shall adopt rules and policies to provide that:

1           (1) Any dedicated funding streams for local public health services, for  
2 social services, and for mental health, developmental disabilities, and  
3 substance abuse services may flow to a consolidated county human  
4 services agency and the consolidated human services board in the same  
5 manner as that for funding nonconsolidated county human services,  
6 unless a different manner of allocation is otherwise required by law.

7           (2) The fiscal accountability and reporting requirements pertaining to local  
8 health boards, social services boards, and area mental health authority  
9 boards apply to a consolidated human services board.

10       (b) The Secretary of the Department of Human Resources may adopt any other  
11 rule or policy required to facilitate the provision of human services by a consolidated  
12 county human services agency or a consolidated human services board.

13       (c) For the purposes of this section, 'consolidated county human services agency'  
14 means a county human services agency created pursuant to G.S. 153A-77(b).  
15 'Consolidated human services board' means a county human services board established  
16 pursuant to G.S. 153A-77(b)."

17       Sec. 2. Article 7 of Chapter 143B of the General Statutes is amended by  
18 adding a new section to read:

19 **"§ 143B-279.6. Consolidated county human services funding.**

20       (a) The Secretary of the Department of Environment, Health, and Natural  
21 Resources shall adopt rules and policies to provide that:

22           (1) Any dedicated funding streams for local public health services may flow  
23 to a consolidated county human services agency and the consolidated  
24 human services board in the same manner as that for funding  
25 nonconsolidated county human services, unless a different manner of  
26 allocation is otherwise required by law.

27           (2) The fiscal accountability and reporting requirements pertaining to local  
28 health boards apply to a consolidated human services board.

29       (b) The Secretary of the Department of Environment, Health, and Natural  
30 Resources may adopt any other rule or policy required to facilitate the provision of local  
31 public health services by a consolidated county human services agency or a consolidated  
32 human services board.

33       (c) For the purposes of this section, 'consolidated county human services agency'  
34 means a county human services agency created pursuant to G.S. 153A-77(b).  
35 'Consolidated human services board' means a county human services board established  
36 pursuant to G.S. 153A-77(b)."

37       Sec. 3. G.S. 153A-77 reads as rewritten:

38 **"§ 153A-77. Authority of boards of commissioners in certain counties over**  
39 **commissions, boards, agencies, etc.**

40       (a) In the exercise of its jurisdiction over commissions, boards and agencies, the  
41 board of county commissioners may assume direct control of any activities theretofore  
42 conducted by or through any commission, board or agency by the adoption of a  
43 resolution assuming and conferring upon the board of county commissioners all powers,

1 responsibilities and duties of any such commission, board or agency. This ~~section~~  
2 subsection shall apply to the board of health, the social services board, area mental  
3 health, ~~mental retardation, developmental disabilities,~~ and substance abuse area board and  
4 any other commission, board or agency appointed by the board of county commissioners  
5 ~~and/or~~ or acting under and pursuant to authority of the board of county commissioners of  
6 said county. The board of county commissioners may exercise the power and authority  
7 herein conferred only after a public hearing held by said board pursuant to 30 days' notice  
8 of said public hearing given in a newspaper having general circulation in said county.

9 The board of county commissioners may also appoint advisory boards, committees,  
10 councils and agencies composed of qualified and interested county residents to study,  
11 interpret and develop community support and cooperation in activities conducted by or  
12 under the authority of the board of county commissioners of said county.

13 (b) In the exercise of its jurisdiction over commissions, boards, and agencies, the  
14 board of county commissioners of a county having a county manager pursuant to G.S.  
15 153A-81 may:

16 (1) Consolidate the provision of human services in the county under the  
17 direct control of a human services director appointed and supervised by  
18 the county manager in accordance with subsection (e) of this section;

19 (2) Create a consolidated human services board having the powers  
20 conferred by subsection (c) of this section;

21 (3) Create a consolidated county human services agency having the  
22 authority to carry out the functions of the local health department, the  
23 county department of social services, and the area mental health,  
24 developmental disabilities, and substance abuse services authority; and

25 (4) Assign other county human services functions to be performed by the  
26 consolidated human services agency under the direction of the human  
27 services director, with policy-making authority granted to the  
28 consolidated human services board as determined by the board of  
29 county commissioners.

30 (c) A consolidated human services board appointed by the board of county  
31 commissioners shall serve as the policy-making, rule-making, and administrative board  
32 of the consolidated human services agency. The consolidated human services board shall  
33 be composed of no more than 25 members. The composition of the board shall  
34 reasonably reflect the population makeup of the county and shall include:

35 (1) Eight persons who are consumers of human services, public advocates,  
36 or family members of clients of the consolidated human services  
37 agency, including: one person with mental illness, one person with a  
38 developmental disability, one person in recovery from substance abuse,  
39 one family member of a person with mental illness, one family member  
40 of a person with a developmental disability, one family member of a  
41 person with a substance abuse problem, and two consumers of other  
42 human services.

- 1           (2) Eight persons who are professionals, each with qualifications in one of  
2 these categories: one psychologist, one pharmacist, one engineer, one  
3 dentist, one optometrist, one veterinarian, one social worker, and one  
4 registered nurse.
- 5           (3) Two physicians licensed to practice medicine in this State, one of whom  
6 shall be a psychiatrist.
- 7           (4) One member of the board of county commissioners.
- 8           (5) Other persons, including members of the general public representing  
9 various occupations.

10       The board of county commissioners may elect to appoint a member of the  
11 consolidated human services board to fill concurrently more than one category of  
12 membership if the member has the qualifications or attributes of more than one category  
13 of membership.

14       All members of the consolidated human services board shall be residents of the  
15 county. The members of the board shall serve four-year terms. No member may serve  
16 more than two consecutive four-year terms. The county commissioner member shall  
17 serve only as long as the member is a county commissioner.

18       The initial board shall be appointed by the board of county commissioners upon the  
19 recommendation of a nominating committee comprised of members of the  
20 preconsolidation board of health, social services board, and area mental health,  
21 developmental disabilities, and substance abuse services board. In order to establish a  
22 uniform staggered term structure for the board, a member may be appointed for less than  
23 a four-year term. After the subsequent establishment of the board, its board shall be  
24 appointed by the board of county commissioner from nominees presented by the human  
25 services board. Vacancies shall be filled for any unexpired portion of a term.

26       A chairperson shall be elected annually by the members of the consolidated human  
27 services board. A majority of the members shall constitute a quorum. A member may be  
28 removed from office by the county board of commissioners for (i) commission of a  
29 felony or other crime involving moral turpitude; (ii) violation of a State law governing  
30 conflict of interest; (iii) violation of a written policy adopted by the county board of  
31 commissioners; (iv) habitual failure to attend meetings; (v) conduct that tends to bring the  
32 office into disrepute; or (vi) failure to maintain qualifications for appointment required  
33 under this subsection. A board member may be removed only after the member has been  
34 given written notice of the basis for removal and has had the opportunity to respond.

35       A member may receive a per diem in an amount established by the county board of  
36 commissioners. Reimbursement for subsistence and travel shall be in accordance with a  
37 policy set by the county board of commissioners. The board shall meet at least quarterly.  
38 The chairperson or three of the members may call a special meeting.

39       (d) The consolidated human services board shall have authority to:

- 40           (1) Set fees for departmental services based upon recommendations of the  
41 human services director. Fees set under this subdivision are subject to  
42 the same restrictions on amount and scope that would apply if the fees  
43 were set by a county board of health, a county board of social services,

- 1           or a mental health, developmental disabilities, and substance abuse area  
2           authority.
- 3           (2)   Assure compliance with laws related to State and federal programs.  
4           (3)   Recommend creation of local human services programs.  
5           (4)   Adopt local health regulations and participate in enforcement appeals of  
6           local regulations.  
7           (5)   Perform regulatory health functions required by State law.  
8           (6)   Act as coordinator or agent of the State to the extent required by State or  
9           federal law.
- 10          (7)   Plan and recommend a consolidated human services budget.  
11          (8)   Conduct audits and reviews of human services programs, including  
12          quality assurance activities, as required by State and federal law or as  
13          may otherwise be necessary periodically.
- 14          (9)   Advise local officials through the county manager.  
15          (10)   Perform public relations and advocacy functions.  
16          (11)   Protect the public health to the extent required by law.  
17          (12)   Perform comprehensive mental health services planning.  
18          (13)   Develop dispute resolution procedures for human services contractors  
19          and clients and public advocates, subject to applicable State and federal  
20          dispute resolution procedures for human services programs, when  
21          applicable.

22          Except as otherwise provided, the consolidated human services board shall have the  
23          powers and duties conferred by law upon a board of health, a social services board, and  
24          an area mental health, developmental disabilities, and substance abuse services board.

25          Local employees who serve as staff of a consolidated county human services agency  
26          are subject to county personnel policies and ordinances only and are not subject to the  
27          provisions of the State Personnel Act.

28          (e)   The human services director of a consolidated county human services agency  
29          shall be appointed and dismissed by the county manager with the advice and consent of  
30          the consolidated human services board. The human services director shall report directly  
31          to the county manager. The human services director shall:

- 32               (1)   Appoint staff of the consolidated human services agency with the  
33               county manager's approval.
- 34               (2)   Administer State human services programs.  
35               (3)   Administer human services programs of the local board of county  
36               commissioners.
- 37               (4)   Act as secretary and staff to the consolidated human services board  
38               under the direction of the county manager.
- 39               (5)   Plan the budget of the consolidated human services agency.  
40               (6)   Advise the board of county commissioners through the county manager.  
41               (7)   Perform regulatory functions of investigation and enforcement of State  
42               and local health regulations, as required by State law.
- 43               (8)   Act as an agent of and liaison to the State, to the extent required by law.

1        Except as otherwise provided by law, the human services director or the director's  
2 designee shall have the same powers and duties as a social services director, a local  
3 health director, and a director of an area mental health, developmental disabilities, and  
4 substance abuse services authority."

5        (f) This section applies to counties with a population in excess of 425,000."

6        Sec. 4. G.S. 7A-289.24 reads as rewritten:

7 **"§ 7A-289.24. Who may petition.**

8        A petition to terminate the parental rights of either or both parents to his, her, or their  
9 minor child may only be filed by:

- 10        (1) Either parent seeking termination of the right of the other parent; or  
11        (2) Any person who has been judicially appointed as the guardian of the  
12        person of the child; or  
13        (3) Any county department of social ~~services~~ services, consolidated  
14 county human services agency, or licensed child-placing agency to  
15 whom custody of the child has been given by a court of competent  
16 jurisdiction; or  
17        (4) Any county department of social ~~services~~ services, consolidated  
18 county human services agency, or licensed child-placing agency to  
19 which the child has been surrendered for adoption by one of the parents  
20 or by the guardian of the person of such child, pursuant to G.S. 48-  
21 9(a)(1); or  
22        (5) Any person with whom the child has resided for a continuous period of  
23        two years or more next preceding the filing of the petition; or  
24        (6) Any guardian ad litem appointed to represent the minor child pursuant  
25        to G.S. 7A-586, who has not been relieved of this responsibility and  
26        who has served in this capacity for at least one continuous year; or  
27        (7) Any person who has filed a petition for adoption pursuant to Chapter  
28        48 of the General Statutes."

29        Sec. 5. G.S. 108A-1 reads as rewritten:

30 **"§ 108A-1. Creation.**

31        Every county shall have a board of social services or a consolidated human services  
32 board created pursuant to G.S. 153A-77(b) which shall establish county policies for  
33 the programs established by this Chapter in conformity with the rules and regulations of  
34 the Social Services Commission and under the supervision of the Department of Human  
35 Resources. Provided, however, county policies for the program of medical assistance  
36 shall be established in conformity with the rules and regulations of the Department of  
37 Human Resources."

38        Sec. 6. G.S. 108A-2 reads as rewritten:

39 **"§ 108A-2. Size.**

40        The county board of social services in each of a county shall consist of three members,  
41 except that the board of commissioners of any county may increase such number to five  
42 members. The decision to increase the size to five members or to reduce a five-member

1 board to three shall be reported immediately in writing by the chairman of the board of  
2 commissioners to the Department of Human Resources."

3 Sec. 7. G.S. 108A-3 reads as rewritten:

4 **"§ 108A-3. Method of appointment; residential qualifications; fee or compensation**  
5 **for ~~services.~~ services; consolidated human services board appointments.**

6 (a) ~~Three-Member Board-~~Board. – The board of commissioners shall appoint one  
7 member who may be a county commissioner or a citizen selected by the board; the Social  
8 Services Commission shall appoint one member; and the two members so appointed shall  
9 select the third member. In the event the two members so appointed are unable to agree  
10 upon selection of the third member, the senior regular resident superior court judge of the  
11 county shall make the selection.

12 (b) ~~Five-Member Board-~~Board. – The procedure set forth in subsection (a) shall be  
13 followed, except that both the board of commissioners and the Social Services  
14 Commission shall appoint two members each, and the four so appointed shall select the  
15 fifth member. If the four are unable to agree upon the fifth member, the senior regular  
16 superior court judge of the county shall make the selection.

17 (c) Provided further that each member so appointed under subsection (a) and  
18 subsection (b) of this section by the Social Services Commission and by the county board  
19 of commissioners or the senior regular resident superior court judge of the county, shall  
20 be bona fide residents of the county from which they are appointed to serve, and will  
21 receive as their fee or compensation for their services rendered from the Department of  
22 Human Resources directly or indirectly only the fees and compensation as provided by  
23 G.S. 108A-8.

24 (d) Consolidated Human Services Board. – The board of county commissioners  
25 shall be the sole appointing authority for members of a consolidated human services  
26 board and shall appoint those members in accordance with G.S. 153A-77(c)."

27 Sec. 8. G.S. 108A-7 reads as rewritten:

28 **"§ 108A-7. Meetings.**

29 The board of social services of ~~each~~a county shall meet at least once per month, or  
30 more often if a meeting is called by the chairman. Such board shall elect a chairman from  
31 its members at its July meeting each year, and the chairman shall serve a term of one year  
32 or until a new chairman is elected by the board. A consolidated county human services  
33 board shall meet in accordance with the provisions of G.S. 153A-77."

34 Sec. 9. Article 1 of Chapter 108A of the General Statutes is amended by  
35 adding a new Part to read:

36 **"PART 2A. CONSOLIDATED HUMAN SERVICES.**

37 **"§ 108A-15.1 Consolidated human services board; human services director.**

38 (a) Except as otherwise provided by this section and subject to any limitations that  
39 may be imposed by the board of county commissioners under G.S. 153A-77, a  
40 consolidated human services board created pursuant to G.S.153A-77(b) shall have the  
41 responsibility and authority to carry out the programs established in this Chapter in  
42 conformity with the rules and regulations of the Social Services Commission and under

1 the supervision of the Department of Human Resources in the same manner as a county  
2 social services board.

3 (b) In addition to the powers conferred by G.S. 153A-77(d), a consolidated human  
4 services board shall have all the powers and duties of a county board of social services as  
5 provided by G.S. 108A-9, except that the consolidated human services board may not:

6 (1) Appoint the human services director.

7 (2) Transmit or present the budget for social services programs.

8 (c) In addition to the powers conferred by G.S. 153A-77(e), a human services  
9 director shall have all the powers and duties of a director of social services provided by  
10 G.S. 108A-14, except that the human services director may:

11 (1) Serve as the executive officer of the consolidated human services board  
12 only to the extent and in the manner authorized by the county manager.

13 (2) Appoint staff of the consolidated human services agency only upon the  
14 approval of the county manager."

15 Sec. 10. G.S. 122C-116 reads as rewritten:

16 "**§ 122C-116. Status of area ~~authority~~; ~~authority~~; status of consolidated human**  
17 **services agency.**

18 (a) An area authority is a local political subdivision of the State except that a  
19 single county area authority is considered a department of the county in which it is  
20 located for the purposes of Chapter 159 of the General Statutes.

21 (b) A consolidated human services agency is a department of the county."

22 Sec. 11. G.S. 122C-123 reads as rewritten:

23 "**§ 122C-123. Other agency responsibility.**

24 Notwithstanding the provisions of G.S. 122C-112(a)(10), G.S. 122C-117(a)(1), ~~and~~  
25 ~~G.S. 122C-131, G.S. 122C-127, and G.S. 122C-131,~~ other agencies of the Department,  
26 other State agencies, and other local agencies shall continue responsibility for services  
27 they provide for persons with developmental disabilities."

28 Sec. 12. Article 4 of Chapter 122C of the General Statutes is amended by  
29 adding a new Part to read:

30 **"PART 2A. CONSOLIDATED HUMAN SERVICES.**

31 "**§ 122C-127. Consolidated human services board; human services director.**

32 (a) Except as otherwise provided by this section and subject to any limitations that  
33 may be imposed by the board of county commissioners under G.S. 153A-77, a  
34 consolidated human services agency shall have the responsibility and authority set forth  
35 in G.S. 122C-117(a) to carry out the programs established in this Chapter in conformity  
36 with the rules and regulations of the Department and under the supervision of the  
37 Secretary in the same manner as an area authority. In addition to the powers conferred by  
38 G.S. 153A-77(d), a consolidated human services board shall have all the powers and  
39 duties of the governing unit of an area authority as provided by G.S. 122C-117(b), except  
40 that the consolidated human services board may not:

41 (1) Appoint the human services director.

42 (2) Transmit or present the budget for social services programs.



1           (3) Enter into contracts, including contracts to provide services to  
2           governmental or private entities, unless specifically authorized to do so  
3           by the board of county commissioners in accordance with county  
4           contracting policies and procedures.

5           (b) In addition to the powers conferred by G.S. 153A-77(e), a human services  
6 director shall have all the powers and duties of an area director as provided by G.S.  
7 122C-121, except that the human services director may:

8           (1) Serve as the executive officer of the consolidated human services board  
9           only to the extent and in the manner authorized by the county manager.

10          (2) Appoint staff of the consolidated human services agency only upon the  
11          approval of the county manager.

12          The human services director is not an employee of the area board, but serves as an  
13 employee of the county under the direct supervision of the county manager."

14          Sec. 13. G.S. 130A-34 reads as rewritten:

15 **"§ 130A-34. Provision of local public health services.**

16          (a) A county shall provide public health services.

17          (b) A county shall operate a county health department, establish a consolidated  
18 human services agency pursuant to G.S. 153A-77, participate in a district health  
19 department—department, or contract with the State for the provision of public health  
20 services."

21          Sec. 14. Article 1 of Chapter 130A of the General Statutes is amended by  
22 adding a new Part to read:

23 **"PART 1A. CONSOLIDATED HUMAN SERVICES AGENCY.**

24 **"§ 130A-43. Consolidated human services agency; board; director.**

25          (a) Except as otherwise provided by this section and subject to any limitations that  
26 may be imposed by the board of county commissioners under G.S. 153A-77, a  
27 consolidated human services agency created pursuant to G.S.153A-77 shall have the  
28 responsibility to carry out the duties of a local health department and the authority to  
29 administer the local public health programs established in this Chapter in the same  
30 manner as a local health department.

31          (b) In addition to the powers conferred by G.S. 153A-77(d), a consolidated human  
32 services board shall have all the powers and duties of a local board of health as provided  
33 by G.S. 130A-39, except that the consolidated human services board may not:

34           (1) Appoint the human services director.

35           (2) Transmit or present the budget for local health programs.

36          (c) In addition to the powers conferred by G.S. 153A-77(e), a human services  
37 director shall have all the powers and duties of a local health director provided by G.S.  
38 130A-41, except that the human services director may:

39           (1) Serve as the executive officer of the consolidated human services  
40 agency only to the extent and in the manner authorized by the county  
41 manager.

42           (2) Appoint staff of the consolidated human services agency only upon the  
43 approval of the county manager."

- 1           Sec. 15. G.S. 126-5(a) reads as rewritten:  
2       "(a) The provisions of this Chapter shall apply to:  
3           (1) All State employees not herein exempt, and  
4           (2) To all employees of ~~area~~the following local entities:  
5               a. Area mental health, ~~mental retardation, developmental disabilities,~~  
6                 and substance abuse authorities, and to employees of local  
7                 authorities.  
8               b. Local social services ~~departments, public departments.~~  
9               c. Local public health ~~departments, and local departments.~~  
10              d. Local emergency management agencies that receive federal  
11                 grant-in-aid funds; and the provision of this Chapter may apply to  
12                 such other county funds.  
13                 An employee of a consolidated county human services agency created  
14                 pursuant to G.S. 153A-77(b) is not considered an employee of an entity  
15                 listed in this subdivision.  
16           (3) County employees not included under subdivision (2) of this subsection  
17                 as the several boards of county commissioners may from time to time  
18                 determine."  
19       Sec. 16. This act becomes effective July 1, 1996.