

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 840

Short Title: Fund for Children & Families.

(Public)

Sponsors: Senator Shaw.

Referred to: Finance.

April 29, 1991

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE NORTH CAROLINA FUND FOR CHILDREN AND FAMILIES, PROVIDE FOR ITS GOVERNANCE, AND PERMIT THE ALLOCATION OF CORPORATE AND INDIVIDUAL INCOME TAX REFUNDS TO THE FUND.

The General Assembly of North Carolina enacts:

Section 1. Article 9 of Chapter 143B is amended by adding a new Part to read:

"PART 29. NORTH CAROLINA COMMISSION ON CHILDREN AND FAMILIES.

"§ 143B-426.41. Purpose.

It is the intent of this Part to make rehabilitation and treatment services available to victims of child abuse and their families through a multidisciplinary system that provides incentives to communities to work together in a coordinated, comprehensive program to address the needs of victimized children.

"§ 143B-426.42. The North Carolina Fund for Children and Families created.

There is established in the Office of the State Treasurer the North Carolina Fund for Children and Families. The fund shall be funded by private contributions from whatever source derived and by grants and appropriations as may be from time to time provided by State and federal governments. All assets of the North Carolina Fund for Children and Families established under Executive Order Number 27, issued September 8, 1986, as amended by Executive Order Number 47, dated April 28, 1987, shall become the property of the North Carolina Fund for Children and Families established by this act upon ratification. Disbursements of funds shall be on the authorization of the

1 North Carolina Commission for Children and Families or a duly authorized
2 representative thereof. In order to maintain an effective expenditure and revenue
3 control, such funds shall be subject in all respects to State law and regulations.

4 **"§ 143B-426.43. Governance of the North Carolina Fund for Children and**
5 **Families.**

6 There is established in the Department of Administration, Office of Youth Advocacy
7 and Involvement, the North Carolina Commission on Children and Families. The North
8 Carolina Fund for Children and Families Commission created by Executive Order
9 Number 27, issued September 8, 1986, as amended by Executive Order Number 47,
10 dated April 28, 1987, is hereby transferred to the Department of Administration, Office
11 of Youth Advocacy. The Commission shall be composed of five members appointed by
12 the Governor to serve two-year terms plus the following three cabinet officers or their
13 designees who shall serve as ex officio members: Secretaries of the Department of
14 Administration, Department of Crime Control and Public Safety, and Department of
15 Human Resources. The Governor shall also appoint a Chairman of the Commission
16 who, in the discretion of the Governor, may or may not be a member of the
17 Commission.

18 The members of the Commission shall receive per diem and necessary travel and
19 subsistence expenses in accordance with the provisions of G.S. 138-5.

20 The duties and responsibilities of the Commission are:

- 21 (1) To receive gifts, bequests, devises, appropriations, and grants for
22 deposit and investment into the North Carolina Fund for Children and
23 Families.
- 24 (2) To assess the critical needs of victimized children and their families.
- 25 (3) To establish criteria for the award of grants which will encourage a
26 comprehensive family-focused, community-based approach to address
27 the needs of victimized children and their families and which
28 demonstrate significant local community support.
- 29 (4) To solicit grant proposals from public and private nonprofit
30 organizations serving local communities which will service the
31 identified critical needs of victimized children and families in that
32 community consistent with established criteria.
- 33 (5) To award grants to public and private nonprofit organizations which in
34 the discretion of the Commission meet the criteria established by the
35 Commission.
- 36 (6) To develop appropriate guidelines for monitoring administration of
37 grant funds and performance of grant objectives to ensure
38 accountability.
- 39 (7) To evaluate the performance of grant recipients with reference to their
40 grant proposal.
- 41 (8) To make to the Governor, the President of the Senate, and the Speaker
42 of the House of Representatives in January of each year a full
43 accounting of all funds received and expended during the preceding
44 12-month period, including the amount of each grant awarded; the

1 name and address of each grant recipient, and the nature of the services
2 to be provided by each recipient, together with an evaluation of the
3 performance of each recipient measured by the award criteria at the
4 conclusion of the grant period.

5 (9) To make recommendations to the Governor, the President of the
6 Senate, and the Speaker of the House of Representatives for statewide
7 replication of effective and efficient programs."

8 Sec. 2. Article 9 of Chapter 105 of the General Statutes is amended by
9 adding a new section to read:

10 **"§ 105-269.5. Contribution of income tax refund to North Carolina Fund for**
11 **Children and Families.**

12 Any taxpayer entitled to a refund of income taxes under Article 4 of this Chapter
13 may elect to contribute all or part of the refund to the North Carolina Fund for Children
14 and Families, to be used to assist, treat, and rehabilitate victimized children and their
15 families. The Secretary of Revenue shall provide appropriate language and space on the
16 income tax form in which to make the election. The taxpayer's election shall become
17 irrevocable upon filing the taxpayer's income tax return for the taxable year. The
18 Secretary of Revenue shall transmit the contributions made pursuant to this section to
19 the State Treasurer for credit to the North Carolina Fund for Children and Families, to
20 be used by the Commission on Children and Families only to assist, treat, and
21 rehabilitate victimized children and their families and to match federal funds which may
22 become available for these purposes."

23 Sec. 3. Section 2 of this act is effective for taxable years beginning on or
24 after January 1, 1991. The remainder of this act is effective upon ratification.