

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 799
SENATE BILL 1309

AN ACT TO MAKE MISCELLANEOUS CHANGES TO THE STATE BUDGET
FOR THE 1989-90 FISCAL YEAR AND FOR PAST FISCAL YEARS.

The General Assembly of North Carolina enacts:

Section 1. From the funds appropriated to the Office of State Budget and Management in Section 4 of Chapter 754 of the 1989 Session Laws, the Capital Improvement Appropriations Act of 1989, to the Reserve for Repairs and Renovations, \$2,777,160 is allocated as follows:

	<u>1989-90</u>
DEPARTMENT OF AGRICULTURE	
Division of Marketing - Grant-in-aid for a poultry marketing sales promotion.	\$ 25,000 State Aid
DEPARTMENT OF HUMAN RESOURCES	
Division of Aging - Equal grants to the four regional Alzheimer's Chapters located in Charlotte, Winston-Salem, Raleigh, and Asheville.	50,000 State Aid
Western Carolina Center	
a. To construct an addition to the wheelchair shop.	105,160 Capital Improvements
b. To construct a roof over the outdoor recreation center.	20,000 Capital Improvements
c. To replace the air conditioning cooling towers. Funds will match an Exxon grant dollar-for-dollar.	200,000 Capital Improvements
DEPARTMENT OF CULTURAL RESOURCES	
1. Grant-in-Aid to Arts - N.C. Shakespeare Festival - Grant for touring metropolitan and rural communities throughout the State to present major Shakespearean productions, to tour high schools and support operating expense.	75,000 State Aid

OFFICE OF STATE BUDGET AND MANAGEMENT

1. Autism Foundation of N.C. Inc., for development of a permanent year-round camp and conference center for autistic adults and children. 250,000
State Aid
2. Fairgrounds Rural Fire Department, Inc., in Wake County to match funds for construction of a new building to be used to continue fire protection to State-owned properties. 140,000
State Aid
3. Autistic Society of North Carolina - To continue grant for operations and stipends for the autistic children's and adults' camp. 262,000
State Aid
4. Grant to the Lineberger Cancer Research Center for planning of facility addition. 400,000
State Aid
5. The Greenville Museum of Art, Inc., to match funds for construction of a new regional facility. 200,000
State Aid
6. North Carolina Minority Economic Development Institute - Grant for operating expenses. 200,000
State Aid
7. Rural Economic Development Center, Inc. - Grants to Community Development Corporations, incorporated under Chapter 55A of the General Statutes. 650,000
State Aid

UNIVERSITY OF NORTH CAROLINA - BOARD OF GOVERNORS

1. University of North Carolina at Asheville - Renovations and/or addition to the Kellogg Center. 200,000
Capital Improvements
- TOTAL ALLOCATIONS \$2,777,160.

Requested by: Representative Diamont

—BUDGET ACTS CORRECTIONS

Sec. 2. (a) Funds in the amount of \$150,000 appropriated in Section 4 of Chapter 754 of the 1989 Session Laws, the Capital Improvement Appropriations Act of 1989, to the Department of Transportation for the 1989-90 fiscal year for the Vietnam Veterans Memorial Park - Establishment of Park on Interstate 85, contingent upon a match of \$1 non-State for each \$2 of State funds, are transferred to the Office of State Budget and Management and shall be used for the same purpose.

(b) Subsection (a) of Section 122 of Chapter 752 of the 1989 Session Laws, the Expansion Budget Appropriations Act of 1989, reads as rewritten:

"(a) Social Services Block Grant funds appropriated for fiscal year 1989-90 and included in ~~Section 6~~ Section 7 of this act shall be allocated as follows:
Swain County Cherokee Boys Club, Inc. \$30,000

Caldwell County Health Department	30,000
Robeson County Health Department	30,000
Harnett County Health Department	40,000
Buncombe County Health Department	40,000
Carteret County Community Action, Inc.	40,000
Davidson County Health Department	40,000
Greene County Health Care, Inc.	40,000
Bertie County Health Department	40,000
Scotland County Health Department	40,000
Macon County Programs for Progress	55,000
Mecklenburg County N.C. Coalition on Adolescent Pregnancy	20,000."

(c) Section 12 of Chapter 754 of the 1989 Session Laws, the Capital Improvement Appropriations Act of 1989, reads as rewritten:

"Requested by: Senator Royall, Representative Diamont
~~—NEWBOLT WHITE-NEWBOLD-WHITE HOUSE/STATE LAND~~

Sec. 12. Land purchased from funds appropriated in this act for land acquisition for the historic ~~Newbolt White~~ Newbold-White House in Perquimans County shall be deeded to the State."

Requested by: Representative Diamont
~~—GENERAL ASSEMBLY EXPENSES~~

Sec. 3. There is appropriated from the General Fund to the General Assembly the sum of \$1,000,000 for the 1989-90 fiscal year to be used to support expenses associated with the extended term of the 1989 General Assembly and other expenses.

Requested by: Representative Diamont
~~—COMPREHENSIVE SOLID WASTE MANAGEMENT PROGRAM FUNDS~~

Sec. 4. There is appropriated from the General Fund to the Department of Environment, Health, and Natural Resources the sum of \$300,000 for the 1989-90 fiscal year for the establishment of the Solid Waste Management Trust Fund.

Requested by: Representative Michaux
~~—AUDITOR DEPARTMENT COLLATOR~~

Sec. 5. Of the funds appropriated to the Department of State Auditor in Chapter 752 of the 1989 Session Laws, the Expansion Budget Appropriations Act of 1989, for the 1989-90 fiscal year for data processing services, up to the sum of \$27,000 may be used to purchase a new department collator.

Requested by: Representative Diamont
~~—UNC PROJECTS ADJUSTMENT~~

Sec. 6. (a) Section 3 of Chapter 752 of the 1989 Session Laws, the Expansion Budget Appropriations Act of 1989, reads as rewritten:

"Sec. 3. Appropriations from the General Fund of the State for the operations and maintenance of the State departments, institutions, and agencies, and for other purposes as enumerated, except for aid to certain governmental and nongovernmental units, are made for the biennium ending June 30, 1991, according to the following schedule:

<u>Current Operations - General Fund</u>	<u>1989-90</u>	<u>1990-91</u>
General Assembly	\$ 866,327	\$ 467,455
Department of Secretary of State	259,101	276,222
Department of State Auditor	359,005	336,295
Department of State Treasurer	431,100	579,754
Department of Public Education	73,868,503	180,381,325
Department of Justice	1,984,288	2,185,905
Department of Insurance	168,216	265,311
Department of Administration	1,490,445	1,486,068
Department of Agriculture	1,402,836	1,918,637
Department of Labor	1,194,639	791,867
Department of Natural Resources and Community Development	2,603,610	2,913,581
Department of Human Resources		
01. DHR-Administration and Support Program	200,000	50,000
02. Division of Health Service	1,226,625	1,322,210
03. Social Services	3,440,420	6,750,543
04. Medical Assistance	7,154,259	15,330,389
05. Division of Services for the Blind	26,970	53,940
06. Cherry Hospital	1,065,376	1,420,502
07. Division of Facility Services	535,086	394,483
08. Division of Vocational Rehabilitation	-	677,754
Total Department of Human Resources	13,648,736	25,999,821
Department of Correction	9,326,508	24,322,698
Department of Commerce	(790,569)	(3,278,951)

Department of Revenue	5,091,431	3,047,331
Department of Cultural Resources	209,987	198,253
Department of Crime Control and Public Safety	1,470,045	1,389,453
University of North Carolina- Board of Governors		
01. University Operations- Lump Sum	(105,791)	7,638,328
02. Related Educational Programs	2,015,000	3,340,000
<u>02A. Agricultural Programs</u>	<u>500,000</u>	<u>500,000</u>
03. N.C. State University	(370,000)	(316,000)
04. UNC - Chapel Hill		
a. Health Affairs	(164,280)	(164,280)
b. Academic Affairs	(205,720)	(205,720)
05. University of North Carolina Hospitals at Chapel Hill	(250,000)	(250,000)
06. North Carolina School of Science and Mathematics	201,000	302,000
Total University of North Carolina	1,120,209 <u>1,620,209</u>	10,344,328 <u>10,844,328</u>
Department of Community Colleges	13,336,189	11,131,540
Reserve for Employee Health Plan	30,000,000	40,000,000
Reserve for State Employees and Teachers Salary Increases	292,300,000	611,900,000
GRAND TOTAL CURRENT OPERATIONS—		
GENERAL FUND	\$ 450,340,606 <u>\$ 450,840,606</u>	\$ 916,656,893 <u>\$ 917,156,893</u> ".

(b) Section 11 of Chapter 752 of the 1989 Session Laws, the Capital Improvement Appropriations Act of 1989, reads as rewritten:

"Requested by: Senator Royall, Representative Diamont

—UNC CONSTRUCTION FUNDS/RESTRICTED RESERVE

Sec. 11. Of the funds appropriated to the Board of Governors of The University of North Carolina for construction, the following amounts are to be placed in a restricted reserve:

- | | |
|--------------------------------------|-------------|
| (1) North Carolina State University | |
| Engineering Graduate Research Center | \$6,000,000 |

(2)	University of North Carolina - Chapel Hill		
	(a) School of Business	6,500,000	
	(b) Social Work Building	4,140,500	
(3)	East Carolina University - Joyner Library	6,000,000	
(4)	University of North Carolina at Asheville Conference Center	\$26,640,500	<u>\$24,640,500</u>

None of these funds shall be obligated during fiscal year 1989-90, and, shall be held in reserve until the General Assembly appropriates the additional construction needs for these ~~projects~~-projects, except that the full appropriation for the University of North Carolina at Asheville Conference Center may be contracted, with the stipulation that no more than \$2,000,000 shall be available for contract payments during the 1989-90 fiscal year."

(c) Funds appropriated in Section 4 of Chapter 754 of the 1989 Session Laws, the Capital Improvement Appropriations Act of 1989, to the Board of Governors of The University of North Carolina for East Carolina University for the Center for Regional Advancement are not subject to any match requirement from non-State sources, provided no part of the facility is a sports arena.

Requested by: Senator Royall

—UNIVERSITY OF NORTH CAROLINA PHYSICAL PLANT BUDGETED
OVERHEAD RECEIPTS

Sec. 7. Budgeted overhead receipts related to the thirty percent (30%) transfers for support of physical plant operations for the University of North Carolina at Chapel Hill, Academic Affairs, for the 1989-90 and 1990-91 fiscal years, as reflected in Section 3 of Chapter 500 of the 1989 Session Laws, shall be increased by one hundred seventy-seven thousand three hundred forty-five dollars (\$177,345) and the General Fund appropriations for the 1989-90 and 1990-91 fiscal years shall be decreased by like amounts. Budgeted overhead receipts related to the thirty percent (30%) transfers for support of physical plant operations for the University of North Carolina at Chapel Hill, Health Affairs, for the 1989-90 and 1990-91 fiscal years as reflected in Chapter 500 of the 1989 Session Laws shall be increased by one hundred forty-one thousand six hundred twenty-one dollars (\$141,621) and the General Fund appropriations for the 1989-90 and 1990-91 fiscal years shall be decreased by like amounts.

The appropriations for the University of North Carolina at Chapel Hill, Health Affairs, from the General Fund for the 1989-90 and 1990-91 fiscal years shall be increased by three hundred eighteen thousand nine hundred sixty-six dollars (\$318,966) for a Reserve for the Greensboro Regional TEACCH (Treatment and Education of Autistic and other Communications Handicapped Children and Adults) Center. This reserve shall be available for continuing operations of the Regional TEACCH Center which serves the Greensboro, High Point, and Winston-Salem area.

Requested by: Senator Basnight

—HYDE COUNTY COMMUNICATIONS BUILDING

Sec. 8. The funds appropriated in Chapter 1086 of the 1987 Session Laws (1988 Session), for the Hyde County Sheriff's Department for construction of a communications tower on Ocracoke Island may also be used to construct a communications building.

Requested by: Representative Church

—DEPARTMENT OF TRANSPORTATION RULES ON TRUCKS

Sec. 9. The Department of Transportation shall adopt rules pursuant to Chapter 150B regarding the provisions of G.S. 20-115.1 by December 1, 1989.

Requested by: Senators Johnson of Wake and Royall

—REGIONAL PUBLIC TRANSPORTATION AUTHORITY FUNDING

Sec. 10. A Regional Public Transportation Authority created pursuant to Article 26 of Chapter 160A of the General Statutes may, in addition to all other powers granted by G.S. 160A-610, and in furtherance of G.S. 160A-613, apply for a grant from the Department of Transportation to be funded from the funds for public transportation received from the North Carolina Highway Trust Fund if those funds are available. The Department of Transportation may allocate to a regional public transportation authority any funds appropriated for public transportation.

Requested by: Representative J. Crawford

—BRAILLE TEXTBOOKS

Sec. 11. The State Board of Education may use funds appropriated to the Department of Public Education for textbooks for the 1989-91 fiscal biennium to acquire Braille textbooks.

Requested by: Senator Sherron

—DEPARTMENT OF TRANSPORTATION TO REPAIR AND MAINTAIN THE STATE PARKS ROAD SYSTEM

Sec. 12. (a) G.S. 136-44.2 reads as rewritten:

"§ 136-44.2. Budget and appropriations.

The Director of the Budget shall include in the '~~Budget~~—Current Operations Appropriations Bill' an enumeration of the purposes or objects of the proposed expenditures for each of the construction and maintenance programs for that budget period for the State primary, secondary, ~~and urban, and State parks~~ road systems. The State primary system shall include all portions of the State highway system located outside municipal corporate limits which are designated by N.C., U.S. or Interstate numbers. The State secondary system shall include all of the State highway system located outside municipal corporate limits that is not a part of the State primary system. The State urban system shall include all portions of the State highway system located

within municipal corporate limits. The State parks system shall include all State parks roads which are not also part of the State highway system.

All construction and maintenance programs for which appropriations are requested shall be enumerated separately in the budget. Programs that are entirely State funded shall be listed separately from those programs involving the use of federal-aid funds. Proposed appropriations of State matching funds for each of the federal-aid construction programs shall be enumerated separately as well as the federal-aid funds anticipated for each program in order that the total construction requirements for each program may be provided for in the budget. Also, proposed State matching funds for the highway planning and research program shall be included separately along with the anticipated federal-aid funds for that purpose.

Other program categories for which appropriations are requested, such as, but not limited to, maintenance, channelization and traffic control, bridge maintenance, public service and access road construction, and ferry operations shall be enumerated in the budget.

The Department of Transportation shall have all powers necessary to comply fully with provisions of present and future federal-aid acts. No federally eligible construction project may be funded entirely with State funds unless the Department of Transportation has first consulted with the Joint Legislative Commission on Governmental Operations. For purposes of this section, 'federally eligible construction project' means any construction project except secondary road projects developed pursuant to G.S. 136-44.7 and 136-44.8 eligible for federal funds under any federal-aid act, whether or not federal funds are actually available.

The '~~Budget-Current Operations~~ Appropriations Bill' shall also contain the proposed appropriations of State funds for use in each county for maintenance and construction of secondary roads, to be allocated in accordance with G.S. 136-44.5 and 136-44.6. State funds appropriated for secondary roads shall not be transferred nor used except for the construction and maintenance of secondary roads in the county for which they are allocated pursuant to G.S. 136-44.5 and 136-44.6.

In the event receipts and increments to the State Highway Fund shall be more than the appropriations made for the preceding fiscal year, such excesses shall be allocated by the Director of the Budget to the Department of Transportation for school and industrial access roads and unforeseen happenings or state of affairs requiring prompt action, with fifty percent (50%) of the balance to be allocated to the State secondary roads program on the basis of need as determined by the Department of Transportation and the remaining fifty percent (50%) to be allocated in accordance with G.S. 136-44.5.

The Department of Transportation may provide for costs incurred or accrued for traffic control measures to be taken by the Department at major events which involve a high degree of traffic concentration on State highways, and which cannot be funded from regular budgeted items. This authorization applies only to events which are expected to generate 30,000 vehicles or more per day."

(b) G.S. 136-44.12 reads as rewritten:

"§ 136-44.12. ~~Construction and maintenance~~ Maintenance of roads in areas administered by the Division of State Parks and Recreation.

The Department of Transportation is ~~authorized to shall~~ construct and maintain all roads which are not part of the State Highway System, leading into and located within the boundaries of all areas administered by the Division of ~~State Parks and Recreation~~ of the Department of Environment, Health, and Natural Resources and Community Development.

All such roads shall be planned, designed, and engineered ~~and constructed~~ through joint action between the Department of Transportation and the Division of ~~State Parks and Recreation~~ of the Department of Environment, Health, and Natural Resources and Community Development. This joint action shall encompass all accepted park planning and design principles. Particular concern shall be given to traffic counts and vehicle weight, minimal cutting into or through any natural and scenic areas, width of shoulders, the cutting of natural growth along roadways, and the reduction of any potential use of roads for any purpose other than by park users. All State park roads shall conform to the standards regarding width and other roadway specifications as agreed upon by the Division of ~~State Parks and Recreation~~ of the Department of ~~Natural Resources and Community Development~~ Environment, Health, and Natural Resources and the Department of Transportation.

The State park road systems may be closed to the public in accordance with approved park practices that control the use of State areas so as to protect these areas from overuse and abuse and provide for functional use of the park areas, or for any other purpose considered in the best interest of the public by the Division of ~~State Parks and Recreation~~ of the Department of Environment, Health, and Natural Resources and Community Development.

Nothing herein shall be construed to include the transfer to the Department of Transportation the powers now vested in the Division of ~~State Parks and Recreation~~ of the Department of Environment, Health, and Natural Resources and Community Development relating to the patrol and safeguarding of State parks or parkway roads."

(c) This section shall become effective July 1, 1990.

Requested by: Senator Parnell

—CLEAN WATER REVOLVING LOAN AND GRANT FUND APPLICANTS

Sec. 13. G.S. 159G-3(2) reads as rewritten:

"(2) 'Applicant' means a local government unit that applies for a revolving loan or grant under the provisions of this Chapter. In addition, a local government may provide funds to a nonprofit agency which is currently under contract and authorized to provide wastewater treatment or water supply services to that unit of local government."

Requested by: Senator Murphy

—P.B. RAIFORD REGIONAL AIRPORT IN DUPLIN COUNTY

Sec. 14. Section 165 of Chapter 1086 of the 1987 Session Laws reads as rewritten:

"Sec. 165. Of the funds appropriated for State Aid to Airports in G.S. 136-16.4 for fiscal year 1988-89, the sum of twenty-five thousand dollars (\$25,000) shall be

allocated to Duplin County for ~~drainage~~ capital improvements at the P.B. Raiford Regional Airport."

Requested by: Senator Marvin

—PLAN FOR IMPLEMENTATION OF EDUCATIONAL PROGRAMS FOR CERTAIN HANDICAPPED CHILDREN

Sec. 15. (a) During the 1989-90 school year, the Department of Public Education shall plan the implementation of educational programs for handicapped children between the ages of three and five as provided by Title II of Public Law 99-457. The planning activities shall include:

- (1) Identifying the number of handicapped children between the ages of three and five currently residing in the State;
- (2) Identifying facilities in which services can be provided to these children;
- (3) Estimating the number of qualified persons available to provide services to these children; and
- (4) Developing rules and a budget for implementing the educational programs for handicapped children between the ages of three and five as provided by Title II of Public Law 99-457.

(b) The Department shall report to the General Assembly describing its planning activities, including proposed rules and a detailed budget request, no later than May 1, 1990.

(c) The Department of Human Resources, local school systems, local health departments, and local social services agencies shall provide the Department of Public Education with any assistance it requests in conducting its planning activities and preparing its report to the General Assembly.

Requested by: Representative R. Hunter

—DOMESTIC VIOLENCE GRANTS/LUMP SUM PAYMENTS

Sec. 16. Funds appropriated to the Department of Administration, Council on the Status of Women, for fiscal years 1989-90 and 1990-91 for domestic violence centers shall be paid to the programs in lump sums as soon as possible after the programs qualify for grants.

Requested by: Senator Goldston

—DEPARTMENT OF TRANSPORTATION EXEMPTION FROM LIMITATION ON NUMBER OF STATE EMPLOYEES

Sec. 17. The limitation on the number of State employees contained in G.S. 143-10.2 shall not apply to the Department of Transportation with respect to additional employees in administrative positions and to the Division of Highways with respect to operational and field positions when those administrative, operational, and field positions are needed to plan, design, and construct the specific projects funded by the North Carolina Highway Trust Fund. The Department shall report the number of employees hired and the number of those hired, if any, that exceeds the limitation in

G.S. 143-10.2 to the Joint Legislative Highway Oversight Committee and the Joint Legislative Commission on Governmental Operations.

Requested by: Senator Goldston

—NORTH CAROLINA HIGHWAY TRUST FUND CASH BALANCES

Sec. 18. Cash balances not required for construction payments in the North Carolina Highway Trust Fund may be advanced to the Highway Fund Equipment Fund to the extent required to acquire the appropriate equipment for force account construction of the Secondary Roads component of the North Carolina Highway Trust Fund construction schedule and plans. Advances under this section shall not exceed the requirements beyond the first three years and rental rates shall be established to provide for the repayment during the construction schedule. Before making an advance under this section, the Department of Transportation shall report a proposed advance to the Joint Legislative Highway Oversight Committee and the Joint Legislative Commission on Governmental Operations.

Requested by: Senator Goldston

—DEPARTMENT OF TRANSPORTATION FUND CODE STRUCTURE REORGANIZATION

Sec. 19. During the 1989-90 fiscal year the Department of Transportation may reorganize the Fund Code Structure within and between Departmental Administration (Budget Code 84210), the Division of Highway Operations Administration (Budget Code 84220), and Construction and Maintenance Encumbrance Accounts (Budget Code 84230) in order to provide an efficient means of accommodating the additional requirements resulting from the North Carolina Highway Trust Fund. All changes including staff positions shall be approved by the Director of the Budget and reported quarterly to the Joint Legislative Highway Oversight Committee and to the Joint Legislative Commission on Governmental Operations.

Requested by: Representative Huffman

—MOBIL PLAN RESPONSE PROJECT

Sec. 20. Of the funds appropriated to the Department of Justice, the sum of \$147,357 for the 1989-90 fiscal year may be used to provide continued support for staff in the Environmental Protection Section to provide legal services for the Mobil Plan Response Project.

Requested by: Senator Goldston

—EXECUTIVE BUDGET ACT APPLIES TO NORTH CAROLINA HIGHWAY TRUST FUND

Sec. 21. Notwithstanding the establishment of the North Carolina Highway Trust Fund as an entity, since various components of that Fund are coordinated with programs of the Highway Fund, all projects funded shall be subject to the provisions of the Executive Budget Act (Article 1 of Chapter 143 of the General Statutes) with respect to allotments, obligations, encumbrances, and expenditures with appropriate

reporting to the Director of the Budget in the same manner as currently employed for the Highway Fund and the Highway Bond Fund.

Requested by: Representative McLaughlin

—CASH FLOW - HIGHWAY TRUST FUND APPROPRIATION

Sec. 22. The General Assembly authorizes and certifies anticipated revenues of the North Carolina Highway Trust Fund as follows:

For fiscal year 1991-92	\$734,800,000
For fiscal year 1992-93	\$756,700,000.

Requested by: Senator Plyler

—ANSON COUNTY AIRPORT FUNDS REALLOCATION

Sec. 23. (a) Section 7 of Chapter 1101 of the 1987 Session Laws reads as rewritten:

"**Sec. 7.** Of the funds appropriated for State Aid to Airports in G.S. 136-16.4 for fiscal year 1988-89, the sum of fifty-eight thousand dollars (\$58,000) shall be allocated to the Anson County Airport for runway maintenance, ~~and~~ airport construction, and other airport capital improvements."

(b) This section shall become effective July 1, 1988.

Requested by: Representative Huffman

—STATE BUREAU OF INVESTIGATION SALARY ADJUSTMENT

Sec. 24. The State Bureau of Investigation may continue in fiscal year 1989-90 to pay overtime compensation for supervisory personnel as is being done on June 30, 1989, up to a maximum of five thousand two hundred dollars (\$5,200) annually per individual. The Office of State Personnel shall study the issue of overtime compensation for State Bureau of Investigation supervisory personnel and make recommendations to the Senate and House Appropriations Committee on Justice and Public Safety and the Fiscal Research Division by April 15, 1990 as to whether such compensation should continue.

Requested by: Senator Basnight

—CIVIL AIR PATROL HEADQUARTERS BUILDING FUNDS

Sec. 25. Notwithstanding any other provision of law, of the funds appropriated pursuant to G.S. 136-16.4 for aviation purposes, the sum of \$100,000 shall be used for the 1989-90 fiscal year for the construction by the North Carolina Wing of the Civil Air Patrol, Inc., of a new headquarters and training facility. No less than ninety percent (90%) of these funds shall be used for capital improvements, and the remaining ten percent (10%) may be used for furnishings. In order to receive these funds, the North Carolina Wing of the Civil Air Patrol, Inc., shall match the funds on a dollar-for-dollar basis.

Requested by: Senator Royall

—EXPAND PURPOSES CERTAIN RECEIPTS MAY BE USED FOR ON THE BUTNER LANDS

Sec. 26. G.S. 146-30 reads as rewritten:

"§ 146-30. Application of net proceeds.

The net proceeds of any disposition made in accordance with this Subchapter shall be handled in accordance with the following priority: First, in accordance with the provisions of any trust or other instrument of title whereby title to such real property was heretofore acquired or is hereafter acquired; second, as provided by any other act of the General Assembly; third, the net proceeds shall be deposited with the State Treasurer. Provided, however, nothing herein shall be construed as prohibiting the disposition of any State lands by exchange for other lands, but if the appraised value in fee simple of any property involved in the exchange is at least twenty-five thousand dollars (\$25,000), then such exchange may not be made without consultation with the Joint Legislative Commission on Governmental Operations.

For the purposes of this Subchapter, the term 'net proceeds' means the gross amount received from the sale, lease, rental, or other disposition of any State lands, less

- (1) Such expenses incurred incident to that sale, lease, rental, or other disposition as may be allowed under rules and regulations adopted by the Governor and approved by the Council of State;
- (2) Amounts paid pursuant to G.S. 105-296.1, if any; and
- (3) A service charge to be paid into the State Land Fund.

The amount or rate of such service charge shall be fixed by rules and regulations adopted by the Governor and approved by the Council of State, but as to any particular sale, lease, rental, or other disposition, it shall not exceed ten percent (10%) of the gross amount received from such sale, lease, rental, or other disposition. Notwithstanding any other provision of this Subchapter, the net proceeds derived from the sale of land or products of land owned by or under the supervision and control of the Wildlife Resources Commission, or acquired or purchased with funds of that Commission, shall be paid into the Wildlife Resources Fund. Provided, however, the net proceeds derived from the sale of land or timber from land owned by or under the supervision and control of the Department of Agriculture shall be deposited with the State Treasurer in a capital improvement account to the credit of the Department of Agriculture, to be used for such specific capital improvement projects or other purposes as are provided by transfer of funds from those accounts in the Current Operations Appropriations Act. Provided further, the net proceeds derived from the sale of park land owned by or under the supervision and control of the Department of Environment, Health, and Natural Resources ~~and Community Development~~ shall be deposited with the State Treasurer in a capital improvement account to the credit of the Department of Administration to be used for the purpose of park land acquisition as provided by transfer of funds from those accounts in the Current Operations Appropriations Act. In the Current Operations Appropriations Act, line items for purchase of park and agricultural lands will be established for use by the Departments of Administration and Agriculture. The use of such funds for any specific capital improvement project or land acquisition is subject to approval by the Director of the Budget. No other use may be made of funds in these line

items without approval by the General Assembly except for incidental expenses related to the project or land acquisition. Additionally with the approval of the Director of the Budget, either Department may request funds from the Contingency and Emergency Fund when the necessity of prompt purchase of available land can be demonstrated and funds in the capital improvement accounts are insufficient. Provided further, the net proceeds derived from the sale of any portion of the land in or around the unincorporated area known as Butner on or after July 1, 1980, shall be deposited with the State Treasurer in a capital improvement account to the credit of the Hospital to provide water and sewers and to bring those streets in the unincorporated area known as Butner not on the State highway system up to standards adequate for acceptance on the system, according to a plan adopted by the Department of Administration, and the Office of State Budget and Management, with the approval of the Board of County Commissioners of Granville ~~County and County~~, to build industrial access roads to industries on the Butner lands-lands, to construct new city streets on the Butner lands, extend water and sewer service on the Butner lands, and repair storm drains on the Butner lands."

Requested by: Senator Marvin

—SIMPLIFY CLERKS OF SUPERIOR COURT SALARY SCHEDULE

Sec. 27. (a) G.S. 7A-101(a) as rewritten by Section 32 of Chapter 752, Session Laws of 1989, reads as rewritten:

"(a) The clerk of superior court is a full-time employee of the State and shall receive an annual salary, payable in equal monthly installments, based on the population of the county, as determined by the population projections of the Office of State Budget and Management for the year preceding the first year of each biennial budget, according to the following schedule:

	Annual Salary	
Population	<u>1989-90</u>	<u>1990-91</u>
Less than 30,000	\$ 38,472	40,788
30,000 to <u>Less than 99,999</u>	<u>\$ 44,256</u>	46,920
100,000 to 199,999	50,016	53,028
200,000 and above	57,072	60,504

When a county changes from one population group to another, the salary of the clerk shall be changed to the salary appropriate for the new population group on July 1 of the first year of each biennial budget, except that the salary of an incumbent clerk shall not be decreased by any change in population group during his continuance in office."

(b) From funds appropriated to the Judicial Department in the certified budget for the 1989-91 biennium, the Administrative Officer of the Courts may use up to three hundred thirty-two thousand six hundred twenty-five dollars (\$332,625) in fiscal year 1989-90 and up to three hundred thirty-three thousand eight hundred eighty-two dollars (\$333,882) in fiscal year 1990-91 to meet the additional current operating expenses necessary to increase the salaries and benefits of clerks of superior court in counties with a population of less than 30,000 as required by subsection (a) of this section.

Requested by: Representative Redwine

~~—WASTE STREAM ANALYSIS~~

Sec. 28. Section 34 of the Capital Improvement Appropriations Act of 1989 reads as rewritten:

"Requested by: Representatives Hackney, Redwine

~~—SOLID WASTE MANAGEMENT TRUST FUND/~~WASTE STREAM ANALYSIS

Sec. 34. Of the funds allocated from the Special Reserve for Oil Overcharge Funds to the North Carolina Housing Trust Fund in Section 2 of Chapter 841 of the 1987 Session Laws, the sum of \$500,000 shall be reallocated to the Department of Commerce for the 1989-90 fiscal year to be used for a waste stream analysis by the Department of ~~Human Resources~~ Environment, Health, and Natural Resources. ~~These funds shall be matched on a one to one basis by private entities by April 30, 1990.~~ These funds shall be used to conduct 'waste stream' research in North Carolina counties. This research shall be contracted out by the Secretary of the Department of ~~Human Resources~~ Environment, Health, and Natural Resources on a competitive bid basis to an organization or firm that responds successfully to a 'request for proposals' (RFP) issued at the direction and approval of the Secretary of the Department of ~~Human Resources~~ Environment, Health, and Natural Resources. The RFP shall be issued by the Secretary and awarded no later than December 31, 1989. The RFP shall contain provisions for quarterly progress reports to be issued by the contractor to the Secretary, who shall also make provisions for distributing reports to private entities participating in the matching grants provision. Reports to the appropriate committees of the General Assembly shall be determined by the President Pro Tempore of the Senate and the Speaker of the House of Representatives.

~~A final report shall be issued to the Secretary of the Department of Human Resources and the General Assembly at the convening of the Regular Session 1991. These funds shall be matched on a one-to-one basis by private entities by April 30, 1990. The Secretary shall appoint a special advisory panel, composed of representatives from local units of government and organizations participating in the matching grants program, to comment on contractors' ~~response~~ responses to the RFP. Panel members from local units of government shall be appointed so as to ensure that all regions of the State are equally represented. The Secretary, however, shall have final responsibility for awarding the contract.~~

~~The RFP shall contain provisions for quarterly progress reports to be issued by the contractor to the Secretary, who shall also make provisions for distributing reports to private entities participating in the matching grants provision. Reports to the appropriate committees of the General Assembly shall be determined by the President Pro Tempore of the Senate and the Speaker of the House of Representatives.~~

~~The~~ At a minimum, the waste stream analysis research study, ~~at a minimum,~~ shall include scientific and statistically significant sampling of solid waste material in each of North Carolina's 120 landfills; or, ~~it shall be determined to~~ the study shall contain sufficient statistically reliable data to project, at a sixty percent (60%) an eighty percent (80%) confidence level, the content and volume of ~~any~~ all existing North Carolina

~~landfill~~ landfills or other properly permitted solid waste disposal ~~facility~~ facilities. Based on these specific findings, additional written outcomes of this waste stream analysis shall be the following:

- (1) Recommended solid waste disposal policies, appropriate for regions or local governments, units of government, that are considered practicable, as well as 'state-of-the-art'; that evaluate the financial impact and energy avoidance of recycling and alternative methods of solid waste disposal, including incineration and waste-to-energy options; that are consistent with contractor's findings; that contain specific procedures for monitoring market demand for recyclable goods; that identify potential domestic and foreign markets; that propose collection, storage, and transportation strategies, for ~~both single county and multi county~~ regions, and for multi-county and single-county collection, recycling, treatment, and disposal; and that identify all relevant operating costs, capital costs, and revenues derived through the sale of recycled waste stream components and energy, related to their implementation;
- (2) A recommended solid waste management plan, based upon the policies recommended in subdivision (1) of this section, for the State of North Carolina, or regions therein, including policies the State may consider to provide incentives for recycling facilities to locate in North Carolina; that suggest future strategies the State might consider to ~~insure~~ ensure that its investments produce measurable reductions in solid waste, offer economic alternatives to traditional landfills, and provide increased technical assistance to ~~cities and counties;~~ regions, counties, and cities;
- (3) The plan, as recommended, shall contain a year-by-year determination of all relevant operating and capital costs, and propose recommended appropriations and/or financing mechanisms needed for the number of years required for its full implementation;
- (4) Finally, the plan shall contain a specific evaluation component which shall describe criteria for measuring progress and results against the plan, and which shall be understood clearly by the general public.

The North Carolina Housing Finance Agency shall transfer the funds reallocated by this subsection to the Department of ~~Human Resources~~ Economic and Community Development no later than September 1, 1989.

The Department of Commerce shall submit comprehensive annual reports to the General Assembly by May 5, 1990, and January 31, 1991, which detail the use of all funds received in the Stripper Well Litigation that were used or expended by State agencies. Any State department or agency that has received oil overcharge funds shall provide all information requested by the Department of Commerce for the purpose of preparing this report. A final report of the waste stream analysis shall be issued by the contractor to the Secretary of the Department of Environment, Health, and Natural Resources and the General Assembly at the convening of the Regular Session 1991."

Requested by: Senator Ward

—ALLOCATION OF BASIC EDUCATION PROGRAM ENHANCEMENT
TEACHERS

Sec. 29. No school unit shall receive from funds appropriated in the continuation budget fewer Basic Education Program Enhancement Teachers in 1989-90 than it received in 1988-89.

Requested by: Representative Diamont

—CELEBRATION '91 ACTIVITIES

Sec. 30. The Department of Commerce may continue for the 1989-91 biennium the development and implementation of Celebration '91 activities, a series of activities and events which are scheduled to occur across the State in 1991 to demonstrate local history and heritage.

Requested by: Senator Plyler

—MOTOR FUELS TAX COLLECTION COSTS

Sec. 31. (a) Section 17 of Chapter 652 of the 1989 Session Laws reads as rewritten:

"Sec. 17. All sums collected on kerosene and motor fuel pursuant to ~~G.S. 119-18 that are not~~ G.S. 119-18, other than funds allotted by the Office of State Budget and Management to administer and enforce the provisions of Chapter 119 and funds retained by the Department of Revenue for the cost of collection of taxes under Subchapter V of Chapter 105 of the General Statutes shall be credited to the Commercial Leaking Petroleum Underground Storage Tank Cleanup Fund and the Noncommercial Leaking Underground Petroleum Storage Tank Cleanup Fund as certified on a monthly basis as follows: one-half (½) shall be credited to the Commercial Fund and one-half (½) shall be credited to the Noncommercial Fund unless the balance in the Commercial Fund exceeds fifteen million dollars (\$15,000,000), and in that event, all such funds shall be credited to the Noncommercial Fund until the balance of the Commercial Fund falls below five million dollars (\$5,000,000), at which time credits to the Commercial Fund shall resume.

Notwithstanding any other provisions of law, any funds collected pursuant to G.S. 119-18 that are currently being credited to the General Fund shall remain in that Fund."

(b) Section 21 of Chapter 652 of the 1989 Session Laws reads as rewritten:

"Sec. 21. Section 5 of this act shall become effective 2 January 1990. ~~Section Sections 17 and 19~~ of this act shall become effective 1 July 1989. Sections 1 through 4, Sections 6 through ~~18, 16,~~ and Sections ~~20-18, 20~~ and 21 of this act are effective upon ratification."

Requested by: Senator Basnight

—GATES COUNTY WASTEWATER SYSTEM FUNDS

Sec. 32. (a) Of the funds appropriated in Section 4 of the Capital Improvement Appropriations Act of 1989 to the Department of Natural Resources and

Community Development for the Division of Coastal Management, \$100,000 is redesignated to the Gates County Board of Education - to bring the High School's wastewater system into compliance with State and federal wastewater regulations.

(b) Section 23 of Chapter 754 of the 1989 Session Laws, the Capital Improvement Appropriations Act of 1989, reads as rewritten:

"Requested by: Representatives Holmes, G. Wilson

—MASONBORO ISLAND AND BUXTON WOODS FUNDS/USE

Sec. 23.—~~Funds appropriated for the purchase of land at Masonboro Island and for the purchase of land at Buxton Woods shall be used only for those purposes that purpose.~~ Notwithstanding any other provision of law, these funds may not be used to purchase any other land or for any other purpose."

Requested by: Representative McLaughlin

—TAX PROCEEDS CREDITED TO HIGHWAY TRUST FUND

Sec. 33. G.S. 105-173 as enacted by Chapter 692 of the 1989 Session Laws reads as rewritten:

"§ 105-173. **Disposition of tax proceeds.**

Taxes collected under this Article at the rate of eight percent (8%) shall be ~~deposited in~~ credited to the General Fund. Taxes collected under this Article at the rate of three percent (3%) shall be ~~deposited in~~ credited to the North Carolina Highway Trust Fund. In each fiscal year the State Treasurer shall transfer the sum of one hundred seventy million dollars (\$170,000,000) of the taxes deposited in the Trust Fund to the General Fund by transferring one-fourth of this amount at the end of each quarter in the fiscal year."

Requested by: Representative H. Hunter

—USE OF FUNDS FOR EASTERN DETOXIFICATION PROGRAMS

Sec. 34. The Department of Human Resources may use up to \$695,000 for the 1989-90 fiscal year from over-realized receipts, Block Grant carry-forward monies, prior year receipts or other funds available to the Department for the established detoxification programs in the Eastern region during the period of study required by the General Assembly to develop an Alcohol Rehabilitation Center Plan.

Requested by: Senator Royall

—EFFECTIVE DATE

Sec. 35. This act shall become effective July 1, 1989.

In the General Assembly read three times and ratified this the 12th day of August, 1989.