

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 1426
Appropriations Committee Substitute Adopted 6/15/90
Third Edition Engrossed 6/18/90

Short Title: Operations Appropriations/1990-91.

(Public)

Sponsors:

Referred to:

May 30, 1990

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE CURRENT OPERATIONS APPROPRIATIONS FOR
NORTH CAROLINA FOR THE 1990-91 FISCAL YEAR AND TO MAKE
OTHER CHANGES IN THE BUDGET OPERATION OF THE STATE.

The General Assembly of North Carolina enacts:

Requested by: Senator Royall

—INTRODUCTION

Section 1. The appropriations made in this act are for maximum amounts necessary to provide the services and accomplish the purposes described in the budget. Savings shall be effected where the total amounts appropriated are not required to perform these services and accomplish these purposes and, except as allowed by the Executive Budget Act, or this act, the savings shall revert to the appropriate fund at the end of each fiscal year.

Requested by: Senator Royall

—TITLE OF ACT

Sec. 2. This act shall be known as "The Current Operations Appropriations Act of 1990."

1 An outline of the provisions of the act follows this section. The outline
 2 shows the heading "—CONTENTS/INDEX—"and it lists by general category the
 3 descriptive captions for the various sections and groups of sections that make up the act.

4 —CONTENTS/INDEX—

5 (This outline is designed for reference only, and the outline and the
 6 corresponding entries throughout the act in no way limit, define, or prescribe the scope
 7 or application of the text of the act.)

8

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30 PART I.—GENERAL FUND APPROPRIATIONS

31 —CURRENT OPERATIONS/STATE GOVERNMENT

32 Sec. 3. Appropriations from the General Fund of the State for the
33 maintenance of the State departments, institutions, and agencies, and for other purposes
34 as enumerated except for aid to certain governmental and nongovernmental units are
35 made for the fiscal year ending June 30, 1991, according to the schedule that follows.
36 The amounts set out in the schedule are in addition to other appropriations from the
37 General Fund for these purposes for the 1990-91 fiscal year. Amounts set out in
38 brackets are reductions from General Fund appropriations for the 1990-91 fiscal year.

40	<u>Current Operations - General Fund</u>	<u>1990-91</u>
----	--	----------------

41		
42	General Assembly	\$
43	(652,119)	
44		

1 Judicial Department
2 (5,
3 284,241)
4
5 Department of the Governor
6 01. Office of the Governor (182,700)
7 02. Office of State Budget
8 and Management(112,620)
9
10 Lieutenant Governor's Office
11 (4
12 0,764)
13
14 Department of Secretary of State
15 (1
16 13,832)
17
18 Department of State Auditor
19 (2
20 43,981)
21
22 Department of State Treasurer
23 (1
24 64,311)
25
26 Department of Public Education
27 (1
28 25,450,763)
29
30 Department of Justice
31 (1,
32 464,747)
33
34 Department of Administration
35 01. Administration (1,215,421)
36 02. State Controller (174,695)
37
38 Department of Agriculture
39 (1,
40 287,933)
41
42 Department of Labor
43 (2
44 76,744)

1
2 Department of Insurance
3 (4
4 14,707)
5
6 Department of Environment, Health, and
7 Natural Resources
8 (1,
9 980,024)
10
11 Office of Administrative Hearings
12 (7
13 5,344)
14
15 Administrative Rules Review Commission
16 (9,
17 224)
18
19 Department of Human Resources
20 01. Alcoholic Rehabilitation Center -
21 Black Mountain (6,622)
22 02. Alcoholic Rehabilitation Center -
23 Butner(45,304)
24 03. Alcoholic Rehabilitation Center -
25 Greenville 19,047
26 04. N.C. Special Care Center (2,801,430)
27 05. Black Mountain Center 357,834
28 06. DHR - Administration and Support
29 Program (878,007)
30 07. Division of Aging (630)
31 08. Schools for the Deaf and Blind(191,384)
32 09. Social Services (1,800,287)
33 10. Medical Assistance (5,714,457)
34 11. Division of Services for the
35 Blind (221,915)
36 12. Division of Mental Health,
37 Developmental Disabilities, and
38 Substance Abuse Services
39 485,305
40 13. Dorothea Dix Hospital (2,084,378)
41 14. Broughton Hospital (1,656,949)
42 15. Cherry Hospital (2,060,511)
43 16. John Umstead Hospital (1,401,269)
44 17. Western Carolina Center (253,371)

1	18.	O'Berry Center	(1,246,897)	
2	19.	Murdoch Center	(628,437)	
3	20.	Caswell Center	(3,828,750)	
4	21.	Division of Facility Services	(42,280)	
5	22.	Division of Vocational		
6		Rehabilitation Services	(930,455)	
7	23.	Division of Youth Services	50,798	
8	Total Department of			
9	Human Resources			
10	(24,880,349)			
11				
12	Department		of	Correction
13				8,
14	512,961			
15				
16	Department of Economic and			
17	Community Development			
18	(627,255)			
19				
20	Department		of	Revenue
21				(1,
22	915,645)			
23				
24	Department		of	Cultural Resources
25				(6
26	78,323)			
27				
28	Department of Crime Control			
29	and		Public	Safety
30				(7
31	71,768)			
32				
33	University of North Carolina - Board			
34	of Governors			
35				
36	01.	General Administration (1,837,118)		
37	02.	University Operations -		
38		Lump Sum	(150,000)	
39	03.	Related Educational Programs (199,248)		
40	04.	University of North Carolina		
41		at Chapel Hill		
42		a. Academic Affairs	(4,191,631)	
43		b. Division of Health		
44		Affairs	(2,630,850)	

- 1 c. Area Health Education
 2 Centers(776,126)
 3 05. North Carolina State University
 4 at Raleigh
 5 a. Academic Affairs (5,068,248)
 6 b. Agricultural Research
 7 Service(1,182,000)
 8 c. Agricultural Extension
 9 Service(922,966)
 10 06. University of North Carolina at
 11 Greensboro (1,807,442)
 12 07. University of North Carolina at
 13 Charlotte (1,846,863)
 14 08. University of North Carolina at
 15 Asheville (498,626)
 16 09. University of North Carolina at
 17 Wilmington (1,057,170)
 18 10. East Carolina University
 19 a. Academic Affairs (2,428,095)
 20 b. Division of Health Affairs (1,232,739)
 21 11. North Carolina Agricultural and
 22 Technical State University (1,147,342)
 23 12. Western Carolina University (1,137,402)
 24 13. Appalachian State University (1,724,988)
 25 14. Pembroke State University (476,647)
 26 15. Winston-Salem State University (492,863)
 27 16. Elizabeth City State
 28 University (435,513)
 29 17. Fayetteville State University (526,273)
 30 18. North Carolina Central
 31 University (894,904)
 32 19. North Carolina School of the
 33 Arts (248,353)
 34 20. North Carolina Science and
 35 Math High School (230,356)
 36 21. North Carolina Memorial
 37 Hospital (1,159,170)
 38 Total University of North
 39 Carolina
 40
 41 4,302,933)
 42

(3)

1 Department of Community Colleges
 2 (2,
 3 908,198)
 4
 5 State Board of Elections
 6 (1
 7 2,917)
 8
 9 Contingency and Emergency
 10 (3
 11 3,750)
 12
 13 Reserve for Salary Adjustments
 14 (1
 15 1,273)
 16
 17 Reserve to Freeze Vacant Positions
 18 (4
 19 0,000,000)
 20
 21 Debt Service
 22 4,
 23 645,800
 24
 25 GRAND TOTAL CURRENT OPERATIONS—
 26 GENERAL FUND
 27 (2
 28 32,127,820)
 29

30 —CURRENT OPERATIONS/STATE AID

31 Sec. 4. Appropriations from the General Fund of the State for aid to certain
 32 governmental and nongovernmental units as enumerated are made for the fiscal year
 33 ending June 30, 1991, according to the schedule that follows. The amounts set out in
 34 the schedule are in addition to other appropriations from the General Fund for these
 35 purposes for the 1990-91 fiscal year. Amounts set out in brackets are reductions from
 36 General Fund appropriations for the 1990-91 fiscal year.

37 <u>General Fund</u>	<u>1990-91</u>
38	
39 Department of Administration	
40 (1	
41 16,749)	
42	

1 Department of Agriculture
 2 of (8,
 3 250)
 4
 5 Department of Environment, Health,
 6 and Natural Resources
 7 859,728
 8
 9 Department of Human Resources
 10 01. Social Services (1,200,000)
 11 02. Social Services - State Aid
 12 to Non-State Agencies 100,000
 13 03. Division of Mental Health,
 14 Developmental Disabilities, and
 15 Substance Abuse Services 1,777,319
 16 04. Division of Medical Assistance 750,000
 17 Total Department of Human Resources
 18 1,
 19 427,319
 20
 21 Department of Correction
 22 of 19
 23 0,000
 24
 25 Department of Economic and Community Development
 26 01. Economic and Community Development (260,000)
 27 02. Microelectronics Center(643,003)
 28 03. Biotechnology Center (248,916)
 29
 30 Department of Cultural Resources
 31 of (5
 32 42,775)
 33
 34 Department of Crime Control and
 35 Public Safety
 36 165,000
 37
 38 University of North Carolina -
 39 Board of Governors
 40 01. Related Educational Programs
 41 (1,214,052)
 42
 43 Grand Total State Aid –
 44 General Fund (391,698)

PART II.—HIGHWAY FUND APPROPRIATIONS

—CURRENT OPERATIONS/HIGHWAY FUND

Sec. 5. Appropriations from the Highway Fund of the State for the maintenance and operation of the Department of Transportation, and for other purposes as enumerated, are made for the fiscal year ending June 30, 1991, according to the schedule that follows. The amounts set out in the schedule are in addition to other appropriations from the Highway Fund for these purposes for the 1990-91 fiscal year. Amounts set out in brackets are reductions from Highway Fund appropriations for the 1990-91 fiscal year.

<u>Current Operations-Highway Fund</u>			<u>1990-91</u>
Department of Transportation			
01.	Administration	2,775,000	
02.	Highways		
a.	State Construction		
(01)	Secondary Construction	(2,790,393)	
(02)	Special Appropriation for		Highways
		(63,371,451)	
b.	Ferry Operations	(373,298)	
03.	Division of Motor Vehicles	3,639,213	
04.	Driver Education Program	28,506,761	
Appropriations for Other State Agencies			
01.	Crime Control and Public Safety	(3,031,035)	
02.	Other Agencies		
a.	Department of Correction	2,883,856	
Reserve	for	Unforeseen	Events
			2,
145,177			
GRAND TOTAL CURRENT OPERATIONS—HIGHWAY			FUND
9,616,170)			(2

—CURRENT OPERATIONS/STATE AID

1 Sec. 6. Appropriations from the Highway Fund of the State to State
 2 departments, institutions, and agencies for aid to certain governmental and
 3 nongovernmental units are made for the fiscal year ending June 30, 1991, according to
 4 the schedule that follows. The amounts set out in the schedule are in addition to other
 5 appropriations from the Highway Fund for these purposes for the 1990-91 fiscal year.
 6 Amounts set out in brackets are reductions from Highway Fund appropriations for the
 7 1990-91 fiscal year.

8 Highway Fund

1990-91

9							
10	State		Aid		to		Municipalities
11							(2,
12	790,393)						
13							
14	Grant	to	Keep	North	Carolina	Beautiful,	Inc.
15							25
16	,000						
17							

18 Grand Total State Aid –
 19 Highway Fund (2,765,393)

20
 21 PART III.—BLOCK GRANT APPROPRIATIONS

22
 23 Requested by: Senators Walker, Martin of Pitt

24 —BLOCK GRANT PROVISIONS

25 Sec. 7. (a) Appropriations from federal block grant funds are made for the
 26 fiscal year ending June 30, 1991, according to the following schedule:

27 JOB TRAINING PARTNERSHIP ACT

- 28 01. Title II A funds to the 27
 29 service delivery areas to train
 30 economically disadvantaged youth
 31 and adults \$ 18,917,881
- 32
- 33 02. Education setaside to State
 34 education agencies for projects
 35 to serve eligible participants 1,940,295
- 36
- 37 03. Incentive grants and technical
 38 assistance funds to service
 39 delivery areas 1,455,222
- 40
- 41 04. Funds for training economically
 42 disadvantaged older workers 727,611
- 43
- 44 05. Funds to the Department of Economic

1	and Community Development		
2	to administer and audit all		
3	activities related to the Job		
4	Training P'ship Act Programs	1,212,685	
5			
6	06. Title II B Summer Youth Employment		
7	and Training funds to service		
8	delivery areas for economically		
9	disadvantaged youth	9,695,044	
10			
11	07. Title III Dislocated workers funds		
12	to the Employment Security		
13	Commission	3,877,627	
14			
15	TOTAL JOB TRAINING PARTNERSHIP ACT		\$
16	37,826,365		
17			
18	COMMUNITY SERVICES BLOCK GRANT		
19			
20	01. Community Action Agencies	\$ 7,899,715	
21			
22	02. Limited Purpose Agencies	438,873	
23			
24	03. Department of Human Resources		
25	to administer and monitor		
26	the activities of the		
27	Community Services Block Grant	438,873	
28			
29	TOTAL COMMUNITY SERVICES BLOCK GRANT		\$
30	8,777,461		
31			
32	COMMUNITY DEVELOPMENT BLOCK GRANT		
33			
34	01. State Administration	\$ 824,680	
35			
36	02. Urgent Needs/Contingency	1,770,466	
37			
38	03. Development Planning/Housing	1,770,466	
39			
40	04. Economic Development	7,081,864	
41			
42	05. Community Revitalization	24,786,524	
43			
44	TOTAL COMMUNITY DEVELOPMENT		

1	BLOCK GRANT		\$
2	36,234,000		
3			
4	EDUCATION CONSOLIDATION AND IMPROVEMENT		
5	BLOCK GRANT		\$
6	11,526,834		
7			
8	PREVENTIVE HEALTH BLOCK GRANT		
9			
10	01. Emergency Medical Services	\$ 455,087	
11			
12	02. Basic Public Health Services	879,362	
13			
14	03. Hypertension Programs	545,234	
15			
16	04. Health Education/Risk Reduction Programs and		
17	Health Promotion/Local Health Departments	936,118	
18			
19	05. Fluoridation of Water Supplies	146,079	
20			
21	06. Rape Prevention and Rape		
22	Crisis Programs	91,010	
23			
24	07. AIDS/HIV Education, Counseling,		
25	and Testing	294,374	
26			
27	08. TB Control Program	57,077	
28			
29	TOTAL PREVENTIVE HEALTH BLOCK GRANT		\$
30	3,404,341		
31			
32	MATERNAL AND CHILD HEALTH SERVICES		
33			
34	01. Healthy Mother/Healthy Children		
35	Block Grants to Local Health		
36	Departments	\$ 11,718,781	
37			
38	02. High Risk Maternity Clinic Services,		
39	Perinatal Education, and Consultation		
40	to Local Health Departments		
41	and Other Health Care Providers	1,467,217	
42			
43	03. Services to Disabled Children	4,132,297	
44			

1	04.	Sudden Infant Death Syndrome	32,633
2			
3	05.	Lead-Based Paint Poisoning	71,200
4			
5	06.	New Special Projects	1,249,653
6			
7	07.	Reimbursements for Local Health	
8		Departments for Contracted	
9		Nutritional Services	120,530
10			
11	TOTAL MATERNAL AND CHILD		
12	HEALTH SERVICES		
13	\$ 18,792,311		
14			
15	SOCIAL SERVICES BLOCK GRANT		
16			
17	01.	County Departments of Social Services	\$ 43,304,967
18			
19	02.	Allocation for In-Home Services provided	
20		by County Departments of	
21		Social Services	1,200,000
22			
23	03.	Division of Mental Health, Developmental	
24		Disabilities, and Substance Abuse	5,881,994
25			
26	04.	Division of Services for the Blind	3,069,228
27			
28	05.	Division of Youth Services	1,051,428
29			
30	06.	Division of Facility Services	263,261
31			
32	07.	Division of Aging	333,706
33			
34	08.	Day Care Services	12,517,760
35			
36	09.	Volunteer Services	53,361
37			
38	10.	State Administration and State Level	
39		Contracts	3,401,714
40			
41	11.	Voluntary Sterilization funds	100,000
42			
43	12.	Transfer to Maternal and Child	
44		Health Block Grant	1,691,909

1			
2	13.	Adult Day Care Services	661,419
3			
4	14.	County Departments of Social Services for	
5		Child Abuse/Prevention and	
6		Permanency Planning	400,000
7			
8	15.	Allocation to Division of Health Services	
9		for Grants in Aid to Prevention	
10		Programs	445,000
11			
12	16.	Transfer to Preventive Health	
13		Block Grant for Emergency Medical Services	
14		and Basic Public Health Services	492,611
15			
16	17.	Allocation to Preventive Health Block	
17		Grant for AIDS Education	294,374
18			
19	18.	Allocation to Department of Administration	
20		for North Carolina Fund for Children	45,270
21			
22	TOTAL SOCIAL SERVICES BLOCK GRANT		\$
23	75,208,002		
24			
25	LOW INCOME ENERGY BLOCK GRANT		
26			
27	01.	Energy Assistance Programs	\$ 18,196,292
28			
29	02.	Crisis Intervention	4,441,897
30			
31	03.	Administration	1,968,611
32			
33	04.	Weatherization Program	1,737,187
34			
35	05.	Indian Affairs	27,222
36			
37	06.	Transfer to Preventive Health Block Grant	
38		for Emergency Medical Services Program	209,116
39			
40	07.	Transfer to Social Services	
41		Block Grant for Adult	
42		Day Care Services	417,648
43			
44	08.	Transfer to Social Services Block	

1	Grant for State Administration		
2	& Contract Service	192,748	
3			
4	09.	Transfer to Maternal and Child Health	
5		Grant for Maternal and Child Health	
6		Block Grant in the Division of	
7		Health Services for Healthy Mothers	
8		and Children	1,696,362
9			
10	10.	Transfer to SSBG for allocation to the	
11		Department of Administration for	
12		the North Carolina Fund for Children	45,270
13			
14		TOTAL LOW INCOME ENERGY BLOCK GRANT	\$
15		28,932,353	
16			
17		ALCOHOL AND DRUG ABUSE AND MENTAL HEALTH	
18		SERVICES BLOCK GRANT	
19			
20	01.	Allocate funds to the four regional	
21		offices on a per capita basis	
22		for mental health services	\$ 1,866,556
23			
24	02.	Provide services for young chronically	
25		mentally ill adults, some of whom	
26		aged out of the Willie M. class	
27		prior to receiving appropriate	
28		services	200,000
29			
30	03.	Programs for the Chronically	
31		Mentally Ill	3,084,847
32			
33	04.	Continuation of child mental health	
34		nonresidential services in	
35		accordance with the Child Mental	
36		Health Plan	279,781
37			
38	05.	Continuation of child mental health	
39		residential services including group	
40		homes, specialized foster care,	
41		therapeutic homes, professional	
42		parenting programs, and respite care,	
43		with an emphasis on children under	
44		the age of 12	341,418

1			
2	06.	Continuation and expansion of community-	
3		based alcohol and drug services	
4		including prevention, early inter-	
5		vention, treatment, rehabilitation,	
6		nonhospital medical detoxification	
7		and training	5,435,884
8			
9	07.	Continuation and expansion of services	
10		to female substance abusers,	
11		including specialized services at	
12		the ADATCS	2,448,946
13			
14	08.	Continuation and expansion of services to	
15		IV drug abusers, including increased	
16		capacity for drug screens and IV	
17		services at the ADATCS	3,477,240
18			
19	09.	Services to adolescents, including	
20		continuation and expansion of services	
21		in accordance with the Youth Substance	
22		Abuse Plan	3,140,864
23			
24	10.	Funding to support the provision of	
25		Treatment Alternatives to Street	
26		Crimes (TASC) programs for adults	
27		and four demonstration projects with	
28		local jails	462,104
29			
30	11.	Continuing of funding for detoxification	
31		services in the Eastern Region	1,048,110
32			
33	12.	Revolving loan pool for residential living	
34		for recovering substance abusers	100,000
35			
36	13.	Administration	1,000,898
37			
38	TOTAL ALCOHOL, DRUG ABUSE AND		
39	MENTAL HEALTH SERVICES		
40	BLOCK GRANT		
41	22,886,648		
42			
43	MENTAL HEALTH SERVICES FOR THE HOMELESS		
44	BLOCK GRANT		

\$

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- 01. Specialized Community Services for the
Chronically Mentally Ill \$ 275,000
- 02. Community-based Services for Chronically
Mentally Ill Youth 75,195

TOTAL MENTAL HEALTH SERVICES FOR THE
HOMELESS BLOCK GRANT \$
350,195

COMMUNITY YOUTH ACTIVITY PROGRAM BLOCK GRANT

- 01. Development of Community-Based Substance
Abuse Prevention Programs
for Youth \$ 83,623
- 02. Evaluation 6,800

TOTAL COMMUNITY YOUTH ACTIVITY PROGRAM
BLOCK GRANT \$
90,423

(b) Decreases in Federal Fund Availability

If federal funds are reduced below the amounts specified above after the effective date of this act, then every program, in each of the federal block grants listed above, shall be reduced by the same percentage as the reduction in federal funds. If federal funds are reduced in the Education Consolidation and Improvement Act Chapter II Block Grant, then the State Board of Education shall determine how reductions are to be made among the various local agencies.

(c) Increases in Federal Fund Availability

Any block grant funds appropriated by the United States Congress in addition to the funds specified in this act shall be expended as follows:

- (1) For the Community Development Block Grant or for the Preventive Health Block Grant - each program category under the Community Development Block Grant or the Preventive Health Block Grant, as applicable, shall be increased by the same percentage as the increase in federal funds.
- (2) For the Maternal and Child Health Services Block Grant - these additional funds shall be allocated to local health departments to assist in the reduction of infant mortality.
- (3) For other block grants - these additional funds may be budgeted by the appropriate department, with the approval of the Office of State Budget and Management, provided the resultant increases are in accordance with federal block grant requirements and are within the

1 scope of the block grant plan approved by the General Assembly. All
2 these budgeted increases shall be reported to the Joint Legislative
3 Commission on Governmental Operations and to the Director of the
4 Fiscal Research Division.

5 This subsection shall not apply to Job Training Partnership Act funds.

6 (d) Education Setaside of JTPA Funds

7 The Department of Economic and Community Development shall certify to
8 the Joint Legislative Commission on Governmental Operations and to the Fiscal
9 Research Division of the Legislative Services Office when Job Training Partnership Act
10 funds have been distributed to each agency, the total amount distributed to each agency,
11 and the total amount of eight percent (8%) Education Setaside funds received.

12
13 PART IV.—DEPARTMENT OF ADMINISTRATION

14
15 Requested by: Senator Martin of Guilford

16 —N.C. COALITION AGAINST DOMESTIC VIOLENCE FUNDS

17 Sec. 8. Section 15 of Chapter 752, Session Laws of 1989, reads as rewritten:

18 "Sec. 15. The funds appropriated to the Department of Administration, Council on
19 the Status of Women, for fiscal years 1989-90 and 1990-91 for domestic violence
20 centers, shall be allocated equally among all of the 61 domestic violence centers in
21 operation on February 1, 1989, that offered services including a hotline, transportation
22 services, community education programs, daytime services, and call forwarding during
23 the night. For the 1989-90 fiscal year, each grant shall be \$15,000. For the 1990-91
24 fiscal year, each grant shall be \$17,500. The North Carolina Coalition Against Domestic
25 Violence, Incorporated, is eligible for a grant of \$10,000 under this section."

26
27 Requested by: Senator Martin of Guilford

28 —REDUCTION IN COUNCIL OF GOVERNMENTS FUNDS

29 Sec. 9. Section 42 of Chapter 500, Session Laws of 1989, reads as rewritten:

30 "Sec. 42. (a) Of the funds appropriated by Section 5 of this act to the
31 Department of Administration, the sum of nine hundred ninety thousand dollars
32 (\$990,000) for the 1989-90 fiscal year and nine hundred ~~ninety thousand~~ sixty thousand
33 three hundred dollars ~~(\$990,000)~~ (\$960,300) for the 1990-91 fiscal year shall only be
34 used as provided by this section. Each regional council of government or lead regional
35 organization is allocated an amount up to fifty-five thousand dollars (\$55,000) ~~each~~
36 fiscal year in the 1989-90 fiscal year and fifty-three thousand three hundred fifty dollars
37 (\$53,350) in the 1990-91 fiscal year, with the actual amount calculated as provided in
38 subsection (b) of this section.

39 (b) The funds shall be allocated as follows: A share of the maximum ~~fifty-five~~
40 ~~thousand dollars~~ (\$55,000) each fiscal year shall be allocated to each county and smaller
41 city based on the most recent annual estimate of the Office of State Budget and
42 Management of the population of that county (less the population of any larger city
43 within that county) or smaller city, divided by the sum of the total population of the
44 region (less the population of larger cities within that region) and the total population of

1 the region living in smaller cities. Those funds shall be paid to the regional council of
2 governments for the region in which that city or county is located upon receipt by the
3 Department of Administration of a resolution of the governing board of the county or
4 city requesting release of the funds. If any city or county does not so request payment
5 of funds by June 30 of a State fiscal year, that share of the allocation for that fiscal year
6 shall revert to the General Fund.

7 (c) A council of governments may use funds appropriated by this section only to
8 assist local governments in grant applications, economic development, community
9 development, support of local industrial development activities, and other activities as
10 deemed appropriate by the member governments.

11 (d) Funds appropriated by this section may not be used for payment of dues or
12 assessments by the member governments, and may not supplant funds appropriated by
13 the member governments.

14 (e) As used in this section 'Larger City' means an incorporated city with a
15 population of 50,000 or over. 'Smaller City' means any other incorporated city."

16
17 PART V.—GENERAL ASSEMBLY

18
19 Requested by: Senator Royall

20 —DEFER CONVENING OF GENERAL ASSEMBLY

21 Sec. 10. G.S. 120-11.1 reads as rewritten:

22 "**§ 120-11.1. Time of meeting.**

23 The regular session of the Senate and House of Representatives shall be held
24 biennially beginning at 12:00 noon on the ~~first~~third Wednesday after the second
25 Monday in January next after their election."

26
27 Requested by: Senator Basnight

28 —ECONOMIC FUTURE COMMISSION

29 Sec. 11. (a) The Economic Future Study Commission is created. The
30 Commission shall:

- 31 (1) Review the State's needs for changes in the revenue and budget
32 structure to meet the needs of the State over the long term;
- 33 (2) Make a comprehensive review of the State and local tax system,
34 particularly in light of future economic trends that may affect revenues
35 generated by existing taxes; and
- 36 (3) Recommend proposals to enhance the State's revenue position, adapt
37 the State tax structure to changes in the economy, avoid placing undue
38 tax burdens on any segment of the population, and preserve the
39 positive impact of the tax structure on the economic future of the State.

40 (b) The Commission shall consist of 30 members to be appointed as follows:

- 41 (1) Two members of the Senate appointed by the President Pro Tempore
42 of the Senate.
- 43 (2) Eight public members appointed by the President Pro Tempore of the
44 Senate.

1 (3) Two members of the House of Representatives appointed by the
2 Speaker of the House of Representatives.

3 (4) Eight public members appointed by the Speaker of the House of
4 Representatives.

5 (5) Two members of the General Assembly appointed by the Governor.

6 (6) Eight public members appointed by the Governor.

7 The President Pro Tempore of the Senate, the Speaker of the House of
8 Representatives, and the Governor shall ensure that the members of the Commission are
9 representative of all North Carolinians, including representatives of business and
10 industry, professionals, educators, ethnic groups, environmental advocates, low-income
11 citizens, and consumers. The three appointing officers shall jointly designate one
12 member to serve as chair of the Commission.

13 (c) Members appointed to the Commission shall serve until the Commission
14 makes its final report. Vacancies on the Commission shall be filled by the same
15 appointing officer who made the original appointments.

16 (d) Upon request of the Commission or its staff, all State departments and
17 agencies and all local government agencies shall furnish to the Commission or its staff
18 any information in their possession or available to them. The Commission, while in the
19 discharge of official duties, may exercise all the powers provided for under the
20 provisions of G.S. 120-19, and G.S. 120-19.1 through G.S. 120-19.4.

21 (e) The Commission shall submit a final report of its findings and
22 recommendations to the 1991 General Assembly on or before February 1, 1991, by
23 filing the report with the Speaker of the House of Representatives and President Pro
24 Tempore of the Senate. The Commission shall terminate upon filing its final report.

25 (f) The Commission shall have its initial meeting on or before September 1,
26 1990. The Commission shall meet upon the call of the chair.

27 (g) The Commission may contract for professional, clerical, or consultant
28 services as provided by G.S. 120-32.02. Upon approval of the Legislative Services
29 Commission, the Legislative Services Officer shall assign professional and clerical staff
30 to assist in the work of the Commission. Clerical staff shall be furnished to the
31 Commission through the offices of House and Senate supervisors of clerks. The
32 expenses of employment of the clerical staff shall be borne by the Commission. The
33 Commission may meet in the Legislative Building or the Legislative Office Building
34 upon the approval of the Legislative Services Commission. Commission members may
35 travel to other states in order to examine other states' revenue and budget structures,
36 upon the approval of the Legislative Services Commission.

37 (h) Members of the Commission shall receive per diem, subsistence, and
38 travel allowances as follows:

39 (1) Commission members who are also General Assembly members, at
40 the rate established in G.S. 120-3.1;

41 (2) Commission members who are officials or employees of the State or
42 local government agencies, at the rate established in G.S. 138-6; and

43 (3) All other Commission members, at the rate established in G.S. 138-5.

44

1 PART VI.—OFFICE OF THE GOVERNOR

2

3 Requested by: Senator Royall

4 —REDUCTION IN CONTINGENCY AND EMERGENCY FUND ALLOCATION

5 Sec. 12. Section 50 of Chapter 752, Session Laws of 1989 reads as rewritten:

6 "Sec. 50. Of the funds appropriated to the Contingency and Emergency Fund in
7 Section 3 of Chapter 500 of the 1989 Session Laws, the Current Operations
8 Appropriations Act of 1989, the sum of \$900,000 for the 1989-90 fiscal year and the
9 sum of \$900,000 for the 1990-91 fiscal year shall be designated for emergency
10 allocations, which are for the purposes outlined in G.S. 143-23(a1)(3), (4), and (5). The
11 sum of \$225,000 for the 1989-90 fiscal year and the sum of ~~\$225,000~~ \$191,250 for the
12 1990-91 fiscal year shall be designated for other allocations from the Contingency and
13 Emergency Fund."

14

15 Requested by: Senator Royall

16 —FUNDING FOR ADDITIONAL AID TO LOCAL GOVERNMENT

17 Sec. 12.1. (a) Of the funds appropriated to the Department of Public
18 Education in Section 3 of this act, the sum of \$18,500,000 shall be used for energy and
19 custodial costs of local school administrative units.

20 (b) The additional expenditures from the General Fund necessitated by not
21 reducing reimbursements to local government by \$11,700,000, and not making the
22 reductions in energy aid to public schools as provided by subsection (a) of this section,
23 shall be funded from additional funds from the General Fund, to the extent that the
24 Director of the Budget, after consultation with the Office of State Budget and
25 Management and the Fiscal Research Division of the Legislative Services Office, finds
26 that General Fund revenues for the 1990-91 fiscal year exceed the General Funds
27 revenues estimated in the budget enacted by the General Assembly for the 1990-91
28 fiscal year. If sufficient funds are not available from that source, there is created in the
29 Office of State Management and Budget a negative General Fund Reserve for the 1990-
30 91 fiscal year in an amount equal to the remaining amount necessary to fund those
31 additional expenditures. That reserve shall be funded by reductions in the General Fund
32 in the discretion of the Director of the Budget, provided that no reductions may be made
33 under this section in the Public School Fund.

34

35 PART VII.—DEPARTMENT OF REVENUE

36

37 Requested by: Senator Royall

38 —SCHOOL CAPITAL FUNDING FROM NONRECURRING FUNDS

39 Sec. 14. (a) It is the intent of the General Assembly that funding for the Public
40 School Building Capital Fund and the Critical School Facility Needs Fund shall not be
41 reduced but shall be appropriated each year from nonrecurring revenue in the same
42 manner as funding for other capital projects. Each year, the Public School Building
43 Capital Fund and the Critical School Facility Needs Fund shall have first priority, ahead
44 of all other capital projects, for appropriations of nonrecurring revenue.

1 (b) G.S. 115C-546.1 reads as rewritten:

2 **"§ 115C-546.1. Creation of Fund; administration.**

3 (a) There is created the Public School Building Capital Fund. The Fund shall be
4 used to assist county governments in meeting their public school building capital needs.

5 (b) ~~Beginning October 1, 1987, and each month thereafter through July 31, 1988,~~
6 ~~the Secretary of Revenue shall deposit with the State Treasurer in the Public School~~
7 ~~Building Capital Fund one seventh (1/7) of the corporate income tax net collections~~
8 ~~received during the previous month by the Department of Revenue under Division I of~~
9 ~~Article 4 of Chapter 105 of the General Statutes. Beginning July 1, 1988, the Secretary~~
10 ~~of Revenue shall, on a quarterly basis, deposit with the State Treasurer in the Public~~
11 ~~School Building Capital Fund an amount equal to two million five hundred thousand~~
12 ~~dollars (\$2,500,000) less than one fourteenth (1/14) of the corporate income tax net~~
13 ~~collections received during the previous quarter by the Department of Revenue under~~
14 ~~Division I of Article 4 of Chapter 105 of the General Statutes. All funds deposited in~~
15 ~~the Public School Building Capital Fund shall be invested as provided in G.S. 147-69.2~~
16 ~~and G.S. 147-69.3.~~

17 (c) The Fund shall be administered by the Office of State Budget and
18 Management."

19 (c) G.S. 115C-489.1(b) reads as rewritten:

20 **"§ 115C-489.1. Creation of fund; administration.**

21 (a) There is created the Critical School Facility Needs Fund.

22 (b) ~~On or before January 15, 1988, the Secretary of Revenue shall estimate the~~
23 ~~amount of additional tax revenue that will be collected during the twelve months ending~~
24 ~~June 30, 1988, as a result of Section 9 of the School Facilities Finance Act of 1987. The~~
25 ~~Secretary shall, prior to February 1, 1988, deposit with the State Treasurer in the~~
26 ~~Critical School Facility Needs Fund, an amount equal to that estimate. These funds~~
27 ~~shall be drawn from individual income tax net collections received by the Department~~
28 ~~of Revenue under Division II of Article 4 of Chapter 105 of the General Statutes.~~

29 ~~The Secretary of Revenue shall, on or before February 1, 1988, deposit with the~~
30 ~~State Treasurer in the Critical School Facility Needs Fund the sum of forty million~~
31 ~~dollars (\$40,000,000). These funds shall be drawn from sales and use tax net~~
32 ~~collections received by the Department of Revenue under Article 5 of Chapter 105 of~~
33 ~~the General Statutes.~~

34 ~~Effective July 1, 1988, the Secretary of Revenue shall, on a quarterly basis, deposit~~
35 ~~with the State Treasurer in the Critical School Facility Needs Fund the sum of two~~
36 ~~million five hundred thousand dollars (\$2,500,000). These funds shall be drawn from~~
37 ~~the corporate income tax collections received by the Department of Revenue under~~
38 ~~Division I of Article 4 of Chapter 105 of the General Statutes.~~

39 All funds deposited in the Critical School Facility Needs Fund shall be invested as
40 provided in G.S. 147-69.2 and G.S. 147-69.3.

41 (c) The Fund shall be administered by the State Board of Education. Monies in
42 the Fund shall be used only for the purposes specified in this Article."

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

44

1 Requested by: Senator Royall

2 ---MAIL ORDER SALES TAX TO GENERAL FUND

3 Sec. 15. Effective June 30, 1990, Section 56 of Chapter 1086 of the 1987
4 Session Laws is repealed. All State sales and use tax proceeds in the State Special
5 Revenue Fund created in Section 56 of Chapter 1086 of the 1987 Session Laws shall be
6 credited to the General Fund. All local sales and use tax proceeds in the Local Special
7 Revenue Fund created in Section 56 of Chapter 1086 of the 1987 Session Laws shall be
8 distributed to local governments in accordance with Articles 39, 40, 41, and 42 of
9 Chapter 105 of the General Statutes and in accordance with Chapter 1096 of the 1967
10 Session Laws.

11
12 PART VIII.—DEPARTMENT OF SECRETARY OF STATE

13
14 Requested by: Senator Martin of Guilford

15 ---REPEAL OF STATEWIDE VOTER FILE

16 Sec. 16. G.S. 163-66.1 is repealed.

17
18 PART IX.—EMPLOYEE SALARIES AND BENEFITS

19
20 Requested by: Senator Royall

21 ---FREEZE VACANT POSITIONS FOR FISCAL YEAR 1990-91

22 Sec. 17. (a) There is created a negative General Fund reserve for fiscal year
23 1990-91 of \$40,000,000 in the Office of State Budget and Management.

24 The Office of State Budget and Management is directed to manage quarterly
25 allotments so as to maximize savings from the General Fund for fiscal year 1990-91 by
26 not filling vacancies (i) in positions that have never been filled or (ii) caused by
27 resignation or retirement, unless the Governor has determined that there is a critical
28 need to fill the vacancies. These actions shall result in savings of at least \$40,000,000
29 from the General Fund for the 1990-91 fiscal year.

30 This section applies to State government, to State-funded positions in the
31 community college system, and to State-funded positions in the public school system,
32 but it does not apply to any teaching position with classroom responsibilities in the
33 public school system, the community college system, and The University of North
34 Carolina system.

35 (b) The Office of State Budget and Management shall make every effort to
36 allocate the freeze equitably based on the vacant position report used by the Senate
37 Appropriations Committee in selecting this reduction and, at the same time, protecting
38 critical vacant positions needed in the State's institutions and prisons.

39
40 PART X.—DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL
41 RESOURCES

42
43 Requested by: Senator Martin of Pitt

44 ---LUMBER RIVER PARK RANGER

1 Sec. 18. Section 155 of Chapter 752 of the 1989 Session Laws reads as
2 rewritten:

3 "Sec. 155. From the funds appropriated ~~in Section 3 of this act~~ to the Department of
4 ~~Natural Resources and Community Development, Environment, Health, and Natural~~
5 ~~Resources, Division of Parks and Recreation for the 1989-90 fiscal year and the 1990-~~
6 91 fiscal year for State Park Staff, the Department shall establish and fund ~~two~~ one Park
7 Ranger ~~positions, position,~~ including support and equipment costs, to be allocated to the
8 Lumber River State Park."
9

10 Requested by: Senator Plyler

11 ~~---~~UNION FIRE PLOW OPERATOR/COUNTY RANGERS

12 Sec. 19. (a) The Department of Environment, Health, and Natural Resources
13 shall continue to station in Union County the fire plow that was purchased with Federal
14 Emergency Management Administration (FEMA) funds. While stationed in Union
15 County, this fire suppression unit shall serve the areas of the Mt. Holly District.

16 (b) The Department of Environment, Health, and Natural Resources shall use
17 available funds, including lapsed salaries and other sources, not to exceed the sum of
18 \$83,298 for the 1990-91 fiscal year for the following positions:

19 (1) The sum of \$41,649 for a County Ranger and Assistant Ranger for
20 Union County, to be matched by the sum of \$27,766 in county funds;
21 and

22 (2) The sum of \$41,649 for a County Ranger and Assistant Ranger for
23 Mecklenburg County, to be matched by the sum of \$27,766 in county
24 funds.

25 (c) The Department of Environment, Health, and Natural Resources shall use
26 available funds, including lapsed salaries and other sources, not to exceed the sum of
27 \$33,523 for the 1990-91 fiscal year for an operator and crew for the fire plow that is
28 stationed in Union County pursuant to subsection (a) of this section.

29 (d) Subsection (c) of this section shall become effective October 1, 1990.
30

31 Requested by: Senator Martin of Pitt

32 ~~---~~USE OF LAPSED SALARIES

33 Sec. 20. (a) The Office of State Budget may authorize the Department of
34 Environment, Health, and Natural Resources to use the sum of \$110,615 in
35 departmental lapsed salaries for the Air Quality Section, Division of Environmental
36 Management, to correct an error in the budgeting of federal receipts for fiscal year
37 1990-91.

38 (b) The Office of State Budget may authorize the Department of Environment,
39 Health, and Natural Resources to use the sum of \$212,178 in departmental lapsed
40 salaries for the Water Quality Section, Division of Environmental Management, to
41 correct an error in the budgeting of federal receipts for fiscal year 1990-91.
42

43 Requested by: Senator Martin of Pitt

44 ~~---~~BUXTON WOODS PURCHASE FUNDS

1 Sec. 21. Funds deposited pursuant to G.S. 20-81.3(c) in the Recreation and
2 Natural Heritage Trust Fund may be used during the 1990-91 fiscal year to match
3 federal funds for the purchase of land at Buxton Woods.

4
5 Requested by: Senator Martin of Pitt
6 —WASTE STREAM ANALYSIS

7 Sec. 22. Section 34 of Chapter 754 of the 1989 Session Laws, as rewritten by
8 Section 28 of Chapter 799 of the 1989 Session Laws, reads as rewritten:

9 "Sec. 34. Of the funds allocated from the Special Reserve for Oil Overcharge Funds
10 to the North Carolina Housing Trust Fund in Section 2 of Chapter 841 of the 1987
11 Session Laws, the sum of \$500,000 shall be reallocated to the Department of ~~Commer~~
12 Economic and Community Development for the 1989-90 fiscal year to be used for a
13 study including a waste stream analysis and the development of a State and local
14 government recycling and waste management plan by the Department of Environment,
15 Health, and Natural Resources. ~~These funds shall be used to conduct 'waste stream'~~
16 ~~research in North Carolina counties.—This research study shall be contracted out by the~~
17 ~~Secretary of the Department of Environment, Health, and Natural Resources on a~~
18 ~~competitive bid basis to an organization or firm that responds successfully to a 'request~~
19 ~~for proposals' (RFP) issued at the direction and approval of the Secretary of the~~
20 ~~Department of Environment, Health, and Natural Resources. The RFP shall be issued~~
21 ~~by the Secretary and awarded no later than December 31, 1989. November 15, 1990.~~
22 ~~The RFP shall contain provisions for quarterly progress reports to be issued by the~~
23 ~~contractor to the Secretary, who shall also make provisions for distributing reports to~~
24 ~~private entities participating in the matching grants provision. Reports to the~~
25 ~~appropriate committees of the General Assembly shall be determined by the President~~
26 ~~Pro Tempore of the Senate and the Speaker of the House of Representatives.~~

27 ~~These funds shall be matched on a one to one basis by private entities by April 30,~~
28 ~~1990. The Secretary shall appoint a special advisory panel, composed of representatives~~
29 ~~from local units of government and organizations participating in the matching grants~~
30 ~~program, to comment on contractors' responses to the RFP. Panel members from local~~
31 ~~units of government shall be appointed so as to ensure that all regions of the State are~~
32 ~~equally represented. The Secretary, however, shall have final responsibility for~~
33 ~~awarding the contract.~~

34 ~~At a minimum, the waste stream analysis research study shall include scientific and~~
35 ~~statistically significant sampling of solid waste material in each of North Carolina's 120~~
36 ~~landfills; or, the study shall contain sufficient statistically reliable data to project, at an~~
37 ~~eighty percent (80%) confidence level, the content and volume of all existing North~~
38 ~~Carolina landfills or other properly permitted solid waste disposal facilities. Based on~~
39 ~~these specific findings, additional written outcomes of this waste stream analysis shall~~
40 ~~be the following:~~

- 41 (1) ~~Recommended solid waste disposal policies, appropriate for regions or~~
42 ~~local units of government, that are considered practicable, as well as~~
43 ~~'state of the art'; that evaluate the financial impact and energy~~
44 ~~avoidance of recycling and alternative methods of solid waste disposal,~~

1 including incineration and waste to energy options; that are consistent
2 with contractor's findings; that contain specific procedures for
3 monitoring market demand for recyclable goods; that identify potential
4 domestic and foreign markets; that propose collection, storage, and
5 transportation strategies, for regions, and for multi-county and single-
6 county collection, recycling, treatment, and disposal; and that identify
7 all relevant operating costs, capital costs, and revenues derived through
8 the sale of recycled waste stream components and energy, related to
9 their implementation;

10 (2) ~~A recommended solid waste management plan, based upon the~~
11 ~~policies recommended in subdivision (1) of this section, for the State~~
12 ~~of North Carolina, or regions therein, including policies the State may~~
13 ~~consider to provide incentives for recycling facilities to locate in North~~
14 ~~Carolina; that suggest future strategies the State might consider to~~
15 ~~ensure that its investments produce measurable reductions in solid~~
16 ~~waste, offer economic alternatives to traditional landfills, and provide~~
17 ~~increased technical assistance to regions, counties, and cities;~~

18 (3) ~~The plan, as recommended, shall contain a year by year determination~~
19 ~~of all relevant operating and capital costs, and propose recommended~~
20 ~~appropriations and/or financing mechanisms needed for the number of~~
21 ~~years required for its full implementation;~~

22 (4) ~~Finally, the plan shall contain a specific evaluation component which~~
23 ~~shall describe criteria for measuring progress and results against the~~
24 ~~plan, and which shall be understood clearly by the general public.~~

25 The Secretary of the Department of Environment, Health, and Natural Resources
26 shall solicit matching funds from non-State entities.

27 The waste stream analysis shall include a representative sample of waste disposal
28 sites that considers such regional and county specific variables as topography,
29 population, agriculture, industry, and economic base. The study shall be designed so
30 that a statewide waste stream can be statistically defined. The analysis shall identify
31 components and quantities of the materials in the State's waste stream and the
32 recyclability of these components.

33 Based on the findings of the waste stream analysis, the study shall develop a State
34 and local government recycling and waste management plan as set forth in G.S. 130A-
35 309.07 and G.S. 130A-309.09. The plan shall also address the following:

36 (1) Strategies for recycling or managing each of the waste streams
37 identified;

38 (2) Development of recycling plans, which may include the marketing of
39 guaranteed waste streams, to meet the State's goal of recycling twenty-
40 five percent (25%) of the State's waste stream by 1993; and

41 (3) Development of county or regional waste stream profiles that shall be
42 used for the development of model recycling plans for cities, towns,
43 counties, and regions of the State.

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

4 ~~The Department of Commerce shall submit comprehensive annual reports to the~~
5 ~~General Assembly by May 5, 1990, and January 31, 1991, which detail the use of all~~
6 ~~funds received in the Stripper Well Litigation that were used or expended by State~~
7 ~~agencies. Any State department or agency that has received oil overcharge funds shall~~
8 ~~provide all information requested by the Department of Commerce for the purpose of~~
9 ~~preparing this report. The Department of Environment, Health, and Natural Resources~~
10 shall provide all information requested by the Department of Economic and Community
11 Development for the report the Department of Economic and Community Development
12 is required to make pursuant to Section 150(c) of Chapter 752 of the 1989 Session
13 Laws. A final report of the waste stream analysis and the State and local government
14 recycling and waste management plan shall be issued by the contractor to the Secretary
15 of the Department of Environment, Health, and Natural Resources and the General
16 Assembly at the convening of the Regular Session 1991, no later than May 1, 1991."

17
18 Requested by: Senator Martin of Pitt

19 —ENVIRONMENTAL HEALTH PROGRAMS

20 Sec. 23. Section 142 of Chapter 752 of the 1989 Session Laws reads as
21 rewritten:

22 "Sec. 142. Of the funds appropriated to the Department of ~~Human Resources,~~
23 ~~Division of Health Services in Section 5 of this act~~ Environment, Health, and Natural
24 Resources, Environmental Health Division, for the 1989-90 fiscal year ~~and for the 1990-~~
25 ~~91 fiscal year~~ the sum of \$300,000 shall be used ~~each fiscal year~~ for the purpose of
26 providing high quality environmental health programs.

27 These funds shall be allocated equally among the 100 counties."
28

29 Requested by: Senator Barker

30 —WILDLIFE COMMISSION FUNDS

31 Sec. 24. (a) The Wildlife Resources Commission may use up to \$235,000 in
32 funds available to the Commission for the 1990-91 fiscal year for construction of a
33 boating access area at Cedar Island in Carteret County.

34 (b) The Wildlife Resources Commission may use up to \$45,000 in funds
35 available to the Commission for the 1990-91 fiscal year for construction of a boating
36 access area at Ocracoke Island in Hyde County.

37 (c) Section 38 of Chapter 754 of the 1989 Session Laws reads as rewritten:

38 "Sec. 38. The Wildlife Resources Commission may use no more than ~~\$250,000~~
39 \$315,000 for the ~~1989-90-1990-91~~ fiscal year to repair the dam at the Lake Rim Fish
40 Hatchery in Cumberland County."

41 (d) Section 31 of Chapter 1100 of the 1987 Session Laws reads as rewritten:

42 "Sec. 31. The Wildlife Resources Commission may use funds available to it for the
43 ~~1988-89-1990-91~~ fiscal year for the construction of a ~~laboratory complex~~ visitor center
44 at Pisgah Forest Fish Hatchery. The cost of the construction shall not exceed one

1 hundred fifty-six thousand dollars (\$156,000). The Wildlife Resources Commission
2 shall report to the Joint Legislative Commission on Governmental Operations on its
3 plans before spending any funds on this project."
4

5 Requested by: Senator Barker

6 ---WILDLIFE COMMITTEE EXPENSES

7 Sec. 25. G.S. 113-335 reads as rewritten:

8 "**§ 113-335. North Carolina Nongame Wildlife Advisory Committee.**

9 The North Carolina Nongame Wildlife Advisory Committee is created subject to
10 constitution, organization, and function as determined appropriate and advisable by
11 resolution of the Wildlife Resources Commission. The Advisory Committee is to be
12 comprised of knowledgeable and representative citizens of North Carolina whose
13 responsibility shall be to advise the Commission on matters related to conservation of
14 nongame wildlife including creation of protected animal lists and development of
15 conservation programs for endangered, threatened, and special concern species.

16 Members of the Advisory Committee shall receive necessary travel and subsistence
17 expenses while on official business of the Committee in accordance with G.S. 138-5
18 and G.S. 138-6, to be paid from the Nongame Account of the Wildlife Resources Fund."
19

20 Requested by: Senator Martin of Pitt

21 ---LIABILITY INSURANCE FOR HEALTH CARE EMPLOYEES

22 Sec. 26. Section 129 of Chapter 752 of the 1989 Session Laws reads as
23 rewritten:

24 "Sec. 129. The Secretary of the Department of Human ~~Resources and Resources,~~
25 the Secretary of the Department of Environment, Health, and Natural Resources, and
26 the Secretary of the Department of Correction may provide medical liability coverage
27 not to exceed \$1,000,000 on behalf of employees of the Departments licensed to
28 practice medicine or dentistry. This coverage may include commercial insurance or
29 self-insurance and shall cover these employees for their acts or omissions only while
30 they are engaged in providing medical and dental services pursuant to their State
31 employment.

32 The coverage provided pursuant to this section shall not require any additional
33 appropriations and shall not apply to any individual providing contractual service to the
34 Department of Human ~~Resources Resources,~~ the Department of Environment, Health,
35 and Natural Resources, or the Department of Correction."
36

37 Requested by: Senator Martin of Pitt

38 ---EPIDEMIOLOGY LINE ITEM TRANSFERS

39 Sec. 27. Of the funds appropriated to the Department of Environment,
40 Health, and Natural Resources, Communicable Disease Control Section, amounts may
41 be transferred from the Immunization Branch pharmaceutical line item for the 1990-91
42 fiscal year as follows: \$188,389 to the Immunization Branch salary and fringe benefits
43 line item; \$37,100 to the Immunization Branch supplies and printing line item; and
44 \$39,891 to the Immunization Branch travel line item.

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Requested by: Senator Martin of Pitt

—STATEWIDE MEDICAL EXAMINER FUNDS

Sec. 28. Section 138 of Chapter 752 of the 1989 Session Laws reads as rewritten:

"Sec. 138. ~~The State Health Director~~ Department of Environment, Health, and Natural Resources may budget for the ~~1989-90-1990-91~~ fiscal year up to ~~\$450,000~~ \$250,000 of excess federal indirect cost receipts to ~~complete, staff, complete and equip~~ the Statewide Medical Examiner System."

Requested by: Senator Martin of Pitt

—NON-MEDICAID REIMBURSEMENT

Sec. 29. Section 105 of Chapter 500 of the 1989 Session Laws reads as rewritten:

"Sec. 105. Providers of medical services under the various State programs other than Medicaid offering medical care to citizens of the State shall be reimbursed at rates no more than those under the North Carolina Medical Assistance Program.

The Department of Human Resources may reimburse hospitals at the full prospective per diem rates without regard to the Medical Assistance Program's annual limits on hospital days. When the Medical Assistance Program's per diem rates for inpatient services and its interim rates for outpatient services are used to reimburse providers in non-Medicaid medical service programs, retroactive adjustments to claims already paid shall not be required.

Maximum net family annual income eligibility standards for services in these programs with the exception of Migrant Health, School Health, AIDS Drug Reimbursement Program, and Home Health shall be as follows:

Family Size	Kidney	Medical Eye Care Adults	Rehabilitation	All Other
1	\$6,400	\$4,860	\$ 8,364	\$4,200
2	8,000	5,940	10,944	5,300
3	9,600	6,204	13,500	6,400
4	11,000	7,284	16,092	7,500
5	12,000	7,824	18,648	7,900
6	12,800	8,220	21,228	8,300
7	13,600	8,772	21,708	8,800
8	14,400	9,312	22,220	9,300

The eligibility level each fiscal year for outpatient services for all clients and for inpatient services for children under the age of five in the Children's Special Health Services Program shall be one hundred percent (100%) of the federal poverty guidelines as revised annually by the United States Department of Health and Human Services, in effect on July 1, of each fiscal year. The eligibility level for children in the Medical Eye Care Program in the Division of Services for the Blind shall be the same as that for children in the Children's Special Health Services Program."

1 Requested by: Senator Martin of Pitt

2 ---REDUCE INFANT MORTALITY

3 Sec. 30. (a) Of the funds appropriated from the General Fund to the
4 Department of Environment, Health, and Natural Resources, Division of Maternal and
5 Child Health, the sum of \$300,000 for the 1990-91 fiscal year shall be used to expand
6 the Rural Obstetrical Care Incentive Program established under Section 39.3 of Chapter
7 1100, 1987 Session Laws, Regular Session 1988. The Rural Obstetrical Care Incentive
8 Program will be used to assist with the cost of malpractice insurance for family
9 physicians, obstetricians, and certified nurse midwives who agree to provide prenatal
10 and obstetrical services in medically underserved areas of the State. Physicians and
11 certified nurse midwives covered under the Rural Obstetrical Care Incentive Program
12 are required to participate in an obstetrical care coverage plan developed by their local
13 health department or community, migrant, or rural health center, and must agree to
14 provide services to pregnant women regardless of their ability to pay for the services.

15 (b) The Department of Environment, Health, and Natural Resources, Division of
16 Maternal and Child Health, shall report to the Joint Legislative Commission on
17 Governmental Operations in December 1990 about the feasibility of setting up a nurse
18 midwifery education program in North Carolina.

19 (c) The Department of Environment, Health, and Natural Resources and the
20 Department of Human Resources shall conduct a needs assessment in each county to
21 determine the availability of prenatal care and necessary supportive services to pregnant
22 women. The assessment shall include the availability of Women, Infants, and Children
23 nutritional supplements, and maternity care coordination. The assessment shall also
24 determine the extent to which the lack of such services impacts on low birthweight and
25 infant mortality in the county. The Departments shall report their findings to the Joint
26 Legislative Commission on Governmental Operations on March 15, 1991.

27

28 Requested by:

29 ---COMMUNICABLE DISEASE CONTROL REDUCTIONS

30 Sec. 30.1. The funds reduced in the Communicable Disease Control Section,
31 Department of Environment, Health, and Natural Resources, shall be applied as follows:

- 32 (1) Reduce hospital infection control
33 contract with UNC Medical School; (27,616)
- 34 (2) Reduce funds used to provide State
35 required vaccines to health
36 departments. (109,232)

37

38 PART XI.—DEPARTMENT OF ECONOMIC AND COMMUNITY
39 DEVELOPMENT

40

41 Requested by: Senator Martin of Pitt.

42 ---ECONOMIC DEVELOPMENT PUBLICATIONS

43 Sec. 31. G.S. 143B-435 reads as rewritten:

44 "§ 143B-435. Publications.

1 The Department of Economic and Community Development may also cause to be
2 prepared for publication, from time to time, reports and statements, with illustrations,
3 maps and other descriptions, which may adequately set forth the natural and material
4 resources of the State and its industrial and commercial developments, with a view to
5 furnishing information to educate the people with reference to the material advantages
6 of the State, to encourage and foster existing industries, and to present inducements for
7 investment in new enterprises. Such information shall be published and distributed as
8 the Department of Economic and Community Development may ~~direct, at the expense~~
9 ~~of the State as other public documents.~~ direct. The costs of publishing and distributing
10 such information shall be paid from:

11 (1) State funds as other public documents; or

12 (2) Private funds received:

13 a. As donations, or

14 b. From the sale of appropriate advertising in such published
15 information."

16
17 Requested by: Senator Martin of Pitt

18 ---NORTH CAROLINA MANUFACTURING DIRECTORY PROCEEDS

19 Sec. 32. (a) All the proceeds from the sales of the North Carolina
20 Manufacturing Directory collected by the Department of Economic and Community
21 Development in excess of the cost of publishing the Directory shall be allocated as
22 follows:

23 (1) The sum of \$50,000 shall be deposited in the General Fund for the
24 1990-91 fiscal year; and

25 (2) The remaining funds shall be retained by the Department for the 1990-
26 91 fiscal year for advertising for industrial recruitment.

27 (b) Beginning October 1, 1990, the Department shall submit quarterly reports to
28 the Chairmen of the Senate and House Appropriations Committees and to the Director
29 of the Fiscal Research Division. These reports shall include the amount of proceeds
30 collected from the sales of the Directory and the amount spent on advertising pursuant
31 to the provisions of this section.

32
33 Requested by: Senator Martin of Pitt

34 ---WORKER TRAINING TRUST FUND

35 Sec. 33. (a) Section 149 of Chapter 752 of the 1989 Session Laws reads as
36 rewritten:

37 "Sec. 149. (a) There is appropriated from the Worker Training Trust Fund to the
38 Employment Security Commission of North Carolina the sum of \$1,200,000 for the
39 1989-90 fiscal year ~~and the sum of \$1,200,000 for the 1990-91 fiscal year~~ for a Worker
40 Readjustment Program to provide a statewide program of rapid response to plant
41 closings. Funds appropriated by this section for the 1989-90 fiscal year but not spent or
42 encumbered by June 30, 1990, shall be reallocated to the North Carolina Department of
43 Economic and Community Development for the 1990-91 fiscal year for a State job

1 training program to be administered through the Job Training Partnership Act system
2 and aimed at the unemployed and the working poor.

3 (b) The Employment Security Commission shall report quarterly to the Joint
4 Legislative Commission on Governmental ~~Operations by the first of each month prior to~~
5 ~~the expenditure of any funds appropriated by this section.~~ Operations. The report
6 required by this subsection may be included in any other report that the Employment
7 Security Commission is required to make to the Joint Legislative Commission on
8 Governmental Operations.

9 (c) The Employment Security Commission shall use supplemental federal funds
10 or other additional funds received by the Employment Security Commission for similar
11 purposes before expending funds appropriated by this section."

12 (b) Section 111 of Chapter 500 of the 1989 Session Laws reads as rewritten:

13 "Sec. 111. (a) There is appropriated from the Worker Training Trust Fund to the
14 Employment Security Commission of North Carolina the sum of four million five
15 hundred thirty-seven thousand seven hundred eight dollars (\$4,537,708) for the 1989-90
16 fiscal year and the sum of ~~four million five hundred thirty seven thousand seven~~
17 ~~hundred eight dollars (\$4,537,708)~~ \$5,000,000 for the 1990-91 fiscal year for the
18 operation of local offices at the 1986-87 level of service.

19 (b) Notwithstanding G.S. 96-5(c), there is appropriated from the Special
20 Employment Security Administration Fund to the Employment Security Commission of
21 North Carolina, the sum of one million dollars (\$1,000,000) for the 1989-90 fiscal year
22 and the sum of ~~one million dollars (\$1,000,000)~~ \$2,000,000 for the 1990-91 fiscal year
23 for administration of the Veterans Employment Program, Employment Services
24 Program, and Unemployment Insurance Program.

25 (c) Beginning October 1, 1989, the Employment Security Commission shall
26 report to the Appropriations Committee on Natural and Economic Resources and the
27 Joint Legislative Commission on Governmental Operations ~~by the first of each month,~~
28 ~~prior to the expenditure of any funds appropriated by this section.~~ on a quarterly basis.
29 Supplemental federal funds or other additional funds received by the Employment
30 Security Commission for similar purposes shall be expended prior to the expenditure of
31 funds appropriated by this section."

32 (c) Notwithstanding the provisions of G.S. 96-5(f), there is appropriated from
33 the Worker Training Trust Fund to the following agencies the following sums for the
34 1990-91 fiscal year for the following purposes:

35 (1) The sum of \$2,000,000, less the sum reallocated in subsection
36 (a) of this section, to the North Carolina Department of
37 Economic and Community Development for a State job training
38 program to be administered through the Job Training
39 Partnership Act system aimed at the unemployed and the
40 working poor.

41 (2) The sum of \$250,000 to the North Carolina Department of
42 Public Education for local implementation grants to establish
43 five new Tech Prep programs in the public schools. These
44 grants shall be provided to local school units that have a plan

1 meeting the standards of the State Board of Education and the
2 State Board of Community Colleges.

3 (3) The sum of \$500,000 to the North Carolina Department of
4 Labor for customized training of the hard-core unemployed for
5 specific jobs needed by employers through the Department's
6 Pre-Apprenticeship Division.

7 (4) The sum of \$2,000,000 to the North Carolina Department of
8 Human Resources to assist welfare recipients in gaining
9 employment through the federally funded Job Opportunities and
10 Basic Skills program in such a way as to gain the maximum
11 match of federal funds for the State dollars appropriated.

12 (d) Notwithstanding the provisions of G.S. 96-5(f), there is appropriated from the
13 Worker Training Trust Fund to the Employment Security Commission for the 1990-91
14 fiscal year the sum of \$1,459,673 for operation of local offices.

15 (e) Subsection (d) of this section shall become effective October 1, 1990.

16
17 Requested by: Senator Martin of Pitt

18 ---RURAL ECONOMIC DEVELOPMENT CENTER

19 Sec. 34. Section 110 of Chapter 500 of the 1989 Session Laws, as amended
20 by Section 64 of Chapter 770 of the 1989 Session Laws, reads as rewritten:

21 "Sec. 110. (a) Of the funds appropriated to the Department of ~~Commerce in~~
22 ~~Section 5 of this act, Economic and Community Development,~~ the sum of two million
23 dollars (\$2,000,000) for fiscal year 1989-90 and the sum of ~~two million dollars~~
24 ~~(\$2,000,000) one million nine hundred forty thousand dollars (\$1,940,000)~~ for fiscal
25 year 1990-91 shall be used for a grant-in-aid to the Rural Economic Development
26 Center, Inc., for the administrative costs of the Center and for its pilot projects and
27 research. No more than five hundred thousand dollars (\$500,000) of the funds
28 appropriated for each fiscal year may be used for the administrative costs of the Rural
29 Economic Development Center, Inc.

30 (b) Beginning October 1, 1989, the Rural Economic Development Center, Inc.,
31 shall provide quarterly reports on the Center's pilot projects and research program to the
32 Chairmen of the House Appropriations Committees on Natural and Economic
33 Resources, the Chairman of the Senate Appropriations Committee on Natural and
34 Economic Resources, The Joint Legislative Commission on Governmental Operations,
35 and the Fiscal Research Division not less than 48 hours prior to the beginning of the
36 Commission's full meeting. These reports shall include information of the activities and
37 accomplishments during the past fiscal year, itemized expenditures during the past fiscal
38 year, sources of funding for the past and prospective fiscal years, and planned activities
39 and planned expenditures for at least the next fiscal year.

40 (c) The Rural Economic Development Center, Inc., shall provide a report
41 containing detailed budget, personnel, and salary information to the Office of State
42 Budget and Management in the same manner as State departments and agencies in
43 preparation for biennium budget requests."
44

1 Requested by: Senator Martin of Pitt
 2 ---CELEBRATION FOUNDATION, INC.

3 Sec. 35. Section 30 of Chapter 799 of the 1989 Session Laws reads as
 4 rewritten:

5 "Sec. 30. The Department of ~~Commerce~~-Economic and Community Development
 6 may continue for the 1989-91 biennium the development and implementation of North
 7 Carolina Celebration '91 activities, 1991 Foundation, Inc. activities, a series of activities
 8 and events which are scheduled to occur across the State in 1991 to demonstrate local
 9 history and ~~heritage~~-heritage, promote travel to the State, and establish a permanent
 10 privately funded foundation for programs to address persistent issues in our State
 11 including adult illiteracy, infant mortality, environmental awareness, housing, and
 12 others."

13

14 Requested by: Senator Johnson of Wake
 15 ---HOUSING PARTNERSHIP

16 Sec. 36. G.S. 122E-4(b) reads as rewritten:

17 "(b) The Partnership shall consist of ~~13~~-18 members as follows:

- 18 (1) The Executive Director of the North Carolina Housing Finance
 19 Agency shall serve ex officio;
 20 (2) The Secretary of the Department of Economic and Community
 21 Development or his designee shall serve ex officio;
 22 (3) The State Treasurer or his designee shall serve ex officio;
 23 (4) In accordance with G.S. 120-121, five members shall be appointed by
 24 the General Assembly upon the recommendation of the President of
 25 the Senate, provided that one member shall be a representative of the
 26 homebuilding industry, one member shall be a low income housing
 27 advocate, and one member shall be a representative of the League of
 28 Municipalities;
 29 (5) In accordance with G.S. 120-121, five members shall be appointed by
 30 the General Assembly upon the recommendation of the Speaker of the
 31 House of Representatives, provided that one member shall be a
 32 representative of the real estate lending industry; one member shall be
 33 a representative of a non-profit housing development corporation; and
 34 one member shall be a resident of low income ~~housing~~-housing;
 35 (6) In accordance with G.S. 120-121, five members shall be appointed by
 36 the General Assembly upon the recommendation of the president pro
 37 tempore of the Senate, provided that one member shall be a
 38 representative of the manufactured housing industry, one member shall
 39 be a representative of the County Commissioners, and one member
 40 shall be an expert in subsidized housing development.

41 The members of the Partnership shall elect one of their members to serve as
 42 Chairman for a term of one year. ~~Seven~~-Ten members of the Partnership shall
 43 constitute a quorum. All members shall have the right to vote on all issues before the
 44 Partnership."

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PART XII.—DEPARTMENT OF HUMAN RESOURCES

Requested by: Senator Walker

—MEDICAID PROGRAM FUNDS/ADMINISTRATIVE ACTIVITIES

Sec. 37. The Department of Human Resources may use Medicaid funds budgeted from program services to support the cost of administrative activities to the extent that these administrative activities produce a net savings in services requirements. Administrative initiatives funded by this section shall be first approved by the Office of State Budget and Management.

Requested by: Senator Walker

—EMERGENCY ASSISTANCE FUNDS

Sec. 38. The Secretary of the Department of Human Resources may use funds available within the Department for the 1990-91 fiscal year to fund the Emergency Assistance Program to a level not to exceed a total of \$1,384,117 of State funds. Within this limit, Emergency Assistance benefits shall not exceed \$300.00 per year, per family, payable over a 30-day period. After this 30-day period, Emergency Assistance benefits are not available to the same family until 12 months have elapsed from the date of the initial authorization date. The family may have no more than a total of \$300.00 in liquid assets in order to qualify for any Emergency Assistance pursuant to this section.

It is the intent of the General Assembly that these Emergency Assistance funds shall be used only to provide assistance to persons to alleviate an emergency. In evaluating whether an emergency exists, the county departments of social services shall apply prudent judgment to evaluate each emergency on its own merits. Prudent judgment permits departments of social services to consider whether the client created the emergency and whether the assistance will resolve the emergency.

Requested by: Senator Walker

—DHR PROGRAMS FUNDS

Sec. 39. Notwithstanding the provisions of G.S. 143-23, the Secretary of the Department of Human Resources, with the approval of the Office of State Budget and Management, may use, to the extent possible, any funds appropriated or otherwise available to the Department in the 1990-91 fiscal year, for the following needs, pursuant to the Governor's recommended changes to the 1990-91 State Budget:

- (1) Aid to Families with Dependent Children Caseload Increase/FFP Reduction;
- (2) Job Opportunities and Basic Skills Training Program (JOBS);
- (3) Foster Care Caseload increase; and
- (4) State/County Special Assistance for Adults Program (Rest Homes.)

Requested by: Senator Walker

—MEDICAID SERVICES COVERAGE CHANGE

1 Sec. 40. (a) Section 70(a) of Chapter 500 of the 1989 Session Laws, as
2 amended by Section 139(a) of Chapter 752 of the 1989 Session Laws, reads as
3 rewritten:

4 "(a) Appropriations in Section 3 of this act for services provided in accordance
5 with Title XIX of the Social Security Act (Medicaid) are for both the categorically
6 needy and the medically needy. Funds appropriated for these services shall be
7 expended in accordance with the following schedule of services and payment bases. All
8 services and payments are subject to the language at the end of this subsection.

9
10 Services and payment bases:

- 11 (1) Hospital-Inpatient - Payment for hospital inpatient services will be
12 based on a prospective rate reimbursement plan as established by the
13 Department of Human Resources. Administrative days for any period
14 of hospitalization shall be limited to a maximum of three days.
- 15 (2) Hospital-Outpatient - Eighty percent (80%) of allowable costs or a
16 prospective reimbursement plan as established by the Department of
17 Human Resources.
- 18 (3) Mental Hospitals - Allowable costs or a prospective reimbursement if
19 approved by the Director of the Budget.
- 20 (4) Skilled Nursing Facilities and Intermediate Care Facilities - As Prior
21 to October 1, 1990, as prescribed under the State Plan for reimbursing
22 Long-Term Care Facilities. Skilled nursing facility participation in the
23 Medicare program is a condition of participation in the North Carolina
24 Medicaid skilled nursing facility program. Effective October 1, 1990,
25 skilled nursing facilities and intermediate care facilities, except those
26 intermediate care facilities for the mentally retarded, will be
27 designated for Medicaid purposes as nursing facilities. Nursing
28 facilities will be reimbursed as prescribed under the State Plan for
29 reimbursing Long-Term Care Facilities. Nursing facilities providing
30 services to Medicaid recipients who also qualify for Medicare, must be
31 enrolled in the Medicare program as a condition of participation in the
32 Medicaid program, subject to phase-in certification for those nursing
33 facilities not already enrolled in Medicare.
- 34 (5) Intermediate Care Facilities for the Mentally Retarded - As prescribed
35 under the State Plan for reimbursing intermediate care facilities for the
36 mentally retarded.
- 37 (6) Drugs - Drug costs as allowed by federal regulations plus four dollars
38 twenty-four cents (\$4.24) professional services fee per month
39 excluding refills for the same drug or generic equivalent during the
40 same month. Reimbursement shall be available for up to six
41 prescriptions per recipient, per month, including refills. Payments for
42 drugs are subject to the provisions of subsection (g) of this section and
43 to the provisions at the end of subsection (a) of this section, or in

- 1 accordance with a plan adopted by the Department of Human
2 Resources consistent with federal reimbursement regulations.
- 3 (7) Physicians, Chiropractors, Podiatrists, Optometrists, Dentists, Certified
4 Nurse Midwife Services - Fee schedules as developed by the
5 Department of Human Resources. Payments for dental services are
6 subject to the provisions of subsection (f) of this section.
- 7 (8) Community Alternative Program, EPSDT Screens - Payment to be
8 made in accordance with a rate schedule developed by the Department
9 of Human Resources.
- 10 (9) Home Health, Private Duty Nursing, Clinic Services, ~~Mental Health~~
11 ~~Clinics~~, Prepaid Health Plans - Payment to be made according to
12 reimbursement plans developed by the Department of Human
13 Resources.
- 14 (10) Medicare Buy-In - Social Security Administration premium.
- 15 (11) Ambulance Services - Uniform fee schedules as developed by the
16 Department of Human Resources.
- 17 (12) Hearing Aids - Actual cost plus a dispensing fee.
- 18 (13) Rural Health Clinic Services - Provider based - reasonable cost;
19 nonprovider based - single cost reimbursement rate per clinic visit.
- 20 (14) Family Planning - Negotiated rate for local health departments. For
21 other providers - see specific services, for instance, hospitals,
22 physicians.
- 23 (15) Independent Laboratory and X-Ray Services - Uniform fee schedules
24 as developed by the Department of Human Resources.
- 25 (16) Optical Supplies - One hundred percent (100%) of reasonable
26 wholesale cost of materials.
- 27 (17) Ambulatory Surgical Centers - Negotiated rates, established by the
28 Department of Human Resources.
- 29 (18) Medicare Crossover Claims - Actual coinsurance or deductible or
30 both.
- 31 (19) Physical Therapy and Speech Therapy - Services limited to EPSDT
32 eligible children. Payments are to be made only to the Children's
33 Special Health Services program at rates negotiated by the Department
34 of Human Resources.
- 35 (20) Personal Care Services - Payment in accordance with plan approved
36 by the Department of Human Resources.
- 37 (21) Case Management Services - Reimbursement in accordance with the
38 availability of funds to be transferred within the Department of Human
39 Resources.
- 40 (22) Hospice - Services may be provided in accordance with plan
41 developed by the Department of Human Resources.
- 42 (23) Mental Health Services - Coverage is limited to agencies meeting the
43 requirements of the rules established by the Commission for Mental
44 Health, Developmental Disabilities, and Substance Abuse Services and

1 reimbursement is made according with a plan developed by the
2 Department of Human Resources not to exceed the upper limits
3 established in federal regulations.

4 (24) Medically Necessary Prosthetics/Orthotics for EPSDT Eligible
5 Children - Reimbursement in accordance with plan approved by the
6 Department of Human Resources.

7 Reimbursement is available for up to 24 visits per recipient per year to any one or
8 combination of the following: physicians, clinics, hospital outpatient, optometrists,
9 chiropractors, and podiatrists. Prenatal services, ~~EPSDT screens,~~ all EPSDT eligible
10 children, and emergency rooms are exempt from the visit limitations contained in this
11 paragraph. Exceptions may be authorized by the Department of Human Resources
12 where the life of the patient would be threatened without such additional care. Any
13 person who is determined by the Department to be exempt from the 24-visit limitation
14 may also be exempt from the six-prescription limitation."

15 (b) This section does not repeal Section 139(b) of Chapter 752, Session Laws of
16 1989, which may become effective as provided therein.

17
18 Requested by: Senator Walker

19 ---INFANT MORTALITY REDUCTION

20 Sec. 41. (a) The Division of Medical Assistance shall develop a statewide
21 plan to inform Medicaid recipients about the availability of transportation, to determine
22 the extent to which each local department of social services provides Medicaid
23 transportation when requested, and to ensure that each local department provides
24 Medicaid transportation. In gathering this information and designing the plan, the
25 Division shall consult with other public and private agencies that work with Medicaid
26 patients who need transportation services.

27 (b) The Department of Human Resources shall establish a Food Stamp Outreach
28 Program. Under the Program, the Department shall inform public and private agencies,
29 community groups, potentially-eligible persons, and the general public regarding the
30 eligibility requirements of the Food Stamp Program. The Department shall develop a
31 referral list of public and private agencies, community groups, and interested persons
32 and organizations who serve low-income persons. The Department shall inform these
33 agencies and persons regarding the Food Stamp Program and changes in the law that
34 affect client eligibility or the extent of benefits. The Department shall develop and
35 distribute informational materials, such as public service announcements, brochures,
36 pamphlets, posters, and correspondence.

37
38 Requested by: Senator Walker

39 ---REVISED MEDICAID COVERAGE FOR PREGNANT WOMEN AND
40 CHILDREN

41 Sec. 42. Section 70(m) of Chapter 500 of the 1989 Session Laws, as
42 rewritten by Section 133 of Chapter 752 of the 1989 Session laws, reads as rewritten:

43 "(m) The Department of Human Resources shall provide Medicaid coverage to
44 pregnant women, to infants, and to children according to the following schedule:

- 1 (1) ~~Effective July 1, 1989, through December 31, 1989, pregnant women~~
2 ~~with family incomes equal to or less than the federal poverty~~
3 ~~guidelines as revised annually shall be covered for Medicaid benefits;~~
4 (2~~1~~) ~~Effective January 1, 1990, to September 30, 1990, pregnant women~~
5 ~~with incomes equal to or less than one hundred fifty percent (150%) of~~
6 ~~the federal poverty guidelines as revised annually each July 1 shall be~~
7 ~~covered for Medicaid benefits;~~
8 (2) Effective October 1, 1990, pregnant women with incomes equal to or
9 less than one hundred eighty-five percent (185%) of the federal
10 poverty guidelines as revised each July 1 shall be covered for
11 Medicaid benefits.
12 (3) ~~Effective July 1, 1989, through December 31, 1989, infants under the~~
13 ~~age of one with family incomes equal to or less than the federal~~
14 ~~poverty guidelines as revised annually shall be covered for Medicaid~~
15 ~~benefits;~~
16 (4~~3~~) ~~Effective January 1, 1990, to September 30, 1990, infants under the~~
17 ~~age of one with family incomes equal to or less than one hundred fifty~~
18 ~~percent (150%) of the federal poverty guidelines as revised annually~~
19 ~~each July 1 shall be covered for Medicaid benefits;~~
20 (4) Effective October 1, 1990, infants under the age of 1 with family
21 incomes equal to or less than one hundred eighty-five percent (185%)
22 of the federal poverty guidelines as revised each July 1, shall be
23 covered for Medicaid benefits.
24 (5) Effective October 1, 1989, through September 30, 1990, children aged
25 1 through 5 with family incomes equal to or less than the federal
26 poverty guidelines as revised each July 1 shall be covered for
27 Medicaid benefits;
28 (6) Effective October 1, 1990, children aged 1 through 5 with family
29 incomes equal to or less than one hundred thirty-three percent (133%)
30 of the federal poverty guidelines as revised each July 1 shall be
31 covered for Medicaid benefits.
32 (7) Effective October 1, 1990, children aged 6 and 7 with family incomes
33 equal to or less than the federal poverty guidelines as revised each July
34 1 shall be covered for Medicaid benefits;
35 (5) ~~Effective July 1, 1989, through September 30, 1989, children under the~~
36 ~~age of three with family incomes equal to or less than the federal~~
37 ~~poverty guidelines as revised annually shall be covered for Medicaid~~
38 ~~benefits; and~~
39 (6) ~~Effective October 1, 1989, children under the age of six with family~~
40 ~~incomes equal to or less than the federal poverty guidelines as revised~~
41 ~~annually shall be covered for Medicaid benefits.~~
42 (7) ~~Effective October 1, 1990, children under the age of seven with family~~
43 ~~incomes equal to or less than the federal poverty guidelines as revised~~
44 ~~annually shall be covered for Medicaid benefits.~~

1 Services to pregnant women eligible under this section continue throughout the
2 pregnancy but include only those related to pregnancy and to those other conditions
3 determined by the Department as conditions that may complicate pregnancy. In order to
4 reduce county administrative costs and to expedite the provision of medical services to
5 pregnant women, to infants, and to children eligible under this section, no resources test
6 shall be applied."

7
8 Requested by: Senators Royall and Walker

9 ---USE OF OVERREALIZED RECEIPTS FOR PIONEER PROJECT

10 Sec. 43. Notwithstanding the provisions of G.S. 143-23, the Secretary of the
11 Department of Human Resources, with the approval of the Office of State Budget and
12 Management, may use overrealized receipts and other sources of funds during the 1990-
13 91 fiscal year to continue the statewide implementation of the Pioneer Funding Project.

14
15 Requested by: Senator Walker

16 ---WILLIE M. REPORTING CHANGE

17 Sec. 44. Section 82(e) of Chapter 500 of the 1989 Session Laws reads as
18 rewritten:

19 "(e) Reporting Requirements. The Department of Human Resources and the
20 Department of Public Education shall submit, by May 1, ~~1990~~, 1991, a joint report to
21 the Governor and the General Assembly on the progress achieved in serving members
22 of the Willie M. Class. The report shall include the following unduplicated data for
23 each county: (i) the number of children nominated for the Willie M. Class; (ii) the
24 number of children actually identified as members of the Class in each county; (iii) the
25 number of children served as members of the Class in each county; (iv) the number of
26 children who remain unserved; (v) the types and locations of treatment and
27 education services provided to Class members; (vi) the cost of services, by type, to
28 members of the Class; (vii) information on the impact of treatment and education
29 services on members of the Class."

30
31 Requested by: Senator Walker

32 ---EASTERN REGIONAL DETOXIFICATION FUNDS CHANGE

33 Sec. 45. Section 124 of Chapter 752 of the 1989 Session Laws reads as
34 rewritten:

35 "Sec. 124. Funds appropriated to the Department of Human Resources, Division of
36 Mental Health, ~~Mental Retardation, Developmental Disabilities,~~ and Substance Abuse
37 Services, ~~for the 1989-90 fiscal year and for the 1990-91 fiscal year~~ for Eastern
38 Regional Detoxification Services shall be allocated to the Division's Eastern Regional
39 Office and distributed to area mental health, mental retardation, and substance abuse
40 authorities ~~as determined by the regional management team.~~"

41
42 Requested by: Senator Walker

43 ---CHRONICALLY MENTALLY ILL FUNDS ALLOCATION

1 Sec. 46. Funds appropriated to the Department of Human Resources,
2 Division of Mental Health, Developmental Disabilities, and Substance Abuse Services,
3 for the 1990-91 fiscal year for the chronically mentally ill shall be allocated to the
4 Department's regions on a per capita basis and distributed by the regional offices to the
5 area mental health, mental retardation, and substance abuse authorities.

6
7 Requested by: Senator Walker

8 ---ADAP TRANSPORTATION REIMBURSEMENT

9 Sec. 47. Section 84 of Chapter 500 of the 1989 Session Laws reads as
10 rewritten:

11 "Sec. 84. (a) Reimbursement of Adult Developmental Activity Programs for
12 transportation of clients shall be based on a cost per client basis. ~~The minimum amount~~
13 ~~that a program may be reimbursed for transportation cost shall be eleven dollars~~
14 ~~(\$11.00) per client per month. The maximum amount that a program may be~~
15 ~~reimbursed for transportation cost shall be twenty-seven dollars (\$27.00) per client per~~
16 ~~month. There shall be different levels of reimbursement based on documented cost~~
17 ~~levels.~~

18 (b) In reimbursing Adult Developmental Activity Programs, the Department shall
19 base the reimbursement on the distribution by cost range developed by the Division of
20 Mental Health, ~~Mental Retardation, Developmental Disabilities,~~ and Substance Abuse
21 Services, in accordance with its most recently conducted survey cost study."

22
23 Requested by: Senators Daniel and Bryan

24 ---REST HOME AIDE TRAINING RULE SUSPENSION

25 Sec. 47.1. The Social Services Commission rules regarding the requirements
26 for rest home aide training are suspended until June 1, 1991. The Legislative Research
27 Commission Study Committee on Care Provided by Rest Homes, Intermediate Care
28 Facilities, and Skilled Nursing Homes; and Necessity for Certificate of Need; and
29 Continuing Care Issues shall consider the entire issue of requirements for rest home aide
30 training and State reimbursements to rest homes in its study and shall make
31 recommendations on this issue as part of its report to the Legislative Research
32 Commission for transmittal to the 1991 General Assembly. The Social Services
33 Commission shall, in its deliberations prior to the reinstatement of these suspended
34 rules, consider the recommendations made by the Study Committee.

35
36 Requested by: Senator Walker

37 ---SPECIALIZED RESIDENTIAL CENTERS' BED CONVERSIONS

38 Sec. 48. Section 125 of Chapter 752 of the 1989 Session Laws reads as
39 rewritten:

40 "Sec. 125. Funds made available as a result of the conversion of State supported
41 beds in specialized residential centers to ICF/MR beds shall be used to increase the
42 State subsidy provided to centers. Funds made available to centers by this section shall
43 be used, as they become available, to increase the subsidy rate to sixty-five percent

1 (65%) of the statewide ~~1988-89~~ average cost of providing this service based on the
2 most recent Specialized Community Residential Cost Study.

3 Funds made available in addition to those needed to increase the subsidy rate shall
4 be transferred to the Division of Medical Assistance to be used as State match for the
5 converted ICF/MR beds."
6

7 Requested by: Senator Walker

8 ---DHR PLANNING FUNDS

9 Sec. 49. The Department of Human Resources may use funds that become
10 available to it through gifts, federal or private grants, receipts from federal programs, or
11 any other source, including lapsed salaries, in the 1990-91 fiscal year, for advance
12 planning through the working drawings phase for a psychiatric facility at John Umstead
13 Hospital.
14

15 Requested by: Senator Royall

16 ---AUTISM SOCIETY FUNDS

17 Sec. 50. Of the funds appropriated from the General Fund for the 1990-91
18 fiscal year, \$345,960 shall be allocated to the Autism Society of North Carolina, Inc., to
19 continue the State grant for operations and for stipends for the autistic children's and
20 adults' summer camp.
21

22 Requested by: Senator Royall

23 ---BUDGET REQUIRED TO INCLUDE STATE COST OF LOCAL PROGRAMS

24 Sec. 51. Effective July 1, 1991, the Office of State Budget and Management
25 and the Director, with the advice of the Commission, shall prepare the State budget in a
26 format that adequately and fairly reflects the continuation costs for the State's share of
27 locally operated programs established by statute or State appropriation. These
28 continuation costs shall be computed using the same budget preparation guidelines and
29 rules prepared by the Office of State Budget and Management for use in State agency
30 and institution budgets. Furthermore, in the projections for the expansion costs related
31 to employee compensation, the budget shall include the expansion costs necessary to
32 cover the State's share of salary and salary-related items for employees in locally
33 operated State-funded programs. Local governments or organizations spending State
34 funds to operate local programs shall provide necessary information to the Office of
35 State Budget and Management to establish the necessary continuation and expansion
36 costs.
37

38 Requested by: Senator Walker

39 ---CUED SPEECH FUNDS LIMITS

40 Sec. 52. Section 140 of Chapter 752 of the 1989 Session Laws reads as
41 rewritten:

42 "Sec. 140. Of the funds appropriated to the Department of Human Resources, ~~in~~
43 ~~Section 5-Resources~~ for the 1989-90 fiscal year ~~and the 1990-91 fiscal year~~ the sum of
44 \$50,000 shall be allocated ~~each fiscal year~~ to the Cued Speech Center, Incorporated, in

1 Wake County to establish and operate a preschool deaf education program that will
2 include a model center in two triangle areas of the State, to provide services by
3 interpreters who will work throughout the State in local mainstream situations, to
4 provide workshops for families, interpreters and professionals who work with hearing
5 impaired infants and preschool children, and to provide direct services to hearing
6 impaired senior citizens."

7
8 Requested by: Senator Walker

9 —DAY CARE RATES

10 Sec. 53. (a) Section 101 of Chapter 500 of the 1989 Session Laws reads as
11 rewritten:

12 "Sec. 101. (a) Rules for the monthly schedule of payments for the purchase of day
13 care services for low income children shall be established by the Social Services
14 Commission pursuant to G.S. 143B-153(8)a., in accordance with the following
15 requirements:

16 (1) For ~~facilities~~ day care facilities, as defined in G.S. 110-86(3), in which
17 fewer than fifty percent (50%) of the enrollees are subsidized by State
18 or federal funds, the State shall continue to pay the same fee paid by
19 private paying parents for a child in the same age group in the same
20 facility.

21 (2) Facilities in which fifty percent (50%) or more of the enrollees are
22 subsidized by State or federal funds may choose annually one of the
23 following payment options:

24 a. The facility's payment rate for fiscal year 1985-86; or

25 b. The county market rate, as calculated annually by the Division
26 of Facility Services' Child Day Care Section in the Department
27 of Human Resources' Office of Child Day Care Services.
28 Resources. A market rate shall be calculated for each county
29 and for each age group of enrollees, and shall be ~~the county~~
30 average of all representative of fees charged to unsubsidized
31 private paying parents for each age group of ~~enrollees.~~
32 Effective July 1, 1987, and thereafter, the enrollees within the
33 county. The county market rates shall be calculated from
34 facility fee schedules collected by the ~~Office of Child Day Care~~
35 Services Section during its ~~annual routine~~ inspection visits.

36 (3) Child day care homes as defined in G.S. 110-86(4) and individual
37 child care arrangements may be paid the county market rate for day
38 care homes which shall be calculated at least biennially by the Child
39 Day Care Section according to the method described in subsection
40 (a)(2) of this section, using day care home fee schedules collected by
41 the section during its routine inspection visits.

42 (b) Facilities licensed pursuant to Article 7 of Chapter 110 of the General
43 Statutes may participate in the program that provides for the purchase of ~~slots~~ care in

1 day care facilities, for minor children of needy families. No separate licensing
2 requirements may be used to select facilities to participate.

3 Day care ~~plans~~homes from which the State purchases day care services shall meet
4 the standards established by the Child Day Care Commission pursuant to G.S. 110-101
5 and G.S. 110-105.1. Individual child care arrangements shall meet the requirements
6 established by the Social Services Commission. ~~Until it can demonstrate that it meets~~
7 ~~the standards adopted by the Child Day Care Commission, a day care plan from which~~
8 ~~the State purchases day care services for minor children of needy families shall meet all~~
9 ~~certification standards adopted by the Department of Human Resources' Office of Child~~
10 ~~Day Care Services. The fee for the purchase of care from a day care plan is one~~
11 ~~hundred fifty dollars (\$150.00) per month. The fee for the purchase of care from~~
12 ~~individual Child-Caring Providers is one hundred dollars (\$100.00) per month.~~

13 ~~(e) Providers whose programs exceed licensing standards may modify their~~
14 ~~programs to standards consistent with licensing standards.~~

15 ~~(d) Any savings that result by reason of this schedule shall be used by the~~
16 ~~Department to provide for payment of the costs of necessary day care for more minor~~
17 ~~children of needy families.~~

18 ~~(e) (c) County departments of social services shall continue to negotiate~~
19 ~~with day care providers for day care services below those rates prescribed by subsection~~
20 ~~(a) of this section. County departments are directed to purchase day care services so as~~
21 ~~to serve the greatest number of children possible with existing resources."~~

22 (b) Section 102 of Chapter 500 of the 1989 Session Laws reads as rewritten:

23 "Sec. 102. (a) To simplify current day care allocation methodology and more
24 equitably distribute State day care funds, the Department of Human Resources shall
25 apply the following allocation formula to all noncategorical federal and State day care
26 funds used to pay the costs of necessary day care for minor children of needy families:

27 ~~(1) Fifty percent (50%) of budgeted funds shall be distributed according to~~
28 ~~the county's population; and~~

29 ~~(2) Fifty percent (50%) of budgeted funds shall be distributed based upon~~
30 ~~the county's poverty rate as a percentage of the sum total of all North~~
31 ~~Carolina's county poverty rates.~~

32 (1) One-third of budgeted funds shall be distributed according to the
33 county's population in relation to the total population of the State;

34 (2) One-third of the budgeted funds shall be distributed according to the
35 number of children under 6 years of age in a county who are living in
36 families whose income is below the State poverty level in relation to
37 the total number of children under 6 in the State in families whose
38 income is below the poverty level; and

39 (3) One-third of budgeted funds shall be distributed according to the
40 number of working mothers with children under 6 years of age in a
41 county in relation to the total number of working mothers with
42 children under 6 in the State.

43 (b) Counties whose allocation, if based on previously used formulas, exceeds the
44 allocation produced by the formula prescribed by this section may not have their

1 allocations reduced in either fiscal year 1989-90 or fiscal year 1990-91 to the level that
2 results from application of the new formula. Counties whose allocation, if based on
3 previously used formulas, is less than the allocation produced by the formula prescribed
4 by this section shall continue to receive the proportional share of those funds that they
5 received pursuant to appropriations for this purpose by the 1985 General Assembly.
6 The formula prescribed by this section shall not be implemented unless additional State
7 or federal funds are made available. The additional funds must be sufficient to apply
8 the new formula without reducing any county's allocation below the previous year's
9 initial allocation for child day care."

10
11 Requested by: Senator Walker

12 ---COMMUNITY ACTION PROGRAM FUNDS

13 Sec. 54. Section 119 of Chapter 500 of the 1989 Session Laws reads as
14 rewritten:

15 "Sec. 119. For the 1989-90 fiscal year and the 1990-91 fiscal year, all agencies
16 designated as eligible agencies pursuant to G.S. 113-28.24 that receive Community
17 Service Block Grant funds may use those funds for the administration of agency
18 programs. The amount of those funds used for administration of agency programs shall
19 be limited to ten percent (10%) of the total annual budget of the agency as certified in
20 the prior year's audit of the agency. The Department of ~~Natural Resources and~~
21 ~~Community Development~~ Human Resources shall report ~~quarterly~~ annually to the Joint
22 Legislative Commission on Governmental Operations and the Appropriations
23 Committee on ~~Natural and Economic Resources~~ Human Resources beginning October
24 1, ~~1989~~, 1990, on the use of Community Service Block Grant Funds for administration
25 of agency programs. The report shall show:

- 26 (1) The total budget for each community action agency or limited purpose
27 agency by program-funding source;
28 (2) The amount of funds for administration provided by each program;
29 (3) The criteria for determining the amount of funds used for
30 administrative expenses; and
31 (4) The number of persons served by each program."

32
33 PART XIII.—COLLEGES AND UNIVERSITIES

34
35 Requested by: Senator Royall

36 ---AID TO PRIVATE COLLEGES CLARIFICATION

37 Sec. 55. Section 30 of Chapter 500 of the 1989 Session Laws, as rewritten by
38 Section 93 of Chapter 752 of the 1989 Session Laws, reads as rewritten:

39 "Sec. 30. (a) Funds appropriated in this act to the Board of Governors of The
40 University of North Carolina for aid to private colleges shall be disbursed in accordance
41 with the provisions of G.S. 116-19, 116-21, and 116-22. These funds shall provide up
42 to four hundred fifty dollars (\$450.00) per full-time equivalent North Carolina
43 undergraduate student enrolled at a private institution as of October 1 each year.

1 These funds shall be placed in a separate, identifiable account in each eligible
2 institution's budget or chart of accounts. All funds in this account shall be provided as
3 scholarship funds for needy North Carolina students during the fiscal year. Each
4 student awarded a scholarship from this account shall be notified of the source of the
5 funds and of the amount of the award. Funds not utilized under G.S. 116-19 shall be for
6 the tuition grant program as defined in subsection (b) of this section.

7 (b) In addition to any funds appropriated pursuant to G.S. 116-19 and in addition
8 to all other financial assistance made available to private educational institutions located
9 within the State, or to students attending these institutions, there is granted to each full-
10 time North Carolina undergraduate student attending an approved institution as defined
11 in G.S. 116-22, the sum of a sum, not to exceed one thousand one hundred fifty dollars
12 (\$1,150) per academic year, which shall be distributed to the student as hereinafter
13 provided. Initial allocations of these grants shall be at a level of ninety-seven percent
14 (97%) of the maximum grant for which a student is eligible. The State Education
15 Assistance Authority shall project the number of students eligible, and the funds
16 required, for the full academic year, and the Authority shall allocate grants at the highest
17 proportion possible of the maximum grants.

18 The tuition grants provided for in this section shall be administered by the State
19 Education Assistance Authority pursuant to rules adopted by the State Education
20 Assistance Authority not inconsistent with this section. The State Education Assistance
21 Authority may not approve any grant until it receives proper certification from an
22 approved institution that the student applying for the grant is an eligible student. Upon
23 receipt of the certification, the State Education Assistance Authority shall remit at such
24 times as it shall prescribe the grant to the approved institution on behalf, and to the
25 credit, of the student.

26 In the event a student on whose behalf a grant has been paid is not enrolled and
27 carrying a minimum academic load as of the 10th classroom day following the
28 beginning of the school term for which the grant was paid, the institution shall refund
29 the full amount of the grant to the State Education Assistance Authority. Each approved
30 institution shall be subject to examination by the State Auditor for the purpose of
31 determining whether the institution has properly certified eligibility and enrollment of
32 students and credited grants paid on the behalf of the students.

33 In the event there are not sufficient funds to provide each eligible student with a full
34 grant:

- 35 (1) The Board of Governors of The University of North Carolina, with the
36 approval of the Office of State Budget and Management, may transfer
37 available funds to meet the needs of the programs provided by
38 subsections (a) and (b) of this section; and
- 39 (2) Each eligible student shall receive a pro rata share of funds then
40 available for the remainder of the academic year within the fiscal
41 period covered by the current appropriation.

42 Any remaining funds shall revert to the General Fund.

43 (c) Expenditures made pursuant to this section may be used only for secular
44 educational purposes at nonprofit institutions of higher learning."

1

2 Requested by: Senators Chalk and Ward

3 ---UNC INSTITUTIONS' CENTENNIAL CELEBRATION FUNDS

4

5 Sec. 56. The Board of Governors of The University of North Carolina may
6 allocate from funds available to General Administration for the 1990-91 fiscal year up
7 to \$100,000 per campus in the 1990-91 fiscal year for centennial celebrations at the
8 constituent institutions.

8

9 PART XIV.—COMMUNITY COLLEGES

10

11 Requested by: Senator Conder

12 ---RICHMOND COMMUNITY COLLEGE/CHILDBIRTH CLASSES

13

14 Sec. 57. Notwithstanding any other provision of law, the Board of Trustees
15 of Richmond Community College may permit students under 16 years of age to
16 participate in childbirth classes at the college under The Support Mother's Program.
17 These students may not be included in the computation of budget full-time equivalent
18 student enrollment for the college; however, community services funds may be used to
19 operate this Program.

19

20 Requested by: Senator Ward

21 ---STATE BOARD OF COMMUNITY COLLEGES GUIDELINES

22

23 Sec. 58. Notwithstanding any other provision of law, the State Board of
24 Community Colleges shall establish budget guidelines not inconsistent with Section 80
25 of Chapter 752 of the 1989 Session Laws for the expenditure of individual community
26 college budgets for the 1990-91 fiscal year. In establishing these guidelines the Board
27 shall assure that statewide priorities are met, to the extent resources are available. The
28 State Board of Community Colleges shall establish parameters for expenditure of
29 appropriations to assure that:

29

(1) Literacy funds shall not be spent for any other purpose and, to the
30 maximum extent possible, anyone requesting literacy education will be
31 served;

32

(2) New Industry Training, Focused Industrial Training and Small
33 Business Center funds shall not be reduced without full justification
34 and assurances that needs are being met;

35

(3) Salary increase funds shall be used to provide a four percent (4%)
36 across-the-board salary increase to all full-time employees. Two
37 percent (2%) salary increase funds shall be used to provide merit pay
38 or to maintain quality in educational programs through expenditures
39 for personnel only.

40

41 The State Board shall require each college to submit a plan detailing how the
42 budget reduction will be accomplished in order to assure a balanced educational
43 program that meets statewide priorities.

43

44 The State Board shall report to the 1991 General Assembly on these
45 guidelines and their implementation by each college.

1

2 Requested by: Senator Ward

3 —COMMUNITY COLLEGE TUITION INCREASE

4 Sec. 59. Section 79 of Chapter 752 of the 1989 Session Laws reads as
5 rewritten:6 "Sec. 79. The State Board of Community Colleges shall adopt tuition rates
7 beginning in the fall quarter of ~~1989~~ 1990 in the amount of ~~ninety dollars (\$90.00)~~ one
8 hundred five dollars (\$105.00) per quarter for in-State students and ~~eight hundred forty~~
9 ~~dollars (\$840.00)~~ nine hundred eighty-one dollars (\$981.00) per quarter for out-of-State
10 students.11 The State Board of Community Colleges shall adopt tuition rates beginning in the
12 fall quarter of 1990 in the amount of twenty-five dollars (\$25.00) a course for
13 occupational extension courses."

14

15 Requested by: Senator Ward

16 —"TECH PREP"IMPLEMENTATION

17 Sec. 60. Of the funds available to the Department of Public Education for
18 vocational education in the 1990-91 fiscal year, the sum of \$50,000 shall be allocated to
19 the North Carolina Tech Prep Leadership Development Center at Richmond
20 Community College for assistance to local education agencies and community colleges
21 in planning and implementing "Tech Prep" across the State. The Department of
22 Community Colleges shall allocate \$50,000 from funds available to it for the 1990-91
23 fiscal year for the North Carolina "Tech Prep" Leadership Development Center at
24 Richmond Community College.

25

26 Requested by: Senator Ward

27 —COMMUNITY COLLEGE BOOKSTORE SALES

28 Sec. 61. G.S. 115D-5 is amended by adding a new subsection to read:

29 "(a1) Notwithstanding G.S. 66-58(c)(3) or any other provisions of law, the State
30 Board of Community Colleges may adopt rules governing the expenditure of funds
31 derived from bookstore sales by community colleges. These expenditures shall be
32 consistent with the mission and purpose of the Community College System. Profits
33 may be used in the support and enhancement of the bookstores, for student aid or
34 scholarships, for expenditures of direct benefit to students, and for other similar
35 expenditures authorized by the board of trustees, subject to rules adopted by the State
36 Board. These funds shall not be used to supplement salaries of any personnel."

37

38 PART XV.—PUBLIC SCHOOLS

39

40 Requested by: Senator Ward

41 —SCHOOL TRANSPORTATION BUDGET REDUCTION/IMPLEMENTATION

42 Sec. 62. (a) G.S. 115C-240(d) reads as rewritten:

43 "(d) The State Board of Education shall assist local boards of education by
44 establishing guidelines and a framework through which local boards may establish,

1 review and amend school bus routes prepared pursuant to G.S. 115C-246. The State
2 Board shall also require local boards to implement the Transportation Information
3 Management System or an equivalent system approved by the State Board of Education,
4 no later than July 1, 1992. The State Board of Education shall also assist local boards of
5 education with reference to the acquisition and maintenance of school buses or any
6 other question which may arise in connection with the organization and operation of
7 school bus transportation systems of local boards."

8 (b) G.S. 115C-246(a) reads as rewritten:

9 "(a) ~~The principal of the school to which a school bus has been assigned~~
10 superintendent of the local school administrative unit shall, prior to the commencement
11 of each regular school year, prepare ~~and submit to the superintendent of the local school~~
12 ~~administrative unit~~ a plan for a definite route, including stops for receiving and
13 discharging pupils, for each school bus ~~assigned to such school~~ so as to assure the most
14 efficient use of such bus and the safety and convenience of the pupils assigned thereto.
15 The superintendent ~~shall examine such plan and~~ may, in his discretion, obtain the
16 advice of the State Board of Education with reference ~~thereto.~~ to the plan. ~~The~~
17 ~~superintendent shall make such changes in the proposed bus routes as he shall deem~~
18 ~~proper for the said purposes and, thereupon, shall approve the route.~~ ~~When so approved~~
19 ~~the~~ The buses shall be operated upon the route so established and not otherwise, except
20 as provided in this Article. From time to time the principal may suggest changes in any
21 such bus route as he shall deem proper for the said purposes, and the same shall be
22 effective when approved by the superintendent of the local school administrative unit."

23 (c) The Department of Public Instruction shall report to the Joint Legislative
24 Commission on Governmental Operations prior to December 1, 1990, on its efforts to
25 lower fuel costs and improve efficiency in the student transportation system.

26
27 Requested by: Senator Ward

28 ---CAREER DEVELOPMENT PROGRAM FUNDING LEVEL

29 Sec. 63. Section 7 of Chapter 778 of the 1989 Session Laws reads as
30 rewritten:

31 "Sec. 7. Existing Career Development and Lead Teacher Pilot Programs.

32 (a) Notwithstanding the provisions of Article 24B of Chapter 115C of the
33 General Statutes, Article 24D of Chapter 115C of the General Statutes, or any other
34 provision of law, funding for the career development pilot projects and the lead teacher
35 pilot projects shall continue through the 1989-90 fiscal year: Provided, however, that
36 any additional compensation received by an employee as a result of the unit's
37 participation in the pilot program for the 1989-90 fiscal year and for subsequent fiscal
38 years shall be paid as a bonus or supplement to the employee's regular salary.

39 Funding of these pilot projects shall continue for subsequent fiscal years only if the
40 pilot units successfully submit local school improvement plans pursuant to the
41 Performance-based Accountability Program, during the 1989-90 school year and during
42 subsequent school years.

43 (b) Beginning with the ~~1993-94~~ 1990-91 fiscal year, if the career development
44 and the lead teacher-pilot units participate in differentiated pay plans in accordance with

1 ~~G.S. 115C-238.4, they shall receive only the amount of State funds available for school~~
2 ~~units participating in a differentiated pay plan pursuant to the School Improvement and~~
3 ~~Accountability Act of 1989; they State funds for differentiated pay in an amount not to~~
4 ~~exceed seven percent (7%) of teacher and administrator salaries and of the employer's~~
5 ~~contributions for social security and retirement. They shall receive no State funding as~~
6 ~~career development pilot units or lead teacher pilot units.~~

7 (c) ~~The local school improvement plan for each career development pilot~~
8 ~~program shall include a schedule of modifications to the career development program.~~
9 ~~This schedule shall result in an incremental reduction or increase, as appropriate, in the~~
10 ~~amount of funds allocated for differentiated pay so that, for the 1993-94 fiscal year and~~
11 ~~subsequent fiscal years, differentiated pay plan, necessary to assure that the cost of the~~
12 ~~differentiated pay plan equals the amount of State and local funds available for~~
13 ~~differentiated pay for school units participating in differentiated pay plans pursuant to~~
14 ~~the School Improvement and Accountability Act of 1989. the school unit. It is the~~
15 ~~intent of the General Assembly that, in making these modifications to the differentiated~~
16 ~~pay plans, local school administrative units assure that adequate funds remain available~~
17 ~~to provide bonuses or supplements to teachers.~~

18 ~~If the differentiated pay plan, as modified for the 1990-91 fiscal year, qualifies as a~~
19 ~~differentiated pay plan pursuant to G.S. 115C-238.4(a)(1), the local school~~
20 ~~administrative unit is not required to resubmit the plan to affected employees for a vote~~
21 ~~before submitting it to the State Superintendent; if it qualifies as a differentiated pay~~
22 ~~plan pursuant to G.S. 115C-238.4(a)(2) through (a)(5), the local school administrative~~
23 ~~unit is required to resubmit the plan to affected employees for a vote.~~

24 (d) ~~If an employee in a career development pilot unit is recommended for Career~~
25 ~~Status I or II and that status is approved by the local board of education prior to the~~
26 ~~beginning of the 1989-90 school year, the local board of education may pay that~~
27 ~~employee a bonus or supplement to his regular salary. For the 1989-90 fiscal year only,~~
28 ~~the local board of education may use any State or local funds available to it for the~~
29 ~~career development pilot program to pay these bonuses or supplements.~~

30 (e) ~~Effective at the beginning of the 1989-90 school year, an employee may be~~
31 ~~considered for Career Status II no earlier than his third year in Career Status I; an~~
32 ~~employee may be considered for Career Status III no earlier than his third year in Career~~
33 ~~Status II.~~

34 (f) ~~Any career ladder pilot project in a school unit that has resulted from a~~
35 ~~merger of school units, within the last calendar year preceding the effective date of this~~
36 ~~act, may be modified by the local school board, upon the recommendation of the State~~
37 ~~Superintendent of Public Instruction and with the approval of the State Board of~~
38 ~~Education. This modification shall require no more funds than allocated to the~~
39 ~~particular project by the State Board of Education from funds appropriated to the State~~
40 ~~Board of Education in Chapter 500 of the 1989 Session Laws, the Current Operations~~
41 ~~Appropriations Act of 1989. The merged pilot unit shall receive State funds for~~
42 ~~differentiated pay in an amount not to exceed seven percent (7%) of teacher and~~
43 ~~administrator salaries and of the employer's contributions for social security and~~
44 ~~retirement. It shall receive no State funding as a career development pilot unit.~~

(g) No provision of this section shall be construed to allow a local school administrative unit to pay any teacher, in salary and bonus or supplement, less than it paid that teacher each month during the prior school year."

Requested by: Senator Ward
 —BASIC EDUCATION FUNDS

Sec. 64. Section 61 of Chapter 752 of the 1989 Session Laws reads as rewritten:

"Sec. 61. Funds are appropriated in Section 3 of this act to the Department of Public Education for further implementation of the Basic Education Program in public schools. These funds will provide for the fifth and sixth years of the planned eight-year implementation schedule. The following information chart shows the ~~major increases in State funds over the 1988-89 fiscal year.~~ expansion budget funds for the Basic Education Program for 1989-90 totaling \$69,277,440 and an additional \$29,994,568 in 1990-91 for teachers for a total of \$99,272,008 in 1990-91.

BASIC EDUCATION PROGRAM

Basic Education Plan:

	<u>1989-90</u>	<u>1990-91</u>			
1. Additional Teachers			\$ 46,735,714		\$ 90,342,391 <u>76,730,282</u>
2. Vocational Education					
Teachers	1,039,116	2,078,823	<u>1,039,116</u>		
3. In-School Suspension			-		1,726,921 <u>-</u>
4. Instructional Support			15,477,126		39,113,549 <u>15,477,126</u>
5. Instructional/Lab					
Clerical Assistants	-		17,073,432	=	
6. Athletic Trainer Supplement			15,000		15,000 <u>15,000</u>
7. Assistant Principals -					
Extension of Term	-		11,166,375	=	
8. Asst/Associate					
Superintendents	-		4,767,421	=	
9. Clerical Assistants			6,010,484		11,637,563 <u>6,010,484</u>
10. Supervisors			-		2,611,375 <u>-</u>
34					
35					
TOTAL BASIC					
EDUCATION PLAN \$ 69,277,440 \$180,532,850 <u>99,272,008</u>					
36					
37					

Of these funds, the sum of \$12,157,644 for the 1990-91 fiscal year shall be used to reduce class size in grades 10-12.

With regard to the remainder of these funds, local boards of education may request waivers of State laws pertaining to the purposes for which State funds for the public schools may be used, pursuant to G.S. 115C-238.3(d), so as to use these funds for purposes, other than for classroom teachers, to implement the Basic Education Program. The General Assembly urges the State Superintendent and the State Board of Education

1 to construe their authority to grant such waivers under G.S. 115C-238.6 broadly when
2 they consider any such requests for waivers."

3
4 Requested by: Senators Ward and Taft

5 —COMPLETION OF BASIC EDUCATION PROGRAM

6 Sec. 65. (a) The General Assembly finds that given the current revenue
7 situation of the State, the original implementation schedule of the Basic Education
8 Program cannot be met and that the recently enacted School Improvement and
9 Accountability Act has moved the State to a student performance orientation that is
10 predicated on school systems using their resources flexibly to address unique local
11 needs. The General Assembly is committed to the improvement of education and to the
12 complete implementation of the strongest possible Basic Education Program; therefore,
13 the Legislative Study Commission on the Basic Education Program is hereby created to
14 advise the General Assembly on ways that the Basic Education Program can be
15 strengthened and on a lengthened implementation schedule for the Basic Education
16 Program.

17 The Commission shall consist of 18 members: one school superintendent, one
18 classroom teacher, and four members at large, appointed by the Governor; three
19 members of the Senate, one school principal, one PTA member, and one member at
20 large appointed by the President Pro Tempore of the Senate; and three members of the
21 House of Representatives, one classroom teacher, one school board member, and one
22 member at large, appointed by the Speaker of the House of Representatives.

23 (b) The President Pro Tempore of the Senate shall designate one of his
24 appointees who is a member of the Senate as cochairman and the Speaker of the House
25 of Representatives shall designate one of his appointees who is a member of the House
26 of Representatives as cochairman. Each chairman shall serve as chairman until he
27 ceases to be a member of the General Assembly.

28 (c) The Commission shall study the Basic Education Program, how it has been
29 implemented to date, and what effect the Basic Education Program has had on
30 educational achievement throughout the State. The Commission shall also examine the
31 remainder of the schedule of implementation of the Basic Education Program, review
32 all items to be funded under the Basic Education Program, consider the relationship
33 between the Basic Education Program and the School Improvement and Accountability
34 Act, and recommend any changes or modifications to the Basic Education Program and
35 the School Improvement and Accountability Act that it deems appropriate.

36 (d) The Commission shall submit a final report of its findings and
37 recommendations to the General Assembly on or before March 31, 1991, by filing the
38 report with the President Pro Tempore of the Senate and the Speaker of the House of
39 Representatives. Upon filing its final report, the Commission shall terminate.

40 (e) The Commission, while in the discharge of official duties, may exercise
41 all the powers provided for under the provisions of G.S. 120-19 and G.S. 120-19.1
42 through G.S. 120-19.4. The Commission may meet at any time upon the joint call of
43 the cochairmen. The Commission may meet in the Legislative Building or the
44 Legislative Office Building.

1 (f) Members of the Commission shall receive subsistence and travel expenses
2 at the rates set forth in G.S. 120-3.1.

3 (g) The Commission may contract for professional, clerical, or consultant
4 services as provided by G.S. 120-32.02. The Legislative Services Commission, through
5 the Legislative Administrative Officer, shall assign professional staff to assist in the
6 work of the Commission. The House of Representatives' and the Senate's Supervisor of
7 Clerks shall assign clerical staff to the commission or committee, upon the direction of
8 the Legislative Services Commission. The expenses relating to clerical employees shall
9 be borne by the Commission.

10 (h) When a vacancy occurs in the membership of the Commission the
11 vacancy shall be filled by the same appointing officer who made the initial appointment.

12 (i) All State departments and agencies and local governments and their
13 subdivisions shall furnish the Commission with any information in their possession or
14 available to them.

15 Sec. 66. G.S. 115C-81(a) reads as rewritten:

16 "(a) The State Board of Education shall adopt a Basic Education Program for the
17 public schools of the State. Before it adopts or revises the Basic Education Program, the
18 State Board shall consult with an Advisory Committee, including at least eight members
19 of local boards of education, that the State Board appoints from a list of nominees
20 submitted by the North Carolina School Boards Association. The State Board shall
21 report annually to the General Assembly on any changes it has made in the program in
22 the preceding 12 months and any changes it is considering for the next 12 months.

23 The State Board shall implement the Basic Education Program within funds
24 appropriated for that purpose by the General Assembly and by units of local
25 government. It is the goal of the General Assembly that the Basic Education Program be
26 fully funded and completely operational in each local school administrative unit by July
27 1, ~~1993-1995.~~"

28
29 Requested by: Senator Ward

30 ---TEACHING FELLOWS FUND USES

31 Sec. 67. (a) G.S. 115C-363.23A(e) reads as rewritten:

32 "(e) The Commission shall forgive the loan if, within seven years after graduation,
33 the recipient teaches for four years at a North Carolina public school or at a school
34 operated by the United States government in North Carolina. The Commission shall
35 also forgive the loan if it finds that it is impossible for the recipient to teach for four
36 years, within seven years after graduation, at a North Carolina public school or at a
37 school operated by the United States government in North Carolina, because of the
38 death or permanent disability of the recipient."

39 (b) G.S. 115C-363.23A(f) reads as rewritten:

40 "(f) All funds appropriated to or otherwise received by the Teaching Fellows
41 Program for scholarships, all funds received as repayment of scholarship loans, and all
42 interest earned on these funds, shall be placed in a revolving fund. This revolving fund
43 may be used only for scholarship loans granted under the Teaching Fellows ~~Program.~~

1 Program, campus and summer program support, and costs related to disbursement of
2 awards and collection of loan repayments."

3
4 Requested by: Senator Ward

5 —ELIMINATE EDUCATION REPORTS

6 Sec. 68. (a) G.S. 115C-363.10 is repealed.

7 (b) Section 55(b)(12)a. of Chapter 479 of the 1985 Session Laws is repealed.

8 (c) Section 68 of Chapter 752 of the 1989 Session Laws reads as rewritten:

9 "Sec. 68. Funds are appropriated to the Department of Public Education for the
10 1989-91 fiscal biennium for additional teacher positions to be used to expand curricular
11 offerings in accordance with the Basic Education Program. Local boards of education
12 shall use positions allocated to them with these funds to expand curricular offerings to
13 those contained in the Basic Education Program at any grade level and in any of the
14 identified curricular offerings based on the identification of local needs, priorities, and
15 local schedules for implementing the Basic Education Program.

16 The local board of education may, with the approval of the State Board of
17 Education, use the funds allocated to it for expanded curricular offerings to otherwise
18 provide a curricular offering at that school, as called for in the Basic Education
19 Program. The State Board of Education shall monitor the alternative uses of these funds
20 and shall report on such uses by February 1 of each year to the President of the Senate,
21 the Speaker of the House of Representatives, and the Fiscal Research Division. funds."

22
23 Requested by: Senator Conder

24 —ACCREDITATION STANDARDS REASSESSED

25 Sec. 69. The State Board of Education shall reassess the accreditation
26 standards it adopted pursuant to G.S. 115C-12(9)c. that are scheduled to be
27 implemented in 1990-91.

28
29 Requested by: Senator Ward

30 —SMALL SCHOOL PROGRAM ALLOTMENTS

31 Sec. 70. G.S. 115C-416 reads as rewritten:

32 "**§ 115C-416. Power to allot funds for teachers and other personnel.**

33 The Board shall have power to provide for the enrichment and strengthening of
34 educational opportunities for the children of the State, and when sufficient State funds
35 are available to provide first for the allotment of such a number of teachers as to prevent
36 the teacher loan from being too great in any school, the Board is authorized, in its
37 discretion, to make an additional allotment of teaching personnel to local school
38 administrative units of the State to be used either jointly or separately, as the Board may
39 prescribe. Such additional teaching personnel may be used in the local school
40 administrative units as librarians, special teachers, or supervisors of instruction and for
41 other special instructional services such as art, music, physical education, adult
42 education, special education, or industrial arts as may be authorized and approved by
43 the Board. The salary of all such personnel shall be determined in accordance with the
44 State salary schedule adopted by the Board.

1 In addition, the Board is authorized and empowered in its discretion, to make
2 allotments of funds for clerical assistants for classified principals and for school social
3 workers.

4 The Board is further authorized, in its discretion, to allot teaching personnel to local
5 school administrative units for experimental programs and purposes.

6 The Board may also allot teaching and other positions, within funds available, to
7 local school administrative units to allow local units to place personnel occupying those
8 positions in private hospitals and treatment facilities for the limited purpose of
9 providing education to students confined to those institutions. The Board shall adopt
10 rules to ensure that any such placements do not contribute to the profitability of private
11 institutions and that they are otherwise in accordance with State and federal law."

12
13 Requested by: Senator Ward

14 —LEAVE ACCUMULATION/PUBLIC SCHOOL EMPLOYEES

15 Sec. 71. G.S. 115C-272(b) reads as rewritten:

16 "(b) Superintendents shall be paid promptly when their salaries are due provided
17 the legal requirements for their employment and service have been met. All
18 superintendents employed by any local school administrative unit who are paid from
19 local funds shall be paid promptly as provided by law and as State allotted
20 superintendents are paid. Superintendents paid from State funds shall be paid as
21 follows:

- 22 (1) Salary payments to superintendents shall be made monthly on the basis
23 of each calendar month of service. Included within their term of
24 employment shall be annual vacation leave at the same rate provided
25 for State employees. Included within the 12 months' employment each
26 local board of education shall designate the same or an equivalent
27 number of legal holidays as those designated by the State Personnel
28 Commission for State employees.
- 29 (2) Notwithstanding any provisions of this section to the contrary no
30 person shall be entitled to pay for any vacation day not earned by that
31 person. Vacation days shall not be used for extending the term of
32 employment of individuals and shall not be cumulative from one fiscal
33 year to another fiscal year: Provided, that superintendents may
34 accumulate annual vacation leave days as follows: annual leave may
35 be accumulated without any applicable maximum until ~~December 31~~
36 June 30 of each year. On ~~December 31~~ June 30 of each year, any
37 superintendent with more than 30 days of accumulated leave shall
38 have the excess accumulation cancelled so that only 30 days are
39 carried forward to ~~January 1~~ July 1 of the ~~next same~~ year. All vacation
40 leave taken by the superintendent will be upon the authorization of his
41 immediate supervisor and under policies established by the local board
42 of education. An employee shall be paid in a lump sum for
43 accumulated annual leave not to exceed a maximum of 240 hours
44 when separated from service due to resignation, dismissal, reduction in

1 force, death, or service retirement. If the last day of terminal leave
2 falls on the last workday in the month, payment shall be made for the
3 remaining nonworkdays in that month. Employees retiring on
4 disability retirement may exhaust annual leave rather than be paid in a
5 lump sum. The provisions of this subdivision shall be accomplished
6 without additional State and local funds being appropriated for this
7 purpose. The State Board of Education shall adopt rules and
8 regulations for the administration of this subdivision.

9 (3) Each local board of education shall sustain any loss by reason of an
10 overpayment to any superintendent paid from State funds.

11 (4) All of the foregoing provisions of this section shall be subject to the
12 requirement that at least fifty dollars (\$50.00), or other minimum
13 amount required by federal social security laws, of the compensation
14 of each school employee covered by the Teachers' and State
15 Employees' Retirement System or otherwise eligible for social security
16 coverage shall be paid in each of the four quarters of the calendar
17 year."

18 Sec. 72. G.S. 115C-316(a) reads as rewritten:

19 "(a) School officials and other employees shall be paid promptly when their
20 salaries are due provided the legal requirements for their employment and service have
21 been met. All school officials and other employees employed by any local school
22 administrative unit who are to be paid from local funds shall be paid promptly as
23 provided by law and as state-allotted school officials and other employees are paid.

24 Public school employees paid from State funds shall be paid as follows:

25 (1) Employees Other than Superintendents, Supervisors and Classified
26 Principals on an Annual Basis. – Salary payments to employees other
27 than superintendents, supervisors, and classified principals employed
28 on an annual basis shall be made monthly at the end of each calendar
29 month of service. Included within their term of employment shall be
30 annual vacation leave at the same rate provided for State employees,
31 computed at one-twelfth (1/12) of the annual rate for state employees
32 for each calendar month of employment. On a day that employees are
33 required to report for a workday but pupils are not required to attend
34 school due to inclement weather, an employee may elect not to report
35 due to hazardous travel conditions and to take one of his annual
36 vacation days or to make up the day at a time agreed upon by the
37 employee and his immediate supervisor or principal. Included within
38 their term of employment each local board of education shall designate
39 the same or an equivalent number of legal holidays as those designated
40 by the State Personnel Commission for State employees.

41 (2) School Employees Paid on an Hourly or Other Basis. – Salary
42 payments to employees other than those covered in G.S. 115C-
43 272(b)(1), 115C-285(a)(1) and (2), 115C-302(a)(1) and (2), and 115C-
44 316(a)(1) shall be made at a time determined by each local board of

1 education. Expenditures for the salary of these employees from State
2 funds shall be within allocations made by the State Board of Education
3 and in accordance with rules and regulations approved by the State
4 Board of Education concerning allocations of State funds: Provided,
5 that any individual school employee employed for a term of 10
6 calendar months may be paid in 12 monthly installments if the
7 employee so requests on or before the first day of the school year.
8 Such request shall be filed in the administrative unit which employs
9 the employee. The payment of the annual salary in 12 installments
10 instead of 10 shall not increase or decrease said annual salary nor in
11 any other way alter the contract between the employee and the said
12 administrative unit. Included within the term of employment shall be
13 provided for full-time employees annual vacation leave at the same
14 rate provided for State employees, computed at one-twelfth (1/12) of
15 the annual rate for State employees for each calendar month of
16 employment, to be taken under policies determined by each local
17 board of education. On a day that employees are required to report for
18 a workday but pupils are not required to attend school due to inclement
19 weather, an employee may elect not to report due to hazardous travel
20 conditions and to take one of his annual vacation days or to make up
21 the day at a time agreed upon by the employee and his immediate
22 supervisor or principal. Included within their term of employment,
23 each local board of education shall designate the same or an equivalent
24 number of legal holidays occurring within the period of employment
25 as those designated by the State Personnel Commission for State
26 employees.

- 27 (3) Notwithstanding any provisions of this section to the contrary no
28 person shall be entitled to pay for any vacation day not earned by that
29 person. The first 10 days of annual leave earned by a 10- or 11-month
30 employee during any fiscal year period shall be scheduled to be used
31 in the school calendar adopted by the respective local boards of
32 education. Vacation days shall not be used for extending the term of
33 employment of individuals. Ten- or 11-month employees may
34 accumulate annual vacation leave days as follows: annual leave may
35 be accumulated without any applicable maximum until June 30 of each
36 year. On June 30 of each year, any of these employees with more than
37 30 days of accumulated leave shall have the excess accumulation
38 cancelled so that only 30 days are carried forward to July 1 of the same
39 year. All vacation leave taken by these employees will be upon the
40 authorization of their immediate supervisor and under policies
41 established by the local board of education. An employee shall be paid
42 in a lump sum for accumulated annual leave not to exceed a maximum
43 of 240 hours when separated from service due to resignation,
44 dismissal, reduction in force, death or service retirement. If the last

1 day of terminal leave falls on the last workday in the month, payment
 2 shall be made for the remaining nonworkdays in that month.
 3 Employees retiring on disability retirement may exhaust annual leave
 4 rather than be paid in a lump sum. The provisions of this subdivision
 5 shall be accomplished without additional State and local funds being
 6 appropriated for this purpose. The State Board of Education shall
 7 adopt rules and regulations for the administration of this subdivision.

8 (4) Twelve-month school employees other than superintendents,
 9 supervisors and classified principals paid on an hourly or other basis
 10 whether paid from State or from local funds may accumulate annual
 11 vacation leave days as follows: annual leave may be accumulated
 12 without any applicable maximum until ~~December 31~~ June 30 of each
 13 year. On ~~December 31~~ June 30 of each year, any employee with more
 14 than 30 days of accumulated leave shall have the excess accumulation
 15 cancelled so that only 30 days are carried forward to ~~January 1~~ July 1
 16 of the ~~next same~~ year. All vacation leave taken by the employee will
 17 be upon the authorization of his immediate supervisor and under
 18 policies established by the local board of education. An employee shall
 19 be paid in a lump sum for accumulated annual leave not to exceed a
 20 maximum of 240 hours when separated from service due to
 21 resignation, dismissal, reduction in force, death, or service retirement.
 22 If the last day of terminal leave falls on the last workday in the month,
 23 payment shall be made for the remaining nonworkdays in that month.
 24 Employees retiring on disability retirement may exhaust annual leave
 25 rather than be paid in a lump sum. The provisions of this subdivision
 26 shall be accomplished without additional State and local funds being
 27 appropriated for this purpose. The State Board of Education shall
 28 adopt rules and regulations for the administration of this subdivision.

29 (5) All of the foregoing provisions of this section shall be subject to the
 30 requirement that at least fifty dollars (\$50.00), or other minimum
 31 amount required by federal social security laws, of the compensation
 32 of each school employee covered by the Teachers' and State
 33 Employees' Retirement System or otherwise eligible for social security
 34 coverage shall be paid in each of the four quarters of the calendar year.

35 (6) Each local board of education shall sustain any loss by reason of an
 36 overpayment to any school official or other employee paid from State
 37 funds."
 38

39 Requested by: Senator Ward

40 —PROSPECTIVE TEACHER SCHOLARSHIP LOAN PROGRAM/EXPANDED TO
 41 COVER ADDITIONAL CERTIFIED EMPLOYEES

42 Sec. 73. G.S. 115C-471 reads as rewritten:

43 "**§ 115C-471. Fund administered by State Superintendent of Public Instruction;**
 44 **rules and regulations.**"

1 The Scholarship Loan Fund for Prospective Teachers shall be administered by the
2 State Superintendent of Public Instruction, under the following rules and regulations,
3 and under such further rules and regulations as the State Board of Education shall in its
4 discretion promulgate:

5 (1) Any resident of North Carolina who is interested in preparing to teach
6 in the public schools of the State shall be eligible to apply in writing to
7 the State Superintendent of Public Instruction for a regular scholarship
8 loan in the amount of not more than two thousand dollars (\$2,000) per
9 academic school year.

10 (2) All scholarship loans shall be evidenced by notes made payable to the
11 State Board of Education which shall bear interest at the rate of six
12 percent (6%) per annum from and after September 1 following
13 fulfillment by a prospective teacher of the requirements for a ~~teacher's~~
14 certificate based upon the ~~bachelor's~~ entry level degree; or in the case
15 of persons already teaching in the public schools who obtain
16 scholarship loans such notes shall bear interest at the prescribed rate
17 from and after September 1 of the school year beginning immediately
18 after the use of such scholarship loans; or in the event any such
19 scholarship shall be terminated under the provisions of subdivision (3)
20 of this section then such notes shall bear interest from the date of such
21 termination. A minor recipient who signs such note or notes shall also
22 obtain the endorsement thereon by a parent, if there be a living parent,
23 unless such endorsement is waived by the Superintendent of Public
24 Instruction. Such minor recipient shall be obligated upon such note or
25 notes as fully as if he or she were of age and shall not be permitted to
26 plead such minority as a defense in order to avoid the obligations
27 undertaken upon such note or notes.

28 (3) Each recipient of a scholarship loan under the provisions of this
29 program shall be eligible for scholarship loans each year until he has
30 qualified for a ~~teacher's~~ certificate based upon the ~~bachelor's~~ entry
31 level degree, but he shall not be so eligible for more than ~~four years~~
32 ~~nor after~~ the minimum number of years required by the college or
33 university for qualifying for said certificate. The permanent
34 withdrawal of any recipient from college or failure of such recipient to
35 do college work in a manner acceptable to the State Superintendent of
36 Public Instruction will immediately forfeit such recipient's right to
37 retain such scholarship and subject such scholarship to termination by
38 the State Superintendent of Public Instruction in his discretion. All
39 terminated scholarships shall be regarded as vacant and subject to
40 being awarded to other eligible persons.

41 (4) Except under emergency conditions applicable to the State
42 Superintendent of Public Instruction, recipients of scholarship loans
43 shall enter the public school system of North Carolina at the beginning
44 of the next school term after qualifying for a ~~teacher~~ certificate based

1 upon the ~~bachelors~~-entry level degree or in case of persons already
 2 teaching in the public schools at the beginning of the next school term
 3 after the use of such loan. All teaching service for which the recipient
 4 of any scholarship loan is obligated shall be rendered within seven
 5 years after the completion of the use of each such scholarship loan.

6 (5) For each full school year taught in a North Carolina public school, the
 7 recipient of a scholarship loan shall receive credit upon the amount due
 8 by reason of such loan equal to all interest accrued upon the loan to
 9 that time plus a credit of two thousand dollars (\$2,000) upon the
 10 principal amount of such obligation or such lesser amount as may
 11 remain due upon said principal; provided, however, that in lieu of
 12 teaching in the public school, a recipient may elect to pay in cash the
 13 full amount of scholarship loans received plus interest then due
 14 thereon or any part thereof which has not been canceled by the State
 15 Board of Education by reason of teaching service rendered.

16 (6) If any recipient of a scholarship loan who is fulfilling his obligation
 17 under subdivision (4) of this section dies within the seven-year period,
 18 or if any recipient dies during the period of attendance at a college or
 19 university under a scholarship loan, any balance that has not been
 20 discharged through service shall be automatically canceled.

21 If any recipient of a scholarship loan fails to fulfill his obligations
 22 under subdivision (4) of this section, other than as provided above, the
 23 amount of his loan and accrued interest, if any, shall be due and
 24 payable from the time of failure to fulfill such obligations.

25 (7) The State Superintendent of Public Instruction shall award scholarship
 26 loans with due consideration to such factors and circumstances as:
 27 aptitude, purposefulness, scholarship, character, financial need, and
 28 areas or subjects of instruction in which the demands for teachers are
 29 greatest. Since the primary purpose of this Article is to attract worthy
 30 young people to the teaching profession, preference shall be given to
 31 high school seniors in the awarding of scholarships."
 32

33 Requested by: Senator Ward

34 ---CHILD NUTRITION STAFF DEVELOPMENT

35 Sec. 74. Section 56 of Chapter 752 of the 1989 Session Laws reads as
 36 rewritten:

37 "Sec. 56. Of the funds appropriated to the Department of Public Education for the
 38 1989-90 fiscal year and for the 1990-91 fiscal year for aid to local school administrative
 39 units for staff development, the State Board of Education shall allocate \$280,000 each
 40 fiscal year to local school units for staff development of school food service personnel."
 41

42 Requested by: Senator Basnight

43 ---UNIFORM EDUCATION REPORTING SYSTEM FUNDS

1 Sec. 75. Of the funds available to the Department of Public Education for the
2 1990-91 fiscal year for aid to local school administrative units, the Department shall use
3 \$438,642 to reimburse 13 local school administrative units for expenses incurred in
4 converting to AS/400 equipment as required to implement the Uniform Education
5 Reporting System.

6 Before providing these funds to any of the 13 local units that request it, the
7 Department of Public Education shall first conduct an electronic data processing audit
8 of the local school administrative unit that is to receive the funds to determine: (i) if the
9 unit had used the previous equipment that was replaced by the AS/400 in a manner
10 consistent with standard data processing management and operational procedures; and
11 (ii) if the unit is using the current equipment in a manner consistent with standard data
12 processing management and operational procedures. The results of the electronic data
13 processing audits shall be delivered to the Fiscal Research Division, the Legislative
14 Automated Systems Division, and, if requested, to the Joint Legislative Commission on
15 Governmental Operations.

16
17 Requested by: Senator Conder

18 —EDUCATION FOUNDATIONS

19 Sec. 76. Chapter 115C of the General Statutes is amended by adding a new
20 section to read:

21 **"§ 115C-6. Establishment of private, nonprofit corporations.**

22 The Superintendent of Public Instruction shall encourage the establishment of
23 private, nonprofit corporations to support the public education system. If the sole
24 purpose of such a corporation is to support the public school system, the Superintendent
25 may assign employees to assist with the establishment and operation of the corporation
26 and may make available to the corporation the Department's office space, equipment,
27 supplies, and other related resources.

28 The Superintendent of Public Instruction may require the board of directors of each
29 private, nonprofit corporation, to which the Superintendent assigns employees or makes
30 available resources pursuant to this section, to secure and pay for the services of the
31 State Auditor's Office or employ a public accountant to conduct an audit of the financial
32 accounts of the corporation. The board of directors shall transmit to the Superintendent
33 of Public Instruction a copy of the annual financial audit report of said private nonprofit
34 corporation."

35
36 Requested by: Senator Taft

37 —LIMIT UNIFORM EDUCATION REPORTING SYSTEM FINES

38 Sec. 77. G.S. 115C-438 reads as rewritten:

39 **"§ 115C-438. Provision for disbursement of State money.**

40 The deposit of money in the State treasury to the credit of local school
41 administrative units shall be made in monthly installments, and additionally as
42 necessary, at such time and in such a manner as may be most convenient for the
43 operation of the public school system. Before an installment is credited, the school
44 finance officer shall certify to the State Board of Education the expenditures to be made

1 by the local school administrative unit from the State Public School Fund during the
2 month. This certification shall be filed on or before the fifth day following the end of
3 the month preceding the period in which the expenditures will be made. The State
4 Board of Education shall determine whether the moneys requisitioned are due the local
5 school administrative unit, and upon determining the amount due, shall cause the
6 requisite amount to be credited to the local school administrative unit. Upon receiving
7 notice from the State Treasurer of the amount placed to the credit of the local school
8 administrative unit, the finance officer may issue State warrants up to the amount so
9 certified.

10 The State Board of Education may withhold money for payment of salaries for
11 administrative officers of local school administrative units if any report required to be
12 filed with State school authorities is more than 30 days overdue. The State Board of
13 Education shall withhold money for payment of salaries for the superintendent, finance
14 officer, and all other administrative officers charged with providing payroll information
15 pursuant to G.S. 115C-12(18), if the local school administrative unit fails to provide the
16 payroll information to the State Board in a timely fashion and substantially in
17 accordance with the standards set by the State ~~Board~~. Board; provided, however, the
18 maximum amount withheld from any local school administrative unit shall be twenty-
19 five thousand dollars (\$25,000).

20 Money in the State Public School Fund and State bond moneys shall be released
21 only on warrants drawn on the State Treasurer, signed by such local official as may be
22 required by the State Board of Education."
23

24 PART XVI.—DEPARTMENT OF CORRECTION

25
26 Requested by: Senator Basnight

27 —GATES COUNTY SCHOOL WASTEWATER TREATMENT

28 Sec. 78. The Wastewater treatment systems of the Gates County Junior High
29 School and the Gates County High School may be tied into the wastewater treatment
30 system of the Gates County Correctional Center.
31

32 Requested by: Senator Parnell

33 —ELECTRONIC SURVEILLANCE FUNDS

34 Sec. 79. Of the funds appropriated to the Department of Correction for the
35 1990-91 fiscal year as a reserve for the operation of Redd Dorm at Cameron Morrison
36 and as a reserve for additional improvements/alternatives in the corrections system,
37 \$1,672,010 shall be used by the Department of Correction in the 1990-91 fiscal year to
38 expand the electronic surveillance program.
39

40 Requested by: Senator Parnell

41 —DEPARTMENT OF CORRECTION EXPANSION FUNDS

42 Sec. 80. (a) The \$1,531,800 appropriated in Section 4 of Chapter 754 of the
43 1989 Session Laws to the Office of State Budget and Management for the 1990-91

1 fiscal year for construction of a metal products plant at the Harnett County prison unit is
2 repealed.

3 (b) The \$1,028,100 appropriated in Section 4 of Chapter 754 of the 1989
4 Session Laws to the Office of State Budget and Management for the 1990-91 fiscal year
5 for a tailoring plant at the Harnett County prison unit is repealed.

6 (c) The \$3,953,533 appropriated in Section 4 of Chapter 754 of the 1989
7 Session Laws to the Office of State Budget and Management for the 1990-91 fiscal year
8 for medium custody dormitories and ancillary facilities at Pender County prison unit is
9 reduced by \$456,059.

10 (d) The \$7,668,211 appropriated in Section 3 of Chapter 8 of the 1989
11 Session Laws to the Office of State Budget and Management for the 1990-91 fiscal year
12 for dayroom additions to existing minimum security field unit dorms is repealed.

13 (e) The \$1,583,141 appropriated in Section 3 of Chapter 8 of the 1989
14 Session Laws to the Office of State Budget and Management for the 1990-91 fiscal year
15 for renovation and site preparation for classroom and vocational facilities is repealed.

16

17 Requested by: Senator Parnell

18 ---LIMIT USE OF OPERATIONAL FUNDS

19 Sec. 81. Funds appropriated in Section 3 of this act to the Department of
20 Correction for early operational costs for additional facilities shall be used for the
21 personnel and operating expenses set forth in the budget approved by the General
22 Assembly in this act. These funds may not be expended for any other purpose, and may
23 not be expended for additional prison personnel positions until the new facilities are
24 within 90 days of completion.

25

26 Requested by: Senator Parnell

27 ---RAISE PER DIEM REIMBURSEMENT

28 Sec. 82. Of the funds appropriated to the Department of Correction for the
29 1990-91 fiscal year, the sum of \$604,678 shall be used to raise the per diem
30 reimbursement to counties from twelve dollars and fifty cents (\$12.50) per day to
31 fourteen dollars and fifty cents (\$14.50) per day for State inmates serving sentences of
32 more than 30 days in local confinement facilities.

33

34 Requested by: Senator Parnell

35 ---SOUTHERN APPALACHIA MAINSTREAM FUNDS

36 Sec. 83. Of the funds appropriated to the Department of Correction, Division
37 of Adult Probation and Parole for the 1990-91 fiscal year, \$190,000 shall be used as a
38 grant-in-aid for a pilot program at Southern Appalachia Mainstream, Inc., a community-
39 based residential program for offenders who are leaving the Division of Prisons and
40 who are in need of residence plans, community service jobs, and/or social readiness
41 skills. Southern Appalachia Mainstream, Inc., shall provide a quarterly report to the
42 Joint Legislative Commission on Governmental Operations on the expenditure of State
43 funds and the effectiveness of the program, including information on the number of

1 clients served and the number of clients who successfully complete the program while
2 residing at Southern Appalachia Mainstream.

3
4 Requested by: Senator Parnell

5 —PRIVATE ALCOHOL AND DRUG ABUSE DETENTION CENTER

6 Sec. 84. The Department of Correction shall develop a proposal for a pilot
7 program for contracting with the private sector for one or more privately operated, for-
8 profit or not for-profit detention centers for alcohol and drug abusers with an emphasis
9 on the self-help recovery model. The plan should provide for the private construction,
10 operation, and maintenance of a facility or facilities not to exceed a total of 500 beds
11 and should include considerations of size, level of custody, construction and operation
12 costs, and the possible use of existing buildings. The Department shall submit this
13 proposal to the Joint Legislative Commission on Governmental Operations by January
14 1, 1991.

15
16 PART XVII.—JUDICIAL DEPARTMENT

17
18 Requested by: Senator Marvin

19 —RESERVE FOR RESENTENCING HEARINGS IN CAPITAL CASES

20 Sec. 85. (a) There is created in the Judicial Department a non-reverting
21 special fund to be known as "The Special Capital Case Rehearing Fund." The funds
22 shall be used to provide resentencing hearings, related appeals, and post-conviction
23 hearings required by the decisions of the United States Supreme Court in **McKoy v.**
24 **North Carolina**, March 5, 1990, and of the Supreme Court of North Carolina upon the
25 remand of that case, for the payment of attorneys fees and related expenses for
26 representation of indigent persons as specified in Subchapter IX of Chapter 7A of the
27 General Statutes. The Special Capital Case Rehearing Fund shall terminate, and all
28 funds remaining in it shall revert to the General Fund, when the Director of the
29 Administrative Office of the Courts certifies to the State Controller that all reasonably
30 foreseeable resentencing hearings, related appeals, and post-conviction hearings have
31 been substantially completed.

32 (b) Of the funds appropriated to the Judicial Department for the 1990-91
33 fiscal year the sum of \$500,000 shall be allocated to The Special Capital Case
34 Rehearing Fund for the purposes indicated in this section.

35
36 Requested by: Senator Marvin

37 —EXTEND CERTAIN SPECIAL SUPERIOR COURT JUDGE TERMS

38 Sec. 86. (a) Notwithstanding G.S. 7A-45, G.S. 7A-45.1, Section 7 of Chapter
39 509, Session Laws of 1987, or any other provision of law, if any special superior court
40 judge who is holding office on the effective date of this act first took office as an
41 appointed or elected regular or special superior court judge in the calendar year 1986,
42 the term of office of that judge is extended through December 31, 1994.

43 (b) Notwithstanding G.S. 143-23 the Judicial Department may use lapsed
44 salary funds for fiscal year 1990-91, not to exceed the sum of \$61,260, to cover the

1 costs of the extended term for the period of January 1, 1991, through June 30, 1991, as
2 provided in subsection (a).

3
4 Requested by: Senator Marvin

5 —INCREASED JUDICIAL DEPARTMENT OPERATING EXPENSE
6 REQUIREMENTS

7 Sec. 87. From the funds appropriated to the Judicial Department for the
8 1990-91 fiscal year, the Administrative Office of the Courts may use up to \$1,530,000
9 to meet the 1990-91 fiscal year's additional operating expenses in the areas of office,
10 warehouse, and print shop rental, supplies, jury and witness fees, court record book
11 restoration, telephone system repairs, moving-related expenses, indigent person attorney
12 fees, and postage if the postage rate is increased.

13
14 PART XVIII.—DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY

15
16 Requested by: Senator Parnell

17 —CONTINUE SUMMIT HOUSE FUNDING

18 Sec. 88. Section 113 of Chapter 752 of the 1989 Session Laws reads as
19 rewritten:

20 "Sec. 113. Of the funds appropriated to the Department of Crime Control and Public
21 Safety for the ~~1989-90~~ 1990-91 fiscal year, ~~\$75,000~~ \$165,000 shall be used to support a
22 pilot program at Summit House, a community-based residential alternative to
23 incarceration for mothers and pregnant women convicted of nonviolent crimes. Summit
24 House shall provide a quarterly report to the Joint Legislative Commission on
25 Governmental Operations on the expenditure of State appropriations and on the
26 effectiveness of the program, including information on the number of clients served, the
27 number of clients who have their probation revoked, and the number of clients who
28 successfully complete the program while housed at Summit House."

29
30 Requested by: Senators Marvin and Parnell

31 —COMMUNITY PENALTIES PROGRAMS FUNDS

32 Sec. 89. (a) Notwithstanding any other provision of this act, funds in the
33 amount of \$1,403,637 appropriated to the Department of Crime Control and Public
34 Safety for community penalties programs and funds in the amount \$143,346 contained
35 in the reduction in Sec. 80(c) of this act are allocated as follows in lieu of the allocations
36 made in Chapter 8 of the 1989 Session Laws and Chapter 752 of the 1989 Session
37 Laws:

- 38 (1) \$1,252,578 to provide State support for the 15 existing community
39 penalties programs. Those programs are listed below and shall receive
40 no less than the amounts indicated. Contracts for the programs listed
41 below shall be executed by the Department of Crime Control and
42 Public Safety before **sine die** adjournment of the 1989 Regular Session
43 of the General Assembly.
44

1	One Step Further, Inc.	\$139,664
2		
3	Rockingham/Caswell	
4	(Rural Services Contract)	40,900
5		
6	Fayetteville Area Sentencing	
7	Center, Inc.	131,878
8		
9	Re-Entry, Inc.	93,500
10		
11	Repay, Inc.	100,045
12		
13	Community Corrections	
14	Resources, Inc.	100,045
15		
16	Western Carolinians for	
17	Criminal Justice, Inc.	100,300
18		
19	Prison & Jail Project, Inc.	100,300
20		
21	Community Penalties Program,	
22	Inc.	68,213
23		
24	Jacksonville Community	
25	Penalties, Inc.	89,250
26		
27	Gaston Community Penalties,	
28	Inc.	53,661
29		
30	Dispute Settlement Center,	
31	Inc.	53,661
32		
33	Appropriate Punishment	
34	Option, Inc.	53,661
35		
36	Mecklenburg Community	
37	Corrections	93,500
38		
39	Neuse River Community	
40	Penalties Program	34,000
41	(2) \$35,000 to establish a new community penalties program to be located	
42	in the 16thB Superior Court Division;	
43	(3) \$35,000 to establish a new community penalties program to be located	
44	in the Third Superior Court Division;	

- 1 (4) \$35,000 to establish a new community penalties program to be located
2 in Nash County;
- 3 (5) \$45,000 to provide contractual services to Sampson, Duplin, and Jones
4 Counties through Jacksonville Community Penalties, Inc.;
- 5 (6) \$26,705 to provide contractual services to Cleveland and Lincoln
6 Counties through Gaston Community Penalties, Inc.; and
- 7 (7) \$117,700 to cover administrative costs.
- 8 (b) The Department of Crime Control and Public Safety shall report to the
9 Joint Legislative Commission on Governmental Operations and the Fiscal Research
10 Division by October 1, 1990, on the use of the funds authorized by this section.

11
12 Requested by: Senator Basnight

13 ---HIGHWAY PATROL POSITIONS FILLED ONLY IN FISCAL YEAR IN WHICH
14 THEY OCCUR

15 Sec. 90. G.S. 20-185 is amended by adding a new subsection to read:

16 "(i) Positions in the Highway Patrol Division approved by the General Assembly
17 in the first fiscal year of a biennium to be added in the second fiscal year of a biennium
18 may not be filled before adjustments to the budget for the second fiscal year of the
19 budget are enacted by the General Assembly. If a position to be added in the Highway
20 Patrol Division for the second fiscal year of the biennium requires training, no applicant
21 may be trained to fill the position until the budget adjustments for the second fiscal year
22 are enacted by the General Assembly."

23
24 Requested by: Senator Parnell

25 ---NO REORGANIZATION OF COMMUNITY PENALTIES PROGRAMS

26 Sec. 91. The Department of Crime Control and Public Safety may not
27 restructure or reorganize the community penalties programs.

28
29 Requested by: Senator Marvin

30 ---ELIGIBILITY FOR VICTIMS COMPENSATION FUNDS

31 Sec. 92. G.S. 15B-11(a) reads as rewritten:

32 "(a) An award of compensation will be denied if:

- 33 (1) The claimant fails to file his application for an award within one year
34 after the date of the criminally injurious conduct that caused the injury
35 or death for which he seeks the award;
- 36 (2) The economic loss is incurred after one year from the date of the
37 criminally injurious conduct that caused the injury or death for which
38 the victim seeks the award;
- 39 (3) The criminally injurious conduct was not reported to a law
40 enforcement officer or agency within 72 hours of its occurrence, and
41 there was no good cause for the delay;
- 42 (4) The award would benefit the offender, his accomplice, a spouse of or a
43 person living in the same household with the offender or his
44 accomplice, or a parent, child, brother, or sister of the offender or his

1 ~~accomplice~~, offender or his accomplice, unless a determination is
 2 made that the interests of justice require that an award be approved in a
 3 particular case; or

- 4 (5) The criminally injurious conduct occurred while the victim was
 5 confined in any State, county, or city prison, correctional, youth
 6 services, or juvenile facility, or local confinement facility, or half-way
 7 house, group home, or similar facility."
 8

9 PART XIX.—DEPARTMENT OF JUSTICE

10
 11 Requested by: Senator Marvin

12 —STATE BUREAU OF INVESTIGATION SALARY ADJUSTMENT

13 Sec. 93. Sec. 24 of Chapter 799 of the 1989 Session Laws reads as rewritten:

14 "Sec. 24. The State Bureau of Investigation may continue in fiscal year ~~1989-90~~
 15 1990-91 to pay overtime compensation for 25 supervisory personnel positions as is
 16 being done on June 30, ~~1989, 1990~~, up to a maximum of five thousand two hundred
 17 dollars (\$5,200) annually per individual. The Office of State Personnel has reported its
 18 findings and recommendations regarding the issue of overtime compensation for State
 19 Bureau of Investigation supervisory personnel to the Senate and House Appropriations
 20 Committees on Justice and Public Safety and the Fiscal Research Division. The State
 21 Bureau of Investigation shall review and respond to those recommendations and shall
 22 provide its written response to the Office of State Personnel, the Senate and House
 23 Appropriations Committees on Justice and Public Safety and the Fiscal Research
 24 Division by October 31, 1990. The Office of State Personnel shall continue to study the
 25 issue of overtime compensation for State Bureau of Investigation supervisory personnel
 26 and shall make its final recommendations to the Senate and House Appropriations
 27 Committee on Justice and Public Safety and the Fiscal Research Division by ~~April 15,~~
 28 1990-December 15, 1990 as to whether such compensation should continue."
 29

30 Requested by: Senators Marvin and Parnell

31 —MOBIL PLAN RESPONSE PROJECT

32 Sec. 94. Of the funds appropriated to the Department of Justice, the sum of
 33 \$155,259 for the 1990-91 fiscal year may be used to provide continued support for the
 34 staff in the Environmental Protection Section to provide legal services for the Mobil
 35 Plan Response Project.
 36

37 PART XX.—DEPARTMENT OF TRANSPORTATION

38
 39 Requested by: Senator Martin of Pitt

40 —CAPITAL IMPROVEMENT REVERSIONS

41 Sec. 95. (a) Unexpended and unencumbered funds in the amount of
 42 \$1,188,365, from the following capital improvement projects, less \$120,615 to cover the
 43 listed deficits, shall revert to the Highway Fund on June 30, 1990.

44 PROJECT AMOUNT STATUTORY AUTHORITY

1	I. Division of Motor Vehicles		
2	Building-Carteret County	\$1,275	SL1983,Ch.757,Sec.5
3	Building-Raleigh Renovations	525	SL1983,Ch.1034,Sec.3
4	Roof Replacements-Salisbury and		
5	Greensboro	9,508	SL1985,Ch.480,Sec.5
6	Newton Building Expansion	30,914	SL1987,Ch.795,Sec.5
7	Building-Raleigh Renovations	17,693	SL1987,Ch.795,Sec.5
8	Elizabeth City Building Addition	39	SL1987,Ch.795,Sec.5
9	Repave Parking Areas-Wilson,		
10	Kinston, and Hendersonville	3,212	SL1987,Ch.795,Sec.5
11	Building-Rocky Mount Addition	(3,857)	SL1987,Ch.795,Sec.5
12	Salisbury Septic System		
13	Replacement	2,542	SL1987,Ch.1101,Sec.4
14	II. Crime Control and Public Safety		
15	Law Enforcement Precision Driving		
16	Track and Classroom Tower	270,600	SL1987,Ch.795,Sec.5
17	Upgrade Communications Tower		
18	and Radio System, Greensboro	59,244	SL1987,Ch.795,Sec.5
19	III. Division of Highways		
20	Statewide Energy Savings		
21	Improvement	5,715	SL1983,Ch.757,Sec.5
22	Method/Design and Sitework	(733)	SL1983,Ch.1034,Sec.3
23	Method/Construction	(36,255)	SL1985,Ch.480,Sec.5
24	Method/Supplement	(52,813)	SL1987,Ch.1101,Sec.4
25	Hatteras/Ferry Facility	16,706	SL1985,Ch.1018,Sec.6
26	Grantsboro/Equipment Shop	1,326	SL1985,Ch.1018,Sec.6
27	Charlotte Maintenance Facility	25,233	SL1985,Ch.1018,Sec.6
28	Carteret/Ferry & Shore Facility	(26,003)	SL1985,Ch.1018,Sec.6
29	Carteret/Supplement to Ferry	15,669	SL1985,Ch.1101,Sec.4
30	Dare/Ferry Replacement Supplement	78,413	SL1987,Ch.1101,Sec.4
31	Dare/Ferry Replacement	586,068	SL1987,Ch.795,Sec.5
32			SL1987,Ch.1101,Sec.4
33	Raleigh/Thompson Building	7,511	SL1987,Ch.795,Sec.5
34	Raleigh/Highway Building Roof		
35	Replacement	55,442	SL1987,Ch.1101,Sec.4
36	Graham/Inspector's Office	(954)	SL1989,Ch.754,Sec.6
37	Raleigh/Roof Replacement Storage		
38	Warehouse 730		SL1989,Ch.754,Sec.6
39	(b) If any additional unexpected expenditures are required on the projects listed		
40	in subsection (a) of this section, they shall be paid from funds appropriated from the		
41	Highway Fund to the Departments listed for other capital improvements.		
42	(c) This section shall become effective June 30, 1990.		
43			
44	Requested by: Senator Martin of Pitt		

1 —SPECIAL APPROPRIATIONS FOR HIGHWAYS

2 Sec. 96. Section 98 of Chapter 752 of the 1989 Session Laws reads as
3 rewritten:

4 "Sec. 98. Of the funds appropriated to the Department of Transportation for special
5 appropriations for highways in Chapter 500 of the 1989 Session Laws, the Current
6 Operations Appropriations Act of 1989, and in this act, sixty-six million dollars
7 (\$66,000,000) for fiscal year 1989-90 and ~~sixty-six million dollars (\$66,000,000)~~ two
8 million six hundred twenty-eight thousand five hundred forty-nine dollars (\$2,628,549)
9 for fiscal year 1990-91 may be used for:

- 10 (1) Supplemental funding for highway construction, reconstruction, and
11 rehabilitation projects for State and Federal Aid road systems;
- 12 (2) Supplemental funding for the planning, design, and engineering of
13 highways and acquisition of highway rights-of-way;
- 14 (3) Matching funds for unanticipated federal-aid construction funds;
- 15 (4) Payment for all or any portion of the interest or principal on bonds
16 issued by the State for road and highway purposes;
- 17 (5) A means of maintaining a uniform seasonal pace of highway
18 construction, including scheduled ferry replacement.

19 Construction funds shall be allocated ~~equitably each year among the 14 Highway~~
20 ~~Divisions. Notwithstanding any other provisions of Chapter 136 of the General~~
21 ~~Statutes, the Department shall make allocations under this section in a manner that~~
22 ~~assures that at the end of the second year each of the 14 Highway Divisions, over the~~
23 ~~two year period, has been allocated an equal amount, insofar as possible, of all funds~~
24 ~~allocated under this section, including those for scheduled ferry replacement. The~~
25 ~~Secretary shall report in writing, on a monthly basis, in accordance with G.S. 136-~~
26 ~~17.2A. The Department of Transportation shall report to the Joint Legislative~~
27 ~~Commission on Governmental Operations Highway Oversight Committee and the~~
28 ~~Fiscal Research Division on the projects that have been funded, and those projects that~~
29 ~~he reasonably expects to be funded under this section. The report shall set out the~~
30 ~~reasons this method of funding serves the best interest of the State's transportation~~
31 ~~improvement programs. That report shall include, among other things, the cost savings~~
32 ~~realized, and the manner in which the cost savings have been realized by the use of the~~
33 ~~funds allocated under this section in accordance with G.S. 120-70.51(a)(1)."~~

34
35 Requested by: Senator Martin of Pitt

36 —CASH FLOW HIGHWAY FUND APPROPRIATIONS

37 Sec. 97. Section 48 of Chapter 500 of the 1989 Session Laws reads as
38 rewritten:

39 "Sec. 48. The General Assembly authorizes and certifies anticipated revenues of the
40 Highway Fund as follows:

41 For Fiscal Year 1991-92	\$ 981,100,000 <u>\$954,000,000</u>
42 For Fiscal Year 1992-93	\$1,005,000,000 <u>\$973,080,000.</u>

43
44 Requested by: Senator Martin of Pitt

1 —CASH FLOW - HIGHWAY TRUST FUND APPROPRIATION

2 Sec. 98. Section 22 of Chapter 799 of the 1989 Session Laws reads as
3 rewritten:

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

6 For fiscal year 1991-92	\$734,800,000—\$539,700,000
7 For fiscal year 1992-93	\$756,700,000—\$555,900,000."

8

9 Requested by: Senator Goldston

10 —TRANSFER OF DRIVER EDUCATION PROGRAM TO D.O.T.

11 Sec. 99. (a) G.S. 20-88.1 reads as rewritten:

12 **"§ 20-88.1. Driver training and safety education.**

13 (a) ~~In accordance with criteria and standards approved by the State Board of~~
14 ~~Education, the State Superintendent of Public Instruction~~ The Commissioner shall
15 organize, implement, and administer a program of driver education to be offered ~~at the~~
16 ~~public high schools of this State~~ for all persons of provisional license age. This program
17 shall be made available to all physically and mentally qualified persons of provisional
18 license age, including public school students, nonpublic school students and out-of-
19 school youths under 18 years of age. ~~The State Board of Education~~ Department of
20 Transportation shall use for ~~such~~ this purpose all funds appropriated to it for said
21 purpose, and may use all other funds that become available for its use for said purpose.
22 The drivers' education program established pursuant to this section shall include
23 instructions on the rights and privileges of the handicapped and the signs and symbols
24 used to assist the handicapped relative to motor vehicles, including the 'international
25 symbol of accessibility' and other symbols and devices as provided in Article 2A of this
26 Chapter. In addition, this program shall include at least six hours of instruction on the
27 offense of driving while impaired and related subjects.

28 (b) ~~The State Board of Education~~ Secretary of Transportation shall adopt an
29 interim salary schedule for Driver's Education Training Instructors effective until
30 December 31, 1991. Thereafter, the State Personnel Commission shall establish a
31 position classification plan and a compensation plan for Driver's Education Training
32 Instructors. No educational degree requirement may be a criterion used in setting
33 salaries. ~~The State Board of Education shall report the salary schedule and criteria~~
34 ~~developed for a drivers' education program to the 1983 General Assembly, Second~~
35 ~~Session 1984.~~

36 (c) All expenses incurred by the State in carrying out the provisions of this
37 section shall be paid out of the ~~General Highway Fund.~~ To the extent that savings can
38 be realized in the driver's education program, unexpended funds may be transferred,
39 quarterly, to the Highway Maintenance Account by the Office of State Budget and
40 Management."

41 (b) G.S. 115C-238.5 reads as rewritten:

42 **"§ 115C-238.5. Flexible funding.**

43 For fiscal years beginning with the 1990-91 fiscal year, the State Board of
44 Education, only upon the recommendation of the State Superintendent, shall increase

1 flexibility in the use of State funds for schools by combining into a single funding
2 category the existing categories for instructional materials, supplies and equipment,
3 textbooks, ~~testing support, and drivers education except for funds for classroom teachers~~
4 ~~of drivers education, and testing support.~~ Only local school administrative units
5 electing to participate in the Performance-based Accountability Program shall be
6 eligible to receive this flexible funding.

7 Local boards of education shall provide maximum flexibility in the use of funds to
8 individual schools to enable them to accomplish their individual schools' goals."

9 (c) The drivers education program, implemented pursuant to Article 14 of
10 Chapter 115C of the General Statutes is transferred from the Department of Public
11 Education to the Department of Transportation. This transfer shall be a Type I transfer,
12 as defined in G.S. 143A-6. All personnel actions taken to implement this transfer shall
13 be in accordance with the applicable provisions of Chapter 126 of the General Statutes
14 or Part 3 of Article 22 of Subchapter V of Chapter 115C of the General Statutes as the
15 case may be. The Secretary of Transportation shall report all personnel actions taken to
16 implement this transfer to the Joint Legislative Highway Oversight Committee.

17 (d) G.S. 115C-215 and G.S. 115C-216 are repealed.

18
19 Requested by: Senator Goldston

20 ---LRC STUDY ON DRIVERS' EDUCATION

21 Sec. 99.1. The Legislative Research Commission may study the cost,
22 funding, and use of personnel in providing a Drivers' Education Program to the State's
23 public school students with a view to promoting the program's efficiency, modifying its
24 funding as appropriate, and, if possible, reducing its cost. The Commission may report
25 the findings and recommendations of its study to the 1991 General Assembly.

26
27 Requested by: Senator William Martin

28 ---CONFORM DOT MINORITY PARTICIPATION TO FEDERAL REGULATIONS

29 Sec. 100. G.S. 136-28.4 reads as rewritten:

30 "**§ 136-28.4. State policy concerning participation by ~~minority contractors.~~**
31 **disadvantaged businesses in highway contracts.**

32 (a) It is the policy of this State to encourage and promote ~~the use of minority~~
33 ~~contractors in the construction, alteration and maintenance of State roads, streets,~~
34 ~~highways, and bridges~~ participation by disadvantaged businesses in contracts let by the
35 Department pursuant to this Chapter for the design, preliminary engineering,
36 construction, alteration and maintenance of State highways, roads, streets, and bridges,
37 and in the procurement of materials for such projects. All State agencies, institutions
38 and political subdivisions shall cooperate with the Department of Transportation and all
39 other State agencies, institutions and political subdivisions in efforts to encourage and
40 promote the use of ~~minority contractors~~ disadvantaged businesses in such State
41 ~~construction, alteration, maintenance and procurement.~~ design, preliminary engineering,
42 construction, alteration, maintenance and procurement contracts.

43 (b) A ~~ten percent (10%)~~ seven and one-half percent (7.5%) goal for participation
44 by minority businesses ~~in road or bridge construction, alteration, or maintenance~~

1 ~~projects in contracts let by the Department of Transportation for the design, preliminary~~
2 ~~engineering, construction, alteration, or maintenance of State highways, roads, streets,~~
3 ~~or bridges is established. The Department of Transportation shall endeavor to award to~~
4 ~~minority businesses at least ten percent (10%)~~ seven and one-half percent (7.5%), by
5 value, of the contracts it lets for the design, construction, alteration or maintenance of
6 ~~roads and bridges of State highways, roads, streets, or bridges.~~ The Department shall
7 adopt written procedures specifying the steps it will take to achieve this goal, provided
8 that the Department shall give equal opportunity for contracts it lets without regard to
9 race, religion, color, creed, national origin, sex, age, or handicapping condition, as
10 defined in G.S. 168A-3, to all contractors and businesses otherwise qualified.

11 (c) As used in this section, the term 'minority' has the same meaning as in 49
12 C.F.R. § 23.5.

13 (d) A seven and one-half percent (7.5%) goal for participation by women
14 businesses in road or bridge construction, preliminary engineering, alteration, or
15 maintenance projects is established. The Department of Transportation shall endeavor
16 to award to women businesses at least seven and one-half percent (7.5%), by value, of
17 the contracts it lets for the, preliminary engineering, construction, alteration or
18 maintenance of roads and bridges. The Department shall adopt written procedures
19 specifying the steps it will take to achieve this goal, provided that the Department shall
20 give equal opportunity for contracts it lets without regard to race, religion, color, creed,
21 national origin, sex, age, or handicapping condition, as defined in G.S. 168A-3, to all
22 contractors and businesses otherwise qualified."

23
24 Requested by: Senator Basnight

25 —FILL CERTAIN HIGHWAY FUND COMPUTER POSITIONS

26 Sec. 101. Positions authorized by the General Assembly in Chapter 752,
27 Session Laws of 1989, funded by the Highway Fund, for the transportation computing
28 center to reorganize and expand the information processing services, shall be filled
29 during the 1990-91 fiscal year.

30
31 Requested by: Senator Martin of Pitt

32 —INMATE LABOR FUNDING

33 Sec. 102. For the 1990-91 fiscal year, and for subsequent years in which
34 medium custody inmates are used, the Department of Transportation shall reimburse the
35 Department of Correction for the full cost of the Medium Custody Inmate Program.
36 The cost of this program for the 1990-91 fiscal year is \$4,633,856.

37
38 PART XXI.—MISCELLANEOUS PROVISIONS

39
40 Requested by: Senator Royall

41 —EXECUTIVE BUDGET ACT APPLIES

42 Sec. 103. The provisions of the Executive Budget Act, Chapter 143, Article 1
43 of the General Statutes are reenacted and shall remain in full force and effect and are
44 incorporated in this act by reference.

1

2 Requested by: Senator Royall

3 —COMMITTEE REPORT

4

5 Sec. 104. The June 14, 1990, Report of the Senate Appropriations Committee
6 which was distributed in the Senate and used to explain this act, shall indicate action by
7 the General Assembly on this act and shall therefore be used to construe this act, as
8 provided in G.S. 143-15 of the Executive Budget Act, and for such purposes shall be
9 considered a part of this act.

9

10 Requested by: Senator Royall

11 —MOST TEXT APPLIES ONLY TO 1990-91

12

13 Sec. 105. Except for statutory changes or other provisions that clearly
14 indicate an intention to have effects beyond the 1990-91 fiscal year, the textual
15 provisions of this act apply only to funds appropriated for, and activities occurring
16 during, the 1990-91 fiscal year.

16

17 Requested by: Senator Royall

18 —1989-90 APPROPRIATIONS LIMITATIONS AND DIRECTIONS APPLY

19

20 Sec. 106. Except where expressly repealed or amended by this act, the
21 provisions of Chapters 500, 752, 754, 795, and 799 of the 1989 Session Laws as
22 amended remain in effect.

22

23 Sec. 107. Notwithstanding any modifications by this act in the amounts
24 appropriated, except where expressly repealed or amended, the limitations and
25 directions for the 1990-91 fiscal year in Chapters 500, 752, 754, 795, and 799 of the
26 1989 Session Laws that applied to appropriations to particular agencies or for particular
27 purposes apply to the newly enacted appropriations and budget reductions of this act for
28 those same particular purposes.

28

29 Requested by: Senator Royall

30 —EFFECT OF HEADINGS

31

32 Sec. 108. The headings to the parts and sections of this act are a convenience
33 to the reader and are for reference only. The headings do not expand, limit, or define
34 the text of this act.

34

35 Requested by: Senator Royall

36 —SEVERABILITY CLAUSE

37

38 Sec. 109. If any section or provision of this act is declared unconstitutional or
39 invalid by the courts, it does not affect the validity of this act as a whole or any part
40 other than the part so declared to be unconstitutional or invalid.

40

41 Requested by: Senator Royall

42 —EFFECTIVE DATE

43

44 Sec. 110. Except as otherwise provided, this act shall become effective July
1, 1990.