

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

H

2

HOUSE BILL 1340
Committee Substitute Favorable 6/11/92

Short Title: Current Operations Appropriations 1992.

(Public)

Sponsors:

Referred to:

May 27, 1992

1 A BILL TO BE ENTITLED
2 AN ACT TO MODIFY THE APPROPRIATIONS AND BUDGET REVENUE ACT
3 OF 1991, AS AMENDED, AND TO MAKE OTHER CHANGES IN THE
4 BUDGET OPERATION OF THE STATE.

5 The General Assembly of North Carolina enacts:

6

7 **INTRODUCTION**

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

14

15 **TITLE OF ACT**

16 Sec. 2. This act shall be known as "The Current Operations Appropriations
17 Act of 1992."

18

19 **PART 1. GENERAL FUND APPROPRIATIONS**

20

21 **CURRENT OPERATIONS/STATE GOVERNMENT**

22 Sec. 3. Appropriations from the General Fund of the State for the
23 maintenance of the State departments, institutions, and agencies, and for other purposes

1
 2 Department of Insurance
 3 of 99
 4 9,944
 5
 6 Department of Transportation
 7 01. Aeronautics 2,666,666
 8
 9 Department of Environment, Health, and
 10 Natural Resources
 11 7,
 12 002,697
 13
 14 Administrative Rules Review Commission
 15 4,
 16 500
 17
 18 Department of Human Resources
 19 01. Alcohol Drug Abuse Treatment Center -
 20 Black Mountain (72,569)
 21 02. Alcohol Drug Abuse Treatment Center -
 22 Butner 40,040
 23 03. Alcohol Drug Abuse Treatment Center -
 24 Greenville 2,719
 25 04. N.C. Special Care Center (898,821)
 26 05. Black Mountain Center (1,196,424)
 27 06. DHR - Secretary 100,000
 28 07. Division of Aging
 29 08. Schools for the Deaf
 30 and Hard of Hearing
 31 09. Social Services 9,908,364
 32 10. Medical Assistance 6,050,893
 33 11. Social Services - State Aid to
 34 Non-State Agencies 720,960
 35 12. Division of Mental Health,
 36 Developmental Disabilities, and
 37 Substance Abuse Services 9,343,135
 38 13. Dorothea Dix Hospital (1,808,829)
 39 14. Broughton Hospital (1,148,100)
 40 15. Cherry Hospital (1,468,425)
 41 16. John Umstead Hospital (1,525,069)
 42 17. Western Carolina Center 542,516
 43 18. O'Berry Center (973,982)
 44 19. Murdoch Center (1,058,265)

1	20.	Caswell Center (409,736)	
2	21.	Division of Facility Services	12,671,793
3	22.	Division of Vocational	
4		Rehabilitation Services	380,000
5	23.	Division of Youth Services	1,891,170
6			
7		Total Department of	
8		Human	Resources
9			31
10		,091,370	
11			
12		Department	of
13			Correction
14		577,301	7,
15			
16		Department of Economic and	
17		Community Development	
18	01.	Economic and Community	
19		Development	4,675,688
20	02.	Rural Economic Development Center	2,200,000
21			
22		Department	of
23			Revenue
24		0,891	55
25			
26		Department of Crime Control	
27		and	Public
28			Safety
29		7,782	87
30			
31		University of North Carolina - Board	
32		of Governors	
33	01.	General Administration	(1,000,000)
34	02.	University Institutional	
35		Program	1,261,131
36	03.	University of North Carolina	
37		at Chapel Hill	
38	a.	Academic Affairs	(855,000)
39	b.	Health Affairs	(659,872)
40	04.	North Carolina State University	
41		at Raleigh	
42	a.	Academic Affairs	(950,000)
43	05.	University of North Carolina at	
44		Greensboro	(344,000)

1	06.	University of North Carolina at			
2		Charlotte (15,000)			
3	07.	University of North Carolina at			
4		Wilmington (55,000)			
5	08.	East Carolina University			
6	a.	Academic Affairs (86,000)			
7	b.	Division of Health Affairs (1,000,000)			
8	09.	Fayetteville State University (54,000)			
9	10.	North Carolina Central			
10		University (75,000)			
11	11.	UNC Hospitals at Chapel Hill (5,969,239)			
12					
13	Total University of North				
14	Carolina	-	Board	of	Governors
15					(9,
16	801,980)				
17					
18	Department	of	Community		Colleges
19					15
20	,066,327				
21					
22	State	Board		of	Elections
23					24
24	,475				
25					
26	Contingency and Emergency				
27					
28	Reserve for Salary Reduction -				
29	Positions	Vacated		by	Retirement
30					(1
31	9,500,000)				
32					
33	Reserve	for	Salary		Increases
34					10
35	8,500,000				
36					
37	Salary		Reserve		Deletions
38					(1,
39	926,180)				
40					
41	GRAND TOTAL CURRENT OPERATIONS				
42	/GENERAL FUND				\$
43	158,326,225				
44					

1 **PART 2. HIGHWAY FUND APPROPRIATIONS**

2
3 **CURRENT OPERATIONS/HIGHWAY FUND**

4 Sec. 4. Appropriations from the Highway Fund of the State for the
5 maintenance and operation of the Department of Transportation, and for other purposes
6 as enumerated, are made for the fiscal year ending June 30, 1993, according to the
7 schedule that follows. The amounts set out in the schedule are in addition to other
8 appropriations from the Highway Fund for these purposes for the 1992-93 fiscal year.
9 Amounts set out in brackets are reductions from Highway Fund appropriations for the
10 1992-93 fiscal year.

11
12 Current Operations-Highway Fund
13 1992-93

14
15 Department of Transportation

16 01. Administration \$ 3,399,922

17 02. Division of Highways

18 a. State Construction

19 (01) Secondary Construction 446,402

20 (02) Urban Construction (1,000,000)

21 (03) Spot Safety

22 Improvements (1,000,000)

23 b. State Funds to Match Federal
24 Highway Aid

25 (01) Construction (18,000,000)

26 c. State Maintenance

27 (01) Secondary (559,204)

28 (02) Contract Resurfacing (15,000,000)

29 d. Ferry Operations (750,000)

30 03. Division of Motor Vehicles 4,252,600

31 04. State Aid to Municipalities
32 446,402

33 05. Salary Adjustments for Highway
34 Fund Employees (59,344)

35 06. Reserve to Continue DOT

36 Merit Salary Increases (86,143)

37 07. Reserve for Salary Increases 7,045,254

38 08. Reserve for State Employee

39 Health Benefit Plan (2,675,722)

40 09. Transfer to General Fund for

41 Reimbursement for Sales Tax

42 Exemption 700,000

43 Appropriations for Other State Agencies

44 01. Crime Control and Public

1 Safety (603,913)
 2
 3 GRAND TOTAL CURRENT OPERATIONS/
 4 HIGHWAY FUND \$ (23,443,746)
 5

6 **PART 3. HIGHWAY TRUST FUND**
 7

8 Sec. 5. Appropriations from the Highway Trust Fund are made for the fiscal
 9 year ending June 30, 1993, according to the schedule that follows. The amounts set out
 10 in this schedule are in addition to other appropriations from the Highway Trust Fund for
 11 these purposes for the 1992-93 fiscal year. Amounts set out in brackets are reductions
 12 from Highway Trust Fund appropriations for the 1992-93 fiscal year.

13
 14 1992-93

15
 16 01. Intrastate System \$ 2,800,081
 17 02. Secondary Road Construction 1,113,365
 18 03. Urban Loops 1,207,661
 19 04. State Aid-Municipalities 313,365
 20 05. Program Administration (434,472)
 21

22 GRAND TOTAL CURRENT OPERATIONS/
 23 HIGHWAY TRUST FUND \$
 24 5,000,000
 25

26 **PART 4. BLOCK GRANT APPROPRIATIONS**
 27

28 Requested by: Representatives Ethridge, H. Hunter, Nye, Easterling

29 **BLOCK GRANT PROVISIONS**

30 Sec. 6. (a) Appropriations from federal block grant funds are made for the
 31 fiscal year ending June 30, 1993, according to the following schedule:

32
 33 TOTAL JOB TRAINING PARTNERSHIP ACT \$
 34 52,949,580
 35

36 **COMMUNITY SERVICES BLOCK GRANT**
 37

38 01. Community Action Agencies \$ 9,038,133
 39
 40 02. Limited Purpose Agencies 501,595
 41
 42 03. Department of Human Resources
 43 to administer and monitor
 44 the activities of the

1	Community Services Block Grant	478,019	
2			
3	TOTAL COMMUNITY SERVICES BLOCK GRANT		\$
4	10,017,747		
5			
6	COMMUNITY DEVELOPMENT BLOCK GRANT		
7			
8	01. State Administration	\$ 957,840	
9			
10	02. Urgent Needs and Contingency	2,096,708	
11			
12	03. Housing Development	2,096,708	
13			
14	04. Economic Development	8,386,832	
15			
16	05. Community Revitalization	29,353,912	
17			
18	TOTAL COMMUNITY DEVELOPMENT		
19	BLOCK GRANT		\$
20	42,892,000		
21			
22	PREVENTIVE HEALTH BLOCK GRANT		
23			
24	01. Emergency Medical Services	\$ 245,652	
25			
26	02. Basic Public Health Services	925,542	
27			
28	03. Hypertension Programs	590,230	
29			
30	04. Statewide Health Promotion Programs	1,929,576	
31			
32	05. Fluoridation of Water Supplies	228,404	
33			
34	06. Rape Prevention and Rape		
35	Crisis Programs	91,269	
36			
37	07. AIDS/HIV Education, Counseling,		
38	and Testing	290,577	
39			
40	08. Office of Minority Health and		
41	Minority Health Council	190,000	
42			
43	TOTAL PREVENTIVE HEALTH BLOCK GRANT		\$
44	4,491,250		

1			
2	MATERNAL AND CHILD HEALTH SERVICES		
3			
4	01. Healthy Mother/Healthy Children		
5	Block Grants to Local Health		
6	Departments	\$ 11,673,617	
7			
8	02. High Risk Maternity Clinic Services,		
9	Perinatal Education, and Consultation		
10	to Local Health Departments		
11	and Other Health Care Providers	1,412,018	
12			
13	03. Services to Disabled Children	5,215,987	
14			
15	04. Reimbursements for Local Health		
16	Departments for Contracted		
17	Nutritional Services	120,530	
18			
19	TOTAL MATERNAL AND CHILD		
20	HEALTH SERVICES		\$
21	18,422,152		
22			
23	SOCIAL SERVICES BLOCK GRANT		
24			
25	01. County Departments of Social Services	\$ 42,313,005	
26			
27	02. Allocation for State In-Home Services	545,383	
28			
29	03. Division of Mental Health, Developmental		
30	Disabilities, and Substance Abuse	5,514,782	
31			
32	04. Division of Services for the Blind	3,162,920	
33			
34	05. Division of Youth Services	1,037,868	
35			
36	06. Division of Facility Services	330,573	
37			
38	07. Division of Aging	333,656	
39			
40	08. Day Care Services	12,158,899	
41			
42	09. Volunteer Services	55,086	
43			
44	10. State Administration and State Level		

1	Contracts	3,392,468	
2			
3	11. Voluntary Sterilization Funds	98,710	
4			
5	12. Transfer to Maternal and Child		
6	Health Block Grant	1,585,833	
7			
8	13. Adult Day Care Services	314,229	
9			
10	14. Allocation to the Home and		
11	Community Care Block Grant		
12	Persons Age 60 and Over	1,511,654	
13			
14	15. County Departments of Social Services for		
15	Child Abuse/Prevention and		
16	Permanency Planning	394,841	
17			
18	16. Allocation to Division of Maternal and		
19	Child Health for Grants-in-Aid to Prevention		
20	Programs	439,261	
21			
22	17. Transfer to Preventive Health		
23	Block Grant for Emergency Medical Services		
24	and Basic Public Health Services	486,258	
25			
26	18. Allocation to Preventive Health Block		
27	Grant for AIDS Education	290,577	
28			
29	19. Allocation to Department of Administration		
30	for North Carolina Fund for Children	45,270	
31			
32	20. Allocation to the Division of Economic		
33	Opportunity for Head Start,		
34	Elderly, and Handicapped Services	197,421	
35			
36	TOTAL SOCIAL SERVICES BLOCK GRANT		\$
37	74,208,694		
38			
39	LOW INCOME ENERGY BLOCK GRANT		
40			
41	01. Energy Assistance Programs	\$ 5,926,428	
42			
43	02. Crisis Intervention	1,344,531	
44			

1	03.	Administration	599,749	
2				
3	04.	Indian Affairs	8,226	
4				
5	05.	Transfer to Social Services		
6		Block Grant for Adult		
7		Day Care Services	126,423	
8				
9	06.	Reserve due to Delayed Federal		
10		Funding	20,943,028	
11				
12	TOTAL LOW INCOME ENERGY BLOCK GRANT			\$
13	28,948,385			
14				
15	ALCOHOL AND DRUG ABUSE AND MENTAL HEALTH			
16	SERVICES BLOCK GRANT			
17				
18	01.	Allocate funds to the four regional		
19		offices on a per capita basis		
20		for mental health services	\$ 2,250,173	
21				
22	02.	Programs for the Chronically		
23		Mentally Ill	3,323,686	
24				
25	03.	Continuation and expansion of		
26		child mental health services in		
27		accordance with the Child Mental		
28		Health Plan including group		
29		homes, specialized foster care,		
30		therapeutic homes, professional		
31		parenting programs, and respite care	1,079,595	
32				
33	04.	Continuation of community-		
34		based alcohol and drug services		
35		including prevention, early inter-		
36		vention, treatment, rehabilitation,		
37		nonhospital medical detoxification,		
38		training and specialized project for the		
39		hearing impaired	6,119,504	
40				
41	05.	Continuation and expansion of services		
42		to female substance abusers,		
43		including specialized services at		
44		the ADATCS	2,658,736	

1			
2	06.	Continuation of services to	
3		IV drug abusers, including increased	
4		capacity for drug screens and IV	
5		services at the ADATCS	3,853,579
6			
7	07.	Services to adolescents, including	
8		continuation of services	
9		in accordance with the Youth Substance	
10		Abuse Plan	3,140,864
11			
12	08.	Funding to support the provision of	
13		Treatment Alternatives to Street	
14		Crimes (TASC) programs for adults	
15		and four demonstration projects with	
16		local jails	577,104
17			
18	09.	Continuing of funding for detoxification	
19		services in the Eastern Region	1,048,110
20			
21	10.	Administration	1,507,527
22			
23	TOTAL ALCOHOL, DRUG ABUSE, AND		
24	MENTAL HEALTH SERVICES		
25	BLOCK GRANT		
26			\$
27			
28	COMMUNITY YOUTH ACTIVITY PROGRAM BLOCK GRANT		
29			
30	01.	Development of a Community-Based Substance	
31		Abuse Prevention Program	
32		for Youth \$	45,288
33			
34	TOTAL COMMUNITY YOUTH ACTIVITY PROGRAM		
35	BLOCK GRANT		
36			\$
37			
38	CHILD CARE AND DEVELOPMENT BLOCK GRANT		
39			
40	01.	Child Day Care Services	\$ 14,363,594
41			
42	02.	Head Start Wrap-Around	3,209,984
43			
44	03.	Revolving Loans/Grants	66,861

04.	County Day Care Coordinators	592,020
05.	Staff/Child Ratio Reduction	212,821
06.	Study of Day Care Salaries	35,286
07.	Child Care Worker Credentials	436,465
08.	Resource and Referral Programs	815,699
09.	Facility Services Administration	648,660
10.	Monitoring Improvement	152,256
11.	Child Care Development Funds	1,222,124

If funds appropriated through the Child Care and Development Block Grant for any program cannot be obligated or spent in that program within the obligation or liquidation periods allowed by the federal grants, the Department may move funds to other programs, in accordance with the federal requirements of the grant, in order to use the federal funds fully.

TOTAL CHILD CARE AND DEVELOPMENT

BLOCK GRANT

21,755,770

\$

(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.

(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 – each program category under the Community Development Block Grant shall be increased by the same percentage as the increase in federal funds.
- (2) For the Preventive Health Block Grant – additional funds shall be allocated to support the Statewide Health Promotion Programs.
- (3) For the Maternal and Child Health Services Block Grant – thirty percent (30%) of these additional funds shall be allocated to services for children with special health care needs and seventy percent (70%) shall be allocated to local health departments to assist in the reduction of infant mortality.

- 1 (4) For other block grants – these additional funds may be budgeted by the
2 appropriate department, with the approval of the Office of State
3 Budget and Management, provided the resultant increases are in
4 accordance with federal block grant requirements and are within the
5 scope of the block grant plan approved by the General Assembly. All
6 these budgeted increases shall be reported to the Joint Legislative
7 Commission on Governmental Operations and to the Director of the
8 Fiscal Research Division.

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

10 (d) Education Setaside of JTPA Funds

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

16 (e) Limitations on Community Development Block Grant Funds

17 Of the funds appropriated in this section for the Community Development
18 Block Grant, not more than nine hundred fifty-seven thousand eight hundred forty
19 dollars (\$957,840) may be used for State administration; up to two million ninety-six
20 thousand seven hundred eight dollars (\$2,096,708) may be used for Urgent Needs and
21 Contingency; up to two million ninety-six thousand seven hundred eight dollars
22 (\$2,096,708) may be used for Housing Development; up to eight million three hundred
23 eighty-six thousand eight hundred thirty-two dollars (\$8,386,832) may be used for
24 Economic Development; and not less than twenty-nine million three hundred fifty-three
25 thousand nine hundred twelve dollars (\$29,353,912) shall be used for Community
26 Revitalization. If federal block grant funds are reduced or increased by the United
27 States Congress after the effective date of this act, then these reductions or increases
28 shall be allocated in accordance with subsection (b) or (c) of this section, as applicable.

29 (f) Upon the federal government's release of the funds budgeted in the Low
30 Income Energy Block Grant Reserve in this act, these funds shall be used to restore
31 funding to all programs, if needed, other than the Weatherization Program, that were
32 funded with Low Income Energy Assistance Block Grant funds as identified in Section
33 5 of Chapter 689 of the 1991 Session Laws.

34
35 **PART 5. GENERAL PROVISIONS**

36
37 Requested by: Representatives Nesbitt, Diamont

38 **CONTINGENCY AND EMERGENCY FUND CORRECTION**

39 Sec. 7. Section 8 of Chapter 689 of the 1991 Session Laws reads as
40 rewritten:

41 "Sec. 8. Of the funds appropriated in this Title to the Contingency and Emergency
42 Fund, ~~\$900,000~~ nine hundred thousand dollars (\$900,000) for the 1991-92 fiscal year
43 and ~~\$900,000~~ nine hundred thousand dollars (\$900,000) for the 1992-93 fiscal year shall
44 be designated for emergency allocations, which are for the purposes outlined in ~~G.S.~~

1 ~~143-23(a1). G.S. 143-23(a1)(3), (4), and (5). \$225,000~~ Two hundred twenty-five
2 thousand dollars (\$225,000) for the 1991-92 fiscal year and \$225,000 ~~two hundred~~
3 twenty-five thousand dollars (\$225,000) for the 1992-93 fiscal year shall be designated
4 for other allocations from the Contingency and Emergency Fund."

5
6 Requested by: Representatives Ethridge, H. Hunter

7 **BLOCK GRANT PLANS**

8 Sec. 8. G.S. 143-16.1 reads as rewritten:

9 **"§ 143-16.1. Federal funds.**

10 (a) All federal funds shall be expended and reported in accordance with
11 provisions of the Executive Budget Act, except as otherwise provided by law. Proposed
12 budgets recommended to the General Assembly by the Governor and Advisory Budget
13 Commission shall include information concerning the federal expenditures in State
14 agencies, departments and institutions in the same manner as State funds. The Director
15 of the Budget may adopt rules and regulations establishing uniform planning, budgeting
16 and fiscal procedures, not inconsistent with federal law, that ensure that all federal funds
17 shall be expended in a standardized manner. The function of the Advisory Budget
18 Commission under this section applies only if the Director of the Budget consults with
19 the Commission in preparation of the budget.

20 (b) The Secretary of each State agency that receives and administers federal
21 Block Grant funds shall prepare and submit the agency's Block Grant plans to the Fiscal
22 Research Division of the General Assembly not later than April 20 of each fiscal year.
23 The agency shall submit a separate Block Grant plan for each Block Grant received and
24 administered by the agency, and each plan shall include, but not be limited to, the
25 following:

- 26 (1) A delineation of the proposed dollar amount allocations by activity and
27 by category, including dollar amounts to be used for administrative
28 costs; and
29 (2) A comparison of the proposed funding with two prior years' program
30 budgets.

31 The Director of the Budget shall review for accuracy, consistency, and uniformity each
32 State agency's Block Grant plans prior to submission of the plans to the General
33 Assembly."

34 35 **PART 5.1. BUDGET CLARIFICATION PROVISIONS**

36
37 Requested by: Representative Nesbitt

38 **BUDGET CLARIFICATIONS**

39 Sec. 8.1. (a) The General Assembly finds that it is necessary to clarify the
40 provisions of the State budget for the 1991-93 fiscal biennium, the Executive Budget
41 Act, and other statutes that affect the administration of the budget. The provisions of
42 this section are intended to provide this clarification and are not intended to make
43 substantive changes in the law.

44 (b) G.S. 143-16.3 reads as rewritten:

1 **"§ 143-16.3. No expenditures for purposes for which the General Assembly has**
2 **considered but not enacted an appropriation.**

3 Notwithstanding any other provision of law, no funds from any source, except for
4 gifts, grants, and funds allocated from the Contingency and Emergency Fund by the
5 Council of State, may be expended for any ~~purpose~~purpose, position, or other
6 expenditure for which the General Assembly has considered but not enacted an
7 appropriation of funds for the current fiscal period. For the purpose of this section, the
8 General Assembly has considered a ~~purpose~~purpose, position, or other expenditure
9 when that purpose is included in a bill or petition or when any committee of the Senate
10 or the House of Representatives deliberates on that purpose."

11 (c) G.S. 143-23 reads as rewritten:

12 **"§ 143-23. All maintenance funds for itemized purposes; transfers between objects**
13 **and or line items.**

14 (a) All appropriations now or hereafter made for the maintenance of the various
15 departments, institutions and other spending agencies of the State, are for the (i)
16 purposes or programs and/or and (ii) objects or line items enumerated in the itemized
17 requirements of such departments, institutions and other spending agencies submitted to
18 the General Assembly by the Director of the Budget and the Advisory Budget
19 Commission, ~~and/or~~ as amended by the General Assembly. The function of the
20 Advisory Budget Commission under this subsection applies only if the Director of the
21 Budget consults with the Commission in preparation of the budget.

22 (a1) No transfers may be made between objects or line items in the budget of any
23 department, institution, or other spending agency; however, with the approval of the
24 Director of the Budget, a department, institution, or other spending agency may spend
25 more than was appropriated for ~~a~~an object or line item if the overexpenditure is:

- 26 (1) In a purpose or program for which funds were appropriated for that
27 fiscal period and the total amount spent for the purpose or program is
28 no more than was appropriated for the purpose or program for the
29 fiscal period;
- 30 (2) Required to continue a purpose or program because of unforeseen
31 events, so long as the scope of the purpose or program is not increased;
- 32 (3) Required by a court, Industrial Commission, or administrative hearing
33 officer's order or award or to match unanticipated federal funds;
- 34 (4) Required to respond to an unanticipated disaster such as a fire,
35 hurricane, or tornado; or
- 36 (5) Required to call out the National Guard.

37 The Director of the Budget shall report on a quarterly basis to the Joint Legislative
38 Commission on Governmental Operations and to the Fiscal Research Division of the
39 Legislative Services Office the reason if the amount expended for a purpose or program
40 is more than the amount appropriated for it from all sources.

41 Funds appropriated for salaries and wages are also subject to the limitation that they
42 may only be used for (i) salaries and wages or for premium pay, overtime pay,
43 longevity, unemployment compensation, workers' compensation, temporary wages,
44 contracted personal services, moving expenses, payment of accumulated annual leave,

1 certain awards to employees, tort claims, and employer's social security, retirement, and
2 hospitalization payments: ~~provided, however, funds appropriated for salaries and wages~~
3 ~~may also be used for payments; or (ii) purposes~~ uses for which over expenditures are
4 permitted by subdivisions (3), (4), and (5) of this subsection but the Director of the
5 Budget shall include such use and the reason for it in his quarterly report to the Joint
6 Legislative Commission on Governmental Operations and to the Fiscal Research
7 Division of the Legislative Services ~~Office.~~ Lapsed Office.

8 Lapsed salary funds that become available from vacant positions are also subject to
9 the limitation that they may not be used for new permanent employee positions or to
10 raise the salary of existing employees.

11 ~~As used in this subsection, 'program' means a group of expenditure and receipt line~~
12 ~~items for support of a specific budgeted activity outlined in the certified budget for each~~
13 ~~department, agency, or institution, as designated by the four digit fund (purpose)~~
14 ~~number in the Budget Preparation System.~~

15 The requirements in this section that the Director of the Budget report to the Joint
16 Legislative Commission on Governmental Operations shall not apply to expenditures of
17 receipts by entities that are wholly receipt supported, except for entities supported by
18 the Wildlife Resources Fund.

19 (b) Repealed by Session Laws 1985, c. 290, s. 8, effective July 1, 1985.

20 (c) Transfers or changes as between objects ~~and or line~~ items in the budget of the
21 Senate may be made by the President Pro Tempore of the Senate;

22 (d) Transfers or changes as between objects ~~and or line~~ items in the budget of the
23 House of Representatives may be made by the Speaker of the House of Representatives;

24 (e) Transfers or changes as between objects ~~and or line~~ items in the budget of the
25 General Assembly other than of the Senate and House of Representatives may be made
26 jointly by the President Pro Tempore of the Senate and the Speaker of the House of
27 Representatives.

28 (f) As used in this section:

29 (1) 'Object or line item' means a budgeted expenditure or receipt in the
30 budget enacted by the General Assembly that is designated by (i) a
31 thirteen-digit code in the 1000-object code series or (ii) an eleven-digit
32 code in all other object code series, in accordance with the Budget
33 Code Structure and the State Accounting System Uniform Chart of
34 Accounts set out in the Administrative Policies and Procedures Manual
35 of the Office of the State Controller.

36 (2) 'Purpose or program' means a group of objects or line items for support
37 of a specific activity outlined in the budget adopted by the General
38 Assembly that is designated by a nine-digit fund code in accordance
39 with the Budget Code Structure and the State Accounting System
40 Uniform Chart of Accounts set out in the Administrative Policies and
41 Procedures Manual of the Office of the State Controller."

42 (d) Section 351 of Chapter 689 of the 1991 Session Laws reads as rewritten:

43 "Sec. 351. (a) The Joint Appropriations Committee House/Senate Base and
44 Expansion Budget ~~Report~~ and the Joint Appropriations Committee House/Senate Base

1 and Expansion Budget Conference Report dated July 11, 1991, which were distributed
2 in the House and Senate and used to explain this act, shall indicate action by the General
3 Assembly on this act and shall therefore be used to construe this act, as provided in G.S.
4 143-15 of the Executive Budget Act, and for these purposes shall be considered a part of
5 this act.

6 (b) The budget enacted by the General Assembly for the maintenance of the
7 various departments, institutions, and other spending agencies of the State for the 1991-
8 93 fiscal biennium is a line item budget, in accordance with the Budget Code Structure
9 and the State Accounting System Uniform Chart of Accounts set out in the
10 Administrative Policies and Procedures Manual of the Office of the State Controller.
11 This budget includes the appropriations made from all sources including the General
12 Fund, Highway Fund, special funds, cash balances, federal receipts, and departmental
13 receipts.

14 The General Assembly amended the itemized budget requests submitted to the
15 General Assembly by the Director of the Budget and the Advisory Budget Commission,
16 in accordance with the steps that follow and the line item detail in the budget enacted by
17 the General Assembly may be derived accordingly:

18 (1) Negative reserves set out in the submitted budget were deleted and the
19 totals were increased accordingly.

20 (2) The base budget was adjusted in accordance with the base budget cuts
21 and additions that were set out in the Joint Appropriations Committee
22 House/Senate Base and Expansion Budget and the Joint
23 Appropriations Committee House/Senate Base and Expansion Budget
24 Conference Report dated July 11, 1991.

25 (3) The expansion budget items were added in accordance with the Joint
26 Appropriations Committee House/Senate Base and Expansion Budget
27 and the Joint Appropriations Committee House/Senate Base and
28 Expansion Budget Conference Report dated July 11, 1991, and the
29 accompanying correction sheets. Some of those expansion budget
30 items were in the budget submitted to the General Assembly by the
31 Director of the Budget and the Advisory Budget Commission.

32 Expansion budget items that were funded from new receipts are
33 included in the budget enacted by the General Assembly with program
34 level detail.

35 (4) Transfers of funds supporting programs were made in accordance with
36 the Joint Appropriations Committee House/Senate Base and Expansion
37 Budget and the Joint Appropriations Committee House/Senate Base
38 and Expansion Budget Conference Report dated July 11, 1991, and the
39 accompanying correction sheets.

40 The budget enacted by the General Assembly shall also be interpreted in accordance
41 with the special provisions in this act and in accordance with other appropriate
42 legislation.

1 In the event that there is a conflict between the line item budget certified by the
 2 Director of the Budget and the budget enacted by the General Assembly, the budget
 3 enacted by the General Assembly shall prevail."

4 (e) G.S. 58-6-25(d) reads as rewritten:

5 "(d) Use of Proceeds. The Department of Insurance Fund is created in the State
 6 treasury. The proceeds of the charge levied in this section and all fees collected under
 7 Articles 69 through 71 of this Chapter and under Articles 9 and 9C of Chapter 143 of
 8 the General Statutes shall be credited to the Fund. The Fund shall be placed in an
 9 interest-bearing account and any interest or other income derived from the Fund shall be
 10 credited to the Fund. Moneys in the Fund may be spent only pursuant to appropriation
 11 by the General ~~Assembly.~~ Assembly and in accordance with the line item budget
 12 enacted by the General Assembly. The Fund is subject to the provisions of the
 13 Executive Budget Act, except that no unexpended surplus of the Fund shall revert to the
 14 General Fund. All money credited to the Fund shall be used only to pay the expenses of
 15 the Commissioner and the Department that are incurred in regulating the insurance
 16 industry and other industries in this State and the general administrative expenses of the
 17 State incident thereto."

18 (f) Of the funds appropriated to the Department of Public Education for the
 19 1991-93 fiscal biennium, the funds for the operation and maintenance of the Department
 20 of Public Instruction, for State aid to nonstate agencies, and for the operation of the
 21 State Board of Education are as follows:

22 **DEPARTMENT OF PUBLIC EDUCATION**
 23 **TOTAL REQUIREMENTS**

24
 25 **1991-92**

26	27	28	29	30
FUND	Department of Public Instruction	Aid to Local School Units	State Board Administrative Units	of Education
31 1000	2,276,885	—	—	118,900
32 1100	11,594,516	—	—	—
33 1200	2,542,623	—	—	—
34 1300	4,370,254	—	—	—
35 1400	12,551,101	—	—	16,146
36 1500	2,927,256	—	—	—
37 1600	11,386,980	—	—	17,668
38 1700	—	—	—	—
39 1800	—	3,199,427,158	—	—
40 1900	491,734	—	—	—
41				
42 TOTAL	48,141,349	3,199,427,158		152,714

1992-93

FUND	Department of Public Instruction	Aid to Local School Units	State Board Administrative Units	of Education
1000	2,271,969		—	93,900
1100	11,578,464		—	—
1200	2,543,364		—	—
1300	4,326,584		—	—
1400	12,826,595		—	16,146
1500	2,923,299		—	—
1600	11,281,018		—	17,668
1700	—		—	—
1800	—	3,267,053,247		—
1900	491,734		—	—
TOTAL	48,243,027	3,267,053,247		127,714.

(g) G.S. 115C-21(a) is amended by adding a new subdivision to read:
 "(7) To have solely under his direction and control all matters relating to provision of staff services and support to the State Board of Education, except as otherwise provided in the Current Operations Appropriations Act."

(h) This section is effective upon ratification.

Requested by: Representative Nesbitt

ADDITIONAL BUDGET REPORTING REQUIREMENTS

Sec. 8.2. (a) Effective July 1, 1992, G.S. 143-23, as rewritten by Section 8.1(c) of this act, reads as rewritten:

"§ 143-23. All maintenance funds for itemized purposes; transfers between objects or line items.

(a) All appropriations now or hereafter made for the maintenance of the various departments, institutions and other spending agencies of the State, are for the (i) purposes or programs and (ii) objects or line items enumerated in the itemized requirements of such departments, institutions and other spending agencies submitted to the General Assembly by the Director of the Budget and the Advisory Budget Commission, as amended by the General Assembly. The function of the Advisory Budget Commission under this subsection applies only if the Director of the Budget consults with the Commission in preparation of the budget.

(a1) No transfers may be made between objects or line items in the budget of any department, institution, or other spending agency; however, with the approval of the Director of the Budget, a department, institution, or other spending agency may spend more than was appropriated for an object or line item if the overexpenditure is:

- 1 (1) In a purpose or program for which funds were appropriated for that
2 fiscal period and the total amount spent for the purpose or program is
3 no more than was appropriated for the purpose or program for the
4 fiscal period;
- 5 (2) Required to continue a purpose or program because of unforeseen
6 events, so long as the scope of the purpose or program is not increased;
- 7 (3) Required by a court, Industrial Commission, or administrative hearing
8 officer's order or award or to match unanticipated federal funds;
- 9 (4) Required to respond to an unanticipated disaster such as a fire,
10 hurricane, or tornado; or
- 11 (5) Required to call out the National Guard.

12 The Director of the Budget shall report on a quarterly basis to the Joint Legislative
13 Commission on Governmental Operations and to the Fiscal Research Division of the
14 Legislative Services Office the reason if the amount expended for a purpose or program
15 is more than the amount appropriated for it from all sources. If the overexpenditure was
16 authorized under subdivision (2) of this subsection, the Director of the Budget shall
17 identify in the report the unforeseen event that required the overexpenditure.

18 Funds appropriated for salaries and wages are also subject to the limitation that they
19 may only be used for (i) salaries and wages or for premium pay, overtime pay,
20 longevity, unemployment compensation, workers' compensation, temporary wages,
21 contracted personal services, moving expenses, payment of accumulated annual leave,
22 certain awards to employees, tort claims, and employer's social security, retirement, and
23 hospitalization payments; or (ii) uses for which over expenditures are permitted by
24 subdivisions (3), (4), and (5) of this subsection but the Director of the Budget shall
25 include such use and the reason for it in his quarterly report to the Joint Legislative
26 Commission on Governmental Operations and to the Fiscal Research Division of the
27 Legislative Services Office.

28 Lapsed salary funds that become available from vacant positions are also subject to
29 the limitation that they may not be used for new permanent employee positions or to
30 raise the salary of existing employees.

31 The requirements in this section that the Director of the Budget report to the Joint
32 Legislative Commission on Governmental Operations shall not apply to expenditures of
33 receipts by entities that are wholly receipt supported, except for entities supported by
34 the Wildlife Resources Fund.

35 (b) Repealed by Session Laws 1985, c. 290, s. 8, effective July 1, 1985.

36 (c) Transfers or changes as between objects or line items in the budget of the
37 Senate may be made by the President Pro Tempore of the Senate;

38 (d) Transfers or changes as between objects or line items in the budget of the
39 House of Representatives may be made by the Speaker of the House of Representatives;

40 (e) Transfers or changes as between objects or line items in the budget of the
41 General Assembly other than of the Senate and House of Representatives may be made
42 jointly by the President Pro Tempore of the Senate and the Speaker of the House of
43 Representatives.

44 (f) As used in this section:

1 (1) 'Object or line item' means a budgeted expenditure or receipt in the
2 budget enacted by the General Assembly that is designated by (i) a
3 thirteen-digit code in the 1000-object code series or (ii) an eleven-digit
4 code in all other object code series, in accordance with the Budget
5 Code Structure and the State Accounting System Uniform Chart of
6 Accounts set out in the Administrative Policies and Procedures Manual
7 of the Office of the State Controller.

8 (2) 'Purpose or program' means a group of objects or line items for support
9 of a specific activity outlined in the budget adopted by the General
10 Assembly that is designated by a nine-digit fund code in accordance
11 with the Budget Code Structure and the State Accounting System
12 Uniform Chart of Accounts set out in the Administrative Policies and
13 Procedures Manual of the Office of the State Controller."

14 (b) The Director of the Budget shall report on a quarterly basis to the Joint
15 Legislative Commission on Governmental Operations and to the Fiscal Research
16 Division of the Legislative Services Office on:

17 (1) All employee positions that were abolished that resulted or will result
18 in the generation of salary reserves;

19 (2) All promotions, reclassifications, and salary range revisions, of greater
20 than ten percent (10%), that will be funded with salary reserves; and

21 (3) All new positions created that will be funded with salary reserves.

22 This section does not apply to actions taken regarding employees of The University of
23 North Carolina.

24 25 **PART 6. OFFICE OF STATE BUDGET AND MANAGEMENT**

26
27 Requested by: Representative Grady

28 **ONSLOW MUSEUM FUNDS/NEW PURPOSE**

29 Sec. 9. Funds appropriated in Section 2 of Chapter 830 of the 1987 Session
30 Laws to the Office of State Budget and Management for a grant-in-aid to the Onslow
31 County Commissioners to assist in relocating the Onslow County Museum from
32 Richlands to Jacksonville may be used by the Onslow County Commissioners for
33 construction of new museum facilities in Richlands.

34 35 **PART 7. GENERAL ASSEMBLY**

36
37 Requested by: Representatives Redwine, Anderson

38 **LRC LAW ENFORCEMENT COMMITTEE STUDY**

39 Sec. 10. The Legislative Research Commission's Committee on Law
40 Enforcement Issues may study the problem of marital rape, its status under North
41 Carolina law, and, specifically, whether the spousal defense under G.S. 14-27.8 ought to
42 be abolished. The Legislative Research Commission may report the findings and
43 recommendations of the study, if undertaken, to the 1993 General Assembly.

44

1 Requested by: Representative Nesbitt

2 **LEGISLATIVE RESEARCH COMMISSION MEMBERS' TERMS**

3 Sec. 10.1. G.S. 120-30.11 reads as rewritten:

4 **"§ 120-30.11. Time of appointments; terms of office.**

5 Appointments to the Legislative Research Commission shall be made not earlier
6 than the close of each regular session of the General Assembly held in the odd-
7 numbered year nor later than 15 days subsequent to the close. The term of office shall
8 begin on the day of appointment, and shall end on ~~December 15 of the next even-~~
9 ~~numbered year. Except for the work of the Administrative Rules Review Committee,~~
10 ~~no~~ January 15 of the next odd-numbered year. No moneys appropriated to the
11 Legislative Research Commission may be expended for meetings of the Commission,
12 its committees or subcommittees held after ~~December 15 of the next odd-numbered year~~
13 January 15 of the next odd-numbered year and before the appointment of the next
14 Legislative Research Commission."
15

15

16 Requested by: Representative Nesbitt

17 **PERFORMANCE AUDIT STUDY CONTINUED**

18 Sec. 10.2. Notwithstanding the provisions of Article 6B of Chapter 120 of
19 the General Statutes and for the sole purpose of its advising the Legislative Services
20 Commission on the conduct of the State government performance audit study directed
21 by Section 347 of Chapter 689 of the 1991 Session Laws:

- 22 (1) The existence of the Legislative Research Commission's Committee on
23 the State Government Performance Audit shall continue until March
24 31, 1993, when it shall terminate;
- 25 (2) Monies may be expended for the work and meetings of the Committee
26 in reviewing and advising on the implementation and review of the
27 State government performance audit until March 31, 1993;
- 28 (3) The present membership of the Committee shall continue in existence
29 until that date; and
- 30 (4) Vacancies in the membership of the Committee shall be filled by the
31 original appointing authority.
32

32

33 **PART 8. DEPARTMENT OF REVENUE**

34

35 Requested by: Representatives Bowman, N.J. Crawford

36 **CONTROLLED SUBSTANCE TAX PROCEEDS**

37 Sec. 11. (a) Of the funds in the State Controlled Substance Tax Fund created in
38 Section 6 of Chapter 772 of the 1989 Session Laws, the sum of five hundred ninety-four
39 thousand one hundred fifty-eight dollars (\$594,158) is transferred to the General Fund
40 for the 1992-93 fiscal year to support the cost of administering the controlled substance
41 tax levied by Article 2D of Chapter 105 of the General Statutes.

42 (b) Section 6 of Chapter 772 of the 1989 Session Laws is repealed.

43 (c) Article 2D of Chapter 105 of the General Statutes is amended by adding a
44 new section to read:

1 **"§ 105-113.113. Use of tax proceeds.**

2 The Secretary shall credit the proceeds of the tax levied by this Article to a special
3 nonreverting account to be called the State Controlled Substances Tax Account until the
4 taxpayer no longer has a current right to check the assessment of the tax.

5 The Secretary shall, on a quarterly basis, make a preliminary allocation of the
6 unencumbered tax proceeds as follows: seventy-five percent (75%) of the amount
7 collected pursuant to G.S. 105-113.111 to the State or local law enforcement agency
8 that conducted the investigation of the dealer that led to the assessment under G.S. 105-
9 113.111; and the remainder to the General Fund. The Secretary shall then draw
10 proportionally from the allocated proceeds an amount equal to one-fourth of the
11 appropriation made to the Department of Revenue for the then current fiscal year to
12 administer the tax; this amount shall be credited to the General Fund. The Secretary
13 shall then remit the remainder of the allocated proceeds in accordance with the
14 allocations. In making the preliminary allocation to law enforcement agencies, if more
15 than one State or local law enforcement agency conducted the investigation, the
16 Secretary shall determine the equitable pro rata share for each agency based on the
17 contribution each agency made to the investigation."

18 (d) G.S. 105-113.111 reads as rewritten:

19 **"§ 105-113.111. Assessments.**

20 (a) Notwithstanding any other provision of law, an assessment against a dealer
21 who possesses a controlled substance to which a stamp has not been affixed as required
22 by this Article shall be made as provided in this section. The Secretary shall assess a
23 tax, applicable penalties, and interest based on personal knowledge or information
24 available to the Secretary. The Secretary shall notify the dealer in writing of the amount
25 of the tax, penalty, and interest due, and demand its immediate payment. The notice
26 and demand shall be either mailed to the dealer at the dealer's last known address or
27 served on the dealer in person. If the dealer does not pay the tax, penalty, and interest
28 immediately upon receipt of the notice and demand, the Secretary shall collect the tax,
29 penalty, and interest pursuant to the procedure set forth in G.S. 105-241.1(g) for
30 jeopardy assessments or the procedure set forth in G.S. 105-242, including causing
31 execution to be issued immediately against the personal property of the dealer unless the
32 dealer files with the Secretary a bond in the amount of the asserted liability for the tax,
33 penalty, and interest. The Secretary shall use all means available to collect the tax,
34 penalty, and interest from any property in which the dealer has a legal, equitable, or
35 beneficial interest. The dealer may seek review of the assessment as provided in Article
36 9 of this Chapter.

37 ~~(b) Of the monies collected pursuant to subsection (a), seventy five percent~~
38 ~~(75%) shall be remitted to the State or local law enforcement agency that conducted the~~
39 ~~investigation of the dealer that led to the assessment under subsection (a). If more than~~
40 ~~one State or local law enforcement agency conducted the investigation, the Secretary of~~
41 ~~the Department of Revenue shall determine the equitable pro rata share for each agency~~
42 ~~based on the contribution each agency made to the investigation."~~

43 (e) This section becomes effective July 1, 1992. Subsections (b) through (d)
44 apply to taxes collected on or after that date.

1
2 **PART 9. DEPARTMENT OF ADMINISTRATION**

3
4 Requested by: Representatives Bowman, N.J. Crawford

5 **INDIAN CULTURAL CENTER**

6 Sec. 12. Of the funds appropriated to the Department of Administration in
7 Section 3 of Chapter 689 of the 1991 Session Laws, the sum of one thousand five
8 hundred dollars (\$1,500) shall be expended for maintenance of the following State lands
9 located in Robeson County:

- 10 (1) 386.69 acres contained in the deed dated April 14, 1983, and recorded
11 in Deed Book 533, page 164, Robeson County Registry;
12 (2) 386.69 acres contained in the deed dated August 24, 1984, and
13 recorded in Deed Book 563, page 254, Robeson County Registry;
14 (3) 99.62 acres contained in the deed dated March 20, 1985, and recorded
15 in Deed Book 575, page 523, Robeson County Registry; and
16 (4) 10.00 acres contained in the deed dated September 11, 1985, and
17 recorded in Deed Book 586, page 142, Robeson County Registry.

18 The public golf course known as the Riverside Golf Course, and any Indian
19 Cultural Center developed or constructed on the above referenced lands shall be
20 included in lands for which funds may be expended for maintenance under this section.
21 No Indian Cultural Center developed or constructed on any of the above referenced
22 lands shall be built on a public golf course.

23 Nothing in this provision shall be construed inconsistent with the provisions
24 of Section 18 of Chapter 1074 of the 1989 Session Laws.

25
26 **PART 9.1. DEPARTMENT OF INSURANCE**

27
28 Requested by: Representative Bowman

29 **DATA FROM HEALTH CARE PROVIDERS**

30 Sec. 12.1. G.S. 131E-212(b)(9) reads as rewritten:

- 31 "(9) The Commission shall implement plans for the submission of data
32 from all health care providers beginning with the free-standing
33 ambulatory surgery ~~centers~~-centers, subject to the availability of funds
34 appropriated for this purpose by the General Assembly."
35

36 **PART 10. SALARIES AND BENEFITS**

37
38 Requested by: Representatives Nesbitt, Diamont

39 **SALARY RELATED CONTRIBUTIONS/EMPLOYERS**

40 Sec. 13. Section 188(c) of Chapter 689 of the 1991 Session Laws reads as
41 rewritten:

- 42 "(c) Effective July 1, 1992, the State's employer contribution rates budgeted for
43 retirement and related benefits as a percentage of covered salaries for the 1992-93 fiscal
44 year are (i) ten and ninety-three hundredths percent (10.93%) - Teachers and State

1 Employees; (ii) fifteen and ninety-three hundredths percent (15.93%) - State Law
2 Enforcement Officers; (iii) eight and sixty-six hundredths percent (8.66%) - University
3 Employees' Optional Retirement Program; (iv) ~~twenty-nine and forty-six hundredths~~
4 ~~percent (29.46%)~~ twenty-six and three hundredths percent (26.03%) - Consolidated
5 Judicial Retirement System; and (v) thirty-two and thirty hundredths percent (32.30%) -
6 Legislative Retirement System. Each of the foregoing contribution rates includes two
7 percent (2%) for hospital and medical benefits. The rate for State Law Enforcement
8 Officers includes five percent (5%) for the Supplemental Retirement Income Plan. The
9 rates for Teachers and State Employees, State Law Enforcement Officers, and for the
10 University Employees' Optional Retirement Program includes forty-two hundredths
11 percent (0.42%) for the Disability Income Plan."

12
13 Requested by: Representative Barnes

14 **IMPLEMENTATION OF THE TEACHER SALARY SCHEDULE AND**
15 **PROVIDE A RAISE TO ALL OTHER STATE EMPLOYEES.**

16
17 **INTRODUCTION**

18 Sec. 13A. In 1989, the General Assembly began the process of implementing
19 a rational and equitable pay schedule for public school teachers. The General Assembly
20 anticipated completing the implementation of the salary schedule during the 1991-92
21 fiscal year but was unable to do so because of severe budgetary constraints.

22 Sound personnel policy makes it imperative that the General Assembly
23 complete the implementation of the teacher salary schedule during the 1992-93 fiscal
24 year. When the teacher salary schedule is fully implemented, each teacher will be paid
25 based on teaching experience.

26 Since the 1965-66 fiscal year, only two of the pay raises granted by the
27 General Assembly to State employees have included a lump sum amount for each State
28 employee. By consistently giving State employees percentage pay increases instead of
29 lump sum increases, the General Assembly has created an enormous discrepancy
30 between the upper and lower end of the State employee salary schedule. State
31 employees at the lower end of the salary schedule are experiencing great financial
32 difficulties because of the condition of the economy and the cost-of-living. A lump sum
33 salary increase will, on a percentage basis, benefit most the employees at the lower end
34 of the salary schedule and will slightly reduce the percentage gap between the upper and
35 lower ends of the salary schedule.

36
37 **APPROPRIATIONS**

38 Sec. 13.1. (a) Of the funds appropriated from the General Fund to the Reserve for
39 Salary Increases, the sum of sixty-two million two hundred thousand dollars
40 (\$62,200,000) for the 1992-93 fiscal year shall be used to provide raises for State
41 employees and school personnel other than teachers.

42 (b) Of the funds appropriated from the Highway Fund to the Reserve for Salary
43 Increases, the sum of six million seven hundred twenty-five thousand dollars

1 (\$6,725,000) for the 1992-93 fiscal year shall be used to provide raises for State
2 employees.

3 (c) Of the funds appropriated from the General Fund to the Reserve for Salary
4 Increases, the sum of forty-two million three hundred thousand dollars (\$42,300,000)
5 for the 1992-93 fiscal year shall be used to implement the teacher salary schedule
6 provided in Section 24.3 of this act. This is the equivalent of two percent (2%) of
7 teacher payroll.

8 (d) Of the funds appropriated from the Highway Fund to the Reserve for Salary
9 Increases, the sum of three hundred twenty thousand dollars (\$320,000) for the 1992-93
10 fiscal year shall be used to implement the teacher salary schedule provided in Section
11 24.3 of this act. This is the equivalent of two percent (2%) of teacher payroll.

12

13 GOVERNOR'S SALARY INCREASE

14 Sec. 13.2. G.S. 147-11(a) reads as rewritten:

15 "(a) The salary of the Governor shall be ~~one hundred twenty-three thousand three~~
16 ~~hundred dollars (\$123,300)~~ one hundred twenty-three thousand eight hundred twenty-
17 two dollars (\$123,822) annually, payable monthly."

18

19 COUNCIL OF STATE/SALARY INCREASE

20 Sec. 13.3. The annual salaries for members of the Council of State, payable
21 monthly, for the 1992-93 fiscal year are:

22 Council of State	1992-93
23 Lieutenant Governor	\$75,774
24 Attorney General	75,774
25 Secretary of State	75,774
26 State Treasurer	75,774
27 State Auditor	75,774
28 Superintendent of Public Instruction	75,774
29 Agriculture Commissioner	75,774
30 Insurance Commissioner	75,774
31 Labor Commissioner	75,774.

32

33 NONELECTED DEPARTMENT HEAD/SALARY INCREASES

34 Sec. 13.4. In accordance with G.S. 143B-9, the maximum annual salaries,
35 payable monthly, for the nonelected heads of the principal State departments for the
36 1992-93 fiscal year are:

37 Nonelected Department Heads	1992-93
38 Secretary of Administration	\$75,774
39 Secretary of Correction	75,774
40 Secretary of Crime Control and 41 Public Safety	75,774
42 Secretary of Cultural Resources	75,774
43 Secretary of Economic and 44 Community Development	75,774

1	Secretary of Environment, Health,	
2	and Natural Resources	75,774
3	Secretary of Human Resources	75,774
4	Secretary of Revenue	75,774
5	Secretary of Transportation	75,774.

6

7 LEGISLATORS/SALARY AND EXPENSES INCREASE

8 Sec.13.5. Effective upon convening of the 1993 Regular Session of the
9 General Assembly, G.S. 120-3 reads as rewritten:

10 "§ 120-3. Pay of members and officers of the General Assembly.

11 (a) The Speaker of the House shall be paid an annual salary of ~~thirty-five~~
12 ~~thousand one hundred dollars (\$35,100),~~ thirty-five thousand six hundred twenty-two
13 dollars (\$35,622), payable monthly, and an expense allowance of one thousand three
14 hundred twenty dollars (\$1,320) per month. The President Pro Tempore of the Senate
15 shall be paid an annual salary of ~~thirty-five thousand one hundred dollars (\$35,100),~~
16 thirty-five thousand six hundred twenty-two dollars (\$35,622), payable monthly, and an
17 expense allowance of one thousand three hundred twenty dollars (\$1,320) per month.
18 The Speaker Pro Tempore of the House shall be paid an annual salary of ~~nineteen~~
19 ~~thousand seven hundred seventy-six dollars (\$19,776),~~ twenty thousand two hundred
20 ninety-eight dollars (\$20,298), payable monthly, and an expense allowance of seven
21 hundred eighty dollars (\$780.00) per month. the Deputy President Pro Tempore of the
22 Senate shall be paid an annual salary of ~~nineteen thousand seven hundred seventy-six~~
23 ~~dollars (\$19,776),~~ twenty thousand two hundred ninety-eight dollars (\$20,298), payable
24 monthly, and an expense allowance of seven hundred eighty dollars (\$780.00) per
25 month. The majority and minority leaders in the House and the majority and minority
26 leaders in the Senate shall be paid an annual salary of ~~fifteen thousand three hundred~~
27 ~~ninety-six dollars (\$15,396),~~ fifteen thousand nine hundred eighteen dollars (\$15,918),
28 payable monthly, and an expense allowance of six hundred twenty-two dollars
29 (\$622.00) per month.

30 (b) Every other member of the General Assembly shall receive increases in
31 annual salary only to the extent of and in the amounts equal to the average increases
32 received by employees of the State, effective upon convening of the next Regular
33 Session of the General Assembly after enactment of these increased amounts.
34 Accordingly, upon convening of the ~~1991-1993~~ Regular Session of the General
35 Assembly, every other member of the General Assembly shall be paid an annual salary
36 of ~~twelve thousand five hundred four dollars (\$12,504),~~ thirteen thousand twenty-six
37 dollars (\$13,026), payable monthly, and an expense allowance of five hundred twenty-
38 two dollars (\$522.00) per month.

39 (c) The salary and expense allowances provided in this section are in addition to
40 any per diem compensation and any subsistence and travel allowance authorized by any
41 other law with respect to any regular or extra session of the General Assembly, and
42 service on any State board, agency, commission, standing committee and study
43 commission."

44

GENERAL ASSEMBLY PRINCIPAL CLERKS/SALARY INCREASES

Sec. 13.6. G.S. 120-37(c) reads as rewritten:

"(c) The principal clerks shall be full-time officers. Each principal clerk shall be entitled to other benefits available to permanent legislative employees and shall be paid an annual salary of ~~forty-three thousand five hundred forty-eight dollars (\$43,548) from July 1, 1989 through June 30, 1990, and an annual salary of forty-six thousand one hundred sixty-four dollars (\$46,164) on and after July 1, 1990,~~ forty-six thousand six hundred eighty-six dollars (\$46,686), payable monthly. The Legislative Services Commission shall review the salary of the principal clerks prior to submission of the proposed operating budget of the General Assembly to the Governor and Advisory Budget Commission and shall make appropriate recommendations for changes in those salaries. Any changes enacted by the General Assembly shall be by amendment to this paragraph."

SERGEANT-AT-ARMS AND READING CLERKS/SALARY INCREASES

Sec. 13.7. G.S. 120-37(b) reads as rewritten:

"(b) The sergeant-at-arms and the reading clerk in each house shall be paid a salary of ~~one hundred ninety seven dollars (\$197.00) per week from July 1, 1989 through June 30, 1990, and two hundred nine dollars (\$209.00) per week on and after July 1, 1990,~~ two hundred nineteen dollars (\$219.00) per week, plus subsistence at the same daily rate provided for members of the General Assembly, plus mileage at the rate provided for members of the General Assembly for one round trip only from their homes to Raleigh and return. The sergeants-at-arms shall serve during sessions of the General Assembly and at such time prior to the convening of, and subsequent to adjournment or recess of, sessions as may be authorized by the Legislative Services Commission. The reading clerks shall serve during sessions only."

LEGISLATIVE EMPLOYEES/SALARY INCREASES

Sec. 13.8. The Legislative Administrative Officer may increase the salaries of nonelected employees of the General Assembly in effect for fiscal year 1990-91 by forty-three dollars and fifty cents (\$43.50) per month. Nothing in this act limits any of the provisions of G.S. 120-32.

JUDICIAL BRANCH OFFICIALS/SALARY INCREASE

Sec. 13.9. (a) The annual salaries, payable monthly, for specified judicial branch officials for fiscal year 1992-93 are:

<u>Judicial Branch Officials</u>	<u>1992-93</u>
Chief Justice, Supreme Court	\$91,938
Associate Justice, Supreme Court	90,054
Chief Judge, Court of Appeals	87,186
Judge, Court of Appeals	85,290
Judge, Senior Regular Resident Superior Court	78,258

1	Judge, Superior Court	75,774
2	Chief Judge, District Court	66,918
3	Judge, District Court	64,386
4	District Attorney	70,554
5	Assistant District Attorney - an	
6	average of	45,822
7	Administrative Officer of the Courts	78,258
8	Assistant Administrative Officer	
9	of the Courts	63,882
10	Public Defender	70,554
11	Assistant Public Defender - an	
12	average of	45,822.

13 If an acting senior regular resident superior court judge is appointed under the
 14 provisions of G.S. 7A-41, he shall receive the salary for Judge, Senior Regular Resident,
 15 Superior Court, until his temporary appointment is vacated, and the judge he replaces
 16 shall receive the salary indicated for Judge, Superior Court.

17 The district attorney or public defender of a judicial district, with the approval
 18 of the Administrative Officer of the Courts, shall set the salaries of assistant district
 19 attorneys or assistant public defenders, respectively, in that district such that the average
 20 salaries of assistant district attorneys or assistant public defenders in that district do not
 21 exceed forty-five thousand eight hundred twenty-two dollars (\$45,822), and the
 22 minimum salary of any assistant district attorney or assistant public defender is at least
 23 twenty-three thousand three hundred ninety-four dollars (\$23,394) effective July 1,
 24 1992.

25 (b) The salaries in effect for fiscal year 1991-92 for permanent, full-time
 26 employees of the Judicial Department, except for those whose salaries are itemized in
 27 this act, shall be increased by forty-three dollars and fifty cents (\$43.50) per month,
 28 commencing July 1, 1992.

29 (c) The salaries in effect for fiscal year 1991-92 for all permanent, part-time
 30 employees of the Judicial Department shall be increased on and after July 1, 1992, by
 31 pro rata amounts of the forty-three dollars and fifty cents (\$43.50) per month.

32
 33 **CLERKS OF COURT/SALARY INCREASE**

34 Sec. 13.10. G.S. 7A-101(a) reads as rewritten:

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

40	Population	Annual Salary		
41	Less than 99,999	\$ 44,256	46,920	<u>\$47,442</u>
42	100,000 to 199,999	50,016	53,028	<u>53,550</u>
43	200,000 and above	57,072	60,504	<u>61,026</u>

44

1 When a county changes from one population group to another, the salary of the clerk
2 shall be changed to the salary appropriate for the new population group on July 1 of the
3 first year of each biennial budget, except that the salary of an incumbent clerk shall not
4 be decreased by any change in population group during his continuance in office."
5

6 **ASSISTANT AND DEPUTY CLERKS OF COURT/SALARY INCREASE**

7 Sec. 13.11. G.S. 7A-102(c) reads as rewritten:

8 "(c) Notwithstanding the provisions of subsection (a), the Administrative Officer
9 of the Courts shall establish an incremental salary plan for assistant clerks and for
10 deputy clerks based on a series of salary steps corresponding to the steps contained in
11 the Salary Plan for State Employees adopted by the Office of State Personnel, subject to
12 a minimum and a maximum annual salary as set forth below. On and after July 1, 1985,
13 each assistant clerk and each deputy clerk shall be eligible for an annual step increase in
14 his salary plan based on satisfactory job performance as determined by each clerk.
15 Notwithstanding the foregoing, if an assistant or deputy clerk's years of service in the
16 office of superior court clerk would warrant an annual salary greater than the salary first
17 established under this section, that assistant or deputy clerk shall be eligible on and after
18 July 1, 1984, for an annual step increase in his salary plan. Furthermore, on and after
19 July 1, 1985, that assistant or deputy clerk shall be eligible for an increase of two steps
20 in his salary plan, and shall remain eligible for a two-step increase each year as
21 recommended by each clerk until that assistant or deputy clerk's annual salary
22 corresponds to his number of years of service. Any person covered by this subsection
23 who would not receive a step increase in fiscal year 1992-93 because that person is at
24 the top of the salary range as it existed for fiscal year 1990-91 shall receive a salary
25 increase to the maximum annual salary provided for fiscal year 1992-93 by subsection
26 (c1) of this section.

27 (c1) A full-time assistant clerk or a full-time deputy clerk shall be paid an annual
28 salary subject to the following minimum and maximum rates:

29 Assistant Clerks Annual Salary

30	Minimum	\$19,536	20,712	<u>\$20,712</u>
31	Maximum	32,772	34,740	<u>35,262</u>

32
33 Deputy Clerks Annual Salary

34	Minimum	\$15,312	16,236	<u>\$16,236</u>
35	Maximum	25,128	26,640	<u>27,162.</u>

36
37 **MAGISTRATES/SALARY INCREASE**

38 Sec. 13.12. G.S. 7A-171.1(a)(1) reads as rewritten:

39 "(1) A full-time magistrate, so designated by the Administrative Officer of
40 the Courts, shall be paid the annual salary indicated in the table below
41 according to the number of years he has served as a magistrate. The
42 salary steps shall take effect on the anniversary of the date the
43 magistrate was originally appointed:
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TABLE OF SALARIES OF FULL-TIME MAGISTRATES

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Number of Prior Years of Service	Annual Salary		
93			
Less than 1	\$15,600	\$16,536	<u>\$17,058</u>
1 or more but less than 3		16,416	<u>17,412</u>
3 or more but less than 5		18,084	<u>19,176</u>
5 or more but less than 7		19,920	<u>21,120</u>
7 or more but less than 9		21,972	<u>23,292</u>
9 or more but less than 11		24,204	<u>25,656</u>
11 or more	26,628		<u>28,236</u>

A 'Full-time magistrate' is a magistrate who is assigned to work an average of not less than 40 hours a week during his term of office.

Notwithstanding any other provision of this subdivision, a full-time magistrate, who was serving as a magistrate on December 31, 1978, and who was receiving an annual salary in excess of that which would ordinarily be allowed under the provisions of this subdivision, shall not have the salary, which he was receiving reduced during any subsequent term as a full-time magistrate. That magistrate's salary shall be fixed at the salary level from the table above which is nearest and higher than the latest annual salary he was receiving on December 31, 1978, and, thereafter, shall advance in accordance with the schedule in the table above."

COMMUNITY COLLEGES PERSONNEL/SALARY INCREASES

Sec. 13.13. The Director of the Budget may transfer from the Reserve for Salary Increases created in this act for fiscal year 1992-93 funds necessary to provide a salary increase of forty-three dollars and fifty cents (\$43.50) per month, including funds for the employer's retirement and Social Security contributions, commencing July 1, 1992, for all permanent full-time community college institutional personnel supported by State funds. All permanent part-time community college institutional personnel supported by State funds shall receive pro rata amounts of the forty-three dollars and fifty cents (\$43.50) per month. These funds may not be used for any purpose other than for the salary increases and necessary employer contributions provided by this section.

HIGHER EDUCATION PERSONNEL/SALARY INCREASES

Sec. 13.14. The Director of the Budget may transfer from the Reserve for Salary Increases created in this act for fiscal year 1992-93 funds necessary to provide a salary increase of forty-three dollars and fifty cents (\$43.50) per month, including funds for the employer's retirement and Social Security contributions commencing July 1, 1992, for each full-time employee of The University of North Carolina, as well as each full-time employee of the North Carolina School of Science and Mathematics, supported by State funds and whose salaries are exempt from the State Personnel Act;

1 provided that the Board of Governors of The University of North Carolina may allocate
2 the funds it receives for the salary increment for its employees in positions exempt from
3 the State Personnel Act according to rules adopted by the Board of Governors. All part-
4 time employees of The University of North Carolina, as well as all part-time employees
5 of the North Carolina School of Science and Mathematics, supported by State funds and
6 whose salaries are exempt from the State Personnel Act shall receive a pro rata amount
7 of the forty-three dollars and fifty cents (\$43.50) per month; provided that the Board of
8 Governors of The University of North Carolina may allocate the funds it receives for the
9 salary increment for its employees in positions exempt from the State Personnel Act
10 according to rules adopted by the Board of Governors.

11 12 **MOST STATE EMPLOYEES/SALARY INCREASES/1992-93**

13 Sec. 13.15. (a) The salaries in effect for fiscal year 1991-92 for all permanent full-
14 time State employees whose salaries are set in accordance with the State Personnel Act
15 and who are paid from the General Fund or the Highway Fund shall be increased, on
16 and after July 1, 1992, unless otherwise provided by this act, by forty-three dollars and
17 fifty cents (\$43.50) per month.

18 (b) Except as otherwise provided in this act, the fiscal year 1991-92 salaries for
19 permanent full-time State officials and persons in exempt positions that are
20 recommended by the Governor or the Governor and the Advisory Budget Commission
21 and set by the General Assembly shall be increased by forty-three dollars and fifty cents
22 (\$43.50) per month, commencing July 1, 1992.

23 (c) The salaries in effect for fiscal year 1991-92 for all permanent part-time State
24 employees shall be increased on and after July 1, 1992, by pro rata amounts of the forty-
25 three dollars and fifty cents (\$43.50) per month, salary increase provided for permanent
26 full-time employees covered under subsection (a) of this section.

27 (d) The Director of the Budget may allocate out of special operating funds or
28 from other sources of the employing agency, except tax revenues, sufficient funds to
29 allow a salary increase, on and after July 1, 1992, in accordance with subsections (a),
30 (b), or (c), including funds for the employer's retirement and Social Security
31 contributions, for the permanent full-time and part-time employees of the agency,
32 provided the employing agency elects to make available the necessary funds.

33 (e) Within regular Executive Budget Act procedures as limited by this act, all
34 State agencies and departments may increase on an equitable basis the rate of pay of
35 temporary and permanent hourly State employees, subject to availability of funds in the
36 particular agency or department, by pro rata amounts of the forty-three dollars and fifty
37 cents (\$43.50) per month salary increase provided for permanent full-time employees
38 covered by the provisions of subsection (a) of this section, commencing July 1, 1992.

39 (f) The provisions of this section do not apply to employees whose salaries
40 are determined in accordance with G.S. 20-187.3(a), except for those employees who
41 would not receive a salary increment for the 1992-93 fiscal year under G.S. 20-187.3(a)
42 because they are at the top of their salary range.

43 44 **CERTAIN EXECUTIVE BRANCH OFFICIALS/SALARY INCREASES**

1 Sec. 13.16. (a) The annual salaries, payable monthly, for the 1992-93 fiscal year
2 for the following executive branch officials are:

<u>Executive Branch Officials</u>	<u>Annual Salary</u>
	<u>1992-93</u>
3 Chairman, Alcoholic Beverage Control	
4 Commission	\$72,930
5 State Controller	117,942
6 Commissioner of Motor Vehicles	72,930
7 Commissioner of Banks	72,930
8 Chairman, Employment Security	
9 Commission	72,930
10 State Personnel Director	75,774
11 Chairman, Parole Commission	66,594
12 Members of the Parole Commission	61,482
13 Chairman, Industrial Commission	65,526
14 Members of the Industrial Commission	63,930
15 Executive Director, Agency for Public	
16 Telecommunications	61,482
17 General Manager, Ports Railway	
18 Commission	55,518
19 Director, Museum of Art	74,730
20 Executive Director, Wildlife Resources	
21 Commission	62,946
22 Executive Director, North Carolina	
23 Housing Finance Agency	90,258
24 Executive Director, North Carolina	
25 Agricultural Finance Authority	70,986
26 Director, Office of Administrative	
27 Hearings 64,386.	

28 (b) Any person carrying on the functions of a position listed in subsection (a)
29 of this section shall be paid only the salary set out in that subsection, and the mere
30 classification of the position to be some other position does not allow the salary of that
31 position to be set in some other manner.
32
33

34 **PUBLIC SCHOOL PERSONNEL/SALARY INCREASES**

35 Sec. 13.17. (a) Superintendents, Assistant Superintendents, Associate
36 Superintendents, Supervisors, Directors, Coordinators, Evaluators, Program
37 Administrators, Principals, and Assistant Principals.—The Director of the Budget may
38 transfer from the Reserve for Salary Increases created in this act for fiscal year 1992-93
39 funds necessary to provide a salary increase of forty-three dollars and fifty cents
40 (\$43.50) per month, including funds for the employer's retirement and Social Security
41 contributions, commencing July 1, 1992, for all superintendents, assistant
42 superintendents, associate superintendents, supervisors, directors, coordinators,
43 evaluators, program administrators, principals, and assistant principals whose salaries
44

1 are supported from the State's General Fund. These funds may not be used for any
2 purpose other than for the salary increase and necessary employer contributions
3 provided by this subsection.

4 (b) Noncertified Employees. The Director of the Budget may transfer from the
5 Reserve for Salary Increases created in this act for fiscal year 1992-93 funds necessary
6 to provide a salary increase of forty-three dollars and fifty cents (\$43.50) per month,
7 including funds for the employer's retirement and Social Security contributions,
8 commencing July 1, 1992, for all noncertified public school employees, except school
9 bus drivers, whose salaries are supported from the State's General Fund. These funds
10 may not be used for any purpose other than for the salary increases and necessary
11 employer contributions provided by this subsection.

12 (c) The fiscal year 1991-92 pay rates adopted by local boards of education for
13 school bus drivers shall be increased by at least two percent (2%), on and after July 1,
14 1992, to the extent that such rates of pay are supported by the allocation of State funds
15 from the State Board of Education. Local boards of education shall increase the rates of
16 pay for all school bus drivers who were employed during fiscal year 1991-92 and who
17 continue their employment for fiscal year 1992-93 by at least two percent (2%), on and
18 after July 1, 1992. The Director of the Budget may transfer from the salary increase
19 reserve fund created in Section 1 of this act for fiscal year 1992-93 funds necessary to
20 provide the salary increases for school bus drivers whose salaries are supported from the
21 State's General Fund in accordance with the provisions of this subsection.

22 **ALL STATE-SUPPORTED PERSONNEL/SALARY INCREASES**

23 Sec. 13.18. (a) Salaries for positions that are funded partially from the General
24 Fund or Highway Fund and partially from sources other than the General Fund or
25 Highway Fund shall be increased from the General Fund or Highway Fund
26 appropriation only to the extent of the proportionate part of the salaries paid from the
27 General Fund or Highway Fund.

28 (b) The granting of the salary increases under this act does not affect the status of
29 eligibility for salary increments for which employees may be eligible unless otherwise
30 required by this act.

31 (c) The salary increases provided in this Part are to be effective July 1, 1992, do
32 not apply to persons separated from State service due to resignation, dismissal,
33 reduction in force, death, or retirement, whose last workday is prior to July 1, 1992, or
34 to employees involved in written disciplinary procedures.

35 Payroll checks issued to employees after July 1, 1992, which represent
36 payment for services provided prior to July 1, 1992, shall not be eligible for salary
37 increases provided for in this act. This subsection shall apply to all employees, subject
38 to or exempt from the State Personnel Act, paid from State funds, including public
39 schools, community colleges, and The University of North Carolina.

40 (d) Notwithstanding the provisions of Section 19.1 of Chapter 1137 of the 1979
41 Session Laws as amended by Chapter 1053 of the 1981 Session Laws, G.S. 115C-
42 12(9)a., 115C-12(16), 126-7, or any other provision of law other than G.S. 20-187.3(a)
43 and G.S. 7A-102(c), no employee or officer of the public school system shall receive an
44

1 automatic increment, and no State employee or officer shall receive a merit increment,
2 during the 1992-93 fiscal year, except as otherwise permitted by this act.

3 (e) The Director of the Budget shall transfer from the Reserve for Salary
4 Increases created in this act for fiscal year 1992-93 all funds necessary for the salary
5 increases provided by this act, including funds for the employer's retirement and Social
6 Security contributions.

7 (f) Nothing in this act authorizes the transfer of funds from the General Fund
8 to the Highway Fund for salary increases.

9
10 **EFFECTIVE DATES FOR SECTIONS 13.1 THROUGH 13.18**

11 Sec. 13.19. Sections 13.1 through 13.18 of this act become effective July 1,
12 1992.

13
14 Requested by: Representatives Barnes, Nesbitt

15 **RESERVE FOR LOWEST PAID EMPLOYEES**

16 Sec. 13.20. Notwithstanding any other provisions of the current law, the
17 Office of State Budget and Management is authorized to transfer funds that are certified
18 as performance pay reserves in the 1992-93 budget and are not required to continue
19 support of performance pay allocations authorized in fiscal year 1990-91 to a Reserve
20 for Lowest Paid Employees for the purpose of providing salary increases to the lowest
21 paid State employees pursuant to Section 37 of Chapter 1066 of the 1989 Session Laws,
22 Regular Session 1990. Special Responsibility Constituent Institutions in The University
23 of North Carolina System are directed to use available funds for the purpose of
24 providing salary increases to the lowest paid State employees pursuant to Section 37 of
25 Chapter 1066 of the 1989 Session Laws, Regular Session 1990, before receiving any
26 funds from the Reserve for Lowest Paid Employees.

27
28 Requested by: Representatives Barnes, Nesbitt

29 **REDUCE AGENCY SALARIES/RETIRED POSITIONS**

30 Sec. 13.21. For the 1992-93 fiscal year, the Office of State Budget and
31 Management shall establish rules and procedures which require agencies to transfer
32 salary and benefit funds equivalent to thirty percent (30%) of the State supported salary
33 and fringe benefits of positions from which a retirement occurs to the Reserve for Salary
34 Reduction-Positions Vacated by Retirees as created in this act. This provision does not
35 apply to positions paid from the Public School Fund, community college State aid
36 funds, positions of employees whose salaries are specified by statute, or exceptions
37 granted by the Director of the Budget due to agency hardships. Employees eligible for
38 retirement shall not be transferred to non-State supported positions prior to retirement
39 for the purpose of circumventing this provision. No position impacted by this provision
40 shall be reduced below the minimum salary level established by law unless the position
41 is abolished.

42 The Office of State Budget and Management shall provide to the 1993 General
43 Assembly a report by May 15, 1993, detailing, by agency and position, the savings

1 implemented under this provision in order that these amounts may be deleted from the
2 1993-95 authorized budget.

3 4 **PART 11. PUBLIC SCHOOLS**

5
6 Requested by: Representative H. Hunter

7 **CONTINUE MODEL TEACHER EDUCATION CONSORTIUM**

8 Sec. 14. (a) Section 36.1 of Chapter 689 of the 1991 Session Laws reads as
9 rewritten:

10 "Sec. 36.1. Of the funds appropriated to the Department of Public Education for the
11 1991-92 fiscal year and for the 1992-93 fiscal year for aid to local school administrative
12 units, the State Board of Education shall use ~~\$150,000~~ one hundred fifty thousand
13 dollars (\$150,000) for the 1991-92 fiscal year and one hundred seventy thousand dollars
14 (\$170,000) for the 1992-93 fiscal year for the model teacher education consortium
15 established in Section 72 of Chapter 752 of the 1989 Session Laws. Of these funds, up
16 to ~~\$30,000~~ thirty thousand dollars (\$30,000) for the 1991-92 fiscal year and up to fifty
17 thousand dollars (\$50,000) for the 1992-93 fiscal year may be used for administrative
18 purposes."

19 (b) It is the intent of the General Assembly to put funds for the model teacher
20 education consortium in the continuation budget for the 1993-95 fiscal biennium.

21 (c) Section 72(a) of Chapter 752 of the 1989 Session Laws reads as rewritten:

22 "(a) There is established a model teacher education consortium for the following
23 local school administrative units: Gates County, Granville County, Halifax County,
24 Hertford County, Northampton County, Vance County, Warren County, Roanoke
25 Rapids City and Weldon City, with the collaboration of East Carolina University,
26 Elizabeth City State University, ~~Atlantic Christian~~ Barton College, North Carolina
27 Wesleyan College, Halifax Community College, and Vance-Granville Community
28 College."

29
30 Requested by: Representatives Fussell, Payne

31 **REALLOCATION OF CERTAIN FUNDS FOR EXCEPTIONAL CHILDREN**

32 Sec. 15. The State Board of Education may reallocate (i) funds that are
33 repayments from local school administrative units as a result of audit exceptions of
34 exceptional children headcounts and student records, (ii) any prior year's refunds of
35 exceptional children funds to the public school fund, and (iii) any penalties assessed on
36 those funds. The funds shall be available for reallocation by the State Board and for
37 expenditure by the local school administrative units for the remainder of the fiscal year
38 in which they are collected and for the subsequent fiscal year. The funds shall be
39 allocated by the State Board in accordance with policies adopted by the State Board for
40 the exceptional children's program.

41
42 Requested by: Representatives Fussell, Payne

43 **OUTCOME-BASED EDUCATION FUNDS**

1 Sec. 16. (a) Section 199(b) of Chapter 689 of the 1991 Session Laws reads as
2 rewritten:

3 "(b) Of the funds appropriated to the Department of Public Education, the sum of
4 ~~\$100,000~~ one hundred thousand dollars (\$100,000) for the 1991-92 fiscal year shall be
5 used for advance planning for the outcome-based education program at ~~four~~ pilot sites
6 pursuant to subsection (a) of this section and the sum of ~~\$3,000,000~~ three million dollars
7 (\$3,000,000) for the 1992-93 fiscal year shall be used to implement the program at the
8 ~~four~~ pilot sites. These Of the funds appropriated for the 1992-93 fiscal year, the sum of
9 one hundred thousand dollars (\$100,000) shall be used by the Department of Public
10 Instruction to provide technical assistance, evaluate programs, refine proficiencies and
11 outcomes, and otherwise implement the program; the remainder of these funds shall be
12 allocated first on the basis of \$500.00 ~~five hundred dollars (\$500.00)~~ for each State-
13 funded certificated employee participating in the program ~~program~~ and then on a pro
14 rata basis based on the number of State-funded certificated employees. These funds
15 shall be used (i) for staff development activities, including planning activities, for
16 teachers, administrators, and school board members, (ii) to pay substitute teachers while
17 teachers are engaged in staff development activities, ~~and~~ (iii) to pay 10-month
18 employees for participating in staff development activities, including planning activities
19 during the summer ~~summer~~, and (iv) to allow the pilots to use funds for specific other
20 purposes such as evaluation, dissemination of information, and implementation of
21 proficiencies.

22 It is the intent of the General Assembly to appropriate an additional ~~\$3,000,000~~ three
23 million dollars (\$3,000,000) each year for the 1993-94 through 1996-97 fiscal years to
24 complete the implementation of the outcome-based education program at the ~~four~~ six
25 sites."

26 (b) G.S. 115C-238.13(a) reads as rewritten:

27 "(a) The State Board of Education shall develop and implement an outcome-based
28 education program. The State Board of Education shall select ~~four sites~~ six sites, at least
29 one of which shall be a consortium, to participate in the program for five fiscal years
30 beginning with the 1992-93 fiscal year. The first year of the project shall be a year for
31 the sites to plan their projects. The remaining four years shall be to implement the
32 projects and to demonstrate their effectiveness."
33

34 Requested by: Representatives Fussell, Payne

35 **EARLY CHILDHOOD EDUCATION COORDINATOR FUNDS**

36 Sec. 17. The Department of Public Instruction may use up to seventy-five
37 thousand dollars (\$75,000) of the funds appropriated to the Department of Public
38 Education for aid to local school administrative units for the 1992-93 fiscal year for an
39 early childhood education coordinator. The early childhood education coordinator shall
40 provide technical assistance to local school administrative units in offering appropriate
41 services for children pre-kindergarten through grade five.
42

43 Requested by: Representatives Fussell, Payne, Rogers

44 **LOW PERFORMING UNITS**

1 Sec. 18. (a) If a local school administrative unit is identified as a low
2 performing school system or placed on warning status by the State Board of Education
3 in accordance with G.S. 115C-64.1, the Department of Public Instruction may use up to
4 one million two hundred thousand dollars (\$1,200,000) of the funds appropriated for aid
5 to local school administrative units to provide the local school administrative unit with
6 staff development activities and technical assistance to enable the unit to improve
7 student performance and decrease dropout rates.

8 (b) If a local school administrative unit is identified as a low performing
9 school system by the State Board of Education in accordance with G.S. 115C-64.1, and
10 that local school administrative unit receives small school system supplemental funding,
11 low-wealth counties supplemental funding, or both, the local school administrative unit
12 shall use those funds to implement the plan for improving student performance and
13 decreasing dropout rates that it submitted to the State Board of Education in accordance
14 with G.S. 115C-64.2(a).

15 If a local school administrative unit is placed on warning status by the State
16 Board of Education, and that local school administrative unit receives small school
17 system supplemental funding, low-wealth counties supplemental funding, or both, the
18 local school administrative unit shall use those funds to implement a locally developed
19 plan for improving student performance and decreasing dropout rates.

20 (c) The Board of Governors of The University of North Carolina shall require the
21 Offices of School Services at the constituent institutions to provide in-kind technical
22 assistance worth at least six hundred thousand dollars (\$600,000) through the
23 Department of Public Instruction to local school administrative units that are identified
24 as low performing school systems or placed on warning status by the State Board of
25 Education in accordance with G.S. 115C-64.1.

26
27 Requested by: Representatives Fussell, Payne

28 **PROSPECTIVE TEACHER SCHOLARSHIP LOAN FUNDS**

29 Sec. 19. Of the funds appropriated to the Department of Public Education for
30 the 1992-93 fiscal year for prospective teacher scholarship loans, the Superintendent of
31 Public Instruction may designate up to two hundred thousand dollars (\$200,000) for the
32 1992-93 fiscal year scholarship loans to teacher assistants enrolled in accredited teacher
33 education programs.

34
35 Requested by: Representatives Fussell, Payne

36 **PUPIL TRANSPORTATION FUNDS**

37 Sec. 20. The Department of Public Instruction shall implement the Pupil
38 Transportation Program Improvements Implementation Projects authorized by Section
39 55 of Chapter 752 of the 1989 Session Laws. The Department of Public Instruction
40 may use up to five hundred thousand dollars (\$500,000) of the funds appropriated for
41 the 1992-93 fiscal year for aid to local school administrative units for pupil
42 transportation to assist local school administrative units with (i) unique difficulties
43 implementing the new funding formula or (ii) efforts to improve efficiency of pupil
44 transportation operations.

1 The Department shall report to the appropriations committees of the Senate
2 and the House of Representatives and to the Fiscal Research Division in December of
3 1992 on the implementation of the projects specified in this section.

4
5 Requested by: Representatives Fussell, Payne

6 **STAFF DEVELOPMENT FUND AVAILABILITY**

7 Sec. 21. (a) Funds allocated by the State Board of Education for staff
8 development at the local level for the 1991-92 fiscal year shall remain available for
9 expenditure until August 31, 1992.

10 (b) Funds allocated by the State Board of Education for staff development at the
11 local level for the 1992-93 fiscal year shall become available for expenditure July 1,
12 1992, and shall remain available for expenditure until August 31, 1993.

13 (c) Effective July 1, 1993, Chapter 115C of the General Statutes is amended
14 by adding a new section to read:

15 **"§ 115C-417. Availability of funds allocated for staff development.**

16 Funds allocated by the State Board of Education for staff development at the local
17 level shall become available for expenditure on September 1 of each fiscal year and
18 shall remain available for expenditure until August 31 of the subsequent fiscal year."

19
20 Requested by: Representatives Fussell, Payne

21 **NORTH CAROLINA CLOSE UP FUNDS**

22 Sec. 22. The Department of Public Instruction may use up to fifteen thousand
23 dollars (\$15,000) of the funds within its budget for the 1992-93 fiscal year for the North
24 Carolina Close Up Program to enable the program to promote citizenship education.

25
26 Requested by: Representatives Fussell, Payne

27 **APPROPRIATION OF FUNDS FROM STATE LITERARY FUND**

28 Sec. 23. There is appropriated from the State Literary Fund to the
29 Department of Public Education the sum of one million dollars (\$1,000,000) for the
30 1992-93 fiscal year for aid to local school administrative units.

31
32 Requested by: Representatives Fussell, Payne, Rogers

33 **LOW-WEALTH SCHOOL SUPPLEMENTAL FUNDING**

34 Sec. 24. (a) Of the funds appropriated to the Department of Public Education,
35 the sum of three million dollars (\$3,000,000) for the 1992-93 fiscal year shall be used to
36 provide supplemental funds in low-wealth counties to allow those counties to enhance
37 the instructional program and student achievement. These funds are in addition to the
38 sum of six million dollars (\$6,000,000) allocated for this purpose in Section 201.2 of
39 Chapter 689 of the 1991 Session Laws, as rewritten by Section 47.3 of Chapter 761 of
40 the 1991 Session Laws, and shall be expended in accordance with that section.

41 (b) Section 201.2(b) of Chapter 689 of the 1991 Session Laws reads as
42 rewritten:

43 "(b) Funds received pursuant to this section shall be used only to provide
44 instructional positions, instructional support positions, teacher assistant positions,

1 clerical positions, and—instructional supplies and equipment. ~~equipment, staff~~
 2 development, and textbooks."

3
 4 Requested by: Representative Nesbitt

5 **MODIFICATIONS TO APPROPRIATIONS TO THE DEPARTMENT OF**
 6 **PUBLIC EDUCATION FOR THE 1992-93 FISCAL YEAR**

7 Sec. 24.1. Effective July 1, 1992, Section 8.1(f) of this act reads as rewritten:

8 "(f) Of the funds appropriated to the Department of Public Education for the
 9 1991-93 fiscal biennium, the funds for the operation and maintenance of the Department
 10 of Public Instruction, for State aid to nonstate agencies, and for the operation of the
 11 State Board of Education are as follows:

12 **DEPARTMENT OF PUBLIC EDUCATION**
 13 **TOTAL REQUIREMENTS**

14
 15 **1991-92**

17	Department of	Aid to Local	State Board	
18	FUND	Public Instruction	School Administrative	of Education
19	Units			
21	1000	2,276,885	—	118,900
22	1100	11,594,516	—	—
23	1200	2,542,623	—	—
24	1300	4,370,254	—	—
25	1400	12,551,101	—	16,146
26	1500	2,927,256	—	—
27	1600	11,386,980	—	17,668
28	1700	—	—	—
29	1800	—	3,199,427,158	—
30	1900	491,734	—	—
31				
32	TOTAL	48,141,349	3,199,427,158	152,714

33
 34
 35 **1992-93**

37	Department of	Aid to Local	State Board	
38	FUND	Public Instruction	School Administrative	of Education
39	Units			
41	1000	2,271,969	—	93,900
42	1100	11,578,464	—	—
43	1200	2,543,364	—	—
44	1300	4,326,584	—	—

GENERAL ASSEMBLY OF NORTH CAROLINA

1991

1	1400	12,826,595	—	16,146
2	1500	2,923,299 10,515,339	—	—
3	1600	11,281,018	—	17,668
4	1700	—	—	—
5	1800	—	3,267,053 2,473,250,680,746	—
6	1900	491,734	—	—
7				
8	TOTAL	48,243,027 55,835,0673,267,053,2473,250,680,746		127,714".
9				

10 Requested by: Representatives Diamont, Nesbitt, Barnes

11 DIFFERENTIATED PAY

12 Sec. 24.2. (a) Of the funds appropriated to the Department of Public Education,
13 Aid to Local School Administrative Units, for the 1992-93 fiscal year, the sum of
14 twenty-nine million five hundred thousand dollars (\$29,500,000) shall be used for
15 differentiated pay for public school employees.

16 (b) Each local school administrative unit that voted in accordance with Section
17 194 of Chapter 689 of the 1991 Session Laws to continue or modify, in accordance with
18 the School Improvement and Accountability Act of 1989, its existing differentiated pay
19 plan shall receive 2% of its State-paid teachers' and administrators' salaries, and the
20 employer's contribution for social security and retirement. These funds shall be spent in
21 accordance with the differentiated pay plan in effect for the unit.

22 (c) Each local school administrative unit that voted in accordance with Section
23 194 of Chapter 689 of the 1991 Session Laws for across-the-board bonuses for all
24 affected employees shall receive 1 and 3/4 % of its State-paid teachers' and
25 administrators' salaries, and the employer's contribution for social security and
26 retirement.

27 Within 30 days of the first teacher workday of the 1992-93 school calendar,
28 each local board of education shall review and reassess the differentiated pay plan that
29 was in effect for the unit for the 1990-91 school year and shall determine whether the
30 plan should be reinstated, reinstated with modifications, or replaced with a different
31 plan. Within 60 days of the first teacher workday of the 1992-93 school year, the local
32 board shall present to affected employees for their review and vote a differentiated pay
33 plan for the 1992-93 school year only. The proposed differentiated pay plan shall take
34 effect on or after November 1, 1992. The proposed differentiated pay plan may be a
35 continuation or modification of the plan for the 1990-91 school year that was adopted in
36 accordance with the School Improvement and Accountability Act of 1989 or it may be a
37 new differentiated pay plan developed in accordance with the School Improvement and
38 Accountability Act of 1989. The proposed differentiated pay plan shall not be a
39 proposal for across-the-board bonuses for all affected employees.

40 The vote shall be by secret ballot. All of the certificated instructional staff
41 members, instructional support staff members, and certificated administrators who are
42 eligible to receive funds for differentiated pay under the School Improvement and
43 Accountability Act of 1989 may vote. The local board shall immediately submit the
44 option that receives a majority of all the votes cast to the Superintendent of Public

1 Instruction for his approval. A differentiated pay plan shall become effective upon the
2 approval of the Superintendent.

3 (d) All local school administrative units, including career ladder pilot units, shall
4 adopt new differentiated pay plans for the 1993-94 school year, in accordance with the
5 School Improvement and Accountability Act of 1989.

6 (e) Subsections (a) through (c) of this section do not apply to any funds
7 appropriated for the career ladder pilot units.

8 With regard to a local school administrative unit that resulted from the merger
9 of a career ladder pilot unit and another unit, subsections (a) through (c) of this section
10 shall apply only to funds received under this section to administer the School
11 Improvement and Accountability Act of 1989.

12

13 Requested by: Representatives Nesbitt, Diamont, Barnes

14 **TEACHER SALARY SCHEDULE**

15 Sec. 24.3. (a) The Director of the Budget may transfer from the Reserve for
16 Teacher Salary Increases for the 1992-93 fiscal year funds necessary to implement the
17 teacher salary schedule set out in subsection (b) of this section, including funds for the
18 employer's retirement and social security contributions and funds for annual longevity
19 payments at one and one-quarter percent (1.25%) of base salary for 15 to 19 years of
20 State service, one and three-quarters percent (1.75%) of base salary for 20 to 24 years of
21 State service, and two and one-half percent (2.5%) of base salary only upon the
22 completion of 25 years of State service, commencing July 1, 1992, for all teachers
23 whose salaries are supported from the State's General Fund. These funds shall be
24 allocated to individuals according to rules adopted by the State Board of Education and
25 the Superintendent of Public Instruction.

26 (b)(1) Beginning July 1, 1992, the following monthly salary schedule shall
27 apply to certified personnel of the public schools who are classified as
28 "A"teachers. The schedule contains 30 steps with each step
29 corresponding to one year of teaching experience.

30	Years of	1992-93
31	<u>Experience</u>	<u>Salary</u>
32		
33	00	\$1,982
34	01	2,022
35	02	2,062
36	03	2,103
37	04	2,145
38	05	2,188
39	06	2,232
40	07	2,277
41	08	2,323
42	09	2,369
43	10	2,416
44	11	2,464

1	12	2,513
2	13	2,563
3	14	2,614
4	15	2,666
5	16	2,719
6	17	2,773
7	18	2,828
8	19	2,885
9	20	2,943
10	21	3,002
11	22	3,062
12	23	3,123
13	24	3,185
14	25	3,249
15	26	3,314
16	27	3,380
17	28	3,448
18	29+	3,517

(2) Beginning July 1, 1992, the following monthly salary schedule shall apply to certified personnel of the public schools who are classified as "G"teachers. The schedule contains 30 steps with each step corresponding to one year of teaching experience.

	<u>Years of</u>	<u>1992-93</u>
	<u>Experience</u>	<u>Salary</u>
26	00	\$2,106
27	01	2,148
28	02	2,191
29	03	2,235
30	04	2,280
31	05	2,326
32	06	2,373
33	07	2,420
34	08	2,468
35	09	2,517
36	10	2,567
37	11	2,618
38	12	2,670
39	13	2,723
40	14	2,777
41	15	2,833
42	16	2,890
43	17	2,948
44	18	3,007

1	19	3,067
2	20	3,128
3	21	3,191
4	22	3,255
5	23	3,320
6	24	3,386
7	25	3,454
8	26	3,523
9	27	3,593
10	28	3,665
11	29+	3,738

(3) The rules adopted by the State Board for allocating funds to individuals shall provide for (i) a seven and one-half percent (7.5%) salary increase for teachers with certification based on academic preparation at the six-year degree level; (ii) a ten percent (10%) salary increase for teachers with certification based on academic preparation at the doctoral degree level; and (iii) annual longevity payments at one and one-quarter percent (1.25%) of base salary for 15 to 19 years of State service, one and three-quarters percent (1.75%) of base salary for 20 to 24 years of State service, and two and one-half percent (2.5%) of base salary only upon the completion of 25 years of State service.

(c) The General Assembly finds that it is necessary to have a teacher salary schedule based on years of teaching experience that applies consistently to all teachers throughout the State; therefore, notwithstanding any other provision of law, the salary schedule set out in this section shall apply to all public school teachers within the State and no teacher in any local school administrative unit shall be entitled to a State salary or a State salary and bonus, except as provided in a local differentiated pay plan, in excess of the amount set out in this section.

PART 12. COMMUNITY COLLEGES

Requested by: Representatives Fussell, Payne

HUSKINS BILL QUALITY CONTROL

Sec. 25. (a) Community college contracts with local school administrative units shall not be used by these agencies to supplant funding for a public school high school teacher providing courses offered pursuant to G.S. 115D-20(4) who is already employed by the local school administrative unit. However, if a community college contracts with a local school administrative unit for a public high school teacher to teach a college level course, the community college shall not generate budget FTE for that course. Its reimbursement in this case shall be limited to the direct instructional costs contained in the contract, plus fifteen percent (15%) for administrative costs. In no event shall a community college contract with a local school administrative unit to provide high school level courses.

1 (b) The Joint Committee on College Transfer shall review this issue as it
2 relates to community colleges and constituent institutions of The University of North
3 Carolina. This review shall include an assessment of what constitutes college level
4 course work. The Committee shall report the results of this review to the General
5 Assembly and to the Joint Legislative Education Oversight Committee by March 1,
6 1993.

7 (c) The State Board of Community Colleges shall study the entire Huskins
8 Bill issue. The Board shall report the results of its study, together with any
9 recommendations, including any legislative proposals, to the General Assembly by
10 March 1, 1993.

11 (d) This section shall remain in effect until changed by the General
12 Assembly.

13
14 Requested by: Representatives Fussell, Payne

15 **COMMUNITY COLLEGES/UNC DISADVANTAGED NURSING FUNDS**

16 Sec. 26. The eighty thousand dollars (\$80,000) appropriated to the
17 Department of Community Colleges and the twenty thousand dollars (\$20,000)
18 appropriated to the Board of Governors of The University of North Carolina for the
19 1992-93 fiscal year for the purpose of increasing the number of disadvantaged students
20 who successfully complete nursing school shall be used for additional academic support
21 services for these students, including services providing tutors, peer counseling, and
22 testing materials. These funds shall not be used to provide direct financial aid for these
23 students.

24
25 Requested by: Representatives Fussell, Payne

26 **IN-PLANT TRAINING/SHELTERED WORKSHOPS**

27 Sec. 27. (a) In-Plant Training. Effective beginning with the 1992 fall
28 quarter, the State Board of Community Colleges shall ensure that the following
29 requirements are met with respect to in-plant training established pursuant to G.S.
30 115D-5(d)*:

- 31 (1) The instruction provided shall not duplicate or supplant existing
32 training or training for normal job turnover;
- 33 (2) The community college shall not contract with a company to provide
34 in-plant training to its own employees but it may contract with such a
35 company to provide the cost of replacement of an employee who is
36 providing the actual training and is released from regular work
37 responsibilities. Reimbursement may also be provided for appropriate
38 supplies and materials, as determined by the State Board of
39 Community Colleges;
- 40 (3) The community college's course outline and a fiscal plan for operating
41 the course shall be approved by the board of trustees. If approval is
42 not given, the course shall be discontinued and no FTE shall be
43 generated for that course;

1 (4) A reasonable limitation on hours per employee shall be established;
2 and

3 (5) A community college's FTE earnings shall not exceed a reasonable
4 percentage of the direct cost of the training.

5 The State Board of Community Colleges shall conduct a comprehensive
6 review of in-plant training to clarify the role of the system as well as the general policies
7 and procedures that have been developed to provide instruction for business and
8 industry. The Board shall report the results of its study, together with any
9 recommendations, including any legislative proposals, to the General Assembly by
10 March 1, 1993.

11 (b) Sheltered Workshops. Effective beginning with the 1992 fall quarter, the
12 State Board of Community Colleges shall ensure that the following considerations are
13 addressed within the administration of the occupational extension courses offered in
14 sheltered workshop settings and established pursuant to G.S. 115D-5(c)*:

15 (1) A reasonable limitation on instructional hours per student shall be
16 established;

17 (2) An educational and fiscal plan shall be approved by the board of
18 trustees. If approval is not given, the course shall be discontinued and
19 no FTE shall be generated for that course;

20 (3) There shall be a policy prohibiting the duplication of training and the
21 supplanting of costs; and

22 (4) A community college's FTE earnings shall not exceed a reasonable
23 percentage of the direct cost of the training.

24 The State Board of Community Colleges shall conduct a comprehensive
25 review of training provided to sheltered workshops and Adult Developmental Activities
26 Program (ADAP) centers to clarify the role of the system as well as the general policies
27 and procedures that have been developed to provide instruction at these locations. The
28 Board shall report the results of its study, together with any recommendations, including
29 any legislative proposals, to the General Assembly by March 1, 1993.

30 (c) Effective July 1, 1993, the funding for community college occupational
31 extension training for sheltered workshops and in-plant training programs shall be
32 limited to direct instructional cost plus fifteen percent (15%) of that amount for
33 administrative costs, unless amended by the 1993 General Assembly after receiving
34 recommendations from the State Board of Community Colleges.

35

36 Requested by: Representatives Fussell, Payne

37 **NEW AND EXPANDING INDUSTRY PROGRAM FUNDS**

38 Sec. 28. Notwithstanding any law to the contrary, the Department of
39 Community Colleges may transfer available and uncommitted funds into the New and
40 Expanded Industry Program, if it determines that there is a need to meet additional
41 training needs over and above those currently budgeted and if the Director of the Budget
42 concurs. After any transfers, the total of the funds transferred and of the funds
43 appropriated in the 1992-93 fiscal year for this program shall not exceed the amount

1 appropriated for this program for the 1990-91 fiscal year, plus fifteen percent (15%) of
2 this amount.

3

4 Requested by: Representatives Fussell, Payne

5 **COMMUNITY COLLEGE TUITION INCREASE**

6 Sec. 29. Section 203 of Chapter 689 of the 1991 Session Laws reads as
7 rewritten:

8 "Sec. 203. The State Board of Community Colleges shall adopt tuition rates
9 beginning in the fall quarter of 1991 in the amount of eleven dollars and fifty cents
10 (\$11.50) per credit hour up to a cap of 14 credit hours for in-State students and one
11 hundred seven dollars and fifty cents (\$107.50) per credit hour with a cap of 14 hours
12 for out-of-State students. The State Board of Community Colleges shall adopt tuition
13 rates beginning in the fall quarter of 1992 in the amount of twelve dollars and seventy-
14 five cents (\$12.75) per credit hour up to a cap of 14 credit hours for in-State students
15 and one hundred seven dollars and fifty cents (\$107.50) per credit hour with a cap of 14
16 hours for out-of-State students.

17 The State Board of Community Colleges shall adopt tuition rates beginning in the
18 fall quarter of 1991 in the amount of thirty dollars (\$30.00) per course for occupational
19 extension courses. The State Board of Community Colleges shall adopt tuition rates
20 beginning in the fall quarter of 1992 in the amount of thirty-three dollars (\$33.00) per
21 course for occupational extension courses."

22

23 Requested by: Representatives Fussell, Payne

24 **WORKER TRAINING TRUST FUND**

25 Sec. 30. Section 141 of Chapter 689 of the 1991 Session Laws reads as
26 rewritten:

27 "Sec. 141. (a) There is appropriated from the Worker Training Trust Fund to the
28 Employment Security Commission of North Carolina the sum of ~~\$5,459,673~~ five
29 million four hundred fifty-nine thousand six hundred seventy-three dollars (\$5,459,673)
30 for the 1991-92 fiscal year and the sum of ~~\$6,059,673~~ five million eight hundred thirty-
31 nine thousand nine hundred sixty-four dollars (\$5,839,964) for the 1992-93 fiscal year
32 for the operation of local offices at the 1986-87 level of service.

33 (b) Notwithstanding G.S. 96-5(c), there is appropriated from the Special
34 Employment Security Administration Fund to the Employment Security Commission of
35 North Carolina, the sum of ~~\$2,000,000~~ two million dollars (\$2,000,000) for the 1991-92
36 fiscal year and the sum of ~~\$2,000,000~~ two million dollars (\$2,000,000) for the 1992-93
37 fiscal year for administration of the Veterans Employment Program, Employment
38 Services Program, and Unemployment Insurance Program.

39 (c) Supplemental federal funds or other additional funds received by the
40 Employment Security Commission for similar purposes shall be expended prior to the
41 expenditure of funds appropriated by this section.

42 (d) Notwithstanding the provisions of G.S. 96-5(f), there is appropriated from the
43 Worker Training Trust Fund to the following agencies the following sums for the 1991-
44 92 and the 1992-93 fiscal years for the following purposes:

- 1 (1) \$3,000,000 for the 1991-92 fiscal year and \$2,400,000 for the 1992-93
 2 fiscal year to the Department of Economic and Community
 3 Development, Division of Employment and Training, for the
 4 Employment and Training Grant Program.
- 5 (2) \$500,000 for the 1991-92 fiscal year and ~~\$500,000~~ \$1,000,000 for the
 6 1992-93 fiscal year to the North Carolina Department of Labor for
 7 customized training of the unemployed and the working poor for
 8 specific jobs needed by employers through the Department's Pre-
 9 Apprenticeship Division.
- 10 (3) \$2,000,000 for the 1991-92 fiscal year and ~~\$2,000,000~~ \$2,489,036 for
 11 the 1992-93 fiscal year to the North Carolina Department of Human
 12 Resources to assist welfare recipients in gaining employment through
 13 the federally funded Job Opportunities and Basic Skills Program in
 14 such a way as to gain the maximum match of federal funds for the
 15 State dollars ~~appropriated~~ appropriated, provided that the \$489,036 in
 16 expansion funds for the 1992-93 fiscal year shall be used for computer
 17 equipment for every county participating in the Job Opportunities and
 18 Basic Skills Program.
- 19 (4) \$1,250,000 for the 1991-92 fiscal year and ~~\$1,250,000~~ \$1,746,000 for
 20 the 1992-93 fiscal year to the North Carolina Department of
 21 Community Colleges to continue the Focused Industrial Training
 22 ~~Program~~ Program, provided that the \$496,000 in expansion funds for
 23 the 1992-93 fiscal year shall be used to increase the annual funding for
 24 the 31 existing FIT centers from an average of \$74,000 to an average
 25 of \$90,000.
- 26 (5) \$150,000 for the 1992-93 fiscal year to the Department of Public
 27 Education and \$150,000 for the 1992-93 fiscal year to the Department
 28 of Community Colleges, for a program of training in entrepreneurial
 29 skills to be operated by North Carolina REAL Enterprises.
- 30 (6) \$225,000 for the 1992-93 fiscal year to the Employment Security
 31 Commission for the North Carolina Occupational Information
 32 Coordinating Committee to develop and operate an interagency system
 33 to track former participants in State education and training programs."

34

35 PART 13. DEPARTMENT OF TRANSPORTATION

36
 37 Requested by: Representative McLaughlin

38 DEPARTMENT OF TRANSPORTATION EXEMPTION FROM GENERAL

39 STATUTES FOR EXPERIMENTAL PROJECT-CONGESTION

40 MANAGEMENT

41 Sec. 31. The Department of Transportation may enter into a design-build-
 42 warrant contract to develop, with Federal Highway Administration participation under
 43 the Intermodal Surface Transportation Efficiency Act of 1991, Title VI, Part B, Sections
 44 6051-6059, a "Congestion Avoidance and Reduction for Autos and Trucks (CARAT)"

1 system of traffic management for the greater Charlotte-Mecklenburg urban areas. The
 2 contracts may be entered into without regard to the Occupational Licensing Laws and
 3 for the purpose of entering into the contracts, the Department of Transportation is
 4 exempted from the provisions of the following General Statutes: G.S. 136-28.1, 143-
 5 52, 143-53, 143-58, 143-64.20, 143-128, and 143-129.

6
 7 Requested by: Representatives McLaughlin, Holt
 8 **INCREASE ADMINISTRATIVE EFFICIENCY/DOT**

9 Sec. 32. (a) The maximum number of positions authorized for the Office of the
 10 Secretary of Transportation, Fund Code 84210-0190, for the 1992-93 fiscal year are as
 11 follows:

13 Category of Positions	14 Number of Positions
15 Secretary of Transportation	1
16 Administrative Assistant III	1
17 Administrative Assistant II	1
18 Executive Secretary	4
19 Special Assistant to the Secretary	1
20 Deputy Secretary	2
21 Federal Programs Coordinator	1
22 Special Assistant for Operations	1
23 Public Information Assistant V	1
24 Assistant Secretary for External Affairs	1
25 Clerk Typist IV	1
26 Receptionist III	1
27 Information and Communication Specialist	1
28 Agency General Counsel II	1
29 Director of Citizens Affairs	1
30 Director of Safety and Loss Control	1
31 APA Coordinator	1

32 (b) The following positions are abolished and shall not be continued or
 33 reestablished for the Office of the Secretary of Transportation for the 1992-93 fiscal
 34 year:

36 Category of Positions	37 Number of Positions
38 Special Assistant for Regional 39 Affairs	3
40 Secretary IV	3

41 The General Assembly has examined the administrative structure and the operations of
 42 the Office of the Secretary and finds that the positions abolished by this subsection
 43 constitute an unnecessary level of administrative function in the Secretary's Office, that
 44 this level of administrative function actually impedes the ability of other administrators

1 in the department to act expeditiously, and that the duties assigned to these employees
2 duplicate the duties of other administrative and professional employees of the
3 Department.

4
5 Requested by: Representatives McLaughlin, Holt

6 **HIGHWAY MAINTENANCE RESERVE**

7 Sec. 33. Section 66.7 of Chapter 689 of the 1991 Session Laws reads as
8 rewritten:

9 "Sec. 66.7. Any unreserved credit balance in the Highway Fund on June 30 of each
10 of the fiscal years of this biennium shall support appropriations in the succeeding fiscal
11 year. If all of the balance is not needed for these appropriations, the Director of the
12 Budget may use the remaining excess to establish a reserve for access and public roads,
13 a reserve for unforeseen happening of a state of affairs requiring prompt action as
14 provided by G.S. 136-44.1, and other required reserves. Actual revenue in excess of
15 estimated revenue shall be placed in the reserve for highway maintenance. ~~If all of the~~
16 ~~remaining excess is not used to establish these reserves, the remainder shall be allocated~~
17 ~~to the State-funded maintenance appropriations in the manner approved by the Board of~~
18 ~~Transportation.~~—The Board of Transportation shall report monthly to the Joint
19 Legislative Highway Oversight Committee and the Fiscal Research Division about the
20 use of the reserve for highway maintenance."

21
22 Requested by: Representatives McLaughlin, Holt

23 **DIVISION OF MOTOR VEHICLES DRIVERS LICENSE COMPUTER**

24 Sec. 34. The Division of Motor Vehicles shall procure information
25 technology and data communications equipment for the drivers license computer system
26 only after fair and competitive bidding and without any waiver from competitive
27 bidding. Any request for bids, request for proposals, or request for quotes issued
28 concerning the procurement of information systems hardware and software, document
29 imaging systems, or data communications hardware related to any aspect of the drivers
30 license computer system shall contain only specifications based on industry standards
31 for open systems to the greatest extent possible. To the degree that open systems
32 specifications are not used in a procurement related to any aspect of a drivers license
33 computer system, the Division of Motor Vehicles shall provide documentation to the
34 Information Technology Commission and to the Joint Legislative Commission on
35 Governmental Operations explaining why the competitive bid specifications could not
36 conform to industry standards for open systems.

37
38 Requested by: Representatives McLaughlin, Hasty

39 **CONTRACT RESURFACING REPORTING REQUIREMENT**

40 Sec. 35. The Department of Transportation shall report, quarterly, to the Joint
41 Legislative Highway Oversight Committee concerning any transfers of funds from the
42 Contract Resurfacing Program during the preceding quarter. The Department shall
43 report, annually, to the Joint Legislative Highway Oversight Committee on any

1 additional life-cycle costs for delayed projects that may accrue as a result of these
2 transfers, with the first report to be filed March 1, 1993.

3
4 Requested by: Representatives Bowie, McAllister

5 **DEPARTMENT OF TRANSPORTATION HIGHWAY CONSTRUCTION**
6 **SAFETY PROGRAM**

7 Sec. 37. From funds appropriated to the Department of Transportation, the
8 Secretary of Transportation may continue the Department's emphasis on safety to
9 reduce accidents and injuries in highway construction activities.

10
11 Requested by: Representative R. Hunter

12 **SECONDARY ROADS, ANNUAL WORK PROGRAM PRIORITY LISTS**

13 Sec. 38. G.S. 136-44.7(b) reads as rewritten:

14 "(b) When a secondary road in a county is listed in the first 10 secondary roads to
15 be paved during a year on a priority list issued by the Department of Transportation
16 under this section, the secondary road cannot be removed from the top 10 of that list or
17 any subsequent list until it is paved. All secondary roads in a county shall be paved,
18 insofar as possible, in the priority order of the list. When a secondary road in the top 10
19 of that list is removed from the list because it has been paved, the next secondary road
20 on the priority list shall be moved up to the top 10 of that list and shall remain there
21 until it is paved."

22
23 Requested by: Representative Albertson

24 **DEPARTMENT OF TRANSPORTATION PERMANENT HOURLY**
25 **WORKERS/OFFICE OF STATE PERSONNEL STUDY**

26 Sec. 39. The Office of State Personnel shall study the use of permanent
27 hourly workers by the Department of Transportation.

28 The study shall include consideration of:

- 29 (1) The Department of Transportation's use of these positions in the
30 maintenance workforce;
31 (2) The use of these positions on a year-round basis and for extended
32 periods; and
33 (3) The voluntary conversion of permanent employees to permanent
34 hourly workers to increase the employee's take-home pay by
35 eliminating the contribution to the retirement system.

36 The Office of State Personnel shall report the results of this study to the
37 Permanent Subcommittee on Transportation of the House Committee on Appropriations
38 by February 1, 1993.

39
40 Requested by: Representatives McLaughlin, Holt

41 **REALLOCATION OF DIVISION OF MOTOR VEHICLES WAREHOUSE-**
42 **OFFICE BUILDING FUNDS**

43 Sec. 40. Funds appropriated in Section 6 of Chapter 754 of the 1989 Session
44 Laws for the construction of a warehouse-office building in Raleigh for the Division of

1 Motor Vehicles are reallocated to the Division of Motor Vehicles for the construction or
2 purchase of the land and warehouse-office building, including appraisal and other costs
3 incidental to the purchase.

4
5 Requested by: Representatives McLaughlin, Holt

6 **TRANSFER OF FUNDS FROM THE EQUIPMENT FUND**

7 Sec. 41. Section 66 of Chapter 689 of the 1991 Session Laws reads as
8 rewritten:

9 "Sec. 66. The Department of Transportation's Equipment Fund shall pay to the
10 Highway Fund \$5,000,000 for the 1991-92 fiscal year and \$5,000,000 for the 1992-93
11 fiscal year. These funds shall be used for highway maintenance. The Department of
12 Transportation's Equipment Fund shall pay to the Highway Fund an additional
13 \$7,354,254 for the 1992-93 fiscal year for use in the expansion budget."

14
15 Requested by: Representatives McLaughlin, Holt

16 **SMALL URBAN CONSTRUCTION FUNDS**

17 Sec. 42. Section 66.6 of Chapter 689 of the 1991 Session Laws reads as
18 rewritten:

19 "Sec. 66.6. Of the funds appropriated in this Title to the Department of
20 Transportation, \$10,805,664 shall be allocated in the 1991-92 fiscal year and
21 ~~\$10,028,266~~ \$9,028,266 in the 1992-93 fiscal year for small urban construction projects.
22 \$7,000,000 of these funds shall be allocated equally in ~~each~~ fiscal year 1991-92 of the
23 biennium ~~and \$6,000,000 in fiscal year 1992-93~~ among the 14 Highway Divisions for
24 the small Urban Construction program for small urban construction projects that are
25 located within the area covered by a one-mile radius of the municipal corporate limits.
26 Of the remaining funds, \$3,805,664 for the 1991-92 fiscal year and \$3,028,266 for the
27 1992-93 fiscal year shall be used statewide for rural or small urban highway
28 improvements as approved by the Secretary of the Department of Transportation.

29 None of these funds used for rural secondary road construction are subject to the
30 county allocation formula as provided in G.S. 136-44.5.

31 The Department of Transportation shall report to the members of the General
32 Assembly on projects funded pursuant to this section in each member's district prior to
33 the Board of Transportation's action. The Department shall make a quarterly
34 comprehensive report on the use of these funds to the Joint Legislative Highway
35 Oversight Committee and the Fiscal Research Division."

36 Requested by: Representatives Colton, McLaughlin, Holt

37 **DEPARTMENT OF TRANSPORTATION TO REPORT ON EFFORTS TO**
38 **EDUCATE ON TRANSPORTATION PLANNING ROLES**

39 Sec. 42.1. The Department of Transportation shall report on its efforts to
40 educate Transportation Advisory Committees, local governments, and the public about
41 their roles in transportation planning under the Intermodal Surface Transportation
42 Efficiency Act of 1991 to the Chairmen of the Senate Committee on Transportation and
43 the House Committee on Transportation by February 1, 1993.

44

1 Requested by: Representatives Colton, McLaughlin, Holt

2 **DEPARTMENT OF TRANSPORTATION TO DEVELOP COMPREHENSIVE**
3 **PLAN ON MAINTAINING AND UPGRADING BRIDGES**

4 Sec. 42.2. The Department of Transportation shall develop and recommend a
5 comprehensive plan to maintain and upgrade substandard bridges in North Carolina and
6 shall report to the Chairmen of the Senate Committee on Transportation and the House
7 Committee on Transportation by February 1, 1993.

8

9 Requested by: Representative Chapin

10 **HIGHWAY 264 REST AREA**

11 Sec. 42.3. By December 1, 1992, the Department of Transportation shall let a
12 contract for work to begin on the rest area on U.S. Highway 264 in Beaufort County for
13 which funds were appropriated by Section 6(15) of Chapter 754 of the 1989 Session
14 Laws. The Department shall complete the rest area by June 1, 1993. If the Department
15 of Transportation has not let a contract for work to begin on the rest area by December
16 1, 1992, the following applies:

17 (1) The sum of three hundred thirty-five thousand one hundred dollars
18 (\$335,100) is appropriated from the Highway Fund to the Department
19 of Administration for the Department of Administration to construct a
20 rest area at U.S. Highway 264 in Beaufort County. The Department of
21 Administration shall complete the rest area by September 1, 1993.

22 (2) Section 6(15) of Chapter 754 of the 1989 Session Laws is repealed.

23 **PART 14. DEPARTMENT OF CORRECTION**

24

25 Requested by: Representatives Redwine, Anderson

26 **USE OF LAPSED SALARY FUNDS**

27 Sec. 43. The Department of Correction may use lapsed salary funds from the
28 1991-92 fiscal year to pay medical care costs, to pay for extradition services, and to
29 reimburse local governments for the housing of prisoners.

30

31 Requested by: Representative Barnes

32 **PRIVATE CONFINEMENT FACILITIES**

33 Sec. 44. Section 67 of Chapter 689 of the 1991 Session Laws reads as
34 rewritten:

35 "Sec. 67. No for-profit, privately owned or operated confinement facilities may be
36 added to the State prison system unless approved by the General Assembly.
37 Notwithstanding the provisions of this section or any other provision of law, the
38 Secretary of Correction may issue a Request for Proposal or employ another appropriate
39 bidding process or procedure to determine contract terms or conditions under which
40 private for-profit or nonprofit firms would offer to provide and operate treatment centers
41 totaling 500 beds for prisoners committed to the custody of the Department of
42 Correction who are diagnosed as needing treatment for alcohol or drug abuse. The State
43 may contract with private, nonprofit firms to provide or operate work and study release
44 centers for women and for youth.

1 Solicitation of bids does not obligate the State to enter into contracts with private
2 for-profit or nonprofit firms to provide and operate treatment centers for which bids are
3 solicited.

4 The Secretary of Correction must report the results of the bidding procedure to the
5 Governor, the Joint Legislative Committee on Governmental Operations, the Chairmen
6 of the Senate and House Appropriations Committees, and the Fiscal Research Division
7 by December 31, 1992."

9 **PART 15. JUDICIAL DEPARTMENT**

10
11 Requested by: Representatives Redwine, Anderson

12 **CURRENT OPERATING EXPENSES**

13 Sec. 45. From the funds appropriated to the Judicial Department in the
14 certified budget for the 1992-93 fiscal year, the Administrative Office of the Courts may
15 transfer within its budget up to two million five hundred thousand dollars (\$2,500,000)
16 to meet additional operating expenses for supplies and materials, current obligations,
17 fixed charges and other expenses, equipment, books, and indigent persons' attorneys'
18 fees, and to match any grants awarded to the Judicial Department from non-State funds.
19 The Administrative Office of the Courts shall make quarterly reports on transfers made
20 pursuant to this section to the Joint Legislative Commission on Governmental
21 Operations and to the Chairmen of the Senate and House Appropriations Committees on
22 Justice and Public Safety.

23
24 Requested by: Representatives Redwine, Anderson

25 **CONTINUED PHASING IN OF NONBINDING ARBITRATION AND OF** 26 **CUSTODY AND VISITATION MEDIATION**

27 Sec. 46. From funds appropriated to the Judicial Department in the certified
28 budget for the 1992-93 fiscal year, the Administrative Office of the Courts may transfer
29 within its budget up to seventy-five thousand dollars (\$75,000) to implement
30 nonbinding arbitration procedures in additional counties and judicial districts pursuant
31 to G.S. 7A-37.1 and to establish local custody mediation and visitation programs in
32 additional counties pursuant to G.S. 7A-494.

33
34 Requested by: Representatives Redwine, Anderson

35 **CONTINUE EXISTING JUVENILE SERVICES TRANSPORTATION PILOT** 36 **PROGRAM**

37 Sec. 47. From funds appropriated to the Judicial Department in the certified
38 budget for the 1992-93 fiscal year, the Administrative Office of the Courts may transfer
39 funds within its budget to continue the Juvenile Services Division Transportation Pilot
40 Project in District Court Districts 6A, 10, 11, and 24 at its 1991-92 funding level.

41
42 Requested by: Representatives Redwine, Anderson

43 **INTERIM FEES FOR ASSIGNED COUNSEL IN EXTRAORDINARY CASES**

44 Sec. 48. (a) G.S. 7A-455(b) reads as rewritten:

1 "(b) In all cases the court shall fix the money value of services rendered by
2 assigned counsel, the public defender, or the appellate defender, and such sum plus any
3 sums allowed by the court for other necessary expenses of representing the indigent
4 person, including any fees and expenses that may have been allowed prior to final
5 determination of the action to assigned counsel pursuant to G.S. 7A-458, shall be
6 entered as a judgment in the office of the clerk of superior court, and shall constitute a
7 lien as prescribed by the general law of the State applicable to judgments. Any
8 reimbursement to the State as provided in subsection (a) of this section or any funds
9 collected by reason of such judgment shall be deposited in the State treasury and
10 credited against the judgment; provided, that counsel fees ordered paid to the clerk on
11 behalf of the appointed counsel pursuant to G.S. 15A-1343(e) may be paid directly to
12 the counsel. In fixing the money value of services rendered by the public defender and
13 the appellate defender, the court shall consider the factors normally involved in fixing
14 the fees of private attorneys, such as the nature of the case, the time, effort, and
15 responsibility involved, and the fee usually charged in similar cases. The value of the
16 services shall be fixed by a district court judge for actions or proceedings finally
17 determined in the district court and by a superior court judge for actions or proceedings
18 originating in, heard on appeal in, or appealed from the superior court. Even if the trial,
19 appeal, hearing, or other proceeding is never held, preparation therefor is nevertheless
20 compensable."

21 (b) G.S. 7A-458 reads as rewritten:

22 **"§ 7A-458. Counsel fees.**

23 In districts which do not have a public defender, the court shall fix the fee to which
24 an attorney who represents an indigent person is entitled. In doing so, the court shall
25 allow a fee based on the factors normally considered in fixing attorneys' fees, such as
26 the nature of the case, and the time, effort and responsibility involved. Fees shall be
27 fixed by the district court judge who hears the case for actions or proceedings finally
28 determined in the district court and by the superior court judge who hears the case for
29 actions or proceedings originating in, heard on appeal in, or appealed from the superior
30 court. Even if the trial, appeal, hearing or other proceeding is never held, preparation
31 therefor is nevertheless ~~compensable.~~ compensable and, in capital cases and other
32 extraordinary cases pending in superior court, the presiding judge may allow a fee for
33 services rendered and payment for expenses incurred pending final determination of the
34 case."

35
36 Requested by: Representatives Redwine, Anderson

37 **COMMUNITY PENALTIES PROGRAMS**

38 Sec. 49. Section 84.1 of Chapter 689 of the 1991 Session Laws reads as
39 rewritten:

40 "Sec. 84.1. (a) Of the funds appropriated in this act to the Judicial Department to
41 conduct the community penalty programs, the sum of ~~\$1,518,912~~ one million five
42 hundred eighteen thousand nine hundred twelve dollars (\$1,518,912) shall be allocated
43 in the 1991-92 fiscal year among the community penalties programs listed below as
44 follows:

1	One Step Further, Inc.	\$139,664
2		
3	Services to Nash County	
4	Community Penalties Program	44,000
5		
6	Services to Rockingham/Caswell	40,900
7		
8	Fayetteville Area Sentencing	
9	Center, Inc.	131,878
10		
11	Re-Entry, Inc.	93,500
12		
13	Repay, Inc.	100,045
14		
15	Community Corrections	
16	Resources, Inc.	104,379
17		
18	Western Carolinians for	
19	Criminal Justice, Inc.	100,300
20		
21	Prison & Jail Project, Inc.	100,300
22		
23	Community Penalties Program,	
24	Inc.	68,213
25		
26	Jacksonville Community	
27	Penalties, Inc.	89,250
28		
29	Services to Sampson,	
30	Duplin, and Jones Counties	55,000
31		
32	Gaston Community Penalties,	
33	Inc.	53,661
34		
35	Services to Cleveland and	
36	Lincoln Counties	38,000
37		
38	Dispute Settlement Center,	
39	Inc.	53,661
40		
41	Appropriate Punishment	
42	Option, Inc.	53,661
43		
44	Mecklenburg Community	

1 Corrections 93,500
2
3 Neuse River Council of
4 Governments DBA Neuse
5 River Community
6 Penalties Program 55,000
7
8 Tuscarora Tribe of North
9 Carolina 52,000
10
11 Citizens for Community Justice 52,000.
12

13 (b) Funds allocated in subsection (a) and not used by the community penalties
14 programs listed above may be used by the Judicial Department to establish new
15 community penalties programs.

16 (b1) Of the funds appropriated for the 1992-93 fiscal year to the Judicial
17 Department to conduct the community penalties programs, the sum of one million five
18 hundred eighteen thousand nine hundred twelve dollars (\$1,518,912) may be allocated
19 by the Judicial Department in the 1992-93 fiscal year in any amount among existing
20 community penalties programs or may be used to establish new community penalties
21 programs. In addition, from any other funds appropriated to the Judicial Department in
22 the certified budget for the 1992-93 fiscal year, the Administrative Office of the Courts
23 may transfer funds to the community penalties programs for similar allocation or use.

24 (c) The Judicial Department shall report annually to the Senate and House
25 Appropriations Base Budget Committees on Justice and Public Safety and to the Fiscal
26 Research Division on the administrative expenditures of the community penalties
27 programs."
28

29 Requested by: Representatives Redwine, Anderson

30 **MAKE JURISDICTION OF MAGISTRATE AND CLERK CONSISTENT WITH**
31 **THAT OF JUDGES TO PROMULGATE WAIVER LISTS**

32 Sec. 50. (a) G.S. 7A-148(a) reads as rewritten:

33 "(a) The chief district judges of the various district court districts shall meet at
34 least once a year upon call of the Chief Justice of the Supreme Court to discuss mutual
35 problems affecting the courts and the improvement of court operations, to prepare and
36 adopt a ~~uniform schedule of traffic offenses, littering under G.S. 14-399(c), hunting and~~
37 ~~fishing offenses under Chapter 113, State park and recreation area rule offenses under~~
38 ~~Chapter 113, boating offenses under Chapter 75A, and alcohol offenses under Chapter~~
39 ~~18B~~ uniform schedules of offenses for the types of offenses specified in G.S. 7A-273(2)
40 for which magistrates and clerks of court may accept written appearances, waivers of
41 trial or hearing and pleas of guilty or admissions of responsibility, and establish a
42 schedule of penalties or fines therefor, and to take such further action as may be found
43 practicable and desirable to promote the uniform administration of justice."
44

44 (b) G.S. 7A-146(8) is repealed.

1 (c) G.S. 7A-180 reads as rewritten:

2 **"§ 7A-180. Functions of clerk of superior court in district court matters.**

3 The clerk of superior court:

- 4 (1) Has and exercises all of the judicial powers and duties in respect of
5 actions and proceedings pending from time to time in the district court
6 of his county which are now or hereafter conferred or imposed upon
7 him by law in respect of actions and proceedings pending in the
8 superior court of his county;
- 9 (2) Performs all of the clerical, administrative and fiscal functions
10 required in the operation of the district court of his county in the same
11 manner as he is required to perform such functions in the operation of
12 the superior court of his county;
- 13 (3) Maintains, under the supervision of the Administrative Office of the
14 Courts, an office of uniform consolidated records of all judicial
15 proceedings in the superior court division and the district court
16 division of the General Court of Justice in his county. Those records
17 shall include civil actions, special proceedings, estates, criminal
18 actions, juvenile actions, minutes of the court and all other records
19 required by law to be maintained. The form and procedure for filing,
20 docketing, indexing, and recording shall be as prescribed by the
21 Administrative Officer of the Courts notwithstanding any contrary
22 statutory provision as to the title and form of the record or as a method
23 of indexing;
- 24 (4) Has the power to accept written appearances, waivers of trial or
25 hearing and pleas of guilty or admissions of responsibility ~~to certain~~
26 ~~alcohol, traffic, hunting, fishing, and boating offenses for the types of~~
27 offenses specified in G.S. 7A-273(2) in accordance with ~~a schedule~~ the
28 schedules of offenses promulgated by the Conference of Chief District
29 Judges pursuant to G.S. 7A-148, and in such cases, to enter judgment
30 and collect the fine or penalty and costs;
- 31 (5) Has the power to issue warrants of arrest valid throughout the State,
32 and search warrants valid throughout the county of the issuing clerk;
- 33 (6) Has the power to conduct an initial appearance in accordance with
34 Chapter 15A, Article 24, Initial Appearance, and to fix conditions of
35 release in accordance with Chapter 15A, Article 26, Bail; ~~and~~
- 36 (7) Continues to exercise all powers, duties and authority theretofore
37 vested in or imposed upon clerks of superior court by general law, with
38 the exception of jurisdiction in juvenile matters; and
- 39 (8) Has the power to accept written appearances, waivers of trial and pleas
40 of guilty to violations of G.S. 14-107 when restitution is made, the
41 amount of the check is two thousand dollars (\$2,000) or less, and the
42 warrant does not charge a fourth or subsequent violation of this statute,
43 and, in such cases, to enter such judgments as the chief district judge

1 shall direct and, forward the amounts collected as restitution to the
2 appropriate prosecuting witnesses and to collect the costs.

- 3 (9) ~~Has the power to accept written appearances, waivers of trial and pleas
4 of guilty to violations of G.S. 14-399(e), and, in such cases, to enter
5 judgments as the chief district court judge shall direct. No violation of
6 G.S. 14-399 may be disposed of pursuant to this subdivision unless the
7 criminal pleading specifically charges a violation of subsection (e) of
8 G.S. 14-399."~~

9 (d) G.S. 7A-273 reads as rewritten:

10 **"§ 7A-273. Powers of magistrates in infractions or criminal actions.**

11 In criminal actions or infractions, any magistrate has power:

- 12 (1) In misdemeanor or infraction cases, other than ~~traffic, hunting, fishing,
13 boating, and alcohol offenses,~~ the types of offenses specified in
14 subdivision (2) of this section, in which the maximum punishment
15 which can be adjudged cannot exceed imprisonment for 30 days, or a
16 fine of fifty dollars (\$50.00) or a penalty of not more than fifty dollars
17 (\$50.00), exclusive of costs, to accept guilty pleas or admissions of
18 responsibility and enter judgment;
- 19 (2) In misdemeanor or infraction cases involving ~~alcohol,~~ alcohol offenses
20 under Chapter 18B of the General Statutes, ~~traffic,~~ traffic offenses,
21 hunting, fishing, and State park recreation area offenses under Chapter
22 113 of the General Statutes, boating offenses, offenses under Chapter
23 75A of the General Statutes, and littering offenses under G.S. 14-
24 399(c), to accept written appearances, waivers of trial or hearing and
25 pleas of guilty or admissions of responsibility, in accordance with the
26 schedule of offenses and fines or penalties promulgated by the
27 Conference of Chief District Judges pursuant to G.S. 7A-148, and in
28 such cases, to enter judgment and collect the fines or penalties and
29 costs;
- 30 (3) To issue arrest warrants valid throughout the State;
- 31 (4) To issue search warrants valid throughout the county; ~~and~~
- 32 (5) To grant bail before trial for any noncapital offense;
- 33 (6) Notwithstanding the provisions of subdivision (1) of this section, to
34 hear and enter judgment as the chief district judge shall direct in all
35 worthless check cases brought under G.S. 14-107, when the amount of
36 the check is two thousand dollars (\$2,000) or less. Provided, however,
37 that under this section magistrates may not impose a prison sentence
38 longer than 30 days;
- 39 (7) To conduct an initial appearance as provided in G.S. 15A-511; and
- 40 (8) To accept written appearances, waivers of trial and pleas of guilty in
41 violations of G.S. 14-107 when the amount of the check is two
42 thousand dollars (\$2,000) or less, restitution is made, and the warrant
43 does not charge a fourth or subsequent violation of this statute, and in
44 these cases to enter judgments as the chief district judge directs.

- 1 (9) ~~Notwithstanding the provisions of subdivision (1) of this section, to~~
2 ~~accept written appearances, waivers of trial and pleas of guilty in~~
3 ~~violations of G.S. 14-399(c) and enter judgments in those cases as the~~
4 ~~chief district judge directs. No violation of G.S. 14-399 may be~~
5 ~~disposed of pursuant to this subdivision unless the criminal pleading~~
6 ~~specifically charges a violation of subsection (c) of G.S. 14-399."~~
7

8 Requested by: Representatives Redwine, Anderson

9 **PROVIDE FOR COUNSEL IN CLEMENCY PROCEEDINGS**

10 Sec. 51. (a) G.S. 7A-451(a) reads as rewritten:

11 "(a) An indigent person is entitled to services of counsel in the following actions
12 and proceedings:

- 13 (1) Any case in which imprisonment, or a fine of five hundred dollars
14 (\$500.00), or more, is likely to be adjudged;
15 (2) A hearing on a petition for a writ of habeas corpus under Chapter 17 of
16 the General Statutes;
17 (3) A motion for appropriate relief under Chapter 15A of the General
18 Statutes if the defendant has been convicted of a felony, has been fined
19 five hundred dollars (\$500.00) or more, or has been sentenced to a
20 term of imprisonment;
21 (4) A hearing for revocation of probation;
22 (5) A hearing in which extradition to another state is sought;
23 (6) A proceeding for an inpatient involuntary commitment to a facility
24 under Part 7 of Article 5 of Chapter 122C of the General Statutes, or a
25 proceeding for commitment under Part 8 of Article 5 of Chapter 122C
26 of the General ~~Statutes~~-Statutes;
27 (7) In any case of execution against the person under Chapter 1, Article
28 28 of the General Statutes, and in any civil arrest and bail proceeding
29 under Chapter 1, Article 34, of the General Statutes;
30 (8) In the case of a juvenile, a hearing as a result of which commitment to
31 an institution or transfer to the superior court for trial on a felony
32 charge is possible;
33 (9) A hearing for revocation of parole at which the right to counsel is
34 provided in accordance with the provisions of Chapter 148, Article 4,
35 of the General Statutes;
36 (10) A proceeding for sterilization under Chapter 35, Article 7 (Sterilization
37 of Persons Mentally Ill and Mentally Retarded) of the General
38 Statutes; ~~and~~
39 (11) A proceeding for the provision of protective services according to
40 Chapter 108, Article 4, of the General Statutes;
41 (12) In the case of a juvenile alleged to be neglected under Chapter 7A,
42 Article 23 of the General Statutes;
43 (13) A proceeding to find a person incompetent under Subchapter I of
44 Chapter 35A, of the General Statutes;

1 (14) A proceeding to terminate parental rights where a guardian **ad litem** is
2 appointed pursuant to G.S. 7A-289.23;

3 (15) An action brought pursuant to Article 24B of Chapter 7A of the
4 General Statutes to terminate an indigent person's parental ~~rights.~~
5 rights;

6 (16) A proceeding on a request in a capital case for executive clemency, as
7 authorized by Article III, Sec. 5(6) of the North Carolina
8 Constitution."

9 (b) G.S. 7A-458 reads as rewritten:

10 "**§ 7A-458. Counsel fees.**

11 (a) In districts which do not have a public defender, the court shall fix the fee to
12 which an attorney who represents an indigent person is entitled. In doing so, the court
13 shall allow a fee based on the factors normally considered in fixing attorneys' fees, such
14 as the nature of the case, and the time, effort and responsibility involved. Fees shall be
15 fixed by the district court judge who hears the case for actions or proceedings finally
16 determined in the district court and by the superior court judge who hears the case for
17 actions or proceedings originating in, heard on appeal in, or appealed from the superior
18 court. Even if the trial, appeal, hearing or other proceeding is never held, preparation
19 therefor is nevertheless compensable.

20 (b) Notwithstanding the provisions of subsection (a) of this section, the State
21 shall spend no more than ten thousand dollars (\$10,000) per capital case for counsel
22 authorized by G.S. 7A-451(a)(16)."

23
24 Requested by: Representatives Nesbitt, Anderson, Redwine

25 **ASSISTANT CLERKS' SALARY RANGE**

26 Sec. 52. G.S. 7A-102(d) reads as rewritten:

27 "(d) Full-time assistant clerks, licensed to practice law in North Carolina, who are
28 employed in the office of superior court clerk on and after July 1, 1984, are authorized
29 an ~~entry-level~~ annual salary of not ~~more-less~~ than three-fourths of the maximum annual
30 salary established for assistant ~~clerks—~~clerks; the clerk of superior court, with the
31 approval of the Administrative Office of the Courts, may establish a higher annual
32 salary but that salary shall not be higher than the maximum annual salary established for
33 assistant clerks. Full-time assistant clerks, holding a law degree from an accredited law
34 school, who are employed in the office of superior court clerk on and after July 1, 1984,
35 are authorized an ~~entry-level~~ annual salary of not ~~more-less~~ than two-thirds of the
36 maximum annual salary established for assistant ~~clerks—~~clerks; the clerk of superior
37 court, with the approval of the Administrative Office of the Courts, may establish a
38 higher annual salary, but the entry-level salary may not be more than three-fourths of
39 the maximum annual salary established for assistant clerks, and in no event may be
40 higher than the maximum annual salary established for assistant clerks. The entry-level
41 annual salary for all other assistant and deputy clerks employed on and after July 1,
42 1984, shall be at the minimum rates as herein established."

43 Requested by: Representative Redwine

44 **NEW ASSISTANT DISTRICT ATTORNEYS**

1 Sec. 52.1. (a) Effective August 1, 1992, G.S. 7A-60(a1) reads as rewritten:
 2 "(a1) The counties of the State are organized into prosecutorial districts, and each
 3 district has the counties and the number of full-time assistant district attorneys set forth
 4 in the following table: No. of Full-Time
 5 Prosecutorial Asst. District
 6 District Counties Attorneys
 7 1 Camden, Chowan, Currituck, 6
 8 Dare, Gates, Pasquotank,
 9 Perquimans
 10 2 Beaufort, Hyde, Martin, 4
 11 Tyrrell, Washington
 12 3A Pitt 5
 13 3B Carteret, Craven, Pamlico ~~5~~6
 14 4 Duplin, Jones, Onslow, ~~9~~10
 15 Sampson
 16 5 New Hanover, Pender 8
 17 6A Halifax 2
 18 6B Bertie, Hertford, Northampton ~~2~~3
 19 7 Edgecombe, Nash, Wilson 9
 20 8 Greene, Lenoir, Wayne 8
 21 9 Franklin, Granville, ~~7~~8
 22 Person, Vance, Warren
 23 10 Wake 17
 24 11 Harnett, Johnston, Lee 7
 25 12 Cumberland 11
 26 13 Bladen, Brunswick, Columbus 6
 27 14 Durham 9
 28 15A Alamance ~~5~~6
 29 15B Orange, Chatham 4
 30 16A Scotland, Hoke ~~2~~3
 31 16B Robeson 7
 32 17A Caswell, ~~4~~5
 33 Rockingham
 34 17B Stokes, Surry 4
 35 18 Guilford ~~15~~16
 36 19A Cabarrus, Rowan ~~7~~8
 37 19B Montgomery, Randolph 4
 38 20 Anson, Moore, Richmond, 10
 39 Stanly, Union
 40 21 Forsyth 11
 41 22 Alexander, Davidson, Davie, ~~9~~10
 42 Iredell
 43 23 Alleghany, Ashe, Wilkes, 4
 44 Yadkin

1	24	Avery, Madison, Mitchell,	3
2		Watauga, Yancey	
3	25	Burke, Caldwell, Catawba	10
4	26	Mecklenburg	22
5	27A	Gaston	7 <u>8</u>
6	27B	Cleveland,	5
7		Lincoln	
8	28	Buncombe	6 <u>7</u>
9	29	Henderson, McDowell, Polk,	7 <u>8</u>
10		Rutherford, Transylvania	
11	30	Cherokee, Clay, Graham,	6
12		Haywood, Jackson, Macon,	
13		Swain."	

14 (b) Effective October 1, 1992, G.S.7A-60(a1), as amended by subsection (a)
 15 of this section, reads as rewritten:

16 "(a1) The counties of the State are organized into prosecutorial districts, and each
 17 district has the counties and the number of full-time assistant district attorneys set forth
 18 in the following table:

19				No. of Full-Time
20	Prosecutorial			Asst. District
21	District	Counties	Attorneys	
22	1	Camden, Chowan, Currituck,	6	
23		Dare, Gates, Pasquotank,		
24		Perquimans		
25	2	Beaufort, Hyde, Martin,	4	
26		Tyrrell, Washington		
27	3A	Pitt	5 <u>6</u>	
28	3B	Carteret, Craven, Pamlico	6	
29	4	Duplin, Jones, Onslow,	10	
30		Sampson		
31	5	New Hanover, Pender	8 <u>9</u>	
32	6A	Halifax	2 <u>3</u>	
33	6B	Bertie, Hertford, Northampton	3	
34	7	Edgecombe, Nash, Wilson	9 <u>10</u>	
35	8	Greene, Lenoir, Wayne	8	
36	9	Franklin, Granville,	8	
37		Person, Vance, Warren		
38	10	Wake	17 <u>18</u>	
39	11	Harnett, Johnston, Lee	7 <u>8</u>	
40	12	Cumberland	11 <u>12</u>	
41	13	Bladen, Brunswick, Columbus	6	
42	14	Durham	9	
43	15A	Alamance	6	
44	15B	Orange, Chatham	4	

1	16A	Scotland, Hoke	3
2	16B	Robeson	7
3	17A	Caswell,	5
4		Rockingham	
5	17B	Stokes, Surry	4
6	18	Guilford	16
7	19A	Cabarrus, Rowan	8
8	19B	Montgomery, Randolph	4
9	20	Anson, Moore, Richmond,	10
10		Stanly, Union	
11	21	Forsyth	11 12
12	22	Alexander, Davidson, Davie,	10
13		Iredell	
14	23	Alleghany, Ashe, Wilkes,	4
15		Yadkin	
16	24	Avery, Madison, Mitchell,	3
17		Watauga, Yancey	
18	25	Burke, Caldwell, Catawba	10
19	26	Mecklenburg	22
20	27A	Gaston	8
21	27B	Cleveland,	5
22		Lincoln	
23	28	Buncombe	7
24	29	Henderson, McDowell, Polk,	8
25		Rutherford, Transylvania	
26	30	Cherokee, Clay, Graham,	6
27		Haywood, Jackson, Macon,	
28		Swain."	
29			

30 PART 16. DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY

31

32 Requested by: Representatives Anderson, Redwine, Jeffus

33 **SUMMIT HOUSE**

34 Sec. 53. Of the funds appropriated to the Department of Crime Control and
 35 Public Safety for the 1992-93 fiscal year, the sum of two hundred fifty thousand dollars
 36 (\$250,000) shall be used to support the program at Summit House, a community-based
 37 residential alternative to incarceration for mothers and pregnant women convicted of
 38 nonviolent crimes. Summit House shall report quarterly to the Joint Legislative
 39 Commission on Governmental Operations on the expenditure of State appropriations
 40 and on the effectiveness of the program, including information on the number of clients
 41 served, the number of clients who have their probation revoked, and the number of
 42 clients who successfully complete the program while housed at Summit House.

43

44 Requested by: Representatives Anderson, Redwine

OPERATING FUNDS FOR AIR NATIONAL GUARD'S HANGAR

Sec. 54. Of the funds appropriated in this act to the Department of Crime Control and Public Safety for the 1992-93 fiscal year, the sum of five thousand six hundred seventeen dollars (\$5,617) shall be used to operate the Air National Guard's new maintenance hangar which is located at Douglas International Airport in Charlotte.

Requested by: Representatives Barnes, Redwine, Anderson

LEGISLATIVE REVIEW OF DRUG LAW ENFORCEMENT AND OTHER GRANTS

Sec. 55. Section 73 of Chapter 689 of the 1991 Session Laws reads as rewritten:

(a) Section 1303(4) of the Omnibus Crime Control and Safe Streets Act of 1968 provides that State applications for drug law enforcement grants are subject to review by the State legislature or its designated body.

(b) The North Carolina General Assembly hereby provides that State applications for grants under the State and Local Law Enforcement Assistance Act of 1986, Part M of the Omnibus Crime Control and Safe Streets Act of 1968 as enacted by Subtitle K of P.L. 99-570, the Anti-Drug Abuse Act of 1986, are subject to review by the Joint Legislative Commission on Governmental Operations if at the time of review the General Assembly is not in session. Any State agency submitting a grant application for review shall also report to the House Appropriations Subcommittee on Justice and Public Safety with regard to the grant.

(c) Unless a State statute provides a different forum for review where a federal law or regulation provides that a State application for a grant must be reviewed by the State legislature or its designated body and at the time of the review the General Assembly is not in session, that application shall be reviewed by the Joint Legislative Commission on Governmental Operations. Any State agency submitting a grant application for review shall also report to the House Appropriations Subcommittee on Justice and Public Safety with regard to the grant.

(d) The Government Performance Audit Committee, established by the Legislative Services Commission pursuant to Section 347 of Chapter 689 of the 1991 Session Laws, shall study the current procedure regarding legislative review of federal grants and shall consider how to provide advance legislative review of the grants being requested by State agencies and how to streamline review procedures. The Government Performance Audit Committee shall include its findings and recommendations in its report to the 1993 General Assembly. The Government Performance Audit Committee shall consider the following issues in its study:

(1) The need to receive for legislative review prior to a State agency's applying for a federal grant accurate information and documentation regarding:

a. The length of time that federal funds will remain available.

b. The fiscal impact with regard to the State's budget if federal grant money is received.

1 c. The fiscal impact with regard to the State's budget when the
2 federal funds for a particular grant are reduced or cease to be
3 available.

4 d. The number of personnel positions to be established if the
5 federal grant is received, the funding that is available at the
6 State and federal level for those positions when initially created,
7 and the funding available to continue those positions if federal
8 funding is reduced or ceases to be available.

9 (2) The use of salary reserve funds by a State agency to create new
10 personnel positions.

11 (3) The need to streamline the advance review of federal grants that are
12 requested by State agencies.

13 (4) The need to restrict the State Budget Office from creating new
14 personnel positions without obtaining prior legislative approval."

15
16 **PART 17. DEPARTMENT OF JUSTICE**

17
18 Requested by: Representatives Anderson, Redwine

19 **DEPARTMENT OF JUSTICE STUDY/CHARGES FOR LEGAL SERVICES TO**
20 **LOCAL GOVERNMENTS AND STATE AGENCIES**

21 Sec. 56. Section 86 of Chapter 689 of the 1991 Session Laws reads as
22 rewritten:

23 "Sec. 86. (a) The Department of Justice shall study the feasibility of
24 charging local governments for legal services rendered to those governments by the
25 Office of the Attorney General. The Department of Justice shall consider the number of
26 requests for legal assistance received from local governments, the type of legal
27 assistance requested, the time required to respond to the requests, and any other matters
28 related to the issue of charging local governments for legal assistance. The Department
29 of Justice shall also consider what fee, if any, is appropriate to charge local governments
30 for such legal services. The Department of Justice shall report its findings and
31 recommendations to the ~~1991 General Assembly, 1992 Regular Session, 1993 General~~
32 Assembly.

33 (b) The Department of Justice shall study the feasibility of an increase in the fees
34 currently charged other State departments and agencies for its legal services, such fee
35 increase to be effective for the 1993-94 fiscal year. The Department of Justice shall also
36 study the feasibility of requiring all State departments and agencies that have attorneys
37 assigned to them by the Attorney General to pay the compensation, including salaries
38 and benefits, for those legal positions. The Department of Justice shall report its
39 findings and recommendations to the ~~1991 General Assembly, 1992 Regular Session,~~
40 1993 General Assembly."

41
42 **PART 18. DEPARTMENT OF HUMAN RESOURCES**

43
44 Requested by: Representatives Nye, Easterling

1 DRUG USE REVIEW PROGRAM/RULES

2 Sec. 57. Chapter 108A of the General Statutes is amended by adding a new
3 section to read:

4 "§ 108A-68. Drug Use Review Program; rules.

5 Notwithstanding the provisions of Chapter 90 of the General Statutes or of any other
6 provision of law, the Division of Medical Assistance, Department of Human Resources,
7 shall adopt rules implementing the drug use review provisions of the Omnibus Budget
8 Reconciliation Act of 1990, as amended."

9
10 Requested by: Representatives Easterling, Nye

11 MEDICAID

12 Sec. 58. Section 93 of Chapter 689 of the 1991 Session Laws reads as
13 rewritten:

14 "Sec. 93. (a) Funds appropriated in this Title for services provided in accordance
15 with Title XIX of the Social Security Act (Medicaid) are for both the categorically
16 needy and the medically needy. Funds appropriated for these services shall be
17 expended in accordance with the following schedule of services and payment bases. All
18 services and payments are subject to the language at the end of this subsection.

19 Services and payment bases:

- 20 (1) Hospital-Inpatient - Payment for hospital inpatient services will be
21 prescribed in the State Plan as established by the Department of
22 Human Resources. Administrative days for any period of
23 hospitalization shall be limited to a maximum of three days.
- 24 (2) Hospital-Outpatient - Eighty percent (80%) of allowable costs or a
25 prospective reimbursement plan as established by the Department of
26 Human Resources.
- 27 (3) Nursing Facilities - As prescribed under the reimbursement plan for
28 Nursing Facilities. Nursing facilities providing services to Medicaid
29 recipients who also qualify for Medicare, must be enrolled in the
30 Medicare program as a condition of participation in the Medicaid
31 program, subject to phase-in certification for those nursing facilities
32 not already enrolled in Medicare. State facilities are not subject to the
33 requirement to enroll in the Medicare Program.
- 34 (4) 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 (5) Drugs - Drug costs as allowed by federal regulations plus a
38 professional services fee per month excluding refills for the same drug
39 or generic equivalent during the same month. Reimbursement shall be
40 available for up to six prescriptions per recipient, per month, including
41 refills. Payments for drugs are subject to the provisions of subsection
42 ~~(h)~~(f) of this section and to the provisions at the end of subsection (a)
43 of this section, or in accordance with ~~a plan~~ the State Plan adopted by
44 the Department of Human Resources consistent with federal

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

- 1 (21) Hospice - Services may be provided in accordance with plan
- 2 developed by the Department of Human Resources.
- 3 (22) Other Mental Health Services - Unless otherwise covered by this
- 4 section, coverage is limited to agencies meeting the requirements of
- 5 the rules established by the Commission for Mental Health,
- 6 Developmental Disabilities, and Substance Abuse Services, and
- 7 reimbursement is made in accordance with a plan developed by the
- 8 Department of Human Resources not to exceed the upper limits
- 9 established in federal regulations.
- 10 (23) Medically Necessary Prosthetics or Orthotics for EPSDT Eligible
- 11 Children - Reimbursement in accordance with plan approved by the
- 12 Department of Human Resources.
- 13 (24) Health Insurance Premiums - Payments to be made in accordance with
- 14 the plan adopted by the Department of Human Resources consistent
- 15 with federal regulations.

16 Services and payment bases may be changed with the approval of the Director of the

17 Budget.

18 Reimbursement is available for up to 24 visits per recipient per year to any one or

19 combinations of the following: physicians, clinics, hospital outpatients, optometrists,

20 chiropractors, and podiatrists. Prenatal services, all ESPDT children, and emergency

21 rooms are exempt from the visit limitations contained in this paragraph. Exceptions

22 may be authorized by the Department of Human Resources where the life of the patient

23 would be threatened without such additional care. Any person who is determined by the

24 Department to be exempt from the 24-visit limitation may also be exempt from the six-

25 prescription limitation.

26 (b) Allocation of Nonfederal Cost of Medicaid. The State shall pay eight-five

27 percent (85%); the county shall pay fifteen percent (15%) of the nonfederal costs of all

28 applicable services listed in this section.

29 (c) Copayment for Medicaid Services. The Department of Human Resources

30 may establish copayment up to the maximum permitted by federal law and regulation.

31 (d) Medicaid and Aid to Families with Dependent Children Income Eligibility

32 Standards. Effective January 1, 1990, the maximum net family annual income

33 eligibility standards for Medicaid and Aid to Families with Dependent Children, and the

34 Standard of Need for Aid to Families with Dependent Children shall be as follows.

	<u>Categorically Needy</u>	<u>Medically Needy</u>	
	Family	Standard AFDC Payment	
	<u>Size</u>	<u>Of Need Level*</u>	<u>AA,AB,AD*</u>
39	1	\$ 4,344	\$ 2,172
40	2	5,664 2,832	3,800
41	3	6,528 3,264	4,400
42	4	7,128 3,564	4,800
43	5	7,776 3,888	5,200
44	6	8,376 4,188	5,600

1 7 8,952 4,476 6,000
 2 8 9,256 4,680 6,300

3

4 *Aid to Families with Dependent Children (AFDC); Aid to the Aged (AA); Aid to the
 5 Blind (AB); and Aid to the Disabled (AD).

6 The payment level for Aid to Families with Dependent Children shall be fifty percent
 7 (50%) of the standard of need.

8 These standards may be changed with the approval of the Director of the Budget
 9 with the advice of the Advisory Budget Commission.

10 ~~(e) Spouse Responsibility. The Department of Human Resources, Division of~~
 11 ~~Medical Assistance, may not consider the income or assets of the spouse of a person~~
 12 ~~who is admitted as a long-term care patient in a certified public or private intermediate~~
 13 ~~care or skilled nursing facility to be available to the institutionalized person. This~~
 14 ~~provision will remain in effect until superseded by federal law under the Medicare~~
 15 ~~Catastrophic Coverage Act of 1988, on September 1, 1989.~~

16 ~~(f)(e) Dental Coverage Limits. Dental~~ Until October 1, 1992, dental services will be
 17 provided on a restricted basis in accordance with regulations developed by the
 18 Department. Funds for dental services shall be disbursed only with prior approval by
 19 the Department of Human Resources, Division of Medical Assistance, as required by
 20 this subsection. No prior approval shall be required for emergency services or routine
 21 services. Routine services are defined as examinations, X rays, prophylaxes,
 22 nonsurgical tooth extractions, amalgam fillings, and fluoride treatments. Prior approval
 23 shall be required for all other services and for routine services performed more than two
 24 times during a consecutive 12-month period. The Department of Human Resources
 25 shall adopt rules, as provided by the Administrative Procedure Act, to implement this
 26 subsection. Effective October 1, 1992, dental services shall be provided on a restricted
 27 basis in accordance with rules adopted by the Department to implement this subsection.

28 ~~(g)(f) Dispensing of Generic Drugs. Notwithstanding G.S. 90-85.27 through G.S.~~
 29 ~~90-85.31, under the Medical Assistance Program (Title XIX of the Social Security Act)~~
 30 ~~a prescription order for a drug designated by a trade or brand name shall be considered~~
 31 ~~to be an order for the drug by its established or generic name, except when the~~
 32 ~~prescriber personally indicates, either orally or in his own handwriting on the~~
 33 ~~prescription order, 'dispense as written' or words of similar meaning. Generic drugs,~~
 34 ~~when available in the pharmacy, shall be dispensed at a lower cost to the Medical~~
 35 ~~Assistance Program rather than trade or brand name drugs, subject to the prescriber's~~
 36 ~~'dispense as written' order as noted above.~~

37 As used in this subsection 'brand name' means the proprietary name the
 38 manufacturer places upon a drug product or on its container, label, or wrapping at the
 39 time of packaging; and "established name" has the same meaning as in section 502(e)(3)
 40 of the Federal Food, Drug and Cosmetic Act as amended, 21 U.S.C. § 352(e)(3).

41 ~~(h)(g) Exceptions to Service Limitations, Eligibility Requirements, and Payments.~~
 42 ~~Service limitations, eligibility requirements, and payments, and payments bases in this~~
 43 ~~section may be waived by the Department of Human Resources, with the approval of~~
 44 ~~the Director of the Budget, to allow the Department to carry out pilot programs for~~

1 prepaid health plans or community based services programs in accordance with plans
2 approved by the United States Department of Health and Human Services, or when the
3 Department determines that such a waiver will result in a reduction in the total Medicaid
4 costs for the recipient.

5 (†)(h) Volume Purchase Plans and Single Source Procurement. The Department of
6 Human Resources, Division of Medical Assistance, may, subject to the approval of a
7 change in the State Medicaid Plan, contract for services, medical equipment, supplies,
8 and appliances by implementation of volume purchase plans, single source procurement
9 or other similar processes in order to improve cost containment.

10 (†)(i) Cost Containment Programs. The Department of Human Resources,
11 Division of Medical Assistance, may undertake cost containment programs including
12 preadmissions to hospitals and prior approval for certain outpatient surgeries before
13 they may be performed in an inpatient setting.

14 (†)(j) For all Medicaid eligibility classifications for which the federal poverty level
15 is used as an income limit for eligibility determination, the income limits will be
16 updated each July 1 immediately following publication of federal poverty guidelines.

17 (†)(k) Effective January 1, 1988, the Department of Human Resources shall provide
18 Medicaid to 19-, 20-, and 21-year-olds in accordance with federal rules and regulations.

19 (†)(l) The Department of Human Resources shall provide coverage to pregnant
20 women and children according to the following schedule:

- 21 (1) Pregnant women with incomes equal to or less than one hundred
22 eighty-five percent (85%) of the federal poverty guidelines as revised
23 each ~~July~~ April 1 shall be covered for Medicaid benefits;
- 24 (2) Infants under the age of 1 with family incomes equal to or less than
25 one hundred eighty-five percent (85%) of the federal poverty
26 guidelines as revised each ~~July~~ April 1, shall be covered for Medicaid
27 benefits;
- 28 (3) Children aged 1 through 5 with family incomes equal to or less than
29 one hundred thirty-three percent (133%) of the federal poverty
30 guidelines as revised each ~~July~~ April 1 shall be covered for Medicaid
31 benefits; and
- 32 (4) Children aged 6 through 18 who were born after September 30, 1983,
33 with family incomes equal to the federal poverty guidelines as revised
34 each ~~July~~ April 1, shall be covered for Medicaid benefits.

35 Services to pregnant women eligible under this section continue throughout the
36 pregnancy but include only those related to pregnancy and to those other conditions
37 determined by the Department as conditions that may complicate pregnancy. In order to
38 reduce county administrative costs and to expedite the provision of medical services to
39 pregnant women, to infants, and to children eligible under this section, no resources test
40 shall be applied.

41 (†)(m) The Department of Human Resources may use Medicaid funds budgeted
42 from program services to support the cost of administrative activities to the extent that
43 these administrative activities produce a net savings in services requirements.

1 Administrative initiatives funded by this section shall be first approved by the Office of
2 State Budget and Management."

3
4 Requested by: Representatives Easterling, Nye

5 **PHYSICIAN SERVICES**

6 Sec. 59. With the approval of the Office of State Budget and Management,
7 the Department of Human Resources may use funds appropriated in this act for across-
8 the-board salary increases and performance pay to offset similar increases in the costs of
9 contracting with private and independent universities for the provision of physician
10 services to clients in facilities operated by the Division of Mental Health,
11 Developmental Disabilities, and Substance Abuse Services. This offsetting shall be
12 done in the same manner as is currently done with constituent institutions of The
13 University of North Carolina.

14
15 Requested by: Representatives Nye, Easterling

16 **LIABILITY INSURANCE**

17 Sec. 60. Section 114 of Chapter 689 of the 1991 Session Laws reads as
18 rewritten:

19 "Sec. 114. The Secretary of the Department of Human Resources, the Secretary of
20 the Department of Environment, Health, and Natural Resources, and the Secretary of
21 the Department of Correction may provide medical liability coverage not to exceed
22 \$1,000,000 on behalf of employees of the Departments licensed to practice medicine or
23 ~~dentistry~~ dentistry, and on behalf of medical residents from The University of North
24 Carolina who are in training at institutions operated by the Department of Human
25 Resources. This coverage may include commercial insurance or self-insurance and
26 shall cover these ~~employees~~ individuals for their acts or omissions only while they are
27 engaged in providing medical and dental services pursuant to their State ~~employment~~
28 employment or training.

29 The coverage provided under this section shall not cover any ~~employee~~ individual
30 for any act or omission that the ~~employee~~ individual knows or reasonably should know
31 constitutes a violation of the applicable criminal laws of any state or the United States,
32 or that arises out of any sexual, fraudulent, criminal, or malicious act, or out of any act
33 amounting to willful or wanton negligence.

34 The coverage provided pursuant to this section shall not require any additional
35 appropriations and shall not apply to any individual providing contractual service to the
36 Department of Human Resources, the Department of Environment, Health, and Natural
37 Resources, or the Department of ~~Correction~~ Correction, with the exception that
38 coverage may include medical residents from The University of North Carolina who are
39 in training at institutions operated by the Department of Human Resources."

40
41 Requested by: Representatives Easterling, Nye

42 **NON-MEDICAID REIMBURSEMENT**

43 Sec. 61. Section 115 of Chapter 689 of the 1991 Session Laws reads as
44 rewritten:

1 "Sec. 115. Providers of medical services under the various State programs, other
 2 than Medicaid, offering medical care to citizens of the State shall be reimbursed at rates
 3 no more than those under the North Carolina Medical Assistance Program.

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

10 Notwithstanding the provisions of paragraph one of this section, the Department of
 11 Human Resources may negotiate with providers of medical services under the various
 12 Department of Human Resources' programs, other than Medicaid, for rates as close as
 13 possible to Medicaid rates for the following purposes: contracts or agreements for
 14 medical services and purchases of medical equipment and other medical supplies.
 15 These negotiated rates are allowable only to meet the medical needs of its non-Medicaid
 16 eligible patients, residents, and clients who require these services that cannot be
 17 provided when limited to the Medicaid rate.

18 Maximum net family annual income eligibility standards for services in these
 19 programs shall be as follows:

20 Family		Medical Eye		All	
21 Size		Care Adults		Rehabilitation	Other
22 1	\$4,860	\$ 8,364	\$4,200		
23 2	5,940	10,944	5,300		
24 3	6,204	13,500	6,400		
25 4	7,284	16,092	7,500		
26 5	7,824	18,648	7,900		
27 6	8,220	21,228	8,300		
28 7	8,772	21,708	8,800		
29 8	9,312	22,220	9,300		

30
 31 The eligibility level for children in the Medical Eye Care Program in the Division of
 32 Services for the Blind and for adults in the Clozaril program in the Division of Mental
 33 Health, Developmental Disabilities, and Substance Abuse Services shall be one hundred
 34 percent (100%) of the federal poverty guidelines, as revised annually by the United
 35 States Department of Health and Human Services and in effect on July 1 of each fiscal
 36 year.

37 The Department of Human Resources shall contract at, or as close as possible to,
 38 Medicaid rates for medical services provided to residents of State facilities of the
 39 Department."
 40

41 Requested by: Representatives Nye, Easterling

42 **DEVELOPMENTAL DAY CENTERS' GRANT-IN-AID**

43 Sec. 62. Section 118 of Chapter 689 of the 1991 Session Laws reads as
 44 rewritten:

1 "Sec. 118. Of the funds appropriated in this Title, to the Department of Human
2 Resources, Division of Mental Health, Developmental Disabilities, and Substance
3 Abuse Services, the sum of ~~\$2,260,470~~ two million two hundred sixty thousand four
4 hundred seventy dollars (\$2,260,470) for the 1991-92 fiscal year ~~is and~~ two million
5 three hundred one thousand two hundred forty-eight dollars (\$2,301,248) for the 1992-
6 93 fiscal year are transferred to the Department of Public Instruction for handicapped
7 children aged 3 through 4 years who have been identified through Division of Mental
8 Health, Developmental Disabilities, and Substance Abuse Services statewide services
9 and who are served in developmental day centers. These funds shall be used to contract
10 with area mental health, developmental disabilities, and substance abuse authorities or
11 with public or private nonprofit developmental day centers to continue to serve
12 handicapped children aged 3 through 4 years who are identified as needing
13 developmental day services.

14 The Department of Public Instruction shall report to the General Assembly and to
15 the Fiscal Research Division by May 1, ~~1992~~, 1992 and May 1, 1993, regarding the use
16 of the funds transferred to it by this section."

17
18 Requested by: Representatives Easterling, Nye

19 **DEPARTMENT OF HUMAN RESOURCES PROGRAM FUNDS**

20 Sec. 63. Section 132 of Chapter 689 of the 1991 Session Laws reads as
21 rewritten:

22 "Sec. 132. Notwithstanding the provisions of G.S. 143-23, the Secretary of the
23 Department of Human Resources, with the approval of the Office of State Budget and
24 Management, may use, to the extent possible, any funds appropriated or otherwise
25 available to the Department in the 1991-92 fiscal year and in the 1992-93 fiscal year for
26 the Mental Health Accounts Receivable/Billing System."

27
28 Requested by: Representatives Nye, Easterling

29 **ICF/MR/DD PLAN AND IMPLEMENTATION SCHEDULE**

30 Sec. 64. The Department of Human Resources shall develop a plan and an
31 implementation schedule to address the escalating use and costs of intermediate care
32 facilities for the mentally retarded/developmentally disabled (ICF/MR/DD) community
33 facilities. This plan shall include provisions for the Area Mental Health, Developmental
34 Disabilities, and Substance Abuse Services authorities to screen all clients for all
35 Developmental Disabilities programs, including ICF/MR/DD facilities. The plan shall
36 also include alternative, less costly methods for establishing ICF/MR/DD community
37 facility reimbursement rates and alternative, less costly services that could meet the
38 needs of people currently in ICF/MR/DD community facilities. Any new
39 reimbursement rate methodology shall be applied to all facilities seeking a Certificate of
40 Need after a date to be specified by the Department and shall be phased in according to
41 a schedule developed by the Department for all existing ICF/MR/DD community
42 facilities. The Department shall implement elements of the plan as quickly as possible
43 and shall present the plan and any results of its implementation to the General Assembly
44 by March 1, 1993.

1

2 Requested by: Representatives Nye, Easterling

3 **MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE**
4 **ABUSE SERVICES FUNDS**5 Sec. 65. (a) Of the funds appropriated in this act to the Department of Human
6 Resources, Division of Mental Health, Developmental Disabilities, and Substance
7 Abuse Services, the sum of five million dollars (\$5,000,000) for the 1992-93 fiscal year
8 shall be expended in accordance with the plans developed by the Mental Health Study
9 Commission and adopted by the General Assembly, and the funding priorities of the
10 Mental Health Study Commission.

11 These funds shall be allocated as follows:

12 (1) Services for the mentally ill \$1,666,666;

13 (2) Services for the developmentally
14 disabled \$1,666,667; and

15 (3) Services for substance abusers \$1,666,667.

16 (b) Of the funds allocated in subsection (a) of this section for services for the
17 developmentally disabled, two hundred thousand dollars (\$200,000) shall be transferred
18 in the 1992-93 fiscal year to the Division of Maternal and Child Health, Department of
19 Environment, Health, and Natural Resources, for the United Cerebral Palsy therapeutic
20 preschool programs.21 (c) The Division of Mental Health, Developmental Disabilities, and
22 Substance Abuse Services shall ensure that the funds expended under this section are
23 used for the disability populations for which they were intended.24 (d) The Division of Mental Health, Developmental Disabilities, and
25 Substance Abuse Services shall report to the General Assembly by March 1, 1993,
26 regarding the expenditure of funds authorized by this section.27 (e) To the maximum extent possible, Area Mental Health Authorities are
28 encouraged to develop service implementation plans in accordance with the long range
29 plans of the Mental Health Study Commission and with the involvement of local
30 affected organizations. These plans may be used as the basis for future budget requests
31 submitted to the Division.32 Criteria for development and content of these plans shall be developed by the
33 Department of Human Resources and the members of Coalition 2001 and presented to
34 the Mental Health Study Commission for consideration by November 1, 1992. The
35 plans themselves shall be ready for review by the Department and the Mental Health
36 Study Commission by November 1, 1993.

37

38 Requested by: Representatives Easterling, Nye

39 **CERTIFICATE OF NEED/MEDICAID**

40 Sec. 66. (a) G.S. 131E-185(b) is repealed.

41 (b) G.S. 131E-185(c) reads as rewritten:

42 "(c) The Department ~~shall promulgate rules establishing criteria for determining~~
43 ~~when it would not be practicable to complete a review within 90 days from the~~
44 ~~beginning date of the review period for the application. If the Department finds that~~

1 ~~these criteria are met for a particular project, it~~ may extend the review period for a
 2 period not to exceed 60 days and provide notice of such extension to all applicants."

3 (c) G.S. 131E-186 reads as rewritten:

4 "**§ 131E-186. Decision.**

5 (a) Within the prescribed time limits in G.S. 131E-185, the Department shall
 6 issue a decision to 'approve,' 'approve with conditions,' or 'deny,' an application for a
 7 new institutional health service. Approvals involving new or expanded nursing care or
 8 intermediate care for the mentally retarded bed capacity shall include a condition that
 9 specifies the earliest possible date the new institutional health service may be certified
 10 for participation in the Medicaid program. The date shall be set far enough in advance
 11 to allow the Department to identify funds to pay for care in the new or expanded facility
 12 in its existing Medicaid budget or to include these funds in its State Medicaid budget
 13 request for the year in which Medicaid certification is expected.

14 (b) Within five business days after it makes a decision on an application, the
 15 Department shall provide written notice of all the findings and conclusions upon which
 16 it based its decision, including the criteria used by the Department in making its
 17 decision, to ~~both the applicant and to the appropriate health systems agency.~~ the
 18 applicant."

19
 20 Requested by: Representatives Easterling, Nye

21 **ICF AND ICF/MR WORK INCENTIVE ALLOWANCES**

22 Sec. 67. Effective October 1, 1992, the Department of Human Resources
 23 may provide an incentive allowance to Medicaid eligible recipients of ICF and ICF/MR
 24 facilities who are regularly engaged in work activities as part of their developmental
 25 plan and for whom retention of additional income contributes to their achievement of
 26 independence. The State funds required to match the federal funds that are available for
 27 these allowances shall be provided from savings within the Medicaid budget or from
 28 other unbudgeted funds available to the Department. The incentive allowances may be
 29 as follows:

30 Monthly Net Wages	Monthly Incentive Allowance
31 \$1.00 to \$100.00	Up to \$50.00
32 \$101.00 to \$200.00	\$80.00
33 \$201.00 to \$300.00	\$130.00
34 \$301.00 and greater	\$212.00.

35
 36
 37 Requested by: Representatives Easterling, Nye

38 **STATE/LOCAL CHILD FATALITY PREVENTION INITIATIVES**

39 Sec. 68. (a) The Department of Human Resources shall conduct a study of
 40 how best to ensure the county child protective services programs' accountability, to
 41 ensure that their management organization is the best it can be, and to determine
 42 whether there is a need for stronger State supervision of the county programs. The
 43 Department shall report the results of this study, including any legislative proposals, to
 44 the 1993 General Assembly by March 1, 1993.

1 (b) The Department of Human Resources, Division of Social Services, shall
2 ensure that community interdisciplinary teams develop protocols to use in child abuse
3 and neglect reviews.

4
5 Requested by: Representatives Nye, Easterling, Diamont

6 **SOCIAL SERVICES' PROTECTIVE SERVICES' ALLOCATION**

7 Sec. 69. Of the funds appropriated to the Department of Human Resources,
8 Division of Social Services, for the 1992-93 fiscal year for child protective services, the
9 sum of one million dollars (\$1,000,000) shall be allocated among all of the county
10 departments of social services based on the percentage that the total number of child
11 abuse and neglect reports within that county represents to the statewide total number of
12 child abuse and neglect reports. These percentages shall be computed from the reports
13 received by the Central Registry of Abuse and Neglect for the last two fiscal years.

14
15 Requested by: Representatives Easterling, Nye

16 **TASK FORCE ON CHILD PROTECTIVE SERVICES FUNDING**

17 Sec. 70. The Secretary of the Department of Human Resources shall appoint
18 a Task Force on the Financing of Child Protective Services Programs. The Task Force
19 shall be composed of officials from State and local government agencies that affect
20 child protective services development or delivery, at least one member of the House of
21 Representatives, and one member of the Senate. The Task Force shall develop
22 recommendations for State/county cost sharing of child protective services programs.
23 Each recommendation shall include an assessment of fiscal impact and a schedule for
24 implementation. Among the options studied, the Task Force shall consider a
25 recommendation that applies a sliding match requirement to counties based on the
26 counties' ability to pay and their relative burden of public assistance cases. The Task
27 Force shall report the results of its study, together with any recommendations, including
28 any legislative proposals, to the 1993 General Assembly and to the Fiscal Research
29 Division of the Legislative Services Office within one week of the convening of the
30 1993 General Assembly.

31
32 Requested by: Representatives Easterling, Nye

33 **ADOPTION SUBSIDY**

34 Sec. 71. Section 99 of Chapter 689 of the 1991 Session Laws reads as
35 rewritten:

36 "Sec. 99. ~~The Effective July 1, 1991, the adoption subsidy paid monthly by the~~
37 Division of Social Services, Department of Human Resources, to eligible families who
38 adopt hard-to-place children shall be established at \$150.00 one hundred fifty dollars
39 (\$150.00) per child per month. ~~Effective July 1, 1992, this adoption subsidy shall be~~
40 established at two hundred dollars (\$200.00) per child per month."

41
42 Requested by: Representatives Nye, Easterling, Diamont

43 **INFANT MORTALITY FUNDS**

1 Sec. 72. The Department of Human Resources, Division of Medical
2 Assistance, with support by the Office of Rural Health and Resource Development, the
3 Department of Environment, Health, and Natural Resources, Division of Maternal and
4 Child Health, the Governor's Commission on the Reduction of Infant Mortality, and
5 other relevant community groups, shall conduct a study to determine the extent to which
6 the lack of provider participation in the Medicaid program creates access barriers to
7 pregnant women and children on Medicaid. The study shall examine the extent of
8 participation in the Medicaid program by obstetricians, family practitioners, certified
9 nurse midwives, and pediatricians who provide prenatal, delivery, or pediatric services,
10 as well as different methods of increasing provider participation. The Division of
11 Medical Assistance shall report its findings to the 1993 General Assembly no later than
12 March 15, 1993.

13
14 Requested by: Representatives Nye, Easterling

15 **DOMICILIARY CARE REIMBURSEMENT RATE INCREASE**

16 Sec. 73. Section 127 of Chapter 689 of the 1991 Session Laws, as rewritten
17 by Section 221 of Chapter 689 of the 1991 Session Laws, reads as rewritten:

18 "Sec. 127. Effective July 1, 1991, the maximum monthly rate for ambulatory
19 residents in domiciliary care facilities shall be ~~\$832.00~~ eight hundred thirty-two dollars
20 (\$832.00) and the maximum monthly rate for semiambulatory residents shall be
21 ~~\$871.00~~ eight hundred seventy-one dollars (\$871.00). Effective July 1, 1992, the
22 maximum monthly rates for ambulatory residents shall be increased to ~~\$843.00~~ eight
23 hundred seventy-six dollars (\$876.00) and for semiambulatory residents to ~~\$882.00~~
24 nine hundred fifteen dollars (\$915.00)."

25
26 Requested by: Representatives Nye, Easterling

27 **ADOLESCENT PARENTING PROGRAM**

28 Sec. 74. The Division of Social Services, Department of Human Resources,
29 shall evaluate all of the adolescent parenting program and shall report its findings to the
30 House and Senate Appropriations Committees by January 1, 1993.

31 The evaluations of these programs shall include a study of the effectiveness
32 of the programs in preventing the second pregnancies, enhancing parenting skills,
33 improving prenatal and perinatal care, and continuing secondary education participation
34 among the target population.

35
36 Requested by: Representatives Easterling, Nye

37 **CHILD DAY CARE REVOLVING LOAN FUND**

38 Sec. 75. Notwithstanding any law to the contrary, funds budgeted for the
39 Child Day Care Revolving Loan Fund may be transferred to and invested by the
40 financial institution contracted to operate the Fund. The principal and any income to the
41 Fund may be used to make loans, reduce loan interest to borrowers, serve as collateral
42 for borrowers, pay the contractor's cost of operating the Fund, or to pay the
43 Department's cost of administering the program.

1 Requested by: Representatives Nye, Easterling

2 **SOCIAL SERVICES PLAN/FAMILY PRESERVATION SERVICES**

3 Sec. 76. (a) Of the funds appropriated to the Department of Human
4 Resources, Division of Social Services, in this act for the 1992-93 fiscal year, the sum
5 of one hundred thousand dollars (\$100,000) shall be used to enable the Department to
6 develop further the Social Services Plan, in consultation and cooperation with other
7 appropriate agencies and organizations and consistent with the policies as provided by
8 Chapter 448 of the 1989 Session Laws.

9 As part of the further development of the Social Services Plan, the
10 Department of Human Resources shall pilot in three to five counties the core services as
11 described in its report on the Social Services Plan to the General Assembly. The
12 piloting shall include the establishment of minimum standards for the provision of the
13 core services, including the staffing standards, caseload standards, training standards,
14 and facilities standards.

15 In implementing Family Centered Services as a core service, the Secretary of
16 the Department of Human Resources shall consider the advice and recommendations of
17 the Advisory Committee on Family Centered Services.

18 These funds may be used as match for federal funds that may be available in
19 order to maximize support for the pilot. Funds appropriated by the General Assembly
20 to be allocated to counties for child protective services shall be used by the pilot
21 counties to strengthen investigations and treatment in Child Protective Services as a
22 core service. Any funds allocated to counties pursuant to this subsection shall be
23 matched by the counties at the rate of one county dollar for every three State dollars.

24 (b) Of the funds appropriated to the Department of Human Resources, Division
25 of Social Services, the sum of fifty thousand dollars (\$50,000) for the 1992-93 fiscal
26 year shall be used to make grants to public or private agencies to develop and
27 implement model programs of locally based Family Preservation Services as provided
28 in Part 4A of Article 3 of Chapter 143B of the General Statutes, Family Preservation
29 Act. These funds shall be used in conjunction with funds identified within the
30 Department to implement the Family Preservation Services Program as provided in this
31 section. The Secretary of the Department of Human Resources shall ensure that the
32 development of these Family Preservation Models and the piloting of the core social
33 services described in subsection (a) of this section are coordinated at State and local
34 levels to achieve the most effective service delivery for families and use of available
35 funding sources.

36

37 **PART 19. DEPARTMENT OF ECONOMIC AND COMMUNITY**
38 **DEVELOPMENT**

39

40 Requested by: Representatives Ethridge, H. Hunter

41 **MCNC BUDGET LIMITS**

42 Sec. 77. Section 150 of Chapter 689 of the 1991 Session Laws reads as
43 rewritten:

1 "Sec. 150. (a) The funds appropriated in this act to MCNC shall be used as
2 follows:

	<u>FY 1991-92</u>	<u>FY 1992-93</u>
4 Microelectronics Program	\$ 6,194,302	\$6,000,00 <u>4,768,966</u>
5 Grants Program	-0-	-0-
6 Administration & Support	2,204,804	2,000,000
7 Supercomputer	5,298,063	5,224,705
8 Telecommunications	2,827,971	<u>2,775,294,006,329</u>

9 (b) Of the funds appropriated to MCNC for the Microelectronics Program,
10 ~~\$2,000,000~~ two million dollars (\$2,000,000) of the total appropriation in each fiscal
11 year is contingent upon a dollar-for-dollar match in non-State funds.

12 (c) If MCNC finds it necessary to make changes in the program allocations
13 specified in subsection (a) of this section, MCNC shall report such changes to the Joint
14 Legislative Commission on Governmental Operations ~~within 30 days of the~~
15 ~~reallocation.~~ 30 days before the reallocation.

16 (d) Notwithstanding subsection (a) of this section, MCNC shall allocate two
17 million dollars (\$2,000,000) for the 1992-93 fiscal year from its management reserve or
18 from other available funds to link the University of North Carolina at Wilmington,
19 North Carolina Central University, and Appalachian State University with the MCNC
20 Communications Network. The Board of Governors of The University of North
21 Carolina shall allocate funds to provide the balance of funds needed to make the
22 allocations required by this subsection. The Board of Governors may make such
23 allocations from receipts, grants, or other sources. Allocations of funds required under
24 this subsection shall be as follows:

25 For the University of North Carolina at Wilmington

26 (1) \$825,000 for capital improvements and equipment costs, and

27 For North Carolina Central University

28 (1) \$620,000 for capital improvements and equipment costs, and

29 For Appalachian State University

30 (1) \$850,000 for capital improvements and equipment costs.

31 If MCNC finds it necessary to make changes to program allocations specified in
32 subsection (a) of this section in order to make the allocations required under this
33 subsection, then MCNC shall report these changes to the Joint Legislative Commission
34 on Governmental Operations in accordance with subsection (c) of this section."
35

36 Requested by: Representatives Ethridge, H. Hunter

37 HOME PROGRAM MATCHING FUNDS

38 Sec. 78. (a) Section 225 of Chapter 689 of the 1991 Session Laws reads as
39 rewritten:

40 ~~"Sec. 225. The Department of Economic and Community Development shall not~~
41 ~~spend any funds appropriated in this Title for the State administration of the federal~~
42 ~~HOME Program until Congress appropriates federal funds for the Program. Funds~~
43 ~~appropriated in this act to the Department of Economic and Community Development~~
44 ~~for the federal HOME Program shall be used by the Department to match federal funds~~

1 appropriated for the HOME Program. In allocating State funds appropriated to match
2 federal HOME Program funds, the Department shall give priority to HOME Program
3 projects, as follows:

- 4 (1) First priority to projects that are located in counties designated as
5 severely distressed counties under G.S. 105-130.40(c) or G.S. 105-
6 151.17(c); and
- 7 (2) Second priority to projects that benefit persons and families whose
8 incomes are fifty percent (50%) or less of the median family income
9 for the local area, with adjustments for family size, according to the
10 latest figures available from the U.S. Department of Housing and
11 Urban Development.

12 The Department of Economic and Community Development shall report to the
13 General Assembly by April 1, 1993, concerning the status of the 1992 and 1993 HOME
14 Programs and shall include in the report information on priorities met, types of activities
15 funded, and types of activities not funded."

16 (b) Funds appropriated in this act to match federal HOME Program funds
17 shall not revert to the General Fund on June 30, 1993.

18
19 Requested by: Representatives Ethridge, H. Hunter

20 **PETROLEUM OVERCHARGE FUNDS ALLOCATION**

21 Sec. 79. Section 223 of Chapter 689 of the 1991 Session Laws reads as
22 rewritten:

23 "Sec. 223. (a) The funds and interest thereon received from the case of United
24 States v. Exxon are deposited in the Special Reserve for Oil Overcharge Funds. There
25 is appropriated from the Special Reserve to the Department of Economic and
26 Community Development the sum of ~~\$10,900,000~~ ten million nine hundred thousand
27 dollars (\$10,900,000) for the 1991-92 fiscal year and the sum of ~~\$6,001,511~~ six million
28 one thousand five hundred eleven dollars (\$6,001,511) for the 1992-93 fiscal year to be
29 allocated as follows:

- 30 (1) \$2,200,000 for the 1991-92 fiscal year and \$1,200,302 for the 1992-93
31 fiscal year shall be used for projects under the State Energy
32 Conservation Plan and Energy Extension Service Program:
- 33 (2) \$2,500,000 for the 1991-92 fiscal year and \$1,380,348 for the 1992-93
34 fiscal year shall be used for energy conservation programs for
35 hospitals and schools:
- 36 (3) \$3,200,000 for the 1991-92 fiscal year and ~~\$1,740,438~~ \$2,158,048 for
37 the 1992-93 fiscal year shall be used for the Low Income
38 Weatherization Program:
- 39 (4) \$3,000,000 for the 1991-92 fiscal year and ~~\$1,680,423~~ \$1,262,813 for
40 the 1992-93 fiscal year shall be used for the Low Income Home
41 Energy Assistance Program (LIHEAP).

42 (b) There is appropriated from the funds and interest thereon received from the
43 United States Department of Energy's Stripper Well Litigation (MDL378) which remain
44 in the Special Reserve for Oil Overcharge Funds to the Department of Economic and

1 Community Development the sum of ~~\$4,898,489~~ four million eight hundred ninety-
2 eight thousand four hundred eighty-nine dollars (\$4,898,489) for the 1992-93 fiscal year
3 to be allocated as follows:

4 (1) \$999,698 shall be used for projects under the State Energy
5 Conservation Plan and Energy Extension Service Program;

6 (2) \$1,119,652 shall be used for energy conservation programs for
7 hospitals and ~~schools;~~ schools; and

8 (3) ~~\$1,459,562—\$2,779,139~~ shall be used for the Low Income
9 Weatherization ~~Program; and~~ Program.

10 (4) ~~\$1,319,577~~ shall be used for the Low Income Home
11 Energy Assistance Program (LIHEAP).

12 (c) Any funds remaining in the Special Reserve for Oil Overcharge Funds
13 after the allocations made pursuant to subsections (a) and (b) of this section may be
14 expended only as authorized by the General Assembly. All interest or income accruing
15 from all deposits or investments of cash balances shall be credited to the Special
16 Reserve for Oil Overcharge Funds.

17 (d) The funds and interest thereon received from the Diamond Shamrock
18 Settlement which remain in a reserve in the Office of State Budget and Management for
19 the Division of Energy to administer the petroleum overcharge funds pursuant to
20 Section 112 of Chapter 830 of the 1987 Session Laws shall continue to be available to
21 the Division of Energy in the Department of Economic and Community Development
22 on an as-needed basis.

23 (e) The Department of Economic and Community Development shall submit
24 comprehensive annual reports to the General Assembly by May 15, 1992, and January
25 31, 1993, which detail the use of all petroleum overcharge funds. Any State department
26 or agency that has received petroleum overcharge funds shall provide all information
27 requested by the Department of Economic and Community Development for the
28 purpose of preparing these reports."
29

30 Requested by: Representatives Ethridge, H. Hunter

31 MAIN STREET FUND RESTRICTIONS

32 Sec. 80. Section 140(c) of Chapter 689 of the 1991 Session Laws reads as
33 rewritten:

34 "(c) Notwithstanding G.S. 143B-472.35, the Department of Economic and
35 Community Development shall transfer ~~\$100,000—forty thousand dollars (\$40,000)~~ of
36 interest earnings in the Main Street Financial Incentive Fund from the Fund to the
37 General Fund for fiscal year ~~1991-92—1992-93~~. ~~The Department shall transfer funds~~
38 ~~pursuant to this subsection on July 1, 1991.~~ The Department shall transfer funds
39 pursuant to this subsection beginning July 1, 1992, in equal payments on a quarterly
40 basis."

41
42 Requested by: Representatives Ethridge, H. Hunter

43 COMMUNITY DEVELOPMENT BLOCK GRANT REPORTS

1 Sec. 81. The Department of Economic and Community Development shall
2 report on a quarterly basis beginning October 1, 1992, to the House Appropriations
3 Subcommittee on Environment, Health, and Natural Resources on the Community
4 Development Block Grant. Each report shall include a listing and description of the
5 most recent grant awards, the status of the administration of each component of the
6 block grant, the current status of next year's program design, and a description of any
7 proposed or necessary changes to the program design.

8
9 Requested by: Representative H. Hunter

10 **ECONOMIC DEVELOPMENT FUNDS**

11 Sec. 82. (a) Of the funds appropriated in this act to the North Carolina Rural
12 Economic Development Center, Inc., one million four hundred thousand dollars
13 (\$1,400,000) for the 1992-93 fiscal year, shall be allocated to local community
14 development corporations. These funds shall be used to support community economic
15 development projects and activities within the State's minority community.

16 Of these funds, one million one hundred thousand dollars (\$1,100,000) shall
17 be available for direct grants to the local community development corporations that
18 have previously received State funds for this purpose to support operations and project
19 activities, one hundred thousand dollars (\$100,000) shall be available for direct grants to
20 local community development corporations that have not previously received State
21 funds for this purpose to support operations and project activities, fifty thousand dollars
22 (\$50,000) shall be used for the Community Development Housing Counseling
23 Demonstration Project, and one hundred fifty thousand dollars (\$150,000) shall be a
24 direct grant to the North Carolina Association of Community Development
25 Corporations, to support project activities and to fund the North Carolina Association of
26 Community Development Corporations' loan fund. If funds allocated under this
27 subsection for direct grants to community development corporations that have
28 previously received State funds have not been committed for direct grants by the North
29 Carolina Rural Economic Development Center by March 31, 1993, then such
30 uncommitted funds shall be used for direct grants to community development
31 corporations that have not previously received State funds. The North Carolina Rural
32 Economic Development Center, Inc., shall establish and implement performance-based
33 criteria for determining which community development corporations will receive a grant
34 and the grant amounts.

35 The North Carolina Rural Economic Development Center, Inc., shall report
36 quarterly to the Joint Legislative Commission on Governmental Operations on the use
37 of the funds allocated in this subsection.

38 For purposes of this subsection, the term "community development
39 corporation" means a nonprofit corporation:

- 40 (1) Chartered pursuant to Chapter 55A of the General Statutes;
41 (2) Tax-exempt pursuant to section 501(c)(3) of the Internal Revenue
42 Code;

- 1 (3) Whose primary mission is to develop and improve low-income
2 communities and neighborhoods through economic and related
3 development;
- 4 (4) Whose activities and decisions are initiated, managed, and controlled
5 by the constituents of those local communities; and
- 6 (5) Whose primary function is to act as deal maker and packager of
7 projects and activities that will increase their constituencies'
8 opportunities to become owners, managers, and producers of small
9 businesses, affordable housing, and jobs designed to produce positive
10 cash flow and curb blight in the target community.

11 (b) Of the funds appropriated in this act to the Office of State Budget and
12 Management, three hundred thousand dollars (\$300,000) for the 1992-93 fiscal year
13 shall be allocated for the Land Loss Prevention Project, Inc., to provide free legal
14 representation to low-income financially distressed small farmers. The Land Loss
15 Prevention Project, Inc., shall not use these funds to represent farmers who have income
16 and assets that would make them financially ineligible for legal services pursuant to
17 Title 45, Part 1611 of the Code of Federal Regulations. The Land Loss Prevention
18 Project, Inc., shall report quarterly to the Joint Legislative Commission on
19 Governmental Operations on the use of these funds.

20 (c) Of the funds appropriated in this act to the Office of State Budget and
21 Management, two hundred fifty thousand dollars (\$250,000) for the 1992-93 fiscal year
22 shall be allocated for the North Carolina Coalition of Farm and Rural Families, Inc., for
23 its Small Farm Economic Development Project. These funds shall be used to foster
24 economic development within the State's rural farm communities by offering financial,
25 marketing, and technical assistance to small and limited resource farmers. The North
26 Carolina Coalition of Farm and Rural Families, Inc., shall report quarterly to the Joint
27 Legislative Commission on Governmental Operations on the use of these funds.

28 (d) Of the funds appropriated in this act to the Office of State Budget and
29 Management, two hundred thousand dollars (\$200,000) for the 1992-93 fiscal year shall
30 be allocated to the North Carolina Institute for Minority Economic Development, Inc.,
31 to foster minority economic development within the State through policy analysis,
32 information and technical assistance, and resource expansion. The North Carolina
33 Institute for Minority Economic Development, Inc., shall research and identify key
34 issues affecting the economic well-being of the State's ethnic minority community and
35 issue annual reports with appropriate recommendations; provide information and
36 technical assistance to organizations with minority economic development-based
37 projects in common areas of need and interests; develop a resource bank of data and
38 information; facilitate training in appropriate areas of need; and provide technical
39 assistance to minority construction contractors. The North Carolina Institute for
40 Minority Economic Development, Inc., shall report quarterly to the Joint Legislative
41 Commission on Governmental Operations on the use of these funds.

42 (e) Of the funds appropriated in this act to the North Carolina Rural
43 Economic Development Center, Inc., one hundred thousand dollars (\$100,000) for the
44 1992-93 fiscal year shall be allocated to the North Carolina Minority Credit Union

1 Support Center, Inc., for operational and administrative support. The North Carolina
2 Rural Economic Development Center, Inc., shall report quarterly to the Joint Legislative
3 Commission on Governmental Operations on the use of these funds.

4 (f) Of the funds appropriated in this act to the North Carolina Rural
5 Economic Development Center, Inc., six hundred fifty thousand dollars (\$650,000) for
6 the 1992-93 fiscal year shall be used to expand the Microenterprise Loan Program. Of
7 these funds, no less than four hundred thousand dollars (\$400,000) shall be used as loan
8 loss reserves and no more than two hundred fifty thousand dollars (\$250,000) shall be
9 used to cover operational costs. The North Carolina Rural Economic Development
10 Center, Inc., shall report quarterly to the Joint Legislative Commission on
11 Governmental Operations on the use of these funds.

12 (g) Of the funds appropriated in this act to the North Carolina Rural
13 Economic Development Center, Inc., fifty thousand dollars (\$50,000) for the 1992-93
14 fiscal year shall be used for its expenses in administering this section. The Office of
15 State Budget and Management shall allot the funds pursuant to subsections (e) and (f) of
16 this section in increments of not less than two hundred thousand dollars (\$200,000) and
17 not more than three hundred twenty-five thousand dollars (\$325,000) within 30 working
18 days of the receipt of the Center's request for the funds. The North Carolina Rural
19 Economic Development Center, Inc., shall distribute the funds pursuant to subsections
20 (e) and (f) of this section immediately upon allotment by the Office of State Budget and
21 Management.

22 (h) The Rural Economic Development Center, Inc., shall not distribute funds
23 under subsections (a), (e), and (f) of this section unless and until the entities eligible for
24 funds under these subsections have met the requirements of G.S. 143-6.1.

25
26 Requested by: Representatives Ethridge, H. Hunter

27 **NORTH CAROLINA TECHNOLOGICAL DEVELOPMENT AUTHORITY**

28 Sec. 83. Section 154.1(g) of Chapter 689 of the 1991 Session Laws reads as
29 rewritten:

30 "(g) Effective September 1, 1991:

- 31 (1) The below described land and improvements, formerly known as the
32 'Science and Technology Research Center', together with property
33 installed in the building and other movable equipment and supplies
34 shall be transferred by the State of North Carolina to The North
35 Carolina Technological Development Authority, Inc.: BEGINNING at
36 an iron pin located at North Carolina Grid Coordinate, north
37 783,348.879 east 2,041,863.310; runs thence South 9 degrees 17
38 minutes West 261.50 feet to an iron pin; runs thence North 67 degrees
39 54 minutes West 698 feet to an iron pipe; runs thence North 37 degrees
40 50 minutes East 48.50 feet to an iron pin; runs thence North 45 degrees
41 50 minutes East 340.00 feet to an iron pin; runs thence North 13
42 degrees 18 minutes East 345.72 feet to an iron pin in the southern line
43 of Cornwallis Road; runs thence along the southern line of Cornwallis
44 Road along a slight curve having a diameter of 4 degrees 00 minutes, a

1 tangent of 411.55 feet to a radius of 1,432.69 feet a distance of 363.82
2 feet to an iron pin located in the southern line of Cornwallis Road;
3 thence continuing along the southern line of Cornwallis Road South 65
4 degrees 52 minutes East 63.47 feet to a concrete monument; thence
5 along the right of way of Cornwallis Road and Davis Drive South 26
6 degrees 42 minutes East 72.60 feet to a concrete monument; thence
7 along the western line of the right of way of Davis Drive along a slight
8 curve having a diameter of 1 degree 00 minutes a tangent of 351.27
9 feet and a radius of 5,730.34 feet a distance of 342.05 feet to an iron
10 pin at the point and place of BEGINNING and containing 8 acres
11 according to a deed recorded in the Office of the Register of Deeds of
12 Durham County, North Carolina, in Book 30, pages 378-380.

13 (2) The transfer made by this section shall be evidenced by a deed
14 executed under G.S. 146-75 and registered in accordance with G.S.
15 146-77. The deed shall provide that the property transferred by this
16 section shall automatically revert to the State of North Carolina if the
17 property is used for any purposes other than the purposes set forth in
18 subdivision (3).

19 (3) The transfer made by this section is made on the condition that the
20 North Carolina Technological Development Authority, Inc., shall use
21 the property described in subdivision (1) solely as a business incubator
22 serving technology research-based entrepreneurial companies in the
23 Research Triangle Park. If the North Carolina Technological
24 Development Authority, Inc., ceases to use the property for the
25 purposes described in this section, then the property shall
26 automatically revert to the State of North Carolina. Use of the property
27 described in subdivision (1) of this subsection pursuant to any prior
28 instrument of occupancy in which the State of North Carolina is
29 grantor of the property right and that is in force immediately prior to
30 September 1, 1991, shall be deemed use of the property for purposes
31 described in this section to the extent of use during the original term of
32 the prior instrument of occupancy or any renewal or extension
33 thereof."

34
35 **PART 20. DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL**
36 **RESOURCES**

37
38 Requested by: Representatives Ethridge, H. Hunter

39 **DEMONSTRATION PROJECT FOR VOLUNTARY REMEDIAL ACTIONS**

40 Sec. 84. (a) During the 1992-93 fiscal year, the Secretary of the Department of
41 Environment, Health, and Natural Resources may contribute from the Inactive
42 Hazardous Sites Cleanup Fund up to ten percent (10%) of the cost, not to exceed fifty
43 thousand dollars (\$50,000) per site, of implementing a voluntary remedial action

1 program at up to three high priority sites that substantially endanger public health or the
2 environment.

3 (b) No later than April 1, 1993, the Department of Environment, Health, and
4 Natural Resources shall report to the General Assembly. This report shall contain the
5 location of the sites for which a voluntary remedial action program was implemented,
6 the rationale for the State contributing to the cost of the remedial action, the cost of the
7 remedial action, and the amount of the contribution made from the Inactive Hazardous
8 Sites Cleanup Fund.

9

10 Requested by: Representatives Ethridge, H. Hunter

11 **INCREASE USE OF SEDIMENTATION FEES**

12 Sec. 85. Section 226(b) of Chapter 689 of the 1991 Session Laws reads as
13 rewritten:

14 "(b) If the revenues received pursuant to G.S. 113A-54.2 exceed the amount in
15 anticipated revenues from this source for the 1991-92 fiscal year or the 1992-93 fiscal
16 year, then the Department of Environment, Health, and Natural Resources may use up
17 to ~~\$140,000~~ one hundred forty thousand dollars (\$140,000) of this revenue for the 1991-
18 92 fiscal year and up to ~~\$160,000~~ two hundred twenty thousand dollars (\$220,000) of
19 this revenue for the 1992-93 fiscal year for education, erosion control plan approval,
20 and compliance activities in the Sedimentation Control Program, including salaries and
21 necessary support, in the Division of Land Resources. These funds are in addition to
22 any other funds appropriated for this purpose."

23

24 Requested by: Representatives Ethridge, H. Hunter

25 **CLEAN AIR ACT PERMIT FEES**

26 Sec. 86. Section 228 of Chapter 689 of the 1991 Session Laws reads as
27 rewritten:

28 "Sec. 228. There is appropriated from the Title V nonreverting account established
29 in G.S. 143-215.3A to the Department of Environment, Health, and Natural Resources
30 the sum of ~~\$999,855~~ nine hundred ninety-nine thousand eight hundred fifty-five dollars
31 (\$999,855) for the 1991-92 fiscal year and the sum of ~~\$3,992,390~~ four million six
32 hundred ninety-two thousand three hundred ninety dollars (\$4,692,390) for the 1992-93
33 fiscal year to be used for the development and implementation of the Title V program in
34 accordance with G.S. 143-215.3A; provided, however, if the revenues raised from
35 Chapter 552 of the 1991 Session Laws are less than ~~\$999,855~~ nine hundred ninety-nine
36 thousand eight hundred fifty-five dollars (\$999,855) for the 1991-92 fiscal year or are
37 less than ~~\$3,992,390~~ four million six hundred ninety-two thousand three hundred ninety
38 dollars (\$4,692,390) for the 1992-93 fiscal year, then the appropriation is reduced
39 accordingly."

40

41 Requested by: Representatives Ethridge, H. Hunter

42 **USE OF FOOD AND LODGING FEES**

43 Sec. 87. If the revenues received pursuant to G.S. 130A-248(d) exceed the
44 amount in anticipated revenues from this source for the 1992-93 fiscal year, then the

1 Department of Environment, Health, and Natural Resources may use up to eleven
2 thousand six hundred dollars (\$11,600) of this revenue for the 1992-93 fiscal year for
3 the restaurant and lodging fee collection program in accordance with G.S. 130A-248(d).
4 These funds are in addition to any other funds appropriated for this purpose.

5
6 Requested by: Representatives Ethridge, H. Hunter

7 **AUTHORIZE USE OF WATER QUALITY FEES**

8 Sec. 88. Section 158 of Chapter 689 of the 1991 Session Laws reads as
9 rewritten:

10 "Sec. 158. There is appropriated from the nonreverting account established in G.S.
11 143-215.3A to the Department of Environment, Health, and Natural Resources a sum
12 not to exceed ~~\$2,124,142~~ two million one hundred twenty-four thousand one hundred
13 forty-two dollars (\$2,124,142) for the 1991-92 fiscal year and a sum not to exceed
14 ~~\$2,148,017~~ two million six hundred thousand dollars (\$2,600,000) for the 1992-93
15 fiscal year for the salaries and the necessary support for up to 49 positions for the 1991-
16 92 fiscal year and for up to 59 positions for the 1992-93 fiscal year in the water quality
17 program. Water quality fees shall be the only source of funds for these positions and all
18 necessary support. These positions shall be used to reduce the backlog of permit
19 applications and to improve the rate of compliance of facilities with environmental
20 standards for toxic substances."

21
22 Requested by: Representatives Ethridge, H. Hunter

23 **OFFICE OF MINORITY HEALTH**

24 Sec. 90. The Office of Minority Health of the Department of Environment,
25 Health, and Natural Resources for which funds have been appropriated in this act, shall
26 have, but is not limited to, the following duties and responsibilities:

- 27 (1) Develop public health policies that promote improvement in minority
28 health status and minority access to public health services;
- 29 (2) Develop monitoring, tracking, and reporting mechanisms for programs
30 and services with minority health goals and objectives;
- 31 (3) Provide periodic progress reports on the office and the advisory
32 council activities to the Governor, the General Assembly, and the
33 Secretary of the Department of Environment, Health, and Natural
34 Resources;
- 35 (4) Contact local health departments, community-based organizations,
36 voluntary health organizations, and other public and private
37 organizations statewide, on an ongoing basis, to learn more about their
38 services to the minority communities, the health problems, and their
39 ideas for improving minority health;
- 40 (5) Promote local health department minority health services and
41 community outreach by holding public meetings and community
42 forums, and participating in community-sponsored activities;

- 1 (6) Offer technical assistance and consultation to local health departments
2 and community-based organizations in such areas as grant writing and
3 conference planning;
- 4 (7) Assist local health departments and community-based organizations in
5 identifying potential funding sources and other community resources;
- 6 (8) Promote communication across all State agencies that provide services
7 to minority populations;
- 8 (9) Improve methods for collecting and reporting data on minority health;
9 and
- 10 (10) Serve as a liaison to other states, the federal government, and national
11 organizations.
12

13 Requested by: Representative H. Hunter

14 **MINORITY HEALTH ADVISORY COUNCIL**

15 Sec. 90.1. Chapter 130A of the General Statutes is amended by adding the
16 following new sections to read:

17 **"§ 130A-33.43. Minority Health Advisory Council.**

18 There is established the Minority Health Advisory Council in the Department of
19 Environment, Health, and Natural Resources. The Council shall have the following
20 duties and responsibilities:

- 21 (1) To make recommendations to the Governor and the Secretary of
22 Environment, Health, and Natural Resources aimed at improving the
23 health status of North Carolina's minority populations;
- 24 (2) To identify and examine the limitations and problems associated with
25 existing laws, regulations, programs and services related to the health
26 status of North Carolina's minority populations;
- 27 (3) To examine the financing and access to health services for North
28 Carolina's minority populations;
- 29 (4) To identify and review health promotion and disease prevention
30 strategies relating to the leading causes of death and disability among
31 minority populations; and
- 32 (5) To advise the Governor and the Secretary of Environment, Health, and
33 Natural Resources upon any matter which the Governor or Secretary
34 may refer to it.

35 **"§ 130A-33.44. Minority Health Advisory Council - members; selection; quorum;**
36 **compensation.**

37 (a) The Minority Health Advisory Council in the Department of Environment,
38 Health, and Natural Resources shall consist of 15 members to be appointed as follows:

- 39 (1) Five members shall be appointed by the Governor. Members appointed
40 by the Governor shall be representatives of the following: health care
41 providers, public health, health related public and private agencies and
42 organizations, community-based organizations, and human resources
43 agencies and organizations.

- 1 (2) Five members shall be appointed by the Speaker of the House of
2 Representatives, two of whom shall be members of the House of
3 Representatives, and at least one of whom shall be a public member.
4 The remainder of the Speaker's appointees shall be representative of
5 any of the entities named in subdivision (1) of this section.
- 6 (3) Five members shall be appointed by the President Pro Tempore of the
7 Senate, two of whom shall be members of the Senate, and at least one
8 of whom shall be a public member. The remainder of the President
9 Pro Tempore's appointees shall be representative of any of the entities
10 named in subdivision (1) of this section.
- 11 (4) Of the members appointed by the Governor, two shall serve initial
12 terms of one year, two shall serve initial terms of two years, and one
13 shall serve an initial term of three years. Thereafter, the Governor's
14 appointees shall serve terms of four years.
- 15 (5) Of the nonlegislative members appointed by the Speaker of the House
16 of Representatives, two shall serve initial terms of two years, and one
17 shall serve an initial term of three years. Thereafter, nonlegislative
18 members appointed by the Speaker of the House of Representatives
19 shall serve terms of four years. Of the nonlegislative members
20 appointed by the President Pro Tempore of the Senate, two shall serve
21 initial terms of two years, and one shall serve an initial term of three
22 years. Thereafter, nonlegislative members appointed by the President
23 Pro Tempore of the Senate shall serve terms of four years. Legislative
24 members of the Council shall serve two-year terms.
- 25 (b) The Chairperson of the Council shall be elected by the Council from among
26 its membership.
- 27 (c) The majority of the Council shall constitute a quorum for the transaction of
28 business.
- 29 (d) Members of the Council shall receive per diem and necessary travel and
30 subsistence expenses in accordance with the provisions of G.S. 138-5 or G.S. 138-6, or
31 travel and subsistence expenses in accordance with the provisions of G.S. 120-3.1, as
32 applicable.
- 33 (e) All clerical support and other services required by the Council shall be
34 provided by the Department of Environment, Health, and Natural Resources."

35
36 Requested by: Representatives Ethridge, H. Hunter, McAllister

37 **NON-MEDICAID REIMBURSEMENT**

38 Sec. 91. Section 172 of Chapter 689 of the 1991 Session Laws reads as
39 rewritten:

40 "Sec. 172. Providers of medical services under the various State programs other
41 than Medicaid offering medical care to citizens of the State shall be reimbursed at rates
42 no more than those under the North Carolina Medical Assistance Program.

43 The Department of Environment, Health, and Natural Resources may reimburse
44 hospitals at the full prospective per diem rates without regard to the Medical Assistance

1 Program's annual limits on hospital days. When the Medical Assistance Program's per
 2 diem rates for inpatient services and its interim rates for outpatient services are used to
 3 reimburse providers in non-Medicaid medical service programs, retroactive adjustments
 4 to claims already paid shall not be required.

5 Notwithstanding the provisions of paragraph one of this section, the Department of
 6 Environment, Health, and Natural Resources may negotiate with providers of medical
 7 services under the various Environment, Health, and Natural Resources programs, other
 8 than Medicaid, for rates as close as possible to Medicaid rates for the following
 9 purposes: contracts or agreements for medical services and purchases of medical
 10 equipment and other medical supplies. These negotiated rates are allowable only to
 11 meet the medical needs of its non-Medicaid eligible patients, residents and clients who
 12 require such services which cannot be provided when limited to the Medicaid rate.

13 Maximum net family annual income eligibility standards for services in these
 14 programs with the exception of Migrant Health, School Health, AIDS Drug
 15 Reimbursement Program, diagnostic assessment for infants with sickle cell syndrome,
 16 Women's Preventive Health, and Home Health shall be as follows:

	Family		All
	Size	Kidney	Other
19	1	\$ 6,400	\$ 4,200
20	2	8,000	5,300
21	3	9,600	6,400
22	4	11,000	7,500
23	5	12,000	7,900
24	6	12,800	8,300
25	7	13,600	8,800
26	8	14,400	9,300

27 The eligibility level each fiscal year for outpatient services for all clients and for
 28 inpatient services for children under the age of 5, in the Children's Special Health
 29 Services Program shall be one hundred percent (100%) of the federal poverty guidelines
 30 as revised annually by the United States Department of Health and Human Services, in
 31 effect on July 1 of each fiscal year.

32 The eligibility level each fiscal year for outpatient services covered by the Sickle
 33 Cell Program shall be one hundred percent (100%) of the federal poverty guidelines, as
 34 revised annually by the United States Department of Health and Human Services, in
 35 effect on July 1 of each fiscal year."

36
 37 Requested by: Representatives Diamont, Ethridge, H. Hunter

38 **INFANT MORTALITY PROGRAM FUNDS**

39 Sec. 92. (a) The Department of Environment, Health, and Natural Resources,
 40 Division of Maternal and Child Health, in conjunction with the Department of Human
 41 Resources, Division of Social Services, Division of Medical Assistance, and Office of
 42 Rural Health and Resource Development, the Child Fatality Task Force, and other
 43 relevant community groups, shall develop parenting education protocols which focus on
 44 the care of newborns, early growth and development, the importance of preventive

1 health care services, early self-esteem, injury prevention, and stress reduction; and shall
2 develop criteria for determining families at risk of child abuse and neglect for whom
3 parenting education would be effective.

4 (b) Of the funds appropriated in this act to the Department of Environment,
5 Health, and Natural Resources, Division of Maternal and Child Health, the sum of
6 twenty-five thousand dollars (\$25,000) for the 1992-93 fiscal year shall be used to cover
7 the development costs of the parenting education protocols. The development shall
8 include an investigation of currently available protocols, issues regarding their
9 utilization, and methods of evaluation.

10 (c) Of the funds appropriated in this act to the Department of Environment,
11 Health, and Natural Resources, Division of Maternal and Child Health, the sum of one
12 hundred thousand dollars (\$100,000) for the 1992-93 fiscal year shall be used to
13 establish four comprehensive adolescent health care demonstration projects. To receive
14 funding, each project must arrange for or provide preventive and primary medical care,
15 and mental health services, and shall be developed with the participation of the public
16 schools, the health department, the area mental health programs, the community migrant
17 and rural health centers, and private physicians.

18 (d) Of the funds appropriated in this act to the Department of Environment,
19 Health, and Natural Resources, Division of Maternal and Child Health, the sum of fifty
20 thousand dollars (\$50,000) for the 1992-93 fiscal year shall be used to contract with The
21 University of North Carolina Center on Early Adolescence to provide technical
22 assistance and to evaluate the four projects, and to assist other counties in developing
23 adolescent health care services.

24 (e) Of the funds appropriated in this act to the Department of Environment,
25 Health, and Natural Resources, Division of Epidemiology, the sum of nine hundred
26 thousand dollars (\$900,000) for the 1992-93 fiscal year shall be used to provide required
27 childhood vaccinations to children cared for at community, migrant and rural health
28 centers and to provide required vaccines for medically indigent, non-Medicaid eligible
29 children seen in private physicians' offices, as defined in rules adopted by the
30 Commission for Health Services.

31 (f) Funds appropriated in this act to the Department of Environment, Health,
32 and Natural Resources, Division of Maternal and Child Health, to inform the public on
33 the dangers to the mother and developing fetus of alcohol, cocaine, and other
34 substances, shall be used by the Department to support the activities of the FIRST STEP
35 CAMPAIGN to inform the public about substance abuse and other high-risk behaviors
36 that contribute to infant mortality and morbidity.

37 (g) State funds appropriated for the Special Supplemental Food Program for
38 Women, Infants, and Children may be used to contribute the required State match if
39 federal funds become available for the WIC farmer's market project.

40
41 Requested by: Representatives Diamont, Ethridge, H. Hunter

42 **CHILD FATALITY TASK FORCE CHANGES**

43 Sec. 93. (a) G.S. 143-577(b) reads as rewritten:

1 "(b) The Task Force shall provide ~~a final report~~ updated reports to the Governor
2 and General Assembly within the first week of the convening of the 1993 General
3 ~~Assembly.~~ Assembly and within the first week of the convening of the 1994 Session of
4 the 1993 General Assembly. The Task Force shall provide a final report to the
5 Governor and General Assembly within the first week of the convening of the 1995
6 General Assembly. The final report shall include final conclusions and
7 recommendations for each of the Task Force's duties, as well as any other
8 recommendations for changes to any law, rule, and policy that it has determined will
9 promote the safety and well-being of children. Any recommendations of changes to
10 law, rule, or policy shall be accompanied by specific legislative or policy proposals and
11 detailed fiscal notes setting forth the costs to the State."

12 (b) G.S. 143-573(b) reads as rewritten:

13 "(b) The Task Force shall be composed of ~~25-29~~ members, 12 of whom shall be ex
14 officio members, three of whom shall be appointed by the Governor, ~~and eight seven of~~
15 ~~whom shall be appointed by the General Assembly, Speaker of the House of~~
16 Representatives, and seven of whom shall be appointed by the President Pro Tempore of
17 the Senate. ~~upon recommendation of the Speaker of the House of Representatives and~~
18 ~~four upon recommendation of the President Pro Tempore of the Senate.~~ The ex officio
19 members other than the Chief Medical Examiner may designate representatives from
20 their particular departments, divisions, or offices to represent them on the Task Force.
21 The members shall be as follows:

- 22 (1) The Chief Medical Examiner;
- 23 (2) The Attorney General;
- 24 (3) The Director of the Division of Social Services;
- 25 (4) The Director of the State Bureau of Investigation;
- 26 (5) The Director of the Division of Maternal and Child Health of the
27 Department of Environment, Health, and Natural Resources;
- 28 (6) The Director of the Governor's Youth Advocacy and Involvement
29 Office;
- 30 (7) The Superintendent of Public Instruction;
- 31 (8) The President of the State Board of Education;
- 32 (9) The Director of the Division of Mental Health, Developmental
33 Disabilities, and Substance Abuse Services;
- 34 (10) The Secretary of the Department of Human Resources;
- 35 (11) The Secretary of the Department of Environment, Health, and Natural
36 Resources;
- 37 (11.1) The Director of the Administrative Office of the Courts;
- 38 (12) A director of a county department of social services appointed by the
39 Governor upon recommendation of the President of the North Carolina
40 Association of County Directors of Social Services;
- 41 (13) A representative from a Sudden Infant Death Syndrome counseling
42 and education program appointed by the Governor upon
43 recommendation of the Director of the Division of Maternal and Child

- 1 Health of the Department of Environment, Health, and Natural
2 Resources;
- 3 (14) A representative from the North Carolina Child Advocacy Institute
4 appointed by the Governor upon recommendation of the President of
5 the Institute;
- 6 (15) A representative from a private group, other than the North Carolina
7 Child Advocacy Institute, that advocates for children, appointed by ~~the~~
8 ~~General Assembly upon recommendation of the~~ Speaker of the House
9 of Representatives upon recommendation of private child advocacy
10 organizations;
- 11 (16) A pediatrician, licensed to practice medicine in North Carolina,
12 appointed by the ~~General Assembly upon recommendation of the~~
13 Speaker of the House of Representatives upon recommendation of the
14 North Carolina Pediatric Society;
- 15 (17) A representative from the North Carolina League of Municipalities
16 appointed by the ~~General Assembly upon recommendation of the~~
17 Speaker of the House of Representatives upon recommendation of the
18 League;
- 19 (18) Two public members appointed by the ~~General Assembly upon~~
20 ~~recommendation of the~~ Speaker of the House of Representatives;
- 21 (19) A county or municipal law enforcement officer appointed by the
22 ~~General Assembly upon recommendation of the~~ President Pro
23 Tempore of the Senate upon recommendation of organizations that
24 represent local law enforcement officers;
- 25 (20) A district attorney appointed by the ~~General Assembly upon the~~
26 ~~recommendation of the~~ President Pro Tempore of the Senate upon
27 recommendation of the President of the North Carolina Conference of
28 District Attorneys;
- 29 (21) A representative from the North Carolina Association of County
30 Commissioners appointed by the ~~General Assembly upon~~
31 ~~recommendation of the~~ President Pro Tempore of the Senate upon
32 recommendation of the Association; ~~and~~
- 33 (22) Two public members appointed by the ~~General Assembly upon~~
34 ~~recommendation of the~~ President Pro Tempore of the Senate; and
- 35 (23) Two members of the Senate appointed by the President Pro Tempore
36 of the Senate and two members of the House of Representatives
37 appointed by the Speaker of the House of Representatives."

38 (c) The Department of Environment, Health, and Natural Resources, State
39 Center for Health and Environmental Statistics, shall conduct a study that investigates
40 the role of family poverty on child death in North Carolina and shall develop a protocol
41 for linking governmental agency data.

42 (d) Of the funds appropriated in this act to the Department of Environment,
43 Health, and Natural Resources, State Center for Health and Environmental Statistics, the
44 sum of thirty-nine thousand six hundred fifty-seven dollars (\$39,657) for the 1992-93

1 fiscal year shall be used to carry out the study authorized in subsection (c) of this
2 section.

3

4 Requested by: Representatives Ethridge, H. Hunter

5 **PARKS RECEIPTS**

6 Sec. 94. The Department of Environment, Health, and Natural Resources
7 shall use any overrealized receipts from the Division of Parks and Recreation's sale of
8 pine straw, timber, or any other forest products for the maintenance of the State parks
9 and State reservoirs.

10

11 Requested by: Representatives Ethridge, H. Hunter

12 **WILDLIFE RESOURCES COMMISSION LONG-RANGE BUDGET PLAN**

13 Sec. 95. (a) The Wildlife Resources Commission shall prepare a long-range
14 budget plan for review and consideration by the General Assembly. The budget plan
15 shall include:

16 (1) An analysis of revenues and expenditures from the 1986-87 fiscal year
17 through the 1991-92 fiscal year identifying: (i) the major revenue
18 sources and expenditure items within each program or division; (ii) the
19 major increases or decreases in revenues and expenditures over the
20 period and the rationale for these changes; and (iii) those wildlife
21 programs or divisions that have experienced significant growth in
22 expenditures since the 1986-87 fiscal year;

23 (2) An inventory and analysis of all revenue sources, including the North
24 Carolina Wildlife Endowment Fund, that identifies: (i) funds that may
25 be used only for specific purposes; and (ii) funds that may be used for
26 general program purposes;

27 (3) Revenue and expenditure projections for the 1992-93 through 1996-97
28 fiscal years, by program and major budget objects; and

29 (4) Long-term options for funding the operations of the Wildlife
30 Resources Commission, including: (i) revenue increases, including
31 increased license fees, subscription fees, and registration fees; use of
32 interest from the North Carolina Wildlife Endowment Fund; and
33 increases in the General Fund from sales tax and any other General
34 Fund monies; and (ii) operating and capital expenditure reductions.

35 (b) The Wildlife Resources Commission shall prepare a report incorporating its
36 long-range budget plan, including all components of this plan as set forth in subsection
37 (a) of this section, and shall transmit this report to the General Assembly and the Fiscal
38 Research Division by January 12, 1993.

39

40 **PART 21. MISCELLANEOUS PROVISIONS**

41

42 Requested by: Representatives Nesbitt, Diamont

43 **EXECUTIVE BUDGET ACT APPLIES**

1 Sec. 96. The provisions of the Executive Budget Act, Chapter 143, Article 1
2 of the General Statutes are reenacted and shall remain in full force and effect and are
3 incorporated in this act by reference.

4
5 Requested by: Representatives Nesbitt, Diamont

6 **COMMITTEE REPORT**

7 Sec. 97. (a) The House Proposals For Modifying The Appropriations and
8 Budget Revenue Act of 1991, dated June 9, 1992, which was distributed in the House
9 and used to explain this act, shall indicate action by the General Assembly on this act
10 and shall therefore be used to construe this act, as provided in G.S. 143-15 of the
11 Executive Budget Act, and for these purposes shall be considered a part of this act.

12 (b) The line item budget enacted by the General Assembly for the
13 maintenance of the various departments, institutions, and other spending agencies of the
14 State for the 1991-93 fiscal biennium is described in Section 351 of Chapter 689 of the
15 1991 Session Laws, as amended by Section 8.1(d) of this act. In this act, the General
16 Assembly amended the budget enacted by the 1991 Regular Session of the General
17 Assembly for the 1992-93 fiscal year by making modifications including the base
18 budget cuts and expansion budget additions that are set out in the House Proposals For
19 Modifying The Appropriation and Budget Revenue Act of 1991, dated June 9, 1992.
20 The line item detail in the budget enacted by the General Assembly for the 1992-93
21 fiscal year may be derived accordingly.

22 The budget modifications enacted by the General Assembly in this act shall
23 also be interpreted in accordance with the special provisions in this act and in
24 accordance with other appropriate legislation.

25
26 Requested by: Representatives Nesbitt, Diamont

27 **MOST TEXT APPLIES ONLY TO 1992-93**

28 Sec. 98. Except for statutory changes or other provisions that clearly indicate
29 an intention to have effects beyond the 1992-93 fiscal year, the textual provisions of this
30 act apply only to funds appropriated for, and activities occurring during, the 1992-93
31 fiscal year.

32
33 Requested by: Representatives Nesbitt, Diamont

34 **1991-92 APPROPRIATIONS LIMITATIONS AND DIRECTIONS APPLY**

35 Sec. 99. (a) Except where expressly repealed or amended by this act, the
36 provisions of Chapters 689 and 761 of the 1991 Session Laws remain in effect.

37 (b) Notwithstanding any modifications by this act in the amounts appropriated,
38 except where expressly repealed or amended, the limitations and directions for the
39 1992-93 fiscal year in Chapters 689 and 761 of the 1991 Session Laws that applied to
40 appropriations to particular agencies or for particular purposes apply to the newly
41 enacted appropriations and budget reductions of this act for those same particular
42 purposes.

43
44 Requested by: Representatives Nesbitt, Diamont

1 **EFFECT OF HEADINGS**

2 Sec. 100. The headings to the parts and sections of this act are a convenience
3 to the reader and are for reference only. The headings do not expand, limit, or define
4 the text of this act.

5

6 Requested by: Representatives Nesbitt, Diamont

7 **SEVERABILITY CLAUSE**

8 Sec. 101. If any section or provision of this act is declared unconstitutional or
9 invalid by the courts, it does not affect the validity of this act as a whole or any part
10 other than the part so declared to be unconstitutional or invalid.

11

12 Requested by: Representatives Nesbitt, Diamont

13 **EFFECTIVE DATE**

14 Sec. 102. Except as otherwise provided, this act becomes effective July 1,
15 1992.