

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

H

3

HOUSE BILL 1340
Committee Substitute Favorable 6/11/92
Third Edition Engrossed 6/12/92

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**

1 Sec. 3. Appropriations from the General Fund of the State for the
 2 maintenance of the State departments, institutions, and agencies, and for other purposes
 3 as enumerated, are made for the fiscal year ending June 30, 1993, according to the
 4 schedule that follows. The amounts set out in the schedule are in addition to other
 5 appropriations from the General Fund for these purposes for the 1992-93 fiscal year.
 6 Amounts set out in brackets are reductions from General Fund appropriations for the
 7 1992-93 fiscal year.

8				
9	<u>Current Operations/State Government</u>			<u>1992-93</u>
10				
11				
12	Judicial Department			\$
13	8,007,993			
14				
15	Department of the Governor			
16	01. Office of State Budget			
17	and Management-Special Appropriations	750,000		
18				
19	Department	of	State	Auditor
20				(1
21	18,694)			
22				
23	Department	of	State	Treasurer
24				26
25	5,000			
26				
27	Department of Public Education			
28	01. Aid to Local School Administrative			
29	Units (16,372,501)			
30	02. Department of Public Instruction	7,592,040		
31				
32	Department	of		Justice
33				96
34	9,746			
35				
36	Department of Administration			
37	01. Administration	887,400		
38	02. State Controller	2,200,000		
39				
40	Department	of		Agriculture
41				29
42	9,234			
43				

1 Department of Labor
 2 of 3,
 3 836,526
 4
 5 Department of Insurance
 6 of 99
 7 9,944
 8
 9 Department of Transportation
 10 01. Aeronautics 2,666,666
 11
 12 Department of Environment, Health, and
 13 Natural Resources
 14 7,
 15 002,697
 16
 17 Administrative Rules Review Commission
 18 4,
 19 500
 20
 21 Department of Human Resources
 22 01. Alcohol Drug Abuse Treatment Center -
 23 Black Mountain (72,569)
 24 02. Alcohol Drug Abuse Treatment Center -
 25 Butner 40,040
 26 03. Alcohol Drug Abuse Treatment Center -
 27 Greenville 2,719
 28 04. N.C. Special Care Center (898,821)
 29 05. Black Mountain Center (1,196,424)
 30 06. DHR - Secretary 100,000
 31 07. Division of Aging
 32 08. Schools for the Deaf
 33 and Hard of Hearing
 34 09. Social Services 9,908,364
 35 10. Medical Assistance 6,050,893
 36 11. Social Services - State Aid to
 37 Non-State Agencies 720,960
 38 12. Division of Mental Health,
 39 Developmental Disabilities, and
 40 Substance Abuse Services 9,343,135
 41 13. Dorothea Dix Hospital (1,808,829)
 42 14. Broughton Hospital (1,148,100)
 43 15. Cherry Hospital (1,468,425)
 44 16. John Umstead Hospital (1,525,069)

1	17.	Western Carolina Center	542,516	
2	18.	O'Berry Center	(973,982)	
3	19.	Murdoch Center	(1,058,265)	
4	20.	Caswell Center	(409,736)	
5	21.	Division of Facility Services	12,671,793	
6	22.	Division of Vocational		
7		Rehabilitation Services	380,000	
8	23.	Division of Youth Services	1,891,170	
9				
10		Total Department of		
11		Human		Resources
12				31
13		,091,370		
14				
15		Department	of	Correction
16				7,
17		577,301		
18				
19		Department of Economic and		
20		Community Development		
21	01.	Economic and Community		
22		Development	4,675,688	
23	02.	Rural Economic Development Center	2,200,000	
24				
25		Department	of	Revenue
26				55
27		0,891		
28				
29		Department of Crime Control		
30		and	Public	Safety
31				87
32		7,782		
33				
34		University of North Carolina - Board		
35		of Governors		
36	01.	General Administration	(1,000,000)	
37	02.	University Institutional		
38		Program	1,261,131	
39	03.	University of North Carolina		
40		at Chapel Hill		
41	a.	Academic Affairs	(855,000)	
42	b.	Health Affairs	(659,872)	
43	04.	North Carolina State University		
44		at Raleigh		

1	a.	Academic Affairs	(950,000)		
2	05.	University of North Carolina at			
3		Greensboro	(344,000)		
4	06.	University of North Carolina at			
5		Charlotte	(15,000)		
6	07.	University of North Carolina at			
7		Wilmington	(55,000)		
8	08.	East Carolina University			
9	a.	Academic Affairs	(86,000)		
10	b.	Division of Health Affairs	(1,000,000)		
11	09.	Fayetteville State University	(54,000)		
12	10.	North Carolina Central			
13		University	(75,000)		
14	11.	UNC Hospitals at Chapel Hill	(5,969,239)		
15					
16	Total University of North				
17	Carolina	-	Board	of	Governors
18					(9,
19	801,980)				
20					
21	Department	of	Community		Colleges
22					15
23	,066,327				
24					
25	State	Board		of	Elections
26					24
27	,475				
28					
29	Contingency and Emergency				
30					
31	Reserve for Salary Reduction -				
32	Positions	Vacated		by	Retirement
33					(1
34	9,500,000)				
35					
36	Reserve	for	Salary		Increases
37					10
38	8,500,000				
39					
40	Salary		Reserve		Deletions
41					(1,
42	926,180)				
43					
44	GRAND TOTAL CURRENT OPERATIONS				

1 /GENERAL FUND \$
 2 158,326,225

3

4 **PART 2. HIGHWAY FUND APPROPRIATIONS**

5

6 **CURRENT OPERATIONS/HIGHWAY FUND**

7 Sec. 4. Appropriations from the Highway Fund of the State for the
 8 maintenance and operation of the Department of Transportation, and for other purposes
 9 as enumerated, are made for the fiscal year ending June 30, 1993, according to the
 10 schedule that follows. The amounts set out in the schedule are in addition to other
 11 appropriations from the Highway Fund for these purposes for the 1992-93 fiscal year.
 12 Amounts set out in brackets are reductions from Highway Fund appropriations for the
 13 1992-93 fiscal year.

14

15 Current Operations-Highway Fund
 16 1992-93

17

18 Department of Transportation

- 19 01. Administration \$ 3,399,922
- 20 02. Division of Highways
 - 21 a. State Construction
 - 22 (01) Secondary Construction 446,402
 - 23 (02) Urban Construction (1,000,000)
 - 24 (03) Spot Safety
 - 25 Improvements (1,000,000)
 - 26 b. State Funds to Match Federal
 - 27 Highway Aid
 - 28 (01) Construction (18,000,000)
 - 29 c. State Maintenance
 - 30 (01) Secondary (559,204)
 - 31 (02) Contract Resurfacing (15,000,000)
 - 32 d. Ferry Operations (750,000)
- 33 03. Division of Motor Vehicles 4,252,600
- 34 04. State Aid to Municipalities
- 35 446,402
- 36 05. Salary Adjustments for Highway
- 37 Fund Employees (59,344)
- 38 06. Reserve to Continue DOT
- 39 Merit Salary Increases (86,143)
- 40 07. Reserve for Salary Increases 7,045,254
- 41 08. Reserve for State Employee
- 42 Health Benefit Plan (2,675,722)
- 43 09. Transfer to General Fund for
- 44 Reimbursement for Sales Tax

1 Exemption 700,000
 2 Appropriations for Other State Agencies
 3 01. Crime Control and Public
 4 Safety (603,913)
 5
 6 GRAND TOTAL CURRENT OPERATIONS/
 7 HIGHWAY FUND \$ (23,443,746)
 8

9 **PART 3. HIGHWAY TRUST FUND**

10
 11 Sec. 5. Appropriations from the Highway Trust Fund are made for the fiscal
 12 year ending June 30, 1993, according to the schedule that follows. The amounts set out
 13 in this schedule are in addition to other appropriations from the Highway Trust Fund for
 14 these purposes for the 1992-93 fiscal year. Amounts set out in brackets are reductions
 15 from Highway Trust Fund appropriations for the 1992-93 fiscal year.
 16

17 1992-93

18
 19 01. Intrastate System \$ 2,800,081
 20 02. Secondary Road Construction 1,113,365
 21 03. Urban Loops 1,207,661
 22 04. State Aid-Municipalities 313,365
 23 05. Program Administration (434,472)
 24

25 GRAND TOTAL CURRENT OPERATIONS/
 26 HIGHWAY TRUST FUND \$
 27 5,000,000
 28

29 **PART 4. BLOCK GRANT APPROPRIATIONS**

30
 31 Requested by: Representatives Ethridge, H. Hunter, Nye, Easterling

32 **BLOCK GRANT PROVISIONS**

33 Sec. 6. (a) Appropriations from federal block grant funds are made for the
 34 fiscal year ending June 30, 1993, according to the following schedule:
 35

36 TOTAL JOB TRAINING PARTNERSHIP ACT \$
 37 52,949,580
 38

39 COMMUNITY SERVICES BLOCK GRANT

40
 41 01. Community Action Agencies \$ 9,038,133
 42
 43 02. Limited Purpose Agencies 501,595
 44

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

1			
2	TOTAL PREVENTIVE HEALTH BLOCK GRANT		\$
3	4,491,250		
4			
5	MATERNAL AND CHILD HEALTH SERVICES		
6			
7	01. Healthy Mother/Healthy Children		
8	Block Grants to Local Health		
9	Departments \$ 11,673,617		
10			
11	02. High Risk Maternity Clinic Services,		
12	Perinatal Education, and Consultation		
13	to Local Health Departments		
14	and Other Health Care Providers 1,412,018		
15			
16	03. Services to Disabled Children 5,215,987		
17			
18	04. Reimbursements for Local Health		
19	Departments for Contracted		
20	Nutritional Services 120,530		
21			
22	TOTAL MATERNAL AND CHILD		
23	HEALTH SERVICES		\$
24	18,422,152		
25			
26	SOCIAL SERVICES BLOCK GRANT		
27			
28	01. County Departments of Social Services \$ 42,313,005		
29			
30	02. Allocation for State In-Home Services 545,383		
31			
32	03. Division of Mental Health, Developmental		
33	Disabilities, and Substance Abuse 5,514,782		
34			
35	04. Division of Services for the Blind 3,162,920		
36			
37	05. Division of Youth Services 1,037,868		
38			
39	06. Division of Facility Services 330,573		
40			
41	07. Division of Aging 333,656		
42			
43	08. Day Care Services 12,158,899		
44			

1	09.	Volunteer Services	55,086	
2				
3	10.	State Administration and State Level		
4		Contracts	3,392,468	
5				
6	11.	Voluntary Sterilization Funds	98,710	
7				
8	12.	Transfer to Maternal and Child		
9		Health Block Grant	1,585,833	
10				
11	13.	Adult Day Care Services	314,229	
12				
13	14.	Allocation to the Home and		
14		Community Care Block Grant		
15		Persons Age 60 and Over	1,511,654	
16				
17	15.	County Departments of Social Services for		
18		Child Abuse/Prevention and		
19		Permanency Planning	394,841	
20				
21	16.	Allocation to Division of Maternal and		
22		Child Health for Grants-in-Aid to Prevention		
23		Programs	439,261	
24				
25	17.	Transfer to Preventive Health		
26		Block Grant for Emergency Medical Services		
27		and Basic Public Health Services	486,258	
28				
29	18.	Allocation to Preventive Health Block		
30		Grant for AIDS Education	290,577	
31				
32	19.	Allocation to Department of Administration		
33		for North Carolina Fund for Children	45,270	
34				
35	20.	Allocation to the Division of Economic		
36		Opportunity for Head Start,		
37		Elderly, and Handicapped Services	197,421	
38				
39	TOTAL SOCIAL SERVICES BLOCK GRANT			\$
40	74,208,694			
41				
42	LOW INCOME ENERGY BLOCK GRANT			
43				
44	01.	Energy Assistance Programs	\$ 5,926,428	

1			
2	02.	Crisis Intervention	1,344,531
3			
4	03.	Administration	599,749
5			
6	04.	Indian Affairs	8,226
7			
8	05.	Transfer to Social Services	
9		Block Grant for Adult	
10		Day Care Services	126,423
11			
12	06.	Reserve due to Delayed Federal	
13		Funding	20,943,028
14			
15	TOTAL LOW INCOME ENERGY BLOCK GRANT		\$
16	28,948,385		
17			
18	ALCOHOL AND DRUG ABUSE AND MENTAL HEALTH		
19	SERVICES BLOCK GRANT		
20			
21	01.	Allocate funds to the four regional	
22		offices on a per capita basis	
23		for mental health services	\$ 2,250,173
24			
25	02.	Programs for the Chronically	
26		Mentally Ill	3,323,686
27			
28	03.	Continuation and expansion of	
29		child mental health services in	
30		accordance with the Child Mental	
31		Health Plan including group	
32		homes, specialized foster care,	
33		therapeutic homes, professional	
34		parenting programs, and respite care	1,079,595
35			
36	04.	Continuation of community-	
37		based alcohol and drug services	
38		including prevention, early inter-	
39		vention, treatment, rehabilitation,	
40		nonhospital medical detoxification,	
41		training and specialized project for the	
42		hearing impaired	6,119,504
43			
44	05.	Continuation and expansion of services	

1	to female substance abusers,		
2	including specialized services at		
3	the ADATCS	2,658,736	
4			
5	06. Continuation of services to		
6	IV drug abusers, including increased		
7	capacity for drug screens and IV		
8	services at the ADATCS	3,853,579	
9			
10	07. Services to adolescents, including		
11	continuation of services		
12	in accordance with the Youth Substance		
13	Abuse Plan	3,140,864	
14			
15	08. Funding to support the provision of		
16	Treatment Alternatives to Street		
17	Crimes (TASC) programs for adults		
18	and four demonstration projects with		
19	local jails	577,104	
20			
21	09. Continuing of funding for detoxification		
22	services in the Eastern Region	1,048,110	
23			
24	10. Administration	1,507,527	
25			
26	TOTAL ALCOHOL, DRUG ABUSE, AND		
27	MENTAL HEALTH SERVICES		
28	BLOCK GRANT		\$
29	25,558,878		
30			
31	COMMUNITY YOUTH ACTIVITY PROGRAM BLOCK GRANT		
32			
33	01. Development of a Community-Based Substance		
34	Abuse Prevention Program		
35	for Youth	\$ 45,288	
36			
37	TOTAL COMMUNITY YOUTH ACTIVITY PROGRAM		
38	BLOCK GRANT		\$
39	45,288		
40			
41	CHILD CARE AND DEVELOPMENT BLOCK GRANT		
42			
43	01. Child Day Care Services	\$ 14,363,594	
44			

1	02.	Head Start Wrap-Around	3,209,984
2			
3	03.	Revolving Loans/Grants	66,861
4			
5	04.	County Day Care Coordinators	592,020
6			
7	05.	Staff/Child Ratio Reduction	212,821
8			
9	06.	Study of Day Care Salaries	35,286
10			
11	07.	Child Care Worker Credentials	436,465
12			
13	08.	Resource and Referral Programs	815,699
14			
15	09.	Facility Services Administration	648,660
16			
17	10.	Monitoring Improvement	152,256
18			
19	11.	Child Care Development Funds	1,222,124
20			

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

26
 27 TOTAL CHILD CARE AND DEVELOPMENT
 28 BLOCK GRANT

\$

29 21,755,770

30
 31 (b) Decreases in Federal Fund Availability

32 If federal funds are reduced below the amounts specified above after the
 33 effective date of this act, then every program, in each of the federal block grants listed
 34 above, shall be reduced by the same percentage as the reduction in federal funds.

35 (c) Increases in Federal Fund Availability

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

- 38 (1) For the Community Development Block Grant – each program
- 39 category under the Community Development Block Grant shall be
- 40 increased by the same percentage as the increase in federal funds.
- 41 (2) For the Preventive Health Block Grant – additional funds shall be
- 42 allocated to support the Statewide Health Promotion Programs.
- 43 (3) For the Maternal and Child Health Services Block Grant – thirty
- 44 percent (30%) of these additional funds shall be allocated to services

1 for children with special health care needs and seventy percent (70%)
2 shall be allocated to local health departments to assist in the reduction
3 of infant mortality.

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

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

13 (d) Education Setaside of JTPA Funds

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

19 (e) Limitations on Community Development Block Grant Funds

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

32 (f) Upon the federal government's release of the funds budgeted in the Low
33 Income Energy Block Grant Reserve in this act, these funds shall be used to restore
34 funding to all programs, if needed, other than the Weatherization Program, that were
35 funded with Low Income Energy Assistance Block Grant funds as identified in Section
36 5 of Chapter 689 of the 1991 Session Laws.

37
38 **PART 5. GENERAL PROVISIONS**

39
40 Requested by: Representatives Nesbitt, Diamont

41 **CONTINGENCY AND EMERGENCY FUND CORRECTION**

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

1 "Sec. 8. Of the funds appropriated in this Title to the Contingency and Emergency
2 Fund, ~~\$900,000~~ nine hundred thousand dollars (\$900,000) for the 1991-92 fiscal year
3 and ~~\$900,000~~ nine hundred thousand dollars (\$900,000) for the 1992-93 fiscal year shall
4 be designated for emergency allocations, which are for the purposes outlined in G.S.
5 ~~143-23(a1)~~. G.S. 143-23(a1)(3), (4), and (5). \$225,000 ~~Two hundred twenty-five~~
6 thousand dollars (\$225,000) for the 1991-92 fiscal year and ~~\$225,000~~ two hundred
7 twenty-five thousand dollars (\$225,000) for the 1992-93 fiscal year shall be designated
8 for other allocations from the Contingency and Emergency Fund."
9

10 Requested by: Representatives Ethridge, H. Hunter

11 **BLOCK GRANT PLANS**

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

13 **"§ 143-16.1. Federal funds.**

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

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

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

35 The Director of the Budget shall review for accuracy, consistency, and uniformity each
36 State agency's Block Grant plans prior to submission of the plans to the General
37 Assembly."
38

39 **PART 5.1. BUDGET CLARIFICATION PROVISIONS**

40
41 Requested by: Representative Nesbitt

42 **BUDGET CLARIFICATIONS**

43 Sec. 8.1. (a) The General Assembly finds that it is necessary to clarify the
44 provisions of the State budget for the 1991-93 fiscal biennium, the Executive Budget

1 Act, and other statutes that affect the administration of the budget. The provisions of
2 this section are intended to provide this clarification and are not intended to make
3 substantive changes in the law.

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

5 **"§ 143-16.3. No expenditures for purposes for which the General Assembly has**
6 **considered but not enacted an appropriation.**

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

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

16 **"§ 143-23. All maintenance funds for itemized purposes; transfers between objects**
17 **and-or line items.**

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

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

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

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

1 Funds appropriated for salaries and wages are also subject to the limitation that they
2 may only be used for (i) salaries and wages or for premium pay, overtime pay,
3 longevity, unemployment compensation, workers' compensation, temporary wages,
4 contracted personal services, moving expenses, payment of accumulated annual leave,
5 certain awards to employees, tort claims, and employer's social security, retirement, and
6 hospitalization payments: provided, however, funds appropriated for salaries and wages
7 may also be used for payments; or (ii) purposes uses for which over expenditures are
8 permitted by subdivisions (3), (4), and (5) of this subsection but the Director of the
9 Budget shall include such use and the reason for it in his quarterly report to the Joint
10 Legislative Commission on Governmental Operations and to the Fiscal Research
11 Division of the Legislative Services Office. ~~Lapsed Office.~~

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

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

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

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

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

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

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

32 (f) As used in this section:

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

40 (2) 'Purpose or program' means a group of objects or line items for support
41 of a specific activity outlined in the budget adopted by the General
42 Assembly that is designated by a nine-digit fund code in accordance
43 with the Budget Code Structure and the State Accounting System

1 Uniform Chart of Accounts set out in the Administrative Policies and
2 Procedures Manual of the Office of the State Controller."

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

4 "Sec. 351. (a) The Joint Appropriations Committee House/Senate Base and
5 Expansion Budget ~~Report~~ and the Joint Appropriations Committee House/Senate Base
6 and Expansion Budget Conference Report dated July 11, 1991, which were distributed
7 in the House and Senate and used to explain this act, shall indicate action by the General
8 Assembly on this act and shall therefore be used to construe this act, as provided in G.S.
9 143-15 of the Executive Budget Act, and for these purposes shall be considered a part of
10 this act.

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

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

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

25 (2) The base budget was adjusted in accordance with the base budget cuts
26 and additions that were set out in the Joint Appropriations Committee
27 House/Senate Base and Expansion Budget and the Joint
28 Appropriations Committee House/Senate Base and Expansion Budget
29 Conference Report dated July 11, 1991.

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

37 Expansion budget items that were funded from new receipts are
38 included in the budget enacted by the General Assembly with program
39 level detail.

40 (4) Transfers of funds supporting programs were made in accordance with
41 the Joint Appropriations Committee House/Senate Base and Expansion
42 Budget and the Joint Appropriations Committee House/Senate Base
43 and Expansion Budget Conference Report dated July 11, 1991, and the
44 accompanying correction sheets.

1 The budget enacted by the General Assembly shall also be interpreted in accordance
 2 with the special provisions in this act and in accordance with other appropriate
 3 legislation.

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

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

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

21 (f) Of the funds appropriated to the Department of Public Education for the
 22 1991-93 fiscal biennium, the funds for the operation and maintenance of the Department
 23 of Public Instruction, for State aid to nonstate agencies, and for the operation of the
 24 State Board of Education are as follows:

25 **DEPARTMENT OF PUBLIC EDUCATION**
 26 **TOTAL REQUIREMENTS**

27
 28 **1991-92**

30	31	32	33	34	35	36	37	38	39	40	41	42	43	44
	FUND	Department of Public Instruction	Aid to Local School	State Board Administrative Units										
34	1000	2,276,885		—						118,900				
35	1100	11,594,516		—						—				
36	1200	2,542,623		—						—				
37	1300	4,370,254		—						—				
38	1400	12,551,101		—						16,146				
39	1500	2,927,256		—						—				
40	1600	11,386,980		—						17,668				
41	1700	—		—						—				
42	1800	—		3,199,427,158						—				
43	1900	491,734		—						—				

1	TOTAL	48,141,349	3,199,427,158	152,714
2				
3				
4			<u>1992-93</u>	
5				
6		Department of	Aid to Local	State Board
7	FUND	Public Instruction	School Administrative	of Education
8			Units	
9				
10	1000	2,271,969	—	93,900
11	1100	11,578,464	—	—
12	1200	2,543,364	—	—
13	1300	4,326,584	—	—
14	1400	12,826,595	—	16,146
15	1500	2,923,299	—	—
16	1600	11,281,018	—	17,668
17	1700	—	—	—
18	1800	—	3,267,053,247	—
19	1900	491,734	—	—
20				
21	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

1 Director of the Budget, a department, institution, or other spending agency may spend
2 more than was appropriated for an object or line item if the overexpenditure is:

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

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

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

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

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

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

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

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

42 (e) Transfers or changes as between objects or line items in the budget of the
43 General Assembly other than of the Senate and House of Representatives may be made

1 jointly by the President Pro Tempore of the Senate and the Speaker of the House of
2 Representatives.

3 (f) As used in this section:

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

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

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

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

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

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

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

27

28 **PART 6. OFFICE OF STATE BUDGET AND MANAGEMENT**

29

30 Requested by: Representative Grady

31 **ONslow MUSEUM FUNDS/NEW PURPOSE**

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

37

38 **PART 7. GENERAL ASSEMBLY**

39

40 Requested by: Representatives Redwine, Anderson

41 **LRC LAW ENFORCEMENT COMMITTEE STUDY**

42 Sec. 10. The Legislative Research Commission's Committee on Law
43 Enforcement Issues may study the problem of marital rape, its status under North
44 Carolina law, and, specifically, whether the spousal defense under G.S. 14-27.8 ought to

1 be abolished. The Legislative Research Commission may report the findings and
2 recommendations of the study, if undertaken, to the 1993 General Assembly.

3
4 Requested by: Representative Nesbitt

5 **LEGISLATIVE RESEARCH COMMISSION MEMBERS' TERMS**

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

7 "**§ 120-30.11. Time of appointments; terms of office.**

8 Appointments to the Legislative Research Commission shall be made not earlier
9 than the close of each regular session of the General Assembly held in the odd-
10 numbered year nor later than 15 days subsequent to the close. The term of office shall
11 begin on the day of appointment, and shall end on ~~December 15 of the next even-~~
12 ~~numbered year. Except for the work of the Administrative Rules Review Committee,~~
13 ~~on January 15 of the next odd-numbered year.~~ No moneys appropriated to the
14 Legislative Research Commission may be expended for meetings of the Commission,
15 its committees or subcommittees held after December 15 of the next odd-numbered year
16 January 15 of the next odd-numbered year and before the appointment of the next
17 Legislative Research Commission."
18

19 Requested by: Representative Nesbitt

20 **PERFORMANCE AUDIT STUDY CONTINUED**

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

- 25 (1) The existence of the Legislative Research Commission's Committee on
26 the State Government Performance Audit shall continue until March
27 31, 1993, when it shall terminate;
- 28 (2) Monies may be expended for the work and meetings of the Committee
29 in reviewing and advising on the implementation and review of the
30 State government performance audit until March 31, 1993;
- 31 (3) The present membership of the Committee shall continue in existence
32 until that date; and
- 33 (4) Vacancies in the membership of the Committee shall be filled by the
34 original appointing authority.
35

36 **PART 8. DEPARTMENT OF REVENUE**

37
38 Requested by: Representatives Bowman, N.J. Crawford

39 **CONTROLLED SUBSTANCE TAX PROCEEDS**

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

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

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

4 **"§ 105-113.113. Use of tax proceeds.**

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

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

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

22 **"§ 105-113.111. Assessments.**

23 (a) Notwithstanding any other provision of law, an assessment against a dealer
24 who possesses a controlled substance to which a stamp has not been affixed as required
25 by this Article shall be made as provided in this section. The Secretary shall assess a
26 tax, applicable penalties, and interest based on personal knowledge or information
27 available to the Secretary. The Secretary shall notify the dealer in writing of the amount
28 of the tax, penalty, and interest due, and demand its immediate payment. The notice
29 and demand shall be either mailed to the dealer at the dealer's last known address or
30 served on the dealer in person. If the dealer does not pay the tax, penalty, and interest
31 immediately upon receipt of the notice and demand, the Secretary shall collect the tax,
32 penalty, and interest pursuant to the procedure set forth in G.S. 105-241.1(g) for
33 jeopardy assessments or the procedure set forth in G.S. 105-242, including causing
34 execution to be issued immediately against the personal property of the dealer unless the
35 dealer files with the Secretary a bond in the amount of the asserted liability for the tax,
36 penalty, and interest. The Secretary shall use all means available to collect the tax,
37 penalty, and interest from any property in which the dealer has a legal, equitable, or
38 beneficial interest. The dealer may seek review of the assessment as provided in Article
39 9 of this Chapter.

40 ~~(b) Of the monies collected pursuant to subsection (a), seventy five percent~~
41 ~~(75%) shall be remitted to the State or local law enforcement agency that conducted the~~
42 ~~investigation of the dealer that led to the assessment under subsection (a). If more than~~
43 ~~one State or local law enforcement agency conducted the investigation, the Secretary of~~

1 the Department of Revenue shall determine the equitable pro rata share for each agency
2 based on the contribution each agency made to the investigation."

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

6 PART 9. DEPARTMENT OF ADMINISTRATION

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

9 INDIAN CULTURAL CENTER

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

- 14 (1) 386.69 acres contained in the deed dated April 14, 1983, and recorded
15 in Deed Book 533, page 164, Robeson County Registry;
- 16 (2) 386.69 acres contained in the deed dated August 24, 1984, and
17 recorded in Deed Book 563, page 254, Robeson County Registry;
- 18 (3) 99.62 acres contained in the deed dated March 20, 1985, and recorded
19 in Deed Book 575, page 523, Robeson County Registry; and
- 20 (4) 10.00 acres contained in the deed dated September 11, 1985, and
21 recorded in Deed Book 586, page 142, Robeson County Registry.

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

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

30 PART 9.1. DEPARTMENT OF INSURANCE

32 Requested by: Representative Bowman

33 DATA FROM HEALTH CARE PROVIDERS

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

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

40 PART 10. SALARIES AND BENEFITS

42 Requested by: Representatives Nesbitt, Diamont

43 SALARY RELATED CONTRIBUTIONS/EMPLOYERS

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

3 "(c) Effective July 1, 1992, the State's employer contribution rates budgeted for
4 retirement and related benefits as a percentage of covered salaries for the 1992-93 fiscal
5 year are (i) ten and ninety-three hundredths percent (10.93%) - Teachers and State
6 Employees; (ii) fifteen and ninety-three hundredths percent (15.93%) - State Law
7 Enforcement Officers; (iii) eight and sixty-six hundredths percent (8.66%) - University
8 Employees' Optional Retirement Program; (iv) ~~twenty-nine and forty-six hundredths~~
9 ~~percent (29.46%)~~ twenty-six and three hundredths percent (26.03%) - Consolidated
10 Judicial Retirement System; and (v) thirty-two and thirty hundredths percent (32.30%) -
11 Legislative Retirement System. Each of the foregoing contribution rates includes two
12 percent (2%) for hospital and medical benefits. The rate for State Law Enforcement
13 Officers includes five percent (5%) for the Supplemental Retirement Income Plan. The
14 rates for Teachers and State Employees, State Law Enforcement Officers, and for the
15 University Employees' Optional Retirement Program includes forty-two hundredths
16 percent (0.42%) for the Disability Income Plan."
17

18 Requested by: Representative Barnes

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

21
22 **INTRODUCTION**

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

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

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

41
42 **APPROPRIATIONS**

43 Sec. 13.1. (a) Of the funds appropriated from the General Fund to the Reserve for
44 Salary Increases, the sum of sixty-two million two hundred thousand dollars

1 (\$62,200,000) for the 1992-93 fiscal year shall be used to provide raises for State
2 employees and school personnel other than teachers.

3 (b) Of the funds appropriated from the Highway Fund to the Reserve for Salary
4 Increases, the sum of six million seven hundred twenty-five thousand dollars
5 (\$6,725,000) for the 1992-93 fiscal year shall be used to provide raises for State
6 employees.

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

12 (d) Of the funds appropriated from the Highway Fund to the Reserve for Salary
13 Increases, the sum of three hundred twenty thousand dollars (\$320,000) for the 1992-93
14 fiscal year shall be used to implement the teacher salary schedule provided in Section
15 24.3 of this act. This is the equivalent of two percent (2%) of teacher payroll.

16

17 GOVERNOR'S SALARY INCREASE

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

19 "(a) The salary of the Governor shall be ~~one hundred twenty-three thousand three~~
20 ~~hundred dollars (\$123,300)~~ one hundred twenty-three thousand eight hundred twenty-
21 two dollars (\$123,822) annually, payable monthly."
22

23 COUNCIL OF STATE/SALARY INCREASE

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

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

36

37 NONELECTED DEPARTMENT HEAD/SALARY INCREASES

38 Sec. 13.4. In accordance with G.S. 143B-9, the maximum annual salaries,
39 payable monthly, for the nonelected heads of the principal State departments for the
40 1992-93 fiscal year are:

41 Nonelected Department Heads	1992-93
42 Secretary of Administration	\$75,774
43 Secretary of Correction	75,774
44 Secretary of Crime Control and	

1	Public Safety	75,774
2	Secretary of Cultural Resources	75,774
3	Secretary of Economic and	
4	Community Development	75,774
5	Secretary of Environment, Health,	
6	and Natural Resources	75,774
7	Secretary of Human Resources	75,774
8	Secretary of Revenue	75,774
9	Secretary of Transportation	75,774.

10

11 **LEGISLATORS/SALARY AND EXPENSES INCREASE**

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

14 **"§ 120-3. Pay of members and officers of the General Assembly.**

15 (a) The Speaker of the House shall be paid an annual salary of ~~thirty-five~~
16 ~~thousand one hundred dollars (\$35,100),~~ thirty-five thousand six hundred twenty-two
17 dollars (\$35,622), payable monthly, and an expense allowance of one thousand three
18 hundred twenty dollars (\$1,320) per month. The President Pro Tempore of the Senate
19 shall be paid an annual salary of ~~thirty-five thousand one hundred dollars (\$35,100),~~
20 thirty-five thousand six hundred twenty-two dollars (\$35,622), payable monthly, and an
21 expense allowance of one thousand three hundred twenty dollars (\$1,320) per month.
22 The Speaker Pro Tempore of the House shall be paid an annual salary of ~~nineteen~~
23 ~~thousand seven hundred seventy-six dollars (\$19,776),~~ twenty thousand two hundred
24 ninety-eight dollars (\$20,298), payable monthly, and an expense allowance of seven
25 hundred eighty dollars (\$780.00) per month. the Deputy President Pro Tempore of the
26 Senate shall be paid an annual salary of ~~nineteen thousand seven hundred seventy-six~~
27 ~~dollars (\$19,776),~~ twenty thousand two hundred ninety-eight dollars (\$20,298), payable
28 monthly, and an expense allowance of seven hundred eighty dollars (\$780.00) per
29 month. The majority and minority leaders in the House and the majority and minority
30 leaders in the Senate shall be paid an annual salary of ~~fifteen thousand three hundred~~
31 ~~ninety-six dollars (\$15,396),~~ fifteen thousand nine hundred eighteen dollars (\$15,918),
32 payable monthly, and an expense allowance of six hundred twenty-two dollars
33 (\$622.00) per month.

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

43 (c) The salary and expense allowances provided in this section are in addition to
44 any per diem compensation and any subsistence and travel allowance authorized by any

1 other law with respect to any regular or extra session of the General Assembly, and
 2 service on any State board, agency, commission, standing committee and study
 3 commission."

5 **GENERAL ASSEMBLY PRINCIPAL CLERKS/SALARY INCREASES**

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

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

19 **SERGEANT-AT-ARMS AND READING CLERKS/SALARY INCREASES**

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

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

32 **LEGISLATIVE EMPLOYEES/SALARY INCREASES**

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

38 **JUDICIAL BRANCH OFFICIALS/SALARY INCREASE**

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

41 <u>Judicial Branch Officials</u>	42 <u>1992-93</u>
43 Chief Justice, Supreme Court	\$91,938
44 Associate Justice, Supreme Court	90,054

1	Chief Judge, Court of Appeals	87,186
2	Judge, Court of Appeals	85,290
3	Judge, Senior Regular Resident	
4	Superior Court	78,258
5	Judge, Superior Court	75,774
6	Chief Judge, District Court	66,918
7	Judge, District Court	64,386
8	District Attorney	70,554
9	Assistant District Attorney - an	
10	average of	45,822
11	Administrative Officer of the Courts	78,258
12	Assistant Administrative Officer	
13	of the Courts	63,882
14	Public Defender	70,554
15	Assistant Public Defender - an	
16	average of	45,822.

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

21 The district attorney or public defender of a judicial district, with the approval
22 of the Administrative Officer of the Courts, shall set the salaries of assistant district
23 attorneys or assistant public defenders, respectively, in that district such that the average
24 salaries of assistant district attorneys or assistant public defenders in that district do not
25 exceed forty-five thousand eight hundred twenty-two dollars (\$45,822), and the
26 minimum salary of any assistant district attorney or assistant public defender is at least
27 twenty-three thousand three hundred ninety-four dollars (\$23,394) effective July 1,
28 1992.

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

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

36

37 **CLERKS OF COURT/SALARY INCREASE**

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

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

44	Population	Annual Salary
----	------------	---------------

1	Less than 99,999	\$ 44,256	46,920	<u>\$47,442</u>
2	100,000 to 199,999	50,016	53,028	<u>53,550</u>
3	200,000 and above	57,072	60,504	<u>61,026</u>

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

9
10 **ASSISTANT AND DEPUTY CLERKS OF COURT/SALARY INCREASE**

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

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

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

33 Assistant Clerks Annual Salary

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

36
37 Deputy Clerks Annual Salary

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

40
41 **MAGISTRATES/SALARY INCREASE**

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

43 "(1) A full-time magistrate, so designated by the Administrative Officer of
44 the Courts, shall be paid the annual salary indicated in the table below

1 according to the number of years he has served as a magistrate. The
 2 salary steps shall take effect on the anniversary of the date the
 3 magistrate was originally appointed:
 4

5 TABLE OF SALARIES OF FULL-TIME MAGISTRATES

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	17,412	<u>17,934</u>
3 or more but less than 5	18,084	19,176	<u>19,698</u>
5 or more but less than 7	19,920	21,120	<u>21,642</u>
7 or more but less than 9	21,972	23,292	<u>23,814</u>
9 or more but less than 11	24,204	25,656	<u>26,178</u>
11 or more	26,628	28,236	<u>28,758.</u>

16
 17 A 'Full-time magistrate' is a magistrate who is assigned to work an
 18 average of not less than 40 hours a week during his term of office.

19 Notwithstanding any other provision of this subdivision, a full-time
 20 magistrate, who was serving as a magistrate on December 31, 1978,
 21 and who was receiving an annual salary in excess of that which would
 22 ordinarily be allowed under the provisions of this subdivision, shall
 23 not have the salary, which he was receiving reduced during any
 24 subsequent term as a full-time magistrate. That magistrate's salary
 25 shall be fixed at the salary level from the table above which is nearest
 26 and higher than the latest annual salary he was receiving on December
 27 31, 1978, and, thereafter, shall advance in accordance with the
 28 schedule in the table above."
 29

30 COMMUNITY COLLEGES PERSONNEL/SALARY INCREASES

31 Sec. 13.13. The Director of the Budget may transfer from the Reserve for
 32 Salary Increases created in this act for fiscal year 1992-93 funds necessary to provide a
 33 salary increase of forty-three dollars and fifty cents (\$43.50) per month, including funds
 34 for the employer's retirement and Social Security contributions, commencing July 1,
 35 1992, for all permanent full-time community college institutional personnel supported
 36 by State funds. All permanent part-time community college institutional personnel
 37 supported by State funds shall receive pro rata amounts of the forty-three dollars and
 38 fifty cents (\$43.50) per month. These funds may not be used for any purpose other than
 39 for the salary increases and necessary employer contributions provided by this section.
 40

41 HIGHER EDUCATION PERSONNEL/SALARY INCREASES

42 Sec. 13.14. The Director of the Budget may transfer from the Reserve for
 43 Salary Increases created in this act for fiscal year 1992-93 funds necessary to provide a
 44 salary increase of forty-three dollars and fifty cents (\$43.50) per month, including funds

1 for the employer's retirement and Social Security contributions commencing July 1,
2 1992, for each full-time employee of The University of North Carolina, as well as each
3 full-time employee of the North Carolina School of Science and Mathematics,
4 supported by State funds and whose salaries are exempt from the State Personnel Act;
5 provided that the Board of Governors of The University of North Carolina may allocate
6 the funds it receives for the salary increment for its employees in positions exempt from
7 the State Personnel Act according to rules adopted by the Board of Governors. All part-
8 time employees of The University of North Carolina, as well as all part-time employees
9 of the North Carolina School of Science and Mathematics, supported by State funds and
10 whose salaries are exempt from the State Personnel Act shall receive a pro rata amount
11 of the forty-three dollars and fifty cents (\$43.50) per month; provided that the Board of
12 Governors of The University of North Carolina may allocate the funds it receives for the
13 salary increment for its employees in positions exempt from the State Personnel Act
14 according to rules adopted by the Board of Governors.

15 16 **MOST STATE EMPLOYEES/SALARY INCREASES/1992-93**

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

22 (b) Except as otherwise provided in this act, the fiscal year 1991-92 salaries for
23 permanent full-time State officials and persons in exempt positions that are
24 recommended by the Governor or the Governor and the Advisory Budget Commission
25 and set by the General Assembly shall be increased by forty-three dollars and fifty cents
26 (\$43.50) per month, commencing July 1, 1992.

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

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

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

43 (f) The provisions of this section do not apply to employees whose salaries
44 are determined in accordance with G.S. 20-187.3(a), except for those employees who

1 would not receive a salary increment for the 1992-93 fiscal year under G.S. 20-187.3(a)
 2 because they are at the top of their salary range.

3

4 **CERTAIN EXECUTIVE BRANCH OFFICIALS/SALARY INCREASES**

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

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

34 (b) Any person carrying on the functions of a position listed in subsection (a)
 35 of this section shall be paid only the salary set out in that subsection, and the mere
 36 classification of the position to be some other position does not allow the salary of that
 37 position to be set in some other manner.

38

39 **PUBLIC SCHOOL PERSONNEL/SALARY INCREASES**

40 Sec. 13.17. (a) Superintendents, Assistant Superintendents, Associate
 41 Superintendents, Supervisors, Directors, Coordinators, Evaluators, Program
 42 Administrators, Principals, and Assistant Principals.—The Director of the Budget may
 43 transfer from the Reserve for Salary Increases created in this act for fiscal year 1992-93
 44 funds necessary to provide a salary increase of forty-three dollars and fifty cents

1 (\$43.50) per month, including funds for the employer's retirement and Social Security
2 contributions, commencing July 1, 1992, for all superintendents, assistant
3 superintendents, associate superintendents, supervisors, directors, coordinators,
4 evaluators, program administrators, principals, and assistant principals whose salaries
5 are supported from the State's General Fund. These funds may not be used for any
6 purpose other than for the salary increase and necessary employer contributions
7 provided by this subsection.

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

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

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

28 Sec. 13.18. (a) Salaries for positions that are funded partially from the General
29 Fund or Highway Fund and partially from sources other than the General Fund or
30 Highway Fund shall be increased from the General Fund or Highway Fund
31 appropriation only to the extent of the proportionate part of the salaries paid from the
32 General Fund or Highway Fund.

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

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

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

1 (d) Notwithstanding the provisions of Section 19.1 of Chapter 1137 of the 1979
2 Session Laws as amended by Chapter 1053 of the 1981 Session Laws, G.S. 115C-
3 12(9)a., 115C-12(16), 126-7, or any other provision of law other than G.S. 20-187.3(a)
4 and G.S. 7A-102(c), no employee or officer of the public school system shall receive an
5 automatic increment, and no State employee or officer shall receive a merit increment,
6 during the 1992-93 fiscal year, except as otherwise permitted by this act.

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

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

13 14 **EFFECTIVE DATES FOR SECTIONS 13.1 THROUGH 13.18**

15 Sec. 13.19. Sections 13.1 through 13.18 of this act become effective July 1,
16 1992.

17
18 Requested by: Representative Nesbitt

19 **SALARY INCREASE FOR STATE-FUNDED LOCAL PROGRAMS**

20 Sec. 13.19A. Of the funds appropriated from the General Fund for the
21 Reserve for Salary Increases in this act for the 1992-93 fiscal year, funds shall be made
22 available for employees in locally operated State-funded programs in an amount
23 equivalent to a two percent (2%) across-the-board salary increase.

24
25 Requested by: Representatives Barnes, Nesbitt

26 **RESERVE FOR LOWEST PAID EMPLOYEES**

27 Sec. 13.20. Notwithstanding any other provisions of the current law, the
28 Office of State Budget and Management is authorized to transfer funds that are certified
29 as performance pay reserves in the 1992-93 budget and are not required to continue
30 support of performance pay allocations authorized in fiscal year 1990-91 to a Reserve
31 for Lowest Paid Employees for the purpose of providing salary increases to the lowest
32 paid State employees pursuant to Section 37 of Chapter 1066 of the 1989 Session Laws.
33 When all agencies except Special Responsibility Constituent Institutions in the
34 University of North Carolina System have received sufficient funds from the Reserve
35 for Lowest Paid Employees in order to fully implement Section 37 of Chapter 1066 of
36 the 1989 Session Laws, the remaining funds in that Reserve shall be available to Special
37 Responsibility Constituent Institutions in the University of North Carolina System to
38 implement that Section. If such funds are insufficient for Special Responsibility
39 Constituent Institutions in the University of North Carolina System to fully implement
40 that section, they shall use funds otherwise available to fully implement that section.

41
42 Requested by: Representatives Barnes, Nesbitt

43 **REDUCE AGENCY SALARIES/RETIRED POSITIONS**

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

13 The Office of State Budget and Management shall provide to the 1993 General
14 Assembly a report by May 15, 1993, detailing, by agency and position, the savings
15 implemented under this provision in order that these amounts may be deleted from the
16 1993-95 authorized budget.

18 **PART 11. PUBLIC SCHOOLS**

20 Requested by: Representative H. Hunter

21 **CONTINUE MODEL TEACHER EDUCATION CONSORTIUM**

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

24 "Sec. 36.1. Of the funds appropriated to the Department of Public Education for the
25 1991-92 fiscal year and for the 1992-93 fiscal year for aid to local school administrative
26 units, the State Board of Education shall use ~~\$150,000~~ one hundred fifty thousand
27 dollars (\$150,000) for the 1991-92 fiscal year and one hundred seventy thousand dollars
28 (\$170,000) for the 1992-93 fiscal year for the model teacher education consortium
29 established in Section 72 of Chapter 752 of the 1989 Session Laws. Of these funds, up
30 to ~~\$30,000~~ thirty thousand dollars (\$30,000) for the 1991-92 fiscal year and up to fifty
31 thousand dollars (\$50,000) for the 1992-93 fiscal year may be used for administrative
32 purposes."

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

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

36 "(a) There is established a model teacher education consortium for the following
37 local school administrative units: Gates County, Granville County, Halifax County,
38 Hertford County, Northampton County, Vance County, Warren County, Roanoke
39 Rapids City and Weldon City, with the collaboration of East Carolina University,
40 Elizabeth City State University, ~~Atlantic Christian~~ Barton College, North Carolina
41 Wesleyan College, Halifax Community College, and Vance-Granville Community
42 College."

44 Requested by: Representatives Fussell, Payne

REALLOCATION OF CERTAIN FUNDS FOR EXCEPTIONAL CHILDREN

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

Requested by: Representatives Fussell, Payne

OUTCOME-BASED EDUCATION FUNDS

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

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

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

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

"(a) The State Board of Education shall develop and implement an outcome-based education program. The State Board of Education shall select ~~four sites~~ six sites, at least one of which shall be a consortium, to participate in the program for five fiscal years beginning with the 1992-93 fiscal year. The first year of the project shall be a year for

1 the sites to plan their projects. The remaining four years shall be to implement the
2 projects and to demonstrate their effectiveness."

3
4 Requested by: Representatives Fussell, Payne

5 **EARLY CHILDHOOD EDUCATION COORDINATOR FUNDS**

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

12
13 Requested by: Representatives Fussell, Payne, Rogers

14 **LOW PERFORMING UNITS**

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

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

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

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

40
41 Requested by: Representatives Fussell, Payne

42 **PROSPECTIVE TEACHER SCHOLARSHIP LOAN FUNDS**

43 Sec. 19. Of the funds appropriated to the Department of Public Education for
44 the 1992-93 fiscal year for prospective teacher scholarship loans, the Superintendent of

1 Public Instruction may designate up to two hundred thousand dollars (\$200,000) for the
2 1992-93 fiscal year scholarship loans to teacher assistants enrolled in accredited teacher
3 education programs.

4

5 Requested by: Representatives Fussell, Payne

6 **PUPIL TRANSPORTATION FUNDS**

7 Sec. 20. The Department of Public Instruction shall implement the Pupil
8 Transportation Program Improvements Implementation Projects authorized by Section
9 55 of Chapter 752 of the 1989 Session Laws. The Department of Public Instruction
10 may use up to five hundred thousand dollars (\$500,000) of the funds appropriated for
11 the 1992-93 fiscal year for aid to local school administrative units for pupil
12 transportation to assist local school administrative units with (i) unique difficulties
13 implementing the new funding formula or (ii) efforts to improve efficiency of pupil
14 transportation operations.

15 The Department shall report to the appropriations committees of the Senate
16 and the House of Representatives and to the Fiscal Research Division in December of
17 1992 on the implementation of the projects specified in this section.

18

19 Requested by: Representatives Fussell, Payne

20 **STAFF DEVELOPMENT FUND AVAILABILITY**

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

24 (b) Funds allocated by the State Board of Education for staff development at the
25 local level for the 1992-93 fiscal year shall become available for expenditure July 1,
26 1992, and shall remain available for expenditure until August 31, 1993.

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

29 **"§ 115C-417. Availability of funds allocated for staff development.**

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

33

34 Requested by: Representatives Fussell, Payne

35 **NORTH CAROLINA CLOSE UP FUNDS**

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

39

40 Requested by: Representatives Fussell, Payne

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

42 Sec. 23. There is appropriated from the State Literary Fund to the
43 Department of Public Education the sum of one million dollars (\$1,000,000) for the
44 1992-93 fiscal year for aid to local school administrative units.

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Requested by: Representatives Fussell, Payne, Rogers

LOW-WEALTH SCHOOL SUPPLEMENTAL FUNDING

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

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

"(b) Funds received pursuant to this section shall be used only to provide instructional positions, instructional support positions, teacher assistant positions, clerical positions, ~~and~~ instructional supplies and ~~equipment.~~ equipment, staff development, and textbooks."

Requested by: Representative Nesbitt

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

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

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

**DEPARTMENT OF PUBLIC EDUCATION
TOTAL REQUIREMENTS**

1991-92

FUND	Department of Public Instruction Units	Aid to Local School Administrative	State Board of Education
1000	2,276,885	—	118,900
1100	11,594,516	—	—
1200	2,542,623	—	—
1300	4,370,254	—	—
1400	12,551,101	—	16,146
1500	2,927,256	—	—
1600	11,386,980	—	17,668
1700	—	—	—
1800	—	3,199,427,158	—
1900	491,734	—	—

1				
2	TOTAL	48,141,349	3,199,427,158	152,714
3				
4				
5			<u>1992-93</u>	
6				
7		Department of	Aid to Local	State Board
8	FUND	Public Instruction	School Administrative	of Education
9		Units		
10				
11	1000	2,271,969	—	93,900
12	1100	11,578,464	—	—
13	1200	2,543,364	—	—
14	1300	4,326,584	—	—
15	1400	12,826,595	—	16,146
16	1500	<u>2,923,299</u>	<u>10,515,339</u>	—
17	1600	11,281,018	—	17,668
18	1700	—	—	—
19	1800	—	<u>3,267,053,247</u>	<u>3,250,680,746</u>
20	1900	491,734	—	—
21				
22	TOTAL	<u>48,243,027</u>	<u>55,835,067</u>	<u>3,267,053,247</u>
23				<u>3,250,680,746</u>
24				127,714".

Requested by: Representatives Diamont, Nesbitt, Barnes

DIFFERENTIATED PAY

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

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

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

Within 30 days of the first teacher workday of the 1992-93 school calendar, each local board of education shall review and reassess the differentiated pay plan that was in effect for the unit for the 1990-91 school year and shall determine whether the plan should be reinstated, reinstated with modifications, or replaced with a different

1 plan. Within 60 days of the first teacher workday of the 1992-93 school year, the local
 2 board shall present to affected employees for their review and vote a differentiated pay
 3 plan for the 1992-93 school year only. The proposed differentiated pay plan shall take
 4 effect on or after November 1, 1992. The proposed differentiated pay plan may be a
 5 continuation or modification of the plan for the 1990-91 school year that was adopted in
 6 accordance with the School Improvement and Accountability Act of 1989 or it may be a
 7 new differentiated pay plan developed in accordance with the School Improvement and
 8 Accountability Act of 1989. The proposed differentiated pay plan shall not be a
 9 proposal for across-the-board bonuses for all affected employees.

10 The vote shall be by secret ballot. All of the certificated instructional staff
 11 members, instructional support staff members, and certificated administrators who are
 12 eligible to receive funds for differentiated pay under the School Improvement and
 13 Accountability Act of 1989 may vote. The local board shall immediately submit the
 14 option that receives a majority of all the votes cast to the Superintendent of Public
 15 Instruction for his approval. A differentiated pay plan shall become effective upon the
 16 approval of the Superintendent.

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

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

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

26
 27 Requested by: Representatives Nesbitt, Diamont, Barnes

28 **TEACHER SALARY SCHEDULE**

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

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

44 Years of 1992-93

	<u>Experience</u>	<u>Salary</u>
1		
2		
3	00	\$1,982
4	01	2,022
5	02	2,062
6	03	2,103
7	04	2,145
8	05	2,188
9	06	2,232
10	07	2,277
11	08	2,323
12	09	2,369
13	10	2,416
14	11	2,464
15	12	2,513
16	13	2,563
17	14	2,614
18	15	2,666
19	16	2,719
20	17	2,773
21	18	2,828
22	19	2,885
23	20	2,943
24	21	3,002
25	22	3,062
26	23	3,123
27	24	3,185
28	25	3,249
29	26	3,314
30	27	3,380
31	28	3,448
32	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 Experience</u>	<u>1992-93 Salary</u>
33		
34		
35		
36		
37		
38		
39		
40	00	\$2,106
41	01	2,148
42	02	2,191
43	03	2,235
44	04	2,280

1	05	2,326
2	06	2,373
3	07	2,420
4	08	2,468
5	09	2,517
6	10	2,567
7	11	2,618
8	12	2,670
9	13	2,723
10	14	2,777
11	15	2,833
12	16	2,890
13	17	2,948
14	18	3,007
15	19	3,067
16	20	3,128
17	21	3,191
18	22	3,255
19	23	3,320
20	24	3,386
21	25	3,454
22	26	3,523
23	27	3,593
24	28	3,665
25	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

1

2 Requested by: Representatives Fussell, Payne

3 **HUSKINS BILL QUALITY CONTROL**

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

14 (b) The Joint Committee on College Transfer shall review this issue as it
15 relates to community colleges and constituent institutions of The University of North
16 Carolina. This review shall include an assessment of what constitutes college level
17 course work. The Committee shall report the results of this review to the General
18 Assembly and to the Joint Legislative Education Oversight Committee by March 1,
19 1993.

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

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

26

27 Requested by: Representatives Fussell, Payne

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

29 Sec. 26. The eighty thousand dollars (\$80,000) appropriated to the
30 Department of Community Colleges and the twenty thousand dollars (\$20,000)
31 appropriated to the Board of Governors of The University of North Carolina for the
32 1992-93 fiscal year for the purpose of increasing the number of disadvantaged students
33 who successfully complete nursing school shall be used for additional academic support
34 services for these students, including services providing tutors, peer counseling, and
35 testing materials. These funds shall not be used to provide direct financial aid for these
36 students.

37

38 Requested by: Representatives Fussell, Payne

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

40 Sec. 27. (a) In-Plant Training. Effective beginning with the 1992 fall
41 quarter, the State Board of Community Colleges shall ensure that the following
42 requirements are met with respect to in-plant training established pursuant to G.S.
43 115D-5(d)*:

- 1 (1) The instruction provided shall not duplicate or supplant existing
2 training or training for normal job turnover;
- 3 (2) The community college shall not contract with a company to provide
4 in-plant training to its own employees but it may contract with such a
5 company to provide the cost of replacement of an employee who is
6 providing the actual training and is released from regular work
7 responsibilities. Reimbursement may also be provided for appropriate
8 supplies and materials, as determined by the State Board of
9 Community Colleges;
- 10 (3) The community college's course outline and a fiscal plan for operating
11 the course shall be approved by the board of trustees. If approval is
12 not given, the course shall be discontinued and no FTE shall be
13 generated for that course;
- 14 (4) A reasonable limitation on hours per employee shall be established;
15 and
- 16 (5) A community college's FTE earnings shall not exceed a reasonable
17 percentage of the direct cost of the training.

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

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

- 28 (1) A reasonable limitation on instructional hours per student shall be
29 established;
- 30 (2) An educational and fiscal plan shall be approved by the board of
31 trustees. If approval is not given, the course shall be discontinued and
32 no FTE shall be generated for that course;
- 33 (3) There shall be a policy prohibiting the duplication of training and the
34 supplanting of costs; and
- 35 (4) A community college's FTE earnings shall not exceed a reasonable
36 percentage of the direct cost of the training.

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

43 (c) Effective July 1, 1993, the funding for community college occupational
44 extension training for sheltered workshops and in-plant training programs shall be

1 limited to direct instructional cost plus fifteen percent (15%) of that amount for
2 administrative costs, unless amended by the 1993 General Assembly after receiving
3 recommendations from the State Board of Community Colleges.

4
5 Requested by: Representatives Fussell, Payne

6 **NEW AND EXPANDING INDUSTRY PROGRAM FUNDS**

7 Sec. 28. Notwithstanding any law to the contrary, the Department of
8 Community Colleges may transfer available and uncommitted funds into the New and
9 Expanded Industry Program, if it determines that there is a need to meet additional
10 training needs over and above those currently budgeted and if the Director of the Budget
11 concurs.

12
13 Requested by: Representatives Fussell, Payne

14 **COMMUNITY COLLEGE TUITION INCREASE**

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

17 "Sec. 203. The State Board of Community Colleges shall adopt tuition rates
18 beginning in the fall quarter of 1991 in the amount of eleven dollars and fifty cents
19 (\$11.50) per credit hour up to a cap of 14 credit hours for in-State students and one
20 hundred seven dollars and fifty cents (\$107.50) per credit hour with a cap of 14 hours
21 for out-of-State students. The State Board of Community Colleges shall adopt tuition
22 rates beginning in the fall quarter of 1992 in the amount of twelve dollars and seventy-
23 five cents (\$12.75) per credit hour up to a cap of 14 credit hours for in-State students
24 and one hundred seven dollars and fifty cents (\$107.50) per credit hour with a cap of 14
25 hours for out-of-State students.

26 The State Board of Community Colleges shall adopt tuition rates beginning in the
27 fall quarter of 1991 in the amount of thirty dollars (\$30.00) per course for occupational
28 extension courses. The State Board of Community Colleges shall adopt tuition rates
29 beginning in the fall quarter of 1992 in the amount of thirty-three dollars (\$33.00) per
30 course for occupational extension courses."

31
32 Requested by: Representatives Fussell, Payne

33 **WORKER TRAINING TRUST FUND**

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

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

42 (b) Notwithstanding G.S. 96-5(c), there is appropriated from the Special
43 Employment Security Administration Fund to the Employment Security Commission of
44 North Carolina, the sum of ~~\$2,000,000~~ two million dollars (\$2,000,000) for the 1991-92

1 fiscal year and the sum of ~~\$2,000,000~~ two million dollars (\$2,000,000) for the 1992-93
2 fiscal year for administration of the Veterans Employment Program, Employment
3 Services Program, and Unemployment Insurance Program.

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

7 (d) Notwithstanding the provisions of G.S. 96-5(f), there is appropriated from the
8 Worker Training Trust Fund to the following agencies the following sums for the 1991-
9 92 and the 1992-93 fiscal years for the following purposes:

10 (1) \$3,000,000 for the 1991-92 fiscal year and \$2,400,000 for the 1992-93
11 fiscal year to the Department of Economic and Community
12 Development, Division of Employment and Training, for the
13 Employment and Training Grant Program.

14 (2) \$500,000 for the 1991-92 fiscal year and ~~\$500,000~~ \$1,000,000 for the
15 1992-93 fiscal year to the North Carolina Department of Labor for
16 customized training of the unemployed and the working poor for
17 specific jobs needed by employers through the Department's Pre-
18 Apprenticeship Division.

19 (3) \$2,000,000 for the 1991-92 fiscal year and ~~\$2,000,000~~ \$2,489,036 for
20 the 1992-93 fiscal year to the North Carolina Department of Human
21 Resources to assist welfare recipients in gaining employment through
22 the federally funded Job Opportunities and Basic Skills Program in
23 such a way as to gain the maximum match of federal funds for the
24 State dollars ~~appropriated~~ appropriated, provided that the \$489,036 in
25 expansion funds for the 1992-93 fiscal year shall be used for computer
26 equipment for every county participating in the Job Opportunities and
27 Basic Skills Program.

28 (4) \$1,250,000 for the 1991-92 fiscal year and ~~\$1,250,000~~ \$1,746,000 for
29 the 1992-93 fiscal year to the North Carolina Department of
30 Community Colleges to continue the Focused Industrial Training
31 ~~Program~~ Program, provided that the \$496,000 in expansion funds for
32 the 1992-93 fiscal year shall be used to increase the annual funding for
33 the 31 existing FIT centers from an average of \$74,000 to an average
34 of \$90,000.

35 (5) \$150,000 for the 1992-93 fiscal year to the Department of Public
36 Education and \$150,000 for the 1992-93 fiscal year to the Department
37 of Community Colleges, for a program of training in entrepreneurial
38 skills to be operated by North Carolina REAL Enterprises.

39 (6) \$225,000 for the 1992-93 fiscal year to the Employment Security
40 Commission for the North Carolina Occupational Information
41 Coordinating Committee to develop and operate an interagency system
42 to track former participants in State education and training programs."
43

44 PART 13. DEPARTMENT OF TRANSPORTATION

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Requested by: Representative McLaughlin

**DEPARTMENT OF TRANSPORTATION EXEMPTION FROM GENERAL
STATUTES FOR EXPERIMENTAL PROJECT-CONGESTION
MANAGEMENT**

Sec. 31. The Department of Transportation may enter into a design-build-warrant contract to develop, with Federal Highway Administration participation under the Intermodal Surface Transportation Efficiency Act of 1991, Title VI, Part B, Sections 6051-6059, a "Congestion Avoidance and Reduction for Autos and Trucks (CARAT)" system of traffic management for the greater Charlotte-Mecklenburg urban areas. The contracts may be entered into without regard to the Occupational Licensing Laws and for the purpose of entering into the contracts, the Department of Transportation is exempted from the provisions of the following General Statutes: G.S. 136-28.1, 143-52, 143-53, 143-58, 143-64.20, 143-128, and 143-129.

Requested by: Representatives McLaughlin, Holt

INCREASE ADMINISTRATIVE EFFICIENCY/DOT

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

Category of Positions	Number of Positions
Secretary of Transportation	1
Administrative Assistant III	1
Administrative Assistant II	1
Executive Secretary	4
Special Assistant to the Secretary	1
Deputy Secretary	2
Federal Programs Coordinator	1
Special Assistant for Operations	1
Public Information Assistant V	1
Assistant Secretary for External Affairs	1
Clerk Typist IV	1
Receptionist III	1
Information and Communication Specialist	1
Agency General Counsel II	1
Director of Citizens Affairs	1
Director of Safety and Loss Control	1
APA Coordinator	1

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

1 Category of Positions Number of Positions

2

3 Special Assistant for Regional

4 Affairs 3

5 Secretary IV 3

6 The General Assembly has examined the administrative structure and the operations of
7 the Office of the Secretary and finds that the positions abolished by this subsection
8 constitute an unnecessary level of administrative function in the Secretary's Office, that
9 this level of administrative function actually impedes the ability of other administrators
10 in the department to act expeditiously, and that the duties assigned to these employees
11 duplicate the duties of other administrative and professional employees of the
12 Department.

13

14 Requested by: Representatives McLaughlin, Holt

15 **HIGHWAY MAINTENANCE RESERVE**

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

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

30

31 Requested by: Representatives McLaughlin, Holt

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

33 Sec. 34. The Division of Motor Vehicles shall procure information
34 technology and data communications equipment for the drivers license computer system
35 only after fair and competitive bidding and without any waiver from competitive
36 bidding. Any request for bids, request for proposals, or request for quotes issued
37 concerning the procurement of information systems hardware and software, document
38 imaging systems, or data communications hardware related to any aspect of the drivers
39 license computer system shall contain only specifications based on industry standards
40 for open systems to the greatest extent possible. To the degree that open systems
41 specifications are not used in a procurement related to any aspect of a drivers license
42 computer system, the Division of Motor Vehicles shall provide documentation to the
43 Information Technology Commission and to the Joint Legislative Commission on

1 Governmental Operations explaining why the competitive bid specifications could not
2 conform to industry standards for open systems.

3
4 Requested by: Representatives McLaughlin, Hasty

5 **CONTRACT RESURFACING REPORTING REQUIREMENT**

6 Sec. 35. The Department of Transportation shall report, quarterly, to the Joint
7 Legislative Highway Oversight Committee concerning any transfers of funds from the
8 Contract Resurfacing Program during the preceding quarter. The Department shall
9 report, annually, to the Joint Legislative Highway Oversight Committee on any
10 additional life-cycle costs for delayed projects that may accrue as a result of these
11 transfers, with the first report to be filed March 1, 1993.

12
13 Requested by: Representatives Bowie, McAllister

14 **DEPARTMENT OF TRANSPORTATION HIGHWAY CONSTRUCTION**
15 **SAFETY PROGRAM**

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

19
20 Requested by: Representative R. Hunter

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

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

23 "(b) When a secondary road in a county is listed in the first 10 secondary roads to
24 be paved during a year on a priority list issued by the Department of Transportation
25 under this section, the secondary road cannot be removed from the top 10 of that list or
26 any subsequent list until it is paved. All secondary roads in a county shall be paved,
27 insofar as possible, in the priority order of the list. When a secondary road in the top 10
28 of that list is removed from the list because it has been paved, the next secondary road
29 on the priority list shall be moved up to the top 10 of that list and shall remain there
30 until it is paved."

31
32 Requested by: Representative Albertson

33 **DEPARTMENT OF TRANSPORTATION PERMANENT HOURLY**
34 **WORKERS/OFFICE OF STATE PERSONNEL STUDY**

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

37 The study shall include consideration of:

- 38 (1) The Department of Transportation's use of these positions in the
39 maintenance workforce;
- 40 (2) The use of these positions on a year-round basis and for extended
41 periods; and
- 42 (3) The voluntary conversion of permanent employees to permanent
43 hourly workers to increase the employee's take-home pay by
44 eliminating the contribution to the retirement system.

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

4
5 Requested by: Representatives McLaughlin, Holt

6 **REALLOCATION OF DIVISION OF MOTOR VEHICLES WAREHOUSE-**
7 **OFFICE BUILDING FUNDS**

8 Sec. 40. Funds appropriated in Section 6 of Chapter 754 of the 1989 Session
9 Laws for the construction of a warehouse-office building in Raleigh for the Division of
10 Motor Vehicles are reallocated to the Division of Motor Vehicles for the construction or
11 purchase of the land and warehouse-office building, including appraisal and other costs
12 incidental to the purchase.

13
14 Requested by: Representatives McLaughlin, Holt

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

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

18 "Sec. 66. The Department of Transportation's Equipment Fund shall pay to the
19 Highway Fund \$5,000,000 for the 1991-92 fiscal year and \$5,000,000 for the 1992-93
20 fiscal year. These funds shall be used for highway maintenance. The Department of
21 Transportation's Equipment Fund shall pay to the Highway Fund an additional
22 \$7,354,254 for the 1992-93 fiscal year for use in the expansion budget."

23
24 Requested by: Representatives McLaughlin, Holt

25 **SMALL URBAN CONSTRUCTION FUNDS**

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

28 "Sec. 66.6. Of the funds appropriated in this Title to the Department of
29 Transportation, \$10,805,664 shall be allocated in the 1991-92 fiscal year and
30 ~~\$10,028,266~~ \$9,028,266 in the 1992-93 fiscal year for small urban construction projects.
31 \$7,000,000 of these funds shall be allocated equally in ~~each~~ fiscal year 1991-92 ~~of the~~
32 ~~biennium~~ and \$6,000,000 in fiscal year 1992-93 among the 14 Highway Divisions for
33 the small Urban Construction program for small urban construction projects that are
34 located within the area covered by a one-mile radius of the municipal corporate limits.
35 Of the remaining funds, \$3,805,664 for the 1991-92 fiscal year and \$3,028,266 for the
36 1992-93 fiscal year shall be used statewide for rural or small urban highway
37 improvements as approved by the Secretary of the Department of Transportation.

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

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

1 Requested by: Representatives Colton, McLaughlin, Holt

2 **DEPARTMENT OF TRANSPORTATION TO REPORT ON EFFORTS TO**
3 **EDUCATE ON TRANSPORTATION PLANNING ROLES**

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

9

10 Requested by: Representatives Colton, McLaughlin, Holt

11 **DEPARTMENT OF TRANSPORTATION TO DEVELOP COMPREHENSIVE**
12 **PLAN ON MAINTAINING AND UPGRADING BRIDGES**

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

17

18 Requested by: Representative Chapin

19 **HIGHWAY 264 REST AREA**

20 Sec. 42.3. By December 1, 1992, the Department of Transportation shall let a
21 contract for work to begin on the rest area on U.S. Highway 264 in Beaufort County for
22 which funds were appropriated by Section 6(15) of Chapter 754 of the 1989 Session
23 Laws. The Department shall complete the rest area by June 1, 1993. If the Department
24 of Transportation has not let a contract for work to begin on the rest area by December
25 1, 1992, the following applies:

26 (1) The sum of three hundred thirty-five thousand one hundred dollars
27 (\$335,100) is appropriated from the Highway Fund to the Department
28 of Administration for the Department of Administration to construct a
29 rest area at U.S. Highway 264 in Beaufort County. The Department of
30 Administration shall complete the rest area by September 1, 1993.

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

32 **PART 14. DEPARTMENT OF CORRECTION**

33

34 Requested by: Representatives Redwine, Anderson

35 **USE OF LAPSED SALARY FUNDS**

36 Sec. 43. The Department of Correction may use lapsed salary funds from the
37 1991-92 fiscal year to pay medical care costs, to pay for extradition services, and to
38 reimburse local governments for the housing of prisoners.

39

40 Requested by: Representative Barnes

41 **PRIVATE CONFINEMENT FACILITIES**

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

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

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

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

19 PART 15. JUDICIAL DEPARTMENT

21 Requested by: Representatives Redwine, Anderson

22 CURRENT OPERATING EXPENSES

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

34 Requested by: Representatives Redwine, Anderson

35 CONTINUED PHASING IN OF NONBINDING ARBITRATION AND OF 36 CUSTODY AND VISITATION MEDIATION

37 Sec. 46. 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 within its budget up to seventy-five thousand dollars (\$75,000) to implement
40 nonbinding arbitration procedures in additional counties and judicial districts pursuant
41 to G.S. 7A-37.1 and to establish local custody mediation and visitation programs in
42 additional counties pursuant to G.S. 7A-494.

44 Requested by: Representatives Redwine, Anderson

1 **CONTINUE EXISTING JUVENILE SERVICES TRANSPORTATION PILOT**
2 **PROGRAM**

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

7
8 Requested by: Representatives Redwine, Anderson

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

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

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

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

32 **"§ 7A-458. Counsel fees.**

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

1
2 Requested by: Representatives Redwine, Anderson

3 **COMMUNITY PENALTIES PROGRAMS**

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

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

11 One Step Further, Inc. \$139,664

12
13 Services to Nash County
14 Community Penalties Program 44,000

15
16 Services to Rockingham/Caswell 40,900

17
18 Fayetteville Area Sentencing
19 Center, Inc. 131,878

20
21 Re-Entry, Inc. 93,500

22
23 Repay, Inc. 100,045

24
25 Community Corrections
26 Resources, Inc. 104,379

27
28 Western Carolinians for
29 Criminal Justice, Inc. 100,300

30
31 Prison & Jail Project, Inc. 100,300

32
33 Community Penalties Program,
34 Inc. 68,213

35
36 Jacksonville Community
37 Penalties, Inc. 89,250

38
39 Services to Sampson,
40 Duplin, and Jones Counties 55,000

41
42 Gaston Community Penalties,
43 Inc. 53,661

44

1 Services to Cleveland and
2 Lincoln Counties 38,000
3
4 Dispute Settlement Center,
5 Inc. 53,661
6
7 Appropriate Punishment
8 Option, Inc. 53,661
9
10 Mecklenburg Community
11 Corrections 93,500
12
13 Neuse River Council of
14 Governments DBA Neuse
15 River Community
16 Penalties Program 55,000
17
18 Tuscarora Tribe of North
19 Carolina 52,000
20
21 Citizens for Community Justice 52,000.
22

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

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

34 (c) The Judicial Department shall report annually to the Senate and House
35 Appropriations Base Budget Committees on Justice and Public Safety and to the Fiscal
36 Research Division on the administrative expenditures of the community penalties
37 programs."
38

39 Requested by: Representatives Redwine, Anderson

40 **MAKE JURISDICTION OF MAGISTRATE AND CLERK CONSISTENT WITH**
41 **THAT OF JUDGES TO PROMULGATE WAIVER LISTS**

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

43 "(a) The chief district judges of the various district court districts shall meet at
44 least once a year upon call of the Chief Justice of the Supreme Court to discuss mutual

1 problems affecting the courts and the improvement of court operations, to prepare and
2 adopt ~~a uniform schedule of traffic offenses, littering under G.S. 14-399(c), hunting and~~
3 ~~fishing offenses under Chapter 113, State park and recreation area rule offenses under~~
4 ~~Chapter 113, boating offenses under Chapter 75A, and alcohol offenses under Chapter~~
5 ~~18B~~ uniform schedules of offenses for the types of offenses specified in G.S. 7A-273(2)
6 for which magistrates and clerks of court may accept written appearances, waivers of
7 trial or hearing and pleas of guilty or admissions of responsibility, and establish a
8 schedule of penalties or fines therefor, and to take such further action as may be found
9 practicable and desirable to promote the uniform administration of justice."

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

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

12 **"§ 7A-180. Functions of clerk of superior court in district court matters.**

13 The clerk of superior court:

- 14 (1) Has and exercises all of the judicial powers and duties in respect of
15 actions and proceedings pending from time to time in the district court
16 of his county which are now or hereafter conferred or imposed upon
17 him by law in respect of actions and proceedings pending in the
18 superior court of his county;
- 19 (2) Performs all of the clerical, administrative and fiscal functions
20 required in the operation of the district court of his county in the same
21 manner as he is required to perform such functions in the operation of
22 the superior court of his county;
- 23 (3) Maintains, under the supervision of the Administrative Office of the
24 Courts, an office of uniform consolidated records of all judicial
25 proceedings in the superior court division and the district court
26 division of the General Court of Justice in his county. Those records
27 shall include civil actions, special proceedings, estates, criminal
28 actions, juvenile actions, minutes of the court and all other records
29 required by law to be maintained. The form and procedure for filing,
30 docketing, indexing, and recording shall be as prescribed by the
31 Administrative Officer of the Courts notwithstanding any contrary
32 statutory provision as to the title and form of the record or as a method
33 of indexing;
- 34 (4) Has the power to accept written appearances, waivers of trial or
35 hearing and pleas of guilty or admissions of responsibility ~~to certain~~
36 ~~alcohol, traffic, hunting, fishing, and boating offenses for the types of~~
37 offenses specified in G.S. 7A-273(2) in accordance with ~~a schedule the~~
38 schedules of offenses promulgated by the Conference of Chief District
39 Judges pursuant to G.S. 7A-148, and in such cases, to enter judgment
40 and collect the fine or penalty and costs;
- 41 (5) Has the power to issue warrants of arrest valid throughout the State,
42 and search warrants valid throughout the county of the issuing clerk;

- 1 (6) Has the power to conduct an initial appearance in accordance with
 2 Chapter 15A, Article 24, Initial Appearance, and to fix conditions of
 3 release in accordance with Chapter 15A, Article 26, Bail; ~~and~~
 4 (7) Continues to exercise all powers, duties and authority theretofore
 5 vested in or imposed upon clerks of superior court by general law, with
 6 the exception of jurisdiction in juvenile matters; and
 7 (8) Has the power to accept written appearances, waivers of trial and pleas
 8 of guilty to violations of G.S. 14-107 when restitution is made, the
 9 amount of the check is two thousand dollars (\$2,000) or less, and the
 10 warrant does not charge a fourth or subsequent violation of this statute,
 11 and, in such cases, to enter such judgments as the chief district judge
 12 shall direct and, forward the amounts collected as restitution to the
 13 appropriate prosecuting witnesses and to collect the costs.
 14 (9) ~~Has the power to accept written appearances, waivers of trial and pleas~~
 15 ~~of guilty to violations of G.S. 14-399(c), and, in such cases, to enter~~
 16 ~~judgments as the chief district court judge shall direct. No violation of~~
 17 ~~G.S. 14-399 may be disposed of pursuant to this subdivision unless the~~
 18 ~~criminal pleading specifically charges a violation of subsection (c) of~~
 19 ~~G.S. 14-399."~~

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

21 **"§ 7A-273. Powers of magistrates in infractions or criminal actions.**

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

- 23 (1) In misdemeanor or infraction cases, other than ~~traffic, hunting, fishing,~~
 24 ~~boating, and alcohol offenses,~~ the types of offenses specified in
 25 subdivision (2) of this section, in which the maximum punishment
 26 which can be adjudged cannot exceed imprisonment for 30 days, or a
 27 fine of fifty dollars (\$50.00) or a penalty of not more than fifty dollars
 28 (\$50.00), exclusive of costs, to accept guilty pleas or admissions of
 29 responsibility and enter judgment;
 30 (2) In misdemeanor or infraction cases involving ~~alcohol, alcohol offenses~~
 31 under Chapter 18B of the General Statutes, ~~traffic, traffic offenses,~~
 32 hunting, fishing, and State park recreation area offenses under Chapter
 33 113 of the General Statutes, ~~boating offenses, offenses under Chapter~~
 34 75A of the General Statutes, and littering offenses under G.S. 14-
 35 399(c), to accept written appearances, waivers of trial or hearing and
 36 pleas of guilty or admissions of responsibility, in accordance with the
 37 schedule of offenses and fines or penalties promulgated by the
 38 Conference of Chief District Judges pursuant to G.S. 7A-148, and in
 39 such cases, to enter judgment and collect the fines or penalties and
 40 costs;
 41 (3) To issue arrest warrants valid throughout the State;
 42 (4) To issue search warrants valid throughout the county; ~~and~~
 43 (5) To grant bail before trial for any noncapital offense;

- 1 (6) Notwithstanding the provisions of subdivision (1) of this section, to
 2 hear and enter judgment as the chief district judge shall direct in all
 3 worthless check cases brought under G.S. 14-107, when the amount of
 4 the check is two thousand dollars (\$2,000) or less. Provided, however,
 5 that under this section magistrates may not impose a prison sentence
 6 longer than 30 days;
- 7 (7) To conduct an initial appearance as provided in G.S. 15A-511; and
- 8 (8) To accept written appearances, waivers of trial and pleas of guilty in
 9 violations of G.S. 14-107 when the amount of the check is two
 10 thousand dollars (\$2,000) or less, restitution is made, and the warrant
 11 does not charge a fourth or subsequent violation of this statute, and in
 12 these cases to enter judgments as the chief district judge directs.
- 13 ~~(9) Notwithstanding the provisions of subdivision (1) of this section, to~~
 14 ~~accept written appearances, waivers of trial and pleas of guilty in~~
 15 ~~violations of G.S. 14-399(c) and enter judgments in those cases as the~~
 16 ~~chief district judge directs. No violation of G.S. 14-399 may be~~
 17 ~~disposed of pursuant to this subdivision unless the criminal pleading~~
 18 ~~specifically charges a violation of subsection (c) of G.S. 14-399."~~

19
 20 Requested by: Representatives Redwine, Anderson

21 **PROVIDE FOR COUNSEL IN CLEMENCY PROCEEDINGS**

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

- 23 "(a) An indigent person is entitled to services of counsel in the following actions
 24 and proceedings:
- 25 (1) Any case in which imprisonment, or a fine of five hundred dollars
 26 (\$500.00), or more, is likely to be adjudged;
- 27 (2) A hearing on a petition for a writ of habeas corpus under Chapter 17 of
 28 the General Statutes;
- 29 (3) A motion for appropriate relief under Chapter 15A of the General
 30 Statutes if the defendant has been convicted of a felony, has been fined
 31 five hundred dollars (\$500.00) or more, or has been sentenced to a
 32 term of imprisonment;
- 33 (4) A hearing for revocation of probation;
- 34 (5) A hearing in which extradition to another state is sought;
- 35 (6) A proceeding for an inpatient involuntary commitment to a facility
 36 under Part 7 of Article 5 of Chapter 122C of the General Statutes, or a
 37 proceeding for commitment under Part 8 of Article 5 of Chapter 122C
 38 of the General ~~Statutes~~-Statutes;
- 39 (7) In any case of execution against the person under Chapter 1, Article
 40 28 of the General Statutes, and in any civil arrest and bail proceeding
 41 under Chapter 1, Article 34, of the General Statutes;
- 42 (8) In the case of a juvenile, a hearing as a result of which commitment to
 43 an institution or transfer to the superior court for trial on a felony
 44 charge is possible;

- 1 (9) A hearing for revocation of parole at which the right to counsel is
2 provided in accordance with the provisions of Chapter 148, Article 4,
3 of the General Statutes;
- 4 (10) A proceeding for sterilization under Chapter 35, Article 7 (Sterilization
5 of Persons Mentally Ill and Mentally Retarded) of the General
6 Statutes; ~~and~~
- 7 (11) A proceeding for the provision of protective services according to
8 Chapter 108, Article 4, of the General Statutes;
- 9 (12) In the case of a juvenile alleged to be neglected under Chapter 7A,
10 Article 23 of the General Statutes;
- 11 (13) A proceeding to find a person incompetent under Subchapter I of
12 Chapter 35A, of the General Statutes;
- 13 (14) A proceeding to terminate parental rights where a guardian **ad litem** is
14 appointed pursuant to G.S. 7A-289.23;
- 15 (15) An action brought pursuant to Article 24B of Chapter 7A of the
16 General Statutes to terminate an indigent person's parental ~~rights~~
17 rights;
- 18 (16) A proceeding on a request in a capital case for executive clemency, as
19 authorized by Article III, Sec. 5(6) of the North Carolina
20 Constitution."

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

22 "**§ 7A-458. Counsel fees.**

23 (a) In districts which do not have a public defender, the court shall fix the fee to
24 which an attorney who represents an indigent person is entitled. In doing so, the court
25 shall allow a fee based on the factors normally considered in fixing attorneys' fees, such
26 as 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.

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

35
36 Requested by: Representatives Nesbitt, Anderson, Redwine

37 **ASSISTANT CLERKS' SALARY RANGE**

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

39 "(d) Full-time assistant clerks, licensed to practice law in North Carolina, who are
40 employed in the office of superior court clerk on and after July 1, 1984, are authorized
41 an ~~entry level~~ annual salary of not ~~more~~ less than three-fourths of the maximum annual
42 salary established for assistant ~~clerks~~ clerks; the clerk of superior court, with the
43 approval of the Administrative Office of the Courts, may establish a higher annual
44 salary but that salary shall not be higher than the maximum annual salary established for

1 assistant clerks. Full-time assistant clerks, holding a law degree from an accredited law
 2 school, who are employed in the office of superior court clerk on and after July 1, 1984,
 3 are authorized an ~~entry-level~~ annual salary of not ~~more~~ less than two-thirds of the
 4 maximum annual salary established for assistant ~~clerks,~~ clerks; the clerk of superior
 5 court, with the approval of the Administrative Office of the Courts, may establish a
 6 higher annual salary, but the entry-level salary may not be more than three-fourths of
 7 the maximum annual salary established for assistant clerks, and in no event may be
 8 higher than the maximum annual salary established for assistant clerks. The entry-level
 9 annual salary for all other assistant and deputy clerks employed on and after July 1,
 10 1984, shall be at the minimum rates as herein established."

11 Requested by: Representative Redwine

12 **NEW ASSISTANT DISTRICT ATTORNEYS**

13 Sec. 52.1. (a) Effective August 1, 1992, G.S. 7A-60(a1) reads as rewritten:

14 "(a1) The counties of the State are organized into prosecutorial districts, and each
 15 district has the counties and the number of full-time assistant district attorneys set forth
 16 in the following table: No. of Full-Time

Prosecutorial District	Counties	Attorneys	Asst. District
1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	6	
2	Beaufort, Hyde, Martin, Tyrrell, Washington	4	
3A	Pitt	5	
3B	Carteret, Craven, Pamlico	5 <u>6</u>	
4	Duplin, Jones, Onslow, Sampson	9 <u>10</u>	
5	New Hanover, Pender	8	
6A	Halifax	2	
6B	Bertie, Hertford, Northampton	2 <u>3</u>	
7	Edgecombe, Nash, Wilson	9	
8	Greene, Lenoir, Wayne	8	
9	Franklin, Granville, Person, Vance, Warren	7 <u>8</u>	
10	Wake	17	
11	Harnett, Johnston, Lee	7	
12	Cumberland	11	
13	Bladen, Brunswick, Columbus	6	
14	Durham	9	
15A	Alamance	5 <u>6</u>	
15B	Orange, Chatham	4	
16A	Scotland, Hoke	2 <u>3</u>	
16B	Robeson	7	
17A	Caswell	4 <u>5</u>	

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

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

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

31				No. of Full-Time
32	Prosecutorial			Asst. District
33	District	Counties	Attorneys	
34	1	Camden, Chowan, Currituck,	6	
35		Dare, Gates, Pasquotank,		
36		Perquimans		
37	2	Beaufort, Hyde, Martin,	4	
38		Tyrrell, Washington		
39	3A	Pitt	5 <u>6</u>	
40	3B	Carteret, Craven, Pamlico	6	
41	4	Duplin, Jones, Onslow,	10	
42		Sampson		
43	5	New Hanover, Pender	8 <u>9</u>	
44	6A	Halifax	2 <u>3</u>	

1	6B	Bertie, Hertford, Northampton	3
2	7	Edgecombe, Nash, Wilson	9 <u>10</u>
3	8	Greene, Lenoir, Wayne	8
4	9	Franklin, Granville,	8
5		Person, Vance, Warren	
6	10	Wake	17 <u>18</u>
7	11	Harnett, Johnston, Lee	7 <u>8</u>
8	12	Cumberland	11 <u>12</u>
9	13	Bladen, Brunswick, Columbus	6
10	14	Durham	9
11	15A	Alamance	6
12	15B	Orange, Chatham	4
13	16A	Scotland, Hoke	3
14	16B	Robeson	7
15	17A	Caswell,	5
16		Rockingham	
17	17B	Stokes, Surry	4
18	18	Guilford	16
19	19A	Cabarrus, Rowan	8
20	19B	Montgomery, Randolph	4
21	20	Anson, Moore, Richmond,	10
22		Stanly, Union	
23	21	Forsyth	11 <u>12</u>
24	22	Alexander, Davidson, Davie,	10
25		Iredell	
26	23	Alleghany, Ashe, Wilkes,	4
27		Yadkin	
28	24	Avery, Madison, Mitchell,	3
29		Watauga, Yancey	
30	25	Burke, Caldwell, Catawba	10
31	26	Mecklenburg	22
32	27A	Gaston	8
33	27B	Cleveland,	5
34		Lincoln	
35	28	Buncombe	7
36	29	Henderson, McDowell, Polk,	8
37		Rutherford, Transylvania	
38	30	Cherokee, Clay, Graham,	6
39		Haywood, Jackson, Macon,	
40		Swain."	

PART 16. DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY

Requested by: Representatives Anderson, Redwine, Jeffus

SUMMIT HOUSE

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

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

1 grants and shall consider how to provide advance legislative review of the grants being
2 requested by State agencies and how to streamline review procedures. The Government
3 Performance Audit Committee shall include its findings and recommendations in its
4 report to the 1993 General Assembly. The Government Performance Audit Committee
5 shall consider the following issues in its study:

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

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

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

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

15 d. The number of personnel positions to be established if the
16 federal grant is received, the funding that is available at the
17 State and federal level for those positions when initially created,
18 and the funding available to continue those positions if federal
19 funding is reduced or ceases to be available.

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

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

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

27 **PART 17. DEPARTMENT OF JUSTICE**

28
29 Requested by: Representatives Anderson, Redwine

30 **DEPARTMENT OF JUSTICE STUDY/CHARGES FOR LEGAL SERVICES TO** 31 **LOCAL GOVERNMENTS AND STATE AGENCIES**

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

34 "Sec. 86. (a) The Department of Justice shall study the feasibility of
35 charging local governments for legal services rendered to those governments by the
36 Office of the Attorney General. The Department of Justice shall consider the number of
37 requests for legal assistance received from local governments, the type of legal
38 assistance requested, the time required to respond to the requests, and any other matters
39 related to the issue of charging local governments for legal assistance. The Department
40 of Justice shall also consider what fee, if any, is appropriate to charge local governments
41 for such legal services. The Department of Justice shall report its findings and
42 recommendations to the ~~1991 General Assembly, 1992 Regular Session.~~ 1993 General
43 Assembly.

1 (b) The Department of Justice shall study the feasibility of an increase in the fees
2 currently charged other State departments and agencies for its legal services, such fee
3 increase to be effective for the 1993-94 fiscal year. The Department of Justice shall also
4 study the feasibility of requiring all State departments and agencies that have attorneys
5 assigned to them by the Attorney General to pay the compensation, including salaries
6 and benefits, for those legal positions. The Department of Justice shall report its
7 findings and recommendations to the ~~1991 General Assembly, 1992 Regular Session.~~
8 1993 General Assembly."

10 PART 18. DEPARTMENT OF HUMAN RESOURCES

11
12 Requested by: Representatives Nye, Easterling

13 DRUG USE REVIEW PROGRAM/RULES

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

16 "§ 108A-68. Drug Use Review Program; rules.

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

21
22 Requested by: Representatives Easterling, Nye

23 MEDICAID

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

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

31 Services and payment bases:

- 32 (1) Hospital-Inpatient - Payment for hospital inpatient services will be
33 prescribed in the State Plan as established by the Department of
34 Human Resources. Administrative days for any period of
35 hospitalization shall be limited to a maximum of three days.
- 36 (2) Hospital-Outpatient - Eighty percent (80%) of allowable costs or a
37 prospective reimbursement plan as established by the Department of
38 Human Resources.
- 39 (3) Nursing Facilities - As prescribed under the reimbursement plan for
40 Nursing Facilities. Nursing facilities providing services to Medicaid
41 recipients who also qualify for Medicare, must be enrolled in the
42 Medicare program as a condition of participation in the Medicaid
43 program, subject to phase-in certification for those nursing facilities

- 1 not already enrolled in Medicare. State facilities are not subject to the
2 requirement to enroll in the Medicare Program.
- 3 (4) Intermediate Care Facilities for the Mentally Retarded - As prescribed
4 under the State Plan for reimbursing intermediate care facilities for the
5 mentally retarded.
- 6 (5) Drugs - Drug costs as allowed by federal regulations plus a
7 professional services fee per month excluding refills for the same drug
8 or generic equivalent during the same month. Reimbursement shall be
9 available for up to six prescriptions per recipient, per month, including
10 refills. Payments for drugs are subject to the provisions of subsection
11 ~~(h)~~(f) of this section and to the provisions at the end of subsection (a)
12 of this section, or in accordance with ~~a plan~~the State Plan adopted by
13 the Department of Human Resources consistent with federal
14 reimbursement regulations. Payment of the professional services fee
15 shall be made in accordance with the plan adopted by the Department
16 of Human Resources, consistent with federal reimbursement
17 regulations. Adjustments to the professional services fee shall be
18 established by the General Assembly.
- 19 (6) Physicians, Chiropractors, Podiatrists, Optometrists, Dentists, Certified
20 Nurse Midwife Services - Fee schedules as developed by the
21 Department of Human Resources. Payments for dental services are
22 subject to the provisions of subsection (g) of this section.
- 23 (7) Community Alternative Program, EPSDT Screens - Payment to be
24 made in accordance with rate schedule developed by the Department
25 of Human Resources.
- 26 (8) ~~Home Health, Health and Related Services, Private Duty Nursing,~~
27 ~~Clinic Services, Prepaid Health Plans~~Plans, Durable Medical
28 Equipment - Payment to be made according to reimbursement plans
29 developed by the Department of Human Resources.
- 30 (9) Medicare Buy-In - Social Security Administration premium.
- 31 (10) Ambulance Services - Uniform fee schedules as developed by the
32 Department of Human Resources.
- 33 (11) Hearing Aids - Actual cost plus a dispensing fee.
- 34 (12) Rural Health Clinic Services - Provider based - reasonable cost;
35 nonprovider based - single cost reimbursement rate per clinic visit.
- 36 (13) Family Planning - Negotiated rate for local health departments. For
37 other providers - see specific services, for instance, hospitals,
38 physicians.
- 39 (14) Independent Laboratory and X-Ray services - Uniform fee schedules
40 as developed by the Department of Human Resources.
- 41 (15) Optical Supplies - One hundred percent (100%) of reasonable
42 wholesale cost of materials.

- 1 (16) Ambulatory Surgical Centers - Payment as prescribed in the
2 reimbursement plan established by the Department of Human
3 Resources.
- 4 (17) Medicare Crossover Claims - An amount up to the actual coinsurance
5 or deductible or both, in accordance with the plan, as approved by the
6 Department of Human Resources.
- 7 (18) Physical Therapy and Speech Therapy - Services limited to EPSDT
8 eligible children. Payments are to be made only to the Children's
9 Special Health Services program at rates negotiated by the Department
10 of Human Resources.
- 11 (19) Personal Care Services - Payment in accordance with plan approved
12 by the Department of Human Resources.
- 13 (20) Case Management Services - Reimbursement in accordance with the
14 availability of funds to be transferred within the Department of Human
15 Resources.
- 16 (21) Hospice - Services may be provided in accordance with plan
17 developed by the Department of Human Resources.
- 18 (22) Other Mental Health Services - Unless otherwise covered by this
19 section, coverage is limited to agencies meeting the requirements of
20 the rules established by the Commission for Mental Health,
21 Developmental Disabilities, and Substance Abuse Services, and
22 reimbursement is made in accordance with a plan developed by the
23 Department of Human Resources not to exceed the upper limits
24 established in federal regulations.
- 25 (23) Medically Necessary Prosthetics or Orthotics for EPSDT Eligible
26 Children - Reimbursement in accordance with plan approved by the
27 Department of Human Resources.
- 28 (24) Health Insurance Premiums - Payments to be made in accordance with
29 the plan adopted by the Department of Human Resources consistent
30 with federal regulations.

31 Services and payment bases may be changed with the approval of the Director of the
32 Budget.

33 Reimbursement is available for up to 24 visits per recipient per year to any one or
34 combinations of the following: physicians, clinics, hospital outpatients, optometrists,
35 chiropractors, and podiatrists. Prenatal services, all ESPDT children, and emergency
36 rooms are exempt from the visit limitations contained in this paragraph. Exceptions
37 may be authorized by the Department of Human Resources where the life of the patient
38 would be threatened without such additional care. Any person who is determined by the
39 Department to be exempt from the 24-visit limitation may also be exempt from the six-
40 prescription limitation.

41 (b) Allocation of Nonfederal Cost of Medicaid. The State shall pay eight-five
42 percent (85%); the county shall pay fifteen percent (15%) of the nonfederal costs of all
43 applicable services listed in this section.

1 (c) Copayment for Medicaid Services. The Department of Human Resources
2 may establish copayment up to the maximum permitted by federal law and regulation.

3 (d) Medicaid and Aid to Families with Dependent Children Income Eligibility
4 Standards. Effective January 1, 1990, the maximum net family annual income
5 eligibility standards for Medicaid and Aid to Families with Dependent Children, and the
6 Standard of Need for Aid to Families with Dependent Children shall be as follows.

7	<u>Categorically Needy</u>		<u>Medically Needy</u>	
	8 Family	Standard AFDC Payment	Standard AFDC Payment	Standard AFDC Payment
9	<u>Size</u>	<u>Of Need Level*</u>	<u>Of Need Level*</u>	<u>AA,AB,AD*</u>
10				
11	1		\$ 4,344	\$ 2,172
12	2	5,664 2,832	3,800	
13	3	6,528 3,264	4,400	
14	4	7,128 3,564	4,800	
15	5	7,776 3,888	5,200	
16	6	8,376 4,188	5,600	
17	7	8,952 4,476	6,000	
18	8	9,256 4,680	6,300	

19
20 *Aid to Families with Dependent Children (AFDC); Aid to the Aged (AA); Aid to the
21 Blind (AB); and Aid to the Disabled (AD).

22 The payment level for Aid to Families with Dependent Children shall be fifty percent
23 (50%) of the standard of need.

24 These standards may be changed with the approval of the Director of the Budget
25 with the advice of the Advisory Budget Commission.

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

32 ~~(f)~~(e) Dental Coverage Limits. Dental ~~Until October 1, 1992, dental services will be~~
33 ~~provided on a restricted basis in accordance with regulations developed by the~~
34 ~~Department. Funds for dental services shall be disbursed only with prior approval by~~
35 ~~the Department of Human Resources, Division of Medical Assistance, as required by~~
36 ~~this subsection. No prior approval shall be required for emergency services or routine~~
37 ~~services. Routine services are defined as examinations, X rays, prophylaxes,~~
38 ~~nonsurgical tooth extractions, amalgam fillings, and fluoride treatments. Prior approval~~
39 ~~shall be required for all other services and for routine services performed more than two~~
40 ~~times during a consecutive 12-month period. The Department of Human Resources~~
41 ~~shall adopt rules, as provided by the Administrative Procedure Act, to implement this~~
42 ~~subsection. Effective October 1, 1992, dental services shall be provided on a restricted~~
43 ~~basis in accordance with rules adopted by the Department to implement this subsection.~~

1 ~~(g)~~(f) Dispensing of Generic Drugs. Notwithstanding G.S. 90-85.27 through G.S.
2 90-85.31, under the Medical Assistance Program (Title XIX of the Social Security Act)
3 a prescription order for a drug designated by a trade or brand name shall be considered
4 to be an order for the drug by its established or generic name, except when the
5 prescriber personally indicates, either orally or in his own handwriting on the
6 prescription order, 'dispense as written' or words of similar meaning. Generic drugs,
7 when available in the pharmacy, shall be dispensed at a lower cost to the Medical
8 Assistance Program rather than trade or brand name drugs, subject to the prescriber's
9 'dispense as written' order as noted above.

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

14 ~~(h)~~(g) Exceptions to Service Limitations, Eligibility Requirements, and Payments.
15 Service limitations, eligibility requirements, and payments, and payments bases in this
16 section may be waived by the Department of Human Resources, with the approval of
17 the Director of the Budget, to allow the Department to carry out pilot programs for
18 prepaid health plans or community based services programs in accordance with plans
19 approved by the United States Department of Health and Human Services, or when the
20 Department determines that such a waiver will result in a reduction in the total Medicaid
21 costs for the recipient.

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

27 ~~(j)~~(i) Cost Containment Programs. The Department of Human Resources,
28 Division of Medical Assistance, may undertake cost containment programs including
29 preadmissions to hospitals and prior approval for certain outpatient surgeries before
30 they may be performed in an inpatient setting.

31 ~~(k)~~(j) For all Medicaid eligibility classifications for which the federal poverty level
32 is used as an income limit for eligibility determination, the income limits will be
33 updated each July 1 immediately following publication of federal poverty guidelines.

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

36 ~~(m)~~(l) The Department of Human Resources shall provide coverage to pregnant
37 women and children according to the following schedule:

- 38 (1) Pregnant women with incomes equal to or less than one hundred
39 eighty-five percent (85%) of the federal poverty guidelines as revised
40 each ~~July~~ April 1 shall be covered for Medicaid benefits;
- 41 (2) Infants under the age of 1 with family incomes equal to or less than
42 one hundred eighty-five percent (85%) of the federal poverty
43 guidelines as revised each ~~July~~ April 1, shall be covered for Medicaid
44 benefits;

- 1 (3) Children aged 1 through 5 with family incomes equal to or less than
 2 one hundred thirty-three percent (133%) of the federal poverty
 3 guidelines as revised each ~~July~~April 1 shall be covered for Medicaid
 4 benefits; and
- 5 (4) Children aged 6 through 18 who were born after September 30, 1983,
 6 with family incomes equal to the federal poverty guidelines as revised
 7 each ~~July~~April 1, shall be covered for Medicaid benefits.

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

14 ~~(n)~~(m) The Department of Human Resources may use Medicaid funds budgeted
 15 from program services to support the cost of administrative activities to the extent that
 16 these administrative activities produce a net savings in services requirements.
 17 Administrative initiatives funded by this section shall be first approved by the Office of
 18 State Budget and Management."

19
 20 Requested by: Representatives Easterling, Nye

21 **PHYSICIAN SERVICES**

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

30
 31 Requested by: Representatives Nye, Easterling

32 **LIABILITY INSURANCE**

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

35 "Sec. 114. The Secretary of the Department of Human Resources, the Secretary of
 36 the Department of Environment, Health, and Natural Resources, and the Secretary of
 37 the Department of Correction may provide medical liability coverage not to exceed
 38 \$1,000,000 on behalf of employees of the Departments licensed to practice medicine or
 39 ~~dentistry~~dentistry, and on behalf of medical residents from The University of North
 40 Carolina who are in training at institutions operated by the Department of Human
 41 Resources. This coverage may include commercial insurance or self-insurance and
 42 shall cover these ~~employees~~individuals for their acts or omissions only while they are
 43 engaged in providing medical and dental services pursuant to their State ~~employment~~
 44 employment or training.

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

6 The coverage provided pursuant to this section shall not require any additional
 7 appropriations and shall not apply to any individual providing contractual service to the
 8 Department of Human Resources, the Department of Environment, Health, and Natural
 9 Resources, or the Department of ~~Correction~~.-Correction, with the exception that
 10 coverage may include medical residents from The University of North Carolina who are
 11 in training at institutions operated by the Department of Human Resources."
 12

13 Requested by: Representatives Easterling, Nye

14 **NON-MEDICAID REIMBURSEMENT**

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

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

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

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

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

36	Family		Medical Eye		All	
37	<u>Size</u>		<u>Care Adults</u>		<u>Rehabilitation</u>	<u>Other</u>
38	1	\$4,860	\$ 8,364	\$4,200		
39	2	5,940	10,944	5,300		
40	3	6,204	13,500	6,400		
41	4	7,284	16,092	7,500		
42	5	7,824	18,648	7,900		
43	6	8,220	21,228	8,300		
44	7	8,772	21,708	8,800		

1 8 9,312 22,220 9,300

2

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

9 The Department of Human Resources shall contract at, or as close as possible to,
10 Medicaid rates for medical services provided to residents of State facilities of the
11 Department."

12

13 Requested by: Representatives Nye, Easterling

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

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

17 "Sec. 118. Of the funds appropriated in this Title, to the Department of Human
18 Resources, Division of Mental Health, Developmental Disabilities, and Substance
19 Abuse Services, the sum of \$2,260,470 ~~two million two hundred sixty thousand four~~
20 hundred seventy dollars (\$2,260,470) for the 1991-92 fiscal year ~~is and two million~~
21 three hundred one thousand two hundred forty-eight dollars (\$2,301,248) for the 1992-
22 93 fiscal year are transferred to the Department of Public Instruction for handicapped
23 children aged 3 through 4 years who have been identified through Division of Mental
24 Health, Developmental Disabilities, and Substance Abuse Services statewide services
25 and who are served in developmental day centers. These funds shall be used to contract
26 with area mental health, developmental disabilities, and substance abuse authorities or
27 with public or private nonprofit developmental day centers to continue to serve
28 handicapped children aged 3 through 4 years who are identified as needing
29 developmental day services.

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

33

34 Requested by: Representatives Easterling, Nye

35 **DEPARTMENT OF HUMAN RESOURCES PROGRAM FUNDS**

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

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

43

44 Requested by: Representatives Nye, Easterling

1 ICF/MR/DD PLAN AND IMPLEMENTATION SCHEDULE

2 Sec. 64. The Department of Human Resources shall develop a plan and an
3 implementation schedule to address the escalating use and costs of intermediate care
4 facilities for the mentally retarded/developmentally disabled (ICF/MR/DD) community
5 facilities. This plan shall include provisions for the Area Mental Health, Developmental
6 Disabilities, and Substance Abuse Services authorities to screen all clients for all
7 Developmental Disabilities programs, including ICF/MR/DD facilities. The plan shall
8 also include alternative, less costly methods for establishing ICF/MR/DD community
9 facility reimbursement rates and alternative, less costly services that could meet the
10 needs of people currently in ICF/MR/DD community facilities. Any new
11 reimbursement rate methodology shall be applied to all facilities seeking a Certificate of
12 Need after a date to be specified by the Department and shall be phased in according to
13 a schedule developed by the Department for all existing ICF/MR/DD community
14 facilities. The Department shall implement elements of the plan as quickly as possible
15 and shall present the plan and any results of its implementation to the General Assembly
16 by March 1, 1993.

17
18 Requested by: Representatives Nye, Easterling

**19 MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE
20 ABUSE SERVICES FUNDS**

21 Sec. 65. (a) Of the funds appropriated in this act to the Department of Human
22 Resources, Division of Mental Health, Developmental Disabilities, and Substance
23 Abuse Services, the sum of five million dollars (\$5,000,000) for the 1992-93 fiscal year
24 shall be expended in accordance with the plans developed by the Mental Health Study
25 Commission and adopted by the General Assembly.

26 These funds shall be allocated as follows:

- 27 (1) Services for the mentally ill \$1,666,666;
- 28 (2) Services for the developmentally
29 disabled \$1,666,667; and
- 30 (3) Services for substance abusers \$1,666,667.

31 (b) Of the funds allocated in subsection (a) of this section for services for the
32 developmentally disabled, two hundred thousand dollars (\$200,000) shall be transferred
33 in the 1992-93 fiscal year to the Division of Maternal and Child Health, Department of
34 Environment, Health, and Natural Resources, for the United Cerebral Palsy therapeutic
35 preschool programs.

36 (c) The Division of Mental Health, Developmental Disabilities, and
37 Substance Abuse Services shall ensure that the funds expended under this section are
38 used for the disability populations for which they were intended.

39 (d) The Division of Mental Health, Developmental Disabilities, and
40 Substance Abuse Services shall report to the General Assembly by March 1, 1993,
41 regarding the expenditure of funds authorized by this section.

42 (e) To the maximum extent possible, Area Mental Health Authorities are
43 encouraged to develop service implementation plans in accordance with the long range
44 plans of the Mental Health Study Commission and with the involvement of local

1 affected organizations. These plans may be used as the basis for future budget requests
2 submitted to the Division.

3 Criteria for development and content of these plans shall be developed by the
4 Department of Human Resources and the members of Coalition 2001 and presented to
5 the Mental Health Study Commission for consideration by November 1, 1992. The
6 plans themselves shall be ready for review by the Department and the Mental Health
7 Study Commission by November 1, 1993.

8
9 Requested by: Representatives Easterling, Nye

10 **CERTIFICATE OF NEED/MEDICAID**

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

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

13 "(c) The Department ~~shall promulgate rules establishing criteria for determining~~
14 ~~when it would not be practicable to complete a review within 90 days from the~~
15 ~~beginning date of the review period for the application. If the Department finds that~~
16 ~~these criteria are met for a particular project, it may extend the review period for a~~
17 ~~period not to exceed 60 days and provide notice of such extension to all applicants."~~

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

19 **"§ 131E-186. Decision.**

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

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

34
35 Requested by: Representatives Easterling, Nye

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

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

1	Monthly Net Wages	Monthly Incentive Allowance
2		
3	\$1.00 to \$100.00	Up to \$50.00
4	\$101.00 to \$200.00	\$80.00
5	\$201.00 to \$300.00	\$130.00
6	\$301.00 and greater	\$212.00.
7		

8 Requested by: Representatives Easterling, Nye

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

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

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

19
20 Requested by: Representatives Nye, Easterling, Diamont

21 **SOCIAL SERVICES' PROTECTIVE SERVICES' ALLOCATION**

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

29
30 Requested by: Representatives Easterling, Nye

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

32 Sec. 70. The Secretary of the Department of Human Resources shall appoint
33 a Task Force on the Financing of Child Protective Services Programs. The Task Force
34 shall be composed of officials from State and local government agencies that affect
35 child protective services development or delivery, at least one member of the House of
36 Representatives, and one member of the Senate. The Task Force shall develop
37 recommendations for State/county cost sharing of child protective services programs.
38 Each recommendation shall include an assessment of fiscal impact and a schedule for
39 implementation. Among the options studied, the Task Force shall consider a
40 recommendation that applies a sliding match requirement to counties based on the
41 counties' ability to pay and their relative burden of public assistance cases. The Task
42 Force shall report the results of its study, together with any recommendations, including
43 any legislative proposals, to the 1993 General Assembly and to the Fiscal Research

1 Division of the Legislative Services Office within one week of the convening of the
2 1993 General Assembly.

3

4 Requested by: Representatives Easterling, Nye

5 **ADOPTION SUBSIDY**

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

8 "Sec. 99. ~~The Effective July 1, 1991, the~~ adoption subsidy paid monthly by the
9 Division of Social Services, Department of Human Resources, to eligible families who
10 adopt hard-to-place children shall be established at ~~\$150.00~~ one hundred fifty dollars
11 (\$150.00) per child per month. Effective July 1, 1992, this adoption subsidy shall be
12 established at two hundred dollars (\$200.00) per child per month."

13

14 Requested by: Representatives Nye, Easterling, Diamont

15 **INFANT MORTALITY FUNDS**

16 Sec. 72. The Department of Human Resources, Division of Medical
17 Assistance, with support by the Office of Rural Health and Resource Development, the
18 Department of Environment, Health, and Natural Resources, Division of Maternal and
19 Child Health, the Governor's Commission on the Reduction of Infant Mortality, and
20 other relevant community groups, shall conduct a study to determine the extent to which
21 the lack of provider participation in the Medicaid program creates access barriers to
22 pregnant women and children on Medicaid. The study shall examine the extent of
23 participation in the Medicaid program by obstetricians, family practitioners, certified
24 nurse midwives, and pediatricians who provide prenatal, delivery, or pediatric services,
25 as well as different methods of increasing provider participation. The Division of
26 Medical Assistance shall report its findings to the 1993 General Assembly no later than
27 March 15, 1993.

28

29 Requested by: Representatives Nye, Easterling

30 **DOMICILIARY CARE REIMBURSEMENT RATE INCREASE**

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

33 "Sec. 127. Effective July 1, 1991, the maximum monthly rate for ambulatory
34 residents in domiciliary care facilities shall be ~~\$832.00~~ eight hundred thirty-two dollars
35 (\$832.00) and the maximum monthly rate for semiambulatory residents shall be
36 ~~\$871.00~~ eight hundred seventy-one dollars (\$871.00). Effective July 1, 1992, the
37 maximum monthly rates for ambulatory residents shall be increased to ~~\$843.00~~ eight
38 hundred seventy-six dollars (\$876.00) and for semiambulatory residents to ~~\$882.00~~
39 nine hundred fifteen dollars (\$915.00)."

40

41 Requested by: Representatives Nye, Easterling

42 **ADOLESCENT PARENTING PROGRAM**

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

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

8
9 Requested by: Representatives Easterling, Nye

10 **CHILD DAY CARE REVOLVING LOAN FUND**

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

17
18 Requested by: Representatives Nye, Easterling

19 **SOCIAL SERVICES PLAN/FAMILY PRESERVATION SERVICES**

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

26 As part of the further development of the Social Services Plan, the
27 Department of Human Resources shall pilot in three to five counties the core services as
28 described in its report on the Social Services Plan to the General Assembly. The
29 piloting shall include the establishment of minimum standards for the provision of the
30 core services, including the staffing standards, caseload standards, training standards,
31 and facilities standards.

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

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

41 (b) Of the funds appropriated to the Department of Human Resources, Division
42 of Social Services, the sum of fifty thousand dollars (\$50,000) for the 1992-93 fiscal
43 year shall be used to make grants to public or private agencies to develop and
44 implement model programs of locally based Family Preservation Services as provided

1 in Part 4A of Article 3 of Chapter 143B of the General Statutes, Family Preservation
 2 Act. These funds shall be used in conjunction with funds identified within the
 3 Department to implement the Family Preservation Services Program as provided in this
 4 section. The Secretary of the Department of Human Resources shall ensure that the
 5 development of these Family Preservation Models and the piloting of the core social
 6 services described in subsection (a) of this section are coordinated at State and local
 7 levels to achieve the most effective service delivery for families and use of available
 8 funding sources.

9
 10 **PART 19. DEPARTMENT OF ECONOMIC AND COMMUNITY**
 11 **DEVELOPMENT**

12
 13 Requested by: Representatives Ethridge, H. Hunter

14 **MCNC BUDGET LIMITS**

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

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

	<u>FY 1991-92</u>	<u>FY 1992-93</u>
20 Microelectronics Program	\$6,194,302	\$6,000,000 4,768,966
21 Grants Program	-0-	-0-
22 Administration & Support	2,204,804	2,000,000
23 Supercomputer	5,298,063	5,224,705
24 Telecommunications	2,827,971	2,775,295 4,006,329

25 (b) Of the funds appropriated to MCNC for the Microelectronics Program,
 26 ~~\$2,000,000~~ two million dollars (\$2,000,000) of the total appropriation in each fiscal
 27 year is contingent upon a dollar-for-dollar match in non-State funds.

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

32 (d) Notwithstanding subsection (a) of this section, MCNC shall allocate two
 33 million dollars (\$2,000,000) for the 1992-93 fiscal year from its management reserve or
 34 from other available funds to link the University of North Carolina at Wilmington,
 35 North Carolina Central University, and Appalachian State University with the MCNC
 36 Communications Network. The Board of Governors of The University of North
 37 Carolina shall allocate funds to provide the balance of funds needed to make the
 38 allocations required by this subsection. The Board of Governors may make such
 39 allocations from receipts, grants, or other sources. Allocations of funds required under
 40 this subsection shall be as follows:

41 For the University of North Carolina at Wilmington

42 (1) \$825,000 for capital improvements and equipment costs, and

43 For North Carolina Central University

44 (1) \$620,000 for capital improvements and equipment costs, and

1 For Appalachian State University

2 (1) \$850,000 for capital improvements and equipment costs.

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

7
8 Requested by: Representatives Ethridge, H. Hunter

9 **HOME PROGRAM MATCHING FUNDS**

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

12 "Sec. 225. The Department of Economic and Community Development shall not
13 spend any funds appropriated in this Title for the State administration of the federal
14 HOME Program until Congress appropriates federal funds for the Program. Funds
15 appropriated in this act to the Department of Economic and Community Development
16 for the federal HOME Program shall be used by the Department to match federal funds
17 appropriated for the HOME Program. In allocating State funds appropriated to match
18 federal HOME Program funds, the Department shall give priority to HOME Program
19 projects, as follows:

20 (1) First priority to projects that are located in counties designated as
21 severely distressed counties under G.S. 105-130.40(c) or G.S. 105-
22 151.17(c); and

23 (2) Second priority to projects that benefit persons and families whose
24 incomes are fifty percent (50%) or less of the median family income
25 for the local area, with adjustments for family size, according to the
26 latest figures available from the U.S. Department of Housing and
27 Urban Development.

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

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

34
35 Requested by: Representatives Ethridge, H. Hunter

36 **PETROLEUM OVERCHARGE FUNDS ALLOCATION**

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

39 "Sec. 223. (a) The funds and interest thereon received from the case of United
40 States v. Exxon are deposited in the Special Reserve for Oil Overcharge Funds. There
41 is appropriated from the Special Reserve to the Department of Economic and
42 Community Development the sum of \$10,900,000 ~~ten million nine hundred thousand~~
43 dollars (\$10,900,000) for the 1991-92 fiscal year and the sum of \$6,001,511 ~~six million~~

1 one thousand five hundred eleven dollars (\$6,001,511) for the 1992-93 fiscal year to be
2 allocated as follows:

3 (1) \$2,200,000 for the 1991-92 fiscal year and \$1,200,302 for the 1992-93
4 fiscal year shall be used for projects under the State Energy
5 Conservation Plan and Energy Extension Service Program:

6 (2) \$2,500,000 for the 1991-92 fiscal year and \$1,380,348 for the 1992-93
7 fiscal year shall be used for energy conservation programs for
8 hospitals and schools:

9 (3) \$3,200,000 for the 1991-92 fiscal year and ~~\$1,740,438~~ \$2,158,048 for
10 the 1992-93 fiscal year shall be used for the Low Income
11 Weatherization Program:

12 (4) \$3,000,000 for the 1991-92 fiscal year and ~~\$1,680,423~~ \$1,262,813 for
13 the 1992-93 fiscal year shall be used for the Low Income Home
14 Energy Assistance Program (LIHEAP).

15 (b) There is appropriated from the funds and interest thereon received from the
16 United States Department of Energy's Stripper Well Litigation (MDL378) which remain
17 in the Special Reserve for Oil Overcharge Funds to the Department of Economic and
18 Community Development the sum of ~~\$4,898,489~~ four million eight hundred ninety-
19 eight thousand four hundred eighty-nine dollars (\$4,898,489) for the 1992-93 fiscal year
20 to be allocated as follows:

21 (1) \$999,698 shall be used for projects under the State Energy
22 Conservation Plan and Energy Extension Service Program;

23 (2) \$1,119,652 shall be used for energy conservation programs for
24 hospitals and ~~schools;~~ schools; and

25 (3) ~~\$1,459,562~~ \$2,779,139 shall be used for the Low Income
26 Weatherization ~~Program; and Program.~~

27 (4) ~~\$1,319,577~~ shall be used for the Low Income Home
28 Energy Assistance Program (LIHEAP).

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

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

40 (e) The Department of Economic and Community Development shall submit
41 comprehensive annual reports to the General Assembly by May 15, 1992, and January
42 31, 1993, which detail the use of all petroleum overcharge funds. Any State department
43 or agency that has received petroleum overcharge funds shall provide all information

1 requested by the Department of Economic and Community Development for the
2 purpose of preparing these reports."

3

4 Requested by: Representatives Ethridge, H. Hunter

5 **MAIN STREET FUND RESTRICTIONS**

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

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

15

16 Requested by: Representatives Ethridge, H. Hunter

17 **COMMUNITY DEVELOPMENT BLOCK GRANT REPORTS**

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

25

26 Requested by: Representative H. Hunter

27 **ECONOMIC DEVELOPMENT FUNDS**

28 Sec. 82. (a) Of the funds appropriated in this act to the North Carolina Rural
29 Economic Development Center, Inc., one million four hundred thousand dollars
30 (\$1,400,000) for the 1992-93 fiscal year, shall be allocated to local community
31 development corporations. These funds shall be used to support community economic
32 development projects and activities within the State's minority community.

33

34 Of these funds, one million one hundred thousand dollars (\$1,100,000) shall
35 be available for direct grants to the local community development corporations that
36 have previously received State funds for this purpose to support operations and project
37 activities, one hundred thousand dollars (\$100,000) shall be available for direct grants to
38 local community development corporations that have not previously received State
39 funds for this purpose to support operations and project activities, fifty thousand dollars
40 (\$50,000) shall be used for the Community Development Housing Counseling
41 Demonstration Project, and one hundred fifty thousand dollars (\$150,000) shall be a
42 direct grant to the North Carolina Association of Community Development
43 Corporations, to support project activities and to fund the North Carolina Association of
44 Community Development Corporations' loan fund. If funds allocated under this
subsection for direct grants to community development corporations that have

1 previously received State funds have not been committed for direct grants by the North
2 Carolina Rural Economic Development Center by March 31, 1993, then such
3 uncommitted funds shall be used for direct grants to community development
4 corporations that have not previously received State funds. The North Carolina Rural
5 Economic Development Center, Inc., shall establish and implement performance-based
6 criteria for determining which community development corporations will receive a grant
7 and the grant amounts.

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

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

- 13 (1) Chartered pursuant to Chapter 55A of the General Statutes;
- 14 (2) Tax-exempt pursuant to section 501(c)(3) of the Internal Revenue
15 Code;
- 16 (3) Whose primary mission is to develop and improve low-income
17 communities and neighborhoods through economic and related
18 development;
- 19 (4) Whose activities and decisions are initiated, managed, and controlled
20 by the constituents of those local communities; and
- 21 (5) Whose primary function is to act as deal maker and packager of
22 projects and activities that will increase their constituencies'
23 opportunities to become owners, managers, and producers of small
24 businesses, affordable housing, and jobs designed to produce positive
25 cash flow and curb blight in the target community.

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

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

43 (d) Of the funds appropriated in this act to the Office of State Budget and
44 Management, two hundred thousand dollars (\$200,000) for the 1992-93 fiscal year shall

1 be allocated to the North Carolina Institute for Minority Economic Development, Inc.,
2 to foster minority economic development within the State through policy analysis,
3 information and technical assistance, and resource expansion. The North Carolina
4 Institute for Minority Economic Development, Inc., shall research and identify key
5 issues affecting the economic well-being of the State's ethnic minority community and
6 issue annual reports with appropriate recommendations; provide information and
7 technical assistance to organizations with minority economic development-based
8 projects in common areas of need and interests; develop a resource bank of data and
9 information; facilitate training in appropriate areas of need; and provide technical
10 assistance to minority construction contractors. The North Carolina Institute for
11 Minority Economic Development, Inc., shall report quarterly to the Joint Legislative
12 Commission on Governmental Operations on the use of these funds.

13 (e) Of the funds appropriated in this act to the North Carolina Rural
14 Economic Development Center, Inc., one hundred thousand dollars (\$100,000) for the
15 1992-93 fiscal year shall be allocated to the North Carolina Minority Credit Union
16 Support Center, Inc., for operational and administrative support. The North Carolina
17 Rural Economic Development Center, Inc., shall report quarterly to the Joint Legislative
18 Commission on Governmental Operations on the use of these funds.

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

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

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

40
41 Requested by: Representatives Ethridge, H. Hunter

42 **NORTH CAROLINA TECHNOLOGICAL DEVELOPMENT AUTHORITY**

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

1 "(g) Effective September 1, 1991:

- 2 (1) The below described land and improvements, formerly known as the
3 'Science and Technology Research Center', together with property
4 installed in the building and other movable equipment and supplies
5 shall be transferred by the State of North Carolina to The North
6 Carolina Technological Development Authority, Inc.: BEGINNING at
7 an iron pin located at North Carolina Grid Coordinate, north
8 783,348.879 east 2,041,863.310; runs thence South 9 degrees 17
9 minutes West 261.50 feet to an iron pin; runs thence North 67 degrees
10 54 minutes West 698 feet to an iron pipe; runs thence North 37 degrees
11 50 minutes East 48.50 feet to an iron pin; runs thence North 45 degrees
12 50 minutes East 340.00 feet to an iron pin; runs thence North 13
13 degrees 18 minutes East 345.72 feet to an iron pin in the southern line
14 of Cornwallis Road; runs thence along the southern line of Cornwallis
15 Road along a slight curve having a diameter of 4 degrees 00 minutes, a
16 tangent of 411.55 feet to a radius of 1,432.69 feet a distance of 363.82
17 feet to an iron pin located in the southern line of Cornwallis Road;
18 thence continuing along the southern line of Cornwallis Road South 65
19 degrees 52 minutes East 63.47 feet to a concrete monument; thence
20 along the right of way of Cornwallis Road and Davis Drive South 26
21 degrees 42 minutes East 72.60 feet to a concrete monument; thence
22 along the western line of the right of way of Davis Drive along a slight
23 curve having a diameter of 1 degree 00 minutes a tangent of 351.27
24 feet and a radius of 5,730.34 feet a distance of 342.05 feet to an iron
25 pin at the point and place of BEGINNING and containing 8 acres
26 according to a deed recorded in the Office of the Register of Deeds of
27 Durham County, North Carolina, in Book 30, pages 378-380.
- 28 (2) The transfer made by this section shall be evidenced by a deed
29 executed under G.S. 146-75 and registered in accordance with G.S.
30 146-77. The deed shall provide that the property transferred by this
31 section shall automatically revert to the State of North Carolina if the
32 property is used for any purposes other than the purposes set forth in
33 subdivision (3).
- 34 (3) The transfer made by this section is made on the condition that the
35 North Carolina Technological Development Authority, Inc., shall use
36 the property described in subdivision (1) solely as a business incubator
37 serving technology research-based entrepreneurial companies in the
38 Research Triangle Park. If the North Carolina Technological
39 Development Authority, Inc., ceases to use the property for the
40 purposes described in this section, then the property shall
41 automatically revert to the State of North Carolina. Use of the property
42 described in subdivision (1) of this subsection pursuant to any prior
43 instrument of occupancy in which the State of North Carolina is
44 grantor of the property right and that is in force immediately prior to

1 September 1, 1991, shall be deemed use of the property for purposes
2 described in this section to the extent of use during the original term of
3 the prior instrument of occupancy or any renewal or extension
4 thereof."
5

6 **PART 20. DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL**
7 **RESOURCES**
8

9 Requested by: Representatives Ethridge, H. Hunter

10 **DEMONSTRATION PROJECT FOR VOLUNTARY REMEDIAL ACTIONS**

11 Sec. 84. (a) During the 1992-93 fiscal year, the Secretary of the Department of
12 Environment, Health, and Natural Resources may contribute from the Inactive
13 Hazardous Sites Cleanup Fund up to ten percent (10%) of the cost, not to exceed fifty
14 thousand dollars (\$50,000) per site, of implementing a voluntary remedial action
15 program at up to three high priority sites that substantially endanger public health or the
16 environment.

17 (b) No later than April 1, 1993, the Department of Environment, Health, and
18 Natural Resources shall report to the General Assembly. This report shall contain the
19 location of the sites for which a voluntary remedial action program was implemented,
20 the rationale for the State contributing to the cost of the remedial action, the cost of the
21 remedial action, and the amount of the contribution made from the Inactive Hazardous
22 Sites Cleanup Fund.
23

24 Requested by: Representatives Ethridge, H. Hunter

25 **INCREASE USE OF SEDIMENTATION FEES**

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

28 "(b) If the revenues received pursuant to G.S. 113A-54.2 exceed the amount in
29 anticipated revenues from this source for the 1991-92 fiscal year or the 1992-93 fiscal
30 year, then the Department of Environment, Health, and Natural Resources may use up
31 to ~~\$140,000~~ one hundred forty thousand dollars (\$140,000) of this revenue for the 1991-
32 92 fiscal year and up to ~~\$160,000~~ two hundred twenty thousand dollars (\$220,000) of
33 this revenue for the 1992-93 fiscal year for education, erosion control plan approval,
34 and compliance activities in the Sedimentation Control Program, including salaries and
35 necessary support, in the Division of Land Resources. These funds are in addition to
36 any other funds appropriated for this purpose."
37

38 Requested by: Representatives Ethridge, H. Hunter

39 **CLEAN AIR ACT PERMIT FEES**

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

42 "Sec. 228. There is appropriated from the Title V nonreverting account established
43 in G.S. 143-215.3A to the Department of Environment, Health, and Natural Resources
44 the sum of ~~\$999,855~~ nine hundred ninety-nine thousand eight hundred fifty-five dollars

1 (\$999,855) for the 1991-92 fiscal year and the sum of ~~\$3,992,390~~ four million six
2 hundred ninety-two thousand three hundred ninety dollars (\$4,692,390) for the 1992-93
3 fiscal year to be used for the development and implementation of the Title V program in
4 accordance with G.S. 143-215.3A; provided, however, if the revenues raised from
5 Chapter 552 of the 1991 Session Laws are less than ~~\$999,855~~ nine hundred ninety-nine
6 thousand eight hundred fifty-five dollars (\$999,855) for the 1991-92 fiscal year or are
7 less than ~~\$3,992,390~~ four million six hundred ninety-two thousand three hundred ninety
8 dollars (\$4,692,390) for the 1992-93 fiscal year, then the appropriation is reduced
9 accordingly."

10
11 Requested by: Representatives Ethridge, H. Hunter

12 **USE OF FOOD AND LODGING FEES**

13 Sec. 87. If the revenues received pursuant to G.S. 130A-248(d) exceed the
14 amount in anticipated revenues from this source for the 1992-93 fiscal year, then the
15 Department of Environment, Health, and Natural Resources may use up to eleven
16 thousand six hundred dollars (\$11,600) of this revenue for the 1992-93 fiscal year for
17 the restaurant and lodging fee collection program in accordance with G.S. 130A-248(d).
18 These funds are in addition to any other funds appropriated for this purpose.

19
20 Requested by: Representatives Ethridge, H. Hunter

21 **AUTHORIZE USE OF WATER QUALITY FEES**

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

24 "Sec. 158. There is appropriated from the nonreverting account established in G.S.
25 143-215.3A to the Department of Environment, Health, and Natural Resources a sum
26 not to exceed ~~\$2,124,142~~ two million one hundred twenty-four thousand one hundred
27 forty-two dollars (\$2,124,142) for the 1991-92 fiscal year and a sum not to exceed
28 ~~\$2,148,017~~ two million six hundred thousand dollars (\$2,600,000) for the 1992-93
29 fiscal year for the salaries and the necessary support for up to 49 positions for the 1991-
30 92 fiscal year and for up to 59 positions for the 1992-93 fiscal year in the water quality
31 program. Water quality fees shall be the only source of funds for these positions and all
32 necessary support. These positions shall be used to reduce the backlog of permit
33 applications and to improve the rate of compliance of facilities with environmental
34 standards for toxic substances."

35
36 Requested by: Representatives Ethridge, H. Hunter

37 **OFFICE OF MINORITY HEALTH**

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

- 41 (1) Develop public health policies that promote improvement in minority
42 health status and minority access to public health services;
- 43 (2) Develop monitoring, tracking, and reporting mechanisms for programs
44 and services with minority health goals and objectives;

- 1 (3) Provide periodic progress reports on the office and the advisory
2 council activities to the Governor, the General Assembly, and the
3 Secretary of the Department of Environment, Health, and Natural
4 Resources;
- 5 (4) Contact local health departments, community-based organizations,
6 voluntary health organizations, and other public and private
7 organizations statewide, on an ongoing basis, to learn more about their
8 services to the minority communities, the health problems, and their
9 ideas for improving minority health;
- 10 (5) Promote local health department minority health services and
11 community outreach by holding public meetings and community
12 forums, and participating in community-sponsored activities;
- 13 (6) Offer technical assistance and consultation to local health departments
14 and community-based organizations in such areas as grant writing and
15 conference planning;
- 16 (7) Assist local health departments and community-based organizations in
17 identifying potential funding sources and other community resources;
- 18 (8) Promote communication across all State agencies that provide services
19 to minority populations;
- 20 (9) Improve methods for collecting and reporting data on minority health;
21 and
- 22 (10) Serve as a liaison to other states, the federal government, and national
23 organizations.
24

25 Requested by: Representative H. Hunter

26 **MINORITY HEALTH ADVISORY COUNCIL**

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

29 **"§ 130A-33.43. Minority Health Advisory Council.**

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

- 33 (1) To make recommendations to the Governor and the Secretary of
34 Environment, Health, and Natural Resources aimed at improving the
35 health status of North Carolina's minority populations;
- 36 (2) To identify and examine the limitations and problems associated with
37 existing laws, regulations, programs and services related to the health
38 status of North Carolina's minority populations;
- 39 (3) To examine the financing and access to health services for North
40 Carolina's minority populations;
- 41 (4) To identify and review health promotion and disease prevention
42 strategies relating to the leading causes of death and disability among
43 minority populations; and

1 (5) To advise the Governor and the Secretary of Environment, Health, and
2 Natural Resources upon any matter which the Governor or Secretary
3 may refer to it.

4 **"§ 130A-33.44. Minority Health Advisory Council - members; selection; quorum;**
5 **compensation.**

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

8 (1) Five members shall be appointed by the Governor. Members appointed
9 by the Governor shall be representatives of the following: health care
10 providers, public health, health related public and private agencies and
11 organizations, community-based organizations, and human resources
12 agencies and organizations.

13 (2) Five members shall be appointed by the Speaker of the House of
14 Representatives, two of whom shall be members of the House of
15 Representatives, and at least one of whom shall be a public member.
16 The remainder of the Speaker's appointees shall be representative of
17 any of the entities named in subdivision (1) of this section.

18 (3) Five members shall be appointed by the President Pro Tempore of the
19 Senate, two of whom shall be members of the Senate, and at least one
20 of whom shall be a public member. The remainder of the President
21 Pro Tempore's appointees shall be representative of any of the entities
22 named in subdivision (1) of this section.

23 (4) Of the members appointed by the Governor, two shall serve initial
24 terms of one year, two shall serve initial terms of two years, and one
25 shall serve an initial term of three years. Thereafter, the Governor's
26 appointees shall serve terms of four years.

27 (5) Of the nonlegislative members appointed by the Speaker of the House
28 of Representatives, two shall serve initial terms of two years, and one
29 shall serve an initial term of three years. Thereafter, nonlegislative
30 members appointed by the Speaker of the House of Representatives
31 shall serve terms of four years. Of the nonlegislative members
32 appointed by the President Pro Tempore of the Senate, two shall serve
33 initial terms of two years, and one shall serve an initial term of three
34 years. Thereafter, nonlegislative members appointed by the President
35 Pro Tempore of the Senate shall serve terms of four years. Legislative
36 members of the Council shall serve two-year terms.

37 (b) The Chairperson of the Council shall be elected by the Council from among
38 its membership.

39 (c) The majority of the Council shall constitute a quorum for the transaction of
40 business.

41 (d) Members of the Council shall receive per diem and necessary travel and
42 subsistence expenses in accordance with the provisions of G.S. 138-5 or G.S. 138-6, or
43 travel and subsistence expenses in accordance with the provisions of G.S. 120-3.1, as
44 applicable.

1 (e) All clerical support and other services required by the Council shall be
 2 provided by the Department of Environment, Health, and Natural Resources."

3
 4 Requested by: Representatives Ethridge, H. Hunter, McAllister

5 **NON-MEDICAID REIMBURSEMENT**

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

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

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

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

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

Family		All
Size	Kidney	Other
1	\$ 6,400	\$ 4,200
2	8,000	5,300
3	9,600	6,400
4	11,000	7,500
5	12,000	7,900
6	12,800	8,300
7	13,600	8,800
8	14,400	9,300

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

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

5
6 Requested by: Representatives Diamont, Ethridge, H. Hunter

7 **INFANT MORTALITY PROGRAM FUNDS**

8 Sec. 92. (a) The Department of Environment, Health, and Natural Resources,
9 Division of Maternal and Child Health, in conjunction with the Department of Human
10 Resources, Division of Social Services, Division of Medical Assistance, and Office of
11 Rural Health and Resource Development, the Child Fatality Task Force, and other
12 relevant community groups, shall develop parenting education protocols which focus on
13 the care of newborns, early growth and development, the importance of preventive
14 health care services, early self-esteem, injury prevention, and stress reduction; and shall
15 develop criteria for determining families at risk of child abuse and neglect for whom
16 parenting education would be effective.

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

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

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

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

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

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

10
11 Requested by: Representatives Diamont, Ethridge, H. Hunter

12 **CHILD FATALITY TASK FORCE CHANGES**

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

14 "(b) The Task Force shall provide ~~a final report~~ updated reports to the Governor
15 and General Assembly within the first week of the convening of the 1993 General
16 ~~Assembly.~~ Assembly and within the first week of the convening of the 1994 Session of
17 the 1993 General Assembly. The Task Force shall provide a final report to the
18 Governor and General Assembly within the first week of the convening of the 1995
19 General Assembly. The final report shall include final conclusions and
20 recommendations for each of the Task Force's duties, as well as any other
21 recommendations for changes to any law, rule, and policy that it has determined will
22 promote the safety and well-being of children. Any recommendations of changes to
23 law, rule, or policy shall be accompanied by specific legislative or policy proposals and
24 detailed fiscal notes setting forth the costs to the State."

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

26 "(b) The Task Force shall be composed of ~~25-29~~ members, 12 of whom shall be ex
27 officio members, three of whom shall be appointed by the Governor, ~~and eight seven of~~
28 whom shall be appointed by the ~~General Assembly,~~ Speaker of the House of
29 Representatives, and seven of whom shall be appointed by the President Pro Tempore of
30 the Senate. upon recommendation of the Speaker of the House of Representatives and
31 ~~four upon recommendation of the President Pro Tempore of the Senate.~~ The ex officio
32 members other than the Chief Medical Examiner may designate representatives from
33 their particular departments, divisions, or offices to represent them on the Task Force.
34 The members shall be as follows:

- 35 (1) The Chief Medical Examiner;
- 36 (2) The Attorney General;
- 37 (3) The Director of the Division of Social Services;
- 38 (4) The Director of the State Bureau of Investigation;
- 39 (5) The Director of the Division of Maternal and Child Health of the
40 Department of Environment, Health, and Natural Resources;
- 41 (6) The Director of the Governor's Youth Advocacy and Involvement
42 Office;
- 43 (7) The Superintendent of Public Instruction;
- 44 (8) The President of the State Board of Education;

- 1 (9) The Director of the Division of Mental Health, Developmental
2 Disabilities, and Substance Abuse Services;
- 3 (10) The Secretary of the Department of Human Resources;
- 4 (11) The Secretary of the Department of Environment, Health, and Natural
5 Resources;
- 6 (11.1) The Director of the Administrative Office of the Courts;
- 7 (12) A director of a county department of social services appointed by the
8 Governor upon recommendation of the President of the North Carolina
9 Association of County Directors of Social Services;
- 10 (13) A representative from a Sudden Infant Death Syndrome counseling
11 and education program appointed by the Governor upon
12 recommendation of the Director of the Division of Maternal and Child
13 Health of the Department of Environment, Health, and Natural
14 Resources;
- 15 (14) A representative from the North Carolina Child Advocacy Institute
16 appointed by the Governor upon recommendation of the President of
17 the Institute;
- 18 (15) A representative from a private group, other than the North Carolina
19 Child Advocacy Institute, that advocates for children, appointed by ~~the~~
20 ~~General Assembly upon recommendation of the~~ Speaker of the House
21 of Representatives upon recommendation of private child advocacy
22 organizations;
- 23 (16) A pediatrician, licensed to practice medicine in North Carolina,
24 appointed by the ~~General Assembly upon recommendation of the~~
25 Speaker of the House of Representatives upon recommendation of the
26 North Carolina Pediatric Society;
- 27 (17) A representative from the North Carolina League of Municipalities
28 appointed by the ~~General Assembly upon recommendation of the~~
29 Speaker of the House of Representatives upon recommendation of the
30 League;
- 31 (18) Two public members appointed by the ~~General Assembly upon~~
32 ~~recommendation of the~~ Speaker of the House of Representatives;
- 33 (19) A county or municipal law enforcement officer appointed by the
34 ~~General Assembly upon recommendation of the~~ President Pro
35 Tempore of the Senate upon recommendation of organizations that
36 represent local law enforcement officers;
- 37 (20) A district attorney appointed by the ~~General Assembly upon the~~
38 ~~recommendation of the~~ President Pro Tempore of the Senate upon
39 recommendation of the President of the North Carolina Conference of
40 District Attorneys;
- 41 (21) A representative from the North Carolina Association of County
42 Commissioners appointed by the ~~General Assembly upon~~
43 ~~recommendation of the~~ President Pro Tempore of the Senate upon
44 recommendation of the Association; ~~and~~

- 1 (22) Two public members appointed by the ~~General Assembly upon~~
2 ~~recommendation of the~~ President Pro Tempore of the Senate; and
3 (23) Two members of the Senate appointed by the President Pro Tempore
4 of the Senate and two members of the House of Representatives
5 appointed by the Speaker of the House of Representatives."

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

10 (d) Of the funds appropriated in this act to the Department of Environment,
11 Health, and Natural Resources, State Center for Health and Environmental Statistics, the
12 sum of thirty-nine thousand six hundred fifty-seven dollars (\$39,657) for the 1992-93
13 fiscal year shall be used to carry out the study authorized in subsection (c) of this
14 section.

15
16 Requested by: Representatives Ethridge, H. Hunter

17 **PARKS RECEIPTS**

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

22
23 Requested by: Representatives Ethridge, H. Hunter

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

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

- 28 (1) An analysis of revenues and expenditures from the 1986-87 fiscal year
29 through the 1991-92 fiscal year identifying: (i) the major revenue
30 sources and expenditure items within each program or division; (ii) the
31 major increases or decreases in revenues and expenditures over the
32 period and the rationale for these changes; and (iii) those wildlife
33 programs or divisions that have experienced significant growth in
34 expenditures since the 1986-87 fiscal year;
- 35 (2) An inventory and analysis of all revenue sources, including the North
36 Carolina Wildlife Endowment Fund, that identifies: (i) funds that may
37 be used only for specific purposes; and (ii) funds that may be used for
38 general program purposes;
- 39 (3) Revenue and expenditure projections for the 1992-93 through 1996-97
40 fiscal years, by program and major budget objects; and
- 41 (4) Long-term options for funding the operations of the Wildlife
42 Resources Commission, including: (i) revenue increases, including
43 increased license fees, subscription fees, and registration fees; use of
44 interest from the North Carolina Wildlife Endowment Fund; and

1 increases in the General Fund from sales tax and any other General
2 Fund monies; and (ii) operating and capital expenditure reductions.

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

7

8 **PART 21. MISCELLANEOUS PROVISIONS**

9

10 Requested by: Representatives Nesbitt, Diamont

11 **EXECUTIVE BUDGET ACT APPLIES**

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

15

16 Requested by: Representatives Nesbitt, Diamont

17 **COMMITTEE REPORT**

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

23 (b) The line item budget enacted by the General Assembly for the
24 maintenance of the various departments, institutions, and other spending agencies of the
25 State for the 1991-93 fiscal biennium is described in Section 351 of Chapter 689 of the
26 1991 Session Laws, as amended by Section 8.1(d) of this act. In this act, the General
27 Assembly amended the budget enacted by the 1991 Regular Session of the General
28 Assembly for the 1992-93 fiscal year by making modifications including the base
29 budget cuts and expansion budget additions that are set out in the House Proposals For
30 Modifying The Appropriation and Budget Revenue Act of 1991, dated June 9, 1992.
31 The line item detail in the budget enacted by the General Assembly for the 1992-93
32 fiscal year may be derived accordingly.

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

36

37 Requested by: Representatives Nesbitt, Diamont

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

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

43

44 Requested by: Representatives Nesbitt, Diamont

1 **1991-92 APPROPRIATIONS LIMITATIONS AND DIRECTIONS APPLY**

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

4 (b) Notwithstanding any modifications by this act in the amounts appropriated,
5 except where expressly repealed or amended, the limitations and directions for the
6 1992-93 fiscal year in Chapters 689 and 761 of the 1991 Session Laws that applied to
7 appropriations to particular agencies or for particular purposes apply to the newly
8 enacted appropriations and budget reductions of this act for those same particular
9 purposes.

10

11 Requested by: Representatives Nesbitt, Diamont

12 **EFFECT OF HEADINGS**

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

16

17 Requested by: Representatives Nesbitt, Diamont

18 **SEVERABILITY CLAUSE**

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

22

23 Requested by: Representatives Nesbitt, Diamont

24 **EFFECTIVE DATE**

25 Sec. 102. Except as otherwise provided, this act becomes effective July 1,
26 1992.