

GENERAL ASSEMBLY OF NORTH CAROLINA
1985 SESSION

CHAPTER 757
SENATE BILL 182

AN ACT TO APPROPRIATE FUNDS FOR VARIOUS STATEWIDE PROJECTS,
TO SPECIFY HOW CERTAIN APPROPRIATED FUNDS ARE TO BE USED,
AND TO MAKE VARIOUS CHANGES IN THE LAW.

- PART I. Statewide Appropriations
Cultural Resources
Education
General Government
Human Resources
Justice and Public Safety
Natural and Economic Resources
- PART II. Special Provisions
- PART III. Miscellaneous

The General Assembly of North Carolina enacts:

Part I.
CULTURAL RESOURCES

ELIZABETHAN GARDENS FUNDS

Section 1. There is appropriated from the General Fund to the Garden Club of North Carolina, Incorporated, the sum of twenty-five thousand dollars (\$25,000) for fiscal year 1985-86, and the sum of twenty-five thousand dollars (\$25,000) for fiscal year 1986-87, for the Elizabethan Gardens.

BREVARD MUSIC CENTER PAVILION FUNDS

Sec. 2. There is appropriated from the General Fund to the Brevard Music Center the sum of one hundred thousand dollars (\$100,000) for fiscal year 1985-86 to construct a Carolina Pavilion at the Brevard Music Center.

CABARRUS COURTHOUSE FUNDS

Sec. 3. There is appropriated from the General Fund to Cabarrus County the sum of one hundred thousand dollars (\$100,000) for fiscal year 1985-86 for the continued restoration of the Cabarrus County Courthouse.

COOL SPRINGS ARCHAEOLOGICAL PROJECT FUNDS

Sec. 4. There is appropriated from the General Fund to the City of Fayetteville the sum of sixty-five thousand dollars (\$65,000) for fiscal year 1985-86 for the Cool Springs Archaeological Project and other historic preservation projects associated with the quadricentennial of the State.

LIBERTY CART FUNDS

Sec. 5. There is appropriated from the General Fund to the Duplin Outdoor Drama Society, Incorporated, the sum of thirty-five thousand dollars (\$35,000) for fiscal year 1985-86, and the sum of thirty-five thousand dollars (\$35,000) for fiscal year 1986-87, for operating expenses for the production of "The Liberty Cart: A Duplin Story", an historical outdoor drama.

CHEROKEE HISTORICAL MUSEUM FUNDS

Sec. 6. There is appropriated from the General Fund to the Cherokee Historical Association, Incorporated, the sum of two hundred fifteen thousand dollars (\$215,000) for fiscal year 1985- 86, to complete the construction of the Administration Building.

ARTS TOGETHER FUNDS

Sec. 7. There is appropriated from the General Fund to Arts Together, Incorporated, of Raleigh the sum of fifty thousand dollars (\$50,000) for fiscal year 1985-86 for operating expenses.

ESTEY HALL FUNDS

Sec. 8. There is appropriated from the General Fund to the Estey Hall Foundation the sum of seventy-five thousand dollars (\$75,000) for fiscal year 1985-86 to complete the adaptive restoration of Estey Hall at Shaw University in Raleigh, provided a like amount of non-State funds is raised by the Estey Hall Foundation to match this appropriation on a dollar-for- dollar basis.

ROCK SCHOOL HOUSE FUNDS

Sec. 9. There is appropriated from the General Fund to the Valdese Historical Foundation the sum of ninety-one thousand dollars (\$91,000) for fiscal year 1985-86 for the continued restoration of the Valdese Rock School House.

LAKELAND CULTURAL ARTS CENTER FUNDS

Sec. 10. There is appropriated from the General Fund to the Lakeland Cultural Arts Center in Littleton the sum of forty- five thousand dollars (\$45,000) for fiscal year 1985-86, and the sum of forty-five thousand dollars (\$45,000) for fiscal year 1986-87, for operating expenses.

HISTORIC PRESERVATION FUNDS

Sec. 11. There is appropriated from the General Fund to the North Carolina Historic Preservation Foundation, Incorporated, the sum of one hundred fifty thousand dollars (\$150,000) for fiscal year 1985-86 to expand North Carolina's statewide revolving fund for historic preservation, provided a like amount is raised by the Historic Preservation Foundation after the effective date of this section to match this appropriation on a dollar-for-dollar basis. Funds appropriated in this section shall be expended only in accordance with the criteria and rules applicable to the operation of statewide revolving funds established by the North Carolina Historical Commission and the Department of Cultural Resources.

CHARLOTTE HAWKINS BROWN CENTER FUNDS

Sec. 12. There is appropriated from the General Fund to the Department of Cultural Resources, Division of Archives and History, the sum of two hundred fifty thousand dollars (\$250,000) for fiscal year 1985-86 to establish and operate the Charlotte Hawkins Brown Memorial State Historic Site and Black History Center.

AID TO PUBLIC LIBRARIES FUNDS

Sec. 13. There is appropriated from the General Fund to the Department of Cultural Resources the sum of three million dollars (\$3,000,000) for fiscal year 1985-86, and the sum of three million dollars (\$3,000,000) for fiscal year 1986-87, for the Aid to Public Libraries Fund.

MUSEUM OF HISTORY FUNDS

Sec. 14. There is appropriated from the General Fund to the Department of Administration the sum of nine million one hundred thousand dollars (\$9,100,000) for fiscal year 1985-86 for construction of the Museum of History Building on the site of the visitor center parking lot adjacent to the Bicentennial Plaza. The building may house the Capital Area Visitor's Center and a cafeteria. This appropriation is in addition to any other funds appropriated for this purpose or donated for this purpose.

NORTH CAROLINA THEATRE FUNDS

Sec. 15. There is appropriated from the General Fund to the North Carolina Theatre the sum of fifty thousand dollars (\$50,000) for fiscal year 1985-86 for operating expenses to bring professional theatre to the Capital City area.

AMERICAN DANCE FESTIVAL FUNDS

Sec. 16. There is appropriated from the General Fund to the American Dance Festival in Durham the sum of fifty-five thousand dollars (\$55,000) for fiscal year 1985-86, and the sum of fifty-five thousand dollars (\$55,000) for fiscal year 1986-87, as a grant-in-aid for operating expenses.

"HORN IN THE WEST" FUNDS

Sec. 17. There is appropriated from the General Fund to the Southern Appalachian Historical Association, Incorporated, the sum of fifty thousand dollars

(\$50,000) for fiscal year 1985- 86 to present the outdoor historical drama "Horn in the West".

OPERATION RALEIGH FUNDS

Sec. 18. There is appropriated from the General Fund to Operation Raleigh, Incorporated, the sum of fifty thousand dollars (\$50,000) for fiscal year 1985-86 for operating expenses.

FOLKMOOT USA FUNDS

Sec. 19. There is appropriated from the General Fund to Folkmoot USA the sum of seventy-five thousand dollars (\$75,000) for fiscal year 1985-86 to sponsor folk festivals.

HALIFAX HISTORICAL ASSOCIATION FUNDS

Sec. 20. There is appropriated from the General Fund to the Halifax County Historical Association the sum of fifteen thousand dollars (\$15,000) for fiscal year 1985-86 for operating expenses and historic preservation projects of the Association.

BELHAVEN TOWN HALL MUSEUM FUNDS

Sec. 21. There is appropriated from the General Fund to the Belhaven Town Hall Museum the sum of fifty thousand dollars (\$50,000) for fiscal year 1985-86 to restore the Belhaven Town Hall, including the bell tower.

DAVID STICK LIBRARY FUNDS

Sec. 22. There is appropriated from the General Fund to the Department of Cultural Resources, Division of Archives and History, the sum of fifty thousand dollars (\$50,000) for fiscal year 1985-86 for planning the development of the David Stick Library and for any necessary lease or rental of interim library facilities.

SPENCER SHOPS HISTORIC SITE FUNDS

Sec. 23. There is appropriated from the General Fund to the Department of Cultural Resources the sum of eighty-five thousand dollars (\$85,000) for fiscal year 1985-86 to further restore and repair the storage and display space at Spencer Shops State Historic Site.

N.C. DANCE THEATER FUNDS

Sec. 24. There is appropriated from the General Fund to the North Carolina Dance Theater in Winston-Salem the sum of fifty-five thousand dollars (\$55,000) for fiscal year 1985-86 for operating expenses.

C.S. BROWN CULTURAL CENTER FUNDS

Sec. 25. There is appropriated from the General Fund to Hertford County the sum of one hundred thousand dollars (\$100,000) for fiscal year 1985-86 to renovate Brown Hall in Winton, the last remaining structure of Chowan Academy, as the Dr.

Calvin Scott Brown Cultural Center. This center will serve the entire Roanoke-Chowan region of the State.

FAYETTEVILLE ARTS FACILITY FUNDS

Sec. 26. There is appropriated from the General Fund to the Arts Council of Fayetteville/Cumberland County, Incorporated, the sum of one hundred fifty thousand dollars (\$150,000) for fiscal year 1985-86 to establish a central cultural arts facility in the Frances Brooks Stein building in downtown Fayetteville.

OLD CHOWAN COURTHOUSE FUNDS

Sec. 27. There is appropriated from the General Fund to Chowan County the sum of fifty thousand dollars (\$50,000) for fiscal year 1985-86 to restore the Old Chowan County Courthouse.

GENERAL LEE MUSEUM FUNDS

Sec. 28. There is appropriated from the General Fund to the General William C. Lee Memorial Commission, Incorporated, the sum of fifty thousand dollars (\$50,000) for fiscal year 1985-86 to establish the General William C. Lee Museum.

ARTS COUNCIL FUNDS

Sec. 29. There is appropriated from the General Fund to the North Carolina Arts Council Division, Department of Cultural Resources, the sum of one million dollars (\$1,000,000) for the 1985-86 fiscal year for the Grassroots Arts Program, Grants to Local Communities, Aid to Outdoor Drama and Professional Theater, the Regional Arts Resources Program, and costs necessary for the development of local arts programs.

Of the funds appropriated in this section, at least seven hundred fifty thousand dollars (\$750,000) for the 1985-86 fiscal year shall be used in the Grassroots Arts Program and the Grants to Local Communities Program.

It is the intent of the General Assembly that priority for any funds appropriated in this section that are allocated to the Regional Arts Resources Program be given to organizations that provide significant services to areas outside of their home counties through touring or that otherwise serve the State by making their programs and services available outside of their home counties.

The General Assembly encourages the Arts Council to fund programs that make the arts available to citizens of North Carolina who have previously had little opportunity to experience the arts.

The costs for the development of local arts programs may not exceed eighty-five thousand dollars (\$85,000) of the total funds appropriated to the Arts Council in this section for the 1985-86 fiscal year.

RESERVE FOR LOCAL PROJECTS/MATCH REQUIRED

Sec. 30. There is appropriated from the General Fund to the Office of State Budget and Management the sum of three hundred fifty thousand dollars (\$350,000) for

the 1985-86 fiscal year, and the sum of two hundred thousand dollars (\$200,000) for the 1986-87 fiscal year, for a reserve for local projects. Of these funds the sum of one hundred fifty thousand dollars (\$150,000) for the 1985-86 fiscal year shall be allocated for Duke Homestead, and the sums of two hundred thousand dollars (\$200,000) for the 1985-86 fiscal year and two hundred thousand dollars (\$200,000) for the 1986-87 fiscal year shall be allocated for an Andrew Jackson Memorial. These funds shall be expended only as non-State funds are raised to match these funds on a dollar-for-dollar basis.

EDUCATION

COMMUNITY COLLEGE STUDY FUNDS

Sec. 31. There is appropriated from the General Fund to the Department of Community Colleges the sum of one hundred thousand dollars (\$100,000) for fiscal year 1985-86 to contract with outside agencies to do feasibility studies concerning the future needs of the community college system.

SOUTHWESTERN TECHNICAL COLLEGE HEALTH CENTER FUNDS

Sec. 32. There is appropriated from the General Fund to the Department of Community Colleges the sum of nine hundred sixty-two thousand dollars (\$962,000) for fiscal year 1986-87 for Southwestern Technical College to purchase equipment for the Regional Allied Health Center.

WFSS PUBLIC RADIO FUNDS

Sec. 33. There is appropriated from the General Fund to Fayetteville State University WFSS Public Radio the sum of thirty-five thousand dollars (\$35,000) for fiscal year 1985-86, and the sum of thirty-five thousand dollars for fiscal year 1986- 87, to develop and expand the capability of the broadcast facilities.

MULTI-IMAGE CELEBRATION FUNDS

Sec. 34. There is appropriated from the General Fund to the Board of Governors of The University of North Carolina the sum of seventy-five thousand seven hundred dollars (\$75,700) for fiscal year 1985-86, and the sum of seventy-six thousand dollars (\$76,000) for fiscal year 1986-87, for the costs of distributing and showing throughout the State of "North Carolina: A Multi- Image Celebration", an audio visual presentation developed by The University of North Carolina at Chapel Hill as a part of the celebration of the quadricentennial of the State.

WESTERN CAROLINA ACTIVITY CENTER FUNDS

Sec. 35. There is appropriated from the General Fund to the Board of Governors of The University of North Carolina the sum of three hundred thousand dollars (\$300,000) for fiscal year 1985-86 to increase the contingency reserve for constructing the Western Carolina University Regional Activity Center.

LINEBERGER CANCER RESEARCH CENTER FUNDS

Sec. 36. There is appropriated from the General Fund to the Board of Governors of The University of North Carolina the sum of three hundred fifty thousand dollars (\$350,000) for fiscal year 1985-86, and the sum of four hundred fifty thousand dollars (\$450,000) for fiscal year 1986-87, for the Lineberger Cancer Research Center at The University of North Carolina at Chapel Hill.

HAYWOOD TECHNICAL COLLEGE DIRECTOR FUNDS

Sec. 37. There is appropriated from the General Fund to the Department of Community Colleges the sum of fifty-three thousand eight hundred dollars (\$53,800) for fiscal year 1985-86, and the sum of fifty-three thousand eight hundred dollars (\$53,800) for fiscal year 1986-87, for salary and benefits for a Director of the Microelectronics Center at Haywood Technical College.

FAMILY PHYSICIAN'S FACILITY FUNDS

Sec. 38. There is appropriated from the General Fund to the Board of Governors of The University of North Carolina the sum of one hundred thousand dollars (\$100,000) for fiscal year 1985-86 as planning funds for the construction of the Family Physician's Center at The University of North Carolina at Chapel Hill.

RESIDENTIAL SUMMER SCHOOL PROGRAMS FUNDS

Sec. 39. There is appropriated from the General Fund to the Board of Governors of The University of North Carolina the sum of four hundred five thousand dollars (\$405,000) for fiscal year 1985-86, and the sum of four hundred five thousand dollars (\$405,000) for fiscal year 1986-87, for a residential summer school program operated by the Office of Rural Education, Western Carolina University, and the Rural Education Institute, East Carolina University. The program shall serve students who do not qualify for participation in programs designed to serve the gifted, but who demonstrate that with extra motivation and opportunity they could become student leaders and that they should be given opportunities to develop their communications, problem-solving, and thinking skills.

The Office of Rural Education, Western Carolina University, and the Rural Education Institute, East Carolina University, shall each operate a three-week residential summer session for 150 students entering the seventh and eighth grades and a three-week residential summer session for 150 high school students. All expenses except for transportation to and from the program sites, personal laundry, and spending money shall be covered by the program.

The program shall place emphasis on serving students who attend schools in rural and isolated areas because these students often do not have opportunities that are provided to students attending schools in urban areas; therefore, the ratio of rural to urban students participating in the program shall be three to one.

Criteria for selection shall be developed with the advice of teachers, principals, and guidance counselors. Educators representing both secondary and post secondary education shall participate in program development. Emphasis shall be placed on reading, writing, and arithmetic. The program shall include communication

skills involving reading, writing, speaking, listening, and viewing, with an emphasis on the application of these skills in thinking, reasoning, and problem- solving.

PEMBROKE STATE CENTENNIAL FUNDS

Sec. 40. There is appropriated from the General Fund to the Board of Governors of The University of North Carolina the sum of ninety-five thousand dollars (\$95,000) for fiscal year 1985-86 for the centennial celebration at Pembroke State University.

ALAMANCE TECHNICAL COLLEGE FUNDS

Sec. 41. There is appropriated from the General Fund to the Department of Community Colleges the sum of two hundred thousand dollars (\$200,000) for fiscal year 1985-86 for capital improvements to Alamance Technical College.

COMMUNITY COLLEGE SALARY FUNDS

Sec. 42. There is appropriated from the General Fund to the Department of Community Colleges the sum of two million dollars (\$2,000,000) for fiscal year 1985-86 to be placed in a reserve and used to improve the level of faculty salaries at the 58 institutions by providing salary adjustment funds to increase formula allocations.

APPALACHIAN STATE EDUCATION CENTER FUNDS

Sec. 43. There is appropriated from the General Fund to the Board of Governors of The University of North Carolina the sum of one million dollars (\$1,000,000) for fiscal year 1985-86 for an addition to the Continuing Education Center at Appalachian State University.

N.C. STATE UNIVERSITY ANIMAL SCIENCE FACILITY FUNDS

Sec. 44. There is appropriated from the General Fund to the Board of Governors of The University of North Carolina the sum of four hundred thousand dollars (\$400,000) for fiscal year 1985-86 to construct an Animal Science Teaching Facility at North Carolina State University.

SPORTS MEDICINE AND EMERGENCY PARAMEDICAL PROGRAM FUNDS

Sec. 45. There is appropriated from the General Fund to the Department of Public Education the sum of thirty-five thousand dollars (\$35,000) for fiscal year 1985-86, and the sum of seventy thousand dollars (\$70,000) for fiscal year 1986-87 for the Sports Medicine and Emergency Paramedical Program.

PAY FOR TEACHER WITH MASTER'S DEGREE

Sec. 46. (a) Section 19.1(d) of Chapter 1137 of the 1979 Session Laws (Second Session 1980), as rewritten by Chapter 1053 of the 1981 Session Laws, is further amended by rewriting subpart (1) to read:

"(1) in the case of a teacher who was awarded a higher teaching certificate from September 1, 1980, through June 30, 1985, as a result of a receipt of a master's degree,

such person shall be entitled to credit for all teaching experience earned previously, recognizable under State Board of Education regulations, in determining placement on the salary schedule;"

(b) There is appropriated from the General Fund to the Department of Public Education the sum of three million five hundred forty-eight thousand six hundred forty dollars (\$3,548,640) for the 1985-86 fiscal year and the sum of three million five hundred forty-eight thousand six hundred forty dollars (\$3,548,640) for the 1986-87 fiscal year to implement this section.

PILOT PROGRAMS IN THE PUBLIC SCHOOLS/LIAISON WITH GENERAL ASSEMBLY

Sec. 47. The 1985 General Assembly has established and funded several new initiatives in public elementary and secondary education including the Basic Education Program, the Career Development Pilot Program, and the Principals' Assessment Center. In order for the General Assembly to adequately review and evaluate the quality and effectiveness of these new initiatives, there is appropriated from the General Fund to the Department of Public Education the sum of one hundred twenty-three thousand seven hundred seventy-two dollars (\$123,772) for the 1985-86 fiscal year and the sum of one hundred twenty-three thousand seven hundred seventy-two dollars (\$123,772) for the 1986-87 fiscal year. Of these funds, the sum of fifty thousand dollars (\$50,000) for each year of the fiscal biennium shall be used, in addition to other funds appropriated for this purpose, to develop subject area tests in the least expensive manner for the implementation of the Basic Education Program. Also, the sum of seventy-three thousand seven hundred seventy-two dollars (\$73,772) for each year of the fiscal biennium shall be used to establish a liaison Office of Planning and Development in the Department of Public Instruction. This office shall monitor the development by the Department of Public Instruction of subject area tests for the implementation of the Basic Education Program, consult with and monitor the local school administrative units selected as pilot localities associated with the implementation of the new initiatives, and monitor the reexamination of the New Competency Based Curriculum mandated by Section 54 of Chapter 479 of the 1985 Session Laws. The office shall make quarterly reports, and additional reports upon request, to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division as to progress and compliance by the Department and whether the spirit of the law and intent of the General Assembly is being complied with as to each activity and initiative.

SCHOOL BUS REPLACEMENT FUNDS

Sec. 48. There is appropriated from the General Fund to the Department of Public Education the sum of two million dollars (\$2,000,000) for fiscal year 1985-86 to replace school buses in the State-supported fleet.

GOVERNOR'S SCHOOLS FUNDS

Sec. 49. There is appropriated from the General Fund to the Department of Public Education the sum of fifty thousand dollars (\$50,000) for fiscal year 1985-86 for operating expenses for the Governor's Schools summer program.

GENERAL GOVERNMENT

STATE GOVERNMENT CENTER FUNDS

Sec. 50. There is appropriated from the General Fund to the Department of Administration the sum of five million dollars (\$5,000,000) for fiscal year 1985-86 to complete the land acquisitions within the State Government Center and to acquire the Olivia Rainey Library and land adjacent to the Revenue Building, both of which properties lie outside the State Government Center.

INDIAN CULTURAL CENTER FUNDS

Sec. 51. (a) There is appropriated from the General Fund to the Department of Administration, Commission of Indian Affairs, the sum of one hundred thousand dollars (\$100,000) for fiscal year 1985-86 to be held in reserve until a nonprofit corporation with a board of directors composed of people from Robeson County and the surrounding counties is formed to manage the Indian Cultural Center in Robeson County. Upon formation of a nonprofit corporation for this purpose, the funds appropriated by this section shall be made available to the nonprofit corporation to develop the Indian Cultural Center.

(b) The Commission of Indian Affairs shall report to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division by June 1, 1986, on how the funds appropriated by this section have been used.

NORTH CAROLINA COMMISSION ON JOBS AND ECONOMIC GROWTH

Sec. 52. (a) There is created the North Carolina Commission on Jobs and Economic Growth. This Commission shall be an advisory commission and shall work with private and public institutions and with individuals to identify the major economic challenges facing this State and to develop practical proposals for meeting these challenges to be submitted to the executive and legislative branches of State government. The Commission shall report to the 1987 Session of the General Assembly.

(b) The Commission shall consist of no more than 30 members to be appointed by, and to serve at the pleasure of, the President of the Senate. If members of the General Assembly are appointed an equal number from each house shall be appointed.

(c) The Commission may contract for assistance from non-State personnel as it deems necessary.

(d) Members of the Commission who are also members of the General Assembly shall be paid subsistence and travel expenses at the rate set forth in G.S. 120-3.1. Members of the Commission who are officials or employees of the State shall

receive travel allowances at the rate set forth in G.S. 138-6. All other members of the Commission shall be paid per diem and allowances at the rates set forth in G.S. 138-5.

(e) There is appropriated from the General Fund to the Office of the Lieutenant Governor the sum of one hundred twenty-five thousand dollars (\$125,000) for the 1985-86 fiscal year, and the sum of one hundred twenty-five thousand dollars (\$125,000) for the 1986-87 fiscal year, to fund the Commission established by subsection (a) of this section. Funds remaining unexpended at the end of each fiscal year shall not revert to the General Fund but shall remain available for use by the Commission in completing its work.

VOTER FILE STUDY AND FUNDS

Sec. 53. (a) The Legislative Services Commission shall commission a study to determine the feasibility and cost of creating a centralized statewide voter registration file. The Legislative Services Commission may report either to the 1985 General Assembly, Regular Session 1986, or to the 1987 General Assembly. The Legislative Services Commission may contract in its discretion to conduct the study or to collect data for the study.

(b) There is appropriated from the General Fund to the General Assembly the sum of seventy-five thousand dollars (\$75,000) for fiscal year 1985-86 to implement this section.

DEPARTMENT OF INSURANCE FUNDS

Sec. 54. There is appropriated from the General Fund to the Department of Insurance the sum of thirty-five thousand dollars (\$35,000) for fiscal year 1985-86, and the sum of thirty-five thousand dollars (\$35,000) for fiscal year 1986-87, for additional personnel to handle workers' compensation insurance matters.

JACKSON DISTRICT OFFICES FUNDS

Sec. 55. There is appropriated from the General Fund to Jackson County the sum of two hundred thousand dollars (\$200,000) for fiscal year 1985-86 to construct State district offices in Jackson County to serve the seven counties west of Haywood County.

MUSEUM OF LIFE AND SCIENCE FUNDS

Sec. 56. There is appropriated from the General Fund to the North Carolina Museum of Life and Science in Durham the sum of twenty-five thousand dollars (\$25,000) for fiscal year 1985-86 for operating expenses.

MOTOR FLEET MANAGEMENT FUNDS

Sec. 57. There is appropriated from the General Fund to the Department of Administration, Division of Motor Fleet Management, the sum of three million five hundred thousand dollars (\$3,500,000) for fiscal year 1985-86, and the sum of one million six hundred thousand dollars (\$1,600,000) for fiscal year 1986-87, for capital funds for the State motor fleet.

SOUTHERN LEGISLATIVE CONFERENCE FUNDS

Sec. 58. There is appropriated from the General Fund to the General Assembly the sum of fifteen thousand dollars (\$15,000) for fiscal year 1985-86 to host the Southern Legislative Conference meeting on children's issues.

NATIONAL SPORTS FESTIVAL FUNDS

Sec. 59. There is appropriated from the General Fund to North Carolina Amateur Sports, a nonprofit organization, the sum of eight hundred thousand dollars (\$800,000) for fiscal year 1985-86 to assist in the planning and operation of the National Sports Festival VIII to be held in North Carolina in July 1987, provided North Carolina Amateur Sports raises non-State funds to match this appropriation on a two-for-one basis. The funds appropriated in this section shall not revert to the General Fund at the end of the fiscal year but shall remain available until used for the stated purpose.

MADISON LANDFILL EQUIPMENT FUNDS

Sec. 60. There is appropriated from the General Fund to Madison County the sum of seventy-five thousand dollars (\$75,000) for fiscal year 1985-86 to purchase a landfill trash compactor and related equipment.

VETERANS SERVICE PROGRAMS FUNDS

Sec. 61. (a) G.S. 165-6(9) is amended by deleting the phrase "one thousand dollars (\$1,000)" and substituting the phrase "two thousand dollars (\$2,000)".

(b) There is appropriated from the General Fund to the Department of Administration the sum of one hundred thousand dollars (\$100,000) for fiscal year 1985-86, and the sum of one hundred thousand dollars (\$100,000) for fiscal year 1986-87, to implement this section.

DEPARTMENT OF ADMINISTRATION FUNDS

Sec. 62. There is appropriated from the General Fund to the Department of Administration the sum of two hundred thirty-two thousand three hundred forty-two dollars (\$232,342) for fiscal year 1985-86, and the sum of one hundred twenty-four thousand one hundred seventy-seven dollars (\$124,177) for fiscal year 1986-87, to be allocated as follows:

- (1) The sum of up to one hundred thousand dollars (\$100,000) for the 1985-86 fiscal year may be used to hire a private consultant to prepare an updated master plan for the State Government Center;
- (2) The sum of ten thousand dollars (\$10,000) for the 1985-86 fiscal year and the sum of ten thousand dollars (\$10,000) for the 1986-87 fiscal year shall be used for the expenses of the Capital Planning Commission; and
- (3) The sum of one hundred twenty-two thousand three hundred forty-two dollars (\$122,342) for the 1985- 86 fiscal year and the sum of one

hundred fourteen thousand one hundred seventy-seven dollars (\$114,177) for the 1986-87 fiscal year shall be used to pay for the salaries and equipment for two technical positions and one clerical position in the State Building Division.

ROANOKE RIVER BASIN ASSOCIATION FUNDS

Sec. 63. There is appropriated from the General Fund to the Roanoke River Basin Association the sum of fifteen thousand dollars (\$15,000) for fiscal year 1985-86 to assist in the litigation concerning Lake Gaston.

MARITIME MUSEUM WATERCRAFT CENTER FUNDS

Sec. 64. There is appropriated from the General Fund to the Department of Agriculture the sum of seventy-five thousand dollars (\$75,000) for fiscal year 1985-86 to renovate the North Carolina Maritime Museum Watercraft Center, which is a boat-building facility for the Museum.

MARITIME MUSEUM OPERATING FUNDS

Sec. 65. There is appropriated from the General Fund to the Department of Agriculture the sum of eighty-five thousand dollars (\$85,000) for fiscal year 1985-86, and the sum of sixty thousand dollars (\$60,000) for fiscal year 1986-87, for operating expenses of the North Carolina Maritime Museum.

SPRING LAKE CAPITAL FUNDS

Sec. 66. There is appropriated from the General Fund to the Town of Spring Lake the sum of ten thousand dollars (\$10,000) for fiscal year 1985-86 for capital improvements.

BIOTECHNOLOGY CENTER FUNDS

Sec. 67. There is appropriated from the General Fund to the Department of Commerce the sum of one million two hundred thousand dollars (\$1,200,000) for fiscal year 1985-86 for capital improvements to the Biotechnology Center Building.

STATE CONSTRUCTION OFFICE FUNDS

Sec. 68. There is appropriated from the General Fund to the Department of Administration, Office of State Construction, the sum of two hundred twenty-five thousand dollars (\$225,000) for fiscal year 1985-86, and the sum of two hundred twenty-five thousand dollars (\$225,000) for fiscal year 1986-87, for salaries and benefits for two new engineer positions and to fund the computerization of the office.

ADMINISTRATIVE PROCEDURE ACT FUNDS

Sec. 69. There is appropriated from the General Fund to the Office of the Governor, Office of State Budget and Management, the sum of one million four hundred thirty-four thousand dollars (\$1,434,000) for fiscal year 1985-86, and the sum of one million four hundred thirty-four thousand dollars (\$1,434,000) for fiscal year

1986-87, to be placed in a Reserve for the Implementation of the Administrative Procedure Revision (House Bill 52, 1985 General Assembly).

UNION AGRICULTURAL CENTER FUNDS

Sec. 70. There is appropriated from the General Fund to Union County the sum of fifty thousand dollars (\$50,000) for fiscal year 1985-86 for capital improvements to the Union County Agricultural Center, provided Union County raises the same amount of non-State funds to match this appropriation on a dollar-for-dollar basis. The county may not receive any of the funds appropriated by this section until it raises the total amount required as matching funds.

SAMPSON AGRICULTURAL CENTER FUNDS

Sec. 71. There is appropriated from the General Fund to Sampson County the sum of five thousand dollars (\$5,000) for fiscal year 1985-86 for capital and operating expenses of the Sampson County Agricultural Center.

HUMAN RESOURCES

SOUTHEASTERN HEARING IMPAIRED CENTER FUNDS

Sec. 72. There is appropriated from the General Fund to the Department of Human Resources the sum of seventy-nine thousand four hundred sixty-five dollars (\$79,465) for fiscal year 1985-86, and the sum of sixty-nine thousand seven hundred seventy-eight dollars (\$69,778) for fiscal year 1986-87, to establish and operate the Southeastern Regional Community Service Center for the Hearing Impaired, to be located in Wilmington and to serve Bladen, Brunswick, Carteret, Columbus, Duplin, Jones, New Hanover, Onslow, Pender, Robeson, Sampson, and Scotland Counties, which have a hearing impaired population of approximately 39,597 persons.

MOORE CHILDREN'S CENTER

Sec. 73. There is appropriated from the General Fund to the Moore County Children's Center the sum of six thousand five hundred dollars (\$6,500) for fiscal year 1985-86 for the Center's programs for handicapped and developmentally disabled children.

SAMARITAN COLONY

Sec. 74. There is appropriated from the General Fund to the Samaritan Colony, Incorporated, the sum of ten thousand dollars (\$10,000) for fiscal year 1985-86 to provide a home in Richmond County for alcoholics and drug abusers.

CHILD CARE DIRECTIONS FUNDS

Sec. 75. There is appropriated from the General Fund to Child Care Directions, Incorporated, the sum of ten thousand dollars (\$10,000) for fiscal year 1985-86 for operating expenses.

RICHARDSON MEMORIAL HOSPITAL FUNDS

Sec. 76. There is appropriated from the General Fund to the L. Richardson Memorial Hospital in Greensboro the sum of two hundred thousand dollars (\$200,000) for fiscal year 1985-86, and the sum of two hundred thousand dollars (\$200,000) for fiscal year 1986-87, to help preserve and maintain the Hospital, which is the only remaining black hospital in the South.

JUVENILE CENTER CHAPLAIN FUNDS

Sec. 77. There is appropriated from the General Fund to the Department of Human Resources the sum of fifty thousand dollars (\$50,000) for fiscal year 1985-86, and the sum of fifty thousand dollars (\$50,000) for fiscal year 1986-87, to fund a chaplain position at the Juvenile Evaluation Center at Black Mountain and at the Samarkand Manor School at Eagle Springs.

AUTISTIC CHILDREN'S CAMP FUNDS

Sec. 78. There is appropriated from the General Fund to the North Carolina Society for Autistic Children the sum of sixty thousand dollars (\$60,000) for fiscal year 1985-86 for operating expenses for the Autistic Children's Camp.

PUBLIC SCHOOL ALCOHOL AND DRUG PROGRAMS FUNDS

Sec. 79. (a) There is established in the Department of Public Instruction the Alcohol and Drug Defense (ADD) Program. The Program shall be a new initiative to give the Superintendent of Public Instruction statewide responsibility to address systematically alcohol and drug problems of school aged youth.

The ADD Program shall:

- (1) Provide planning, consultation, and direct services to local school boards, school personnel, parent-teacher-student organizations, community teams, and the divisions of the Department of Public Instruction that can affect substance abuse;
- (2) Perform a complete comprehensive survey of existing prevention, intervention, treatment, and policy activities within the public schools;
- (3) Identify, mobilize, and coordinate resources for immediate action throughout the State;
- (4) Develop a model approach that is flexible enough to be tailored to community needs and resources;
- (5) Coordinate alcohol- and drug-specific curriculum- development and implementation;
- (6) Consult with local school boards on the development of school policies to reduce substance use and possession on school property and at school activities;
- (7) Consult directly with school personnel regarding appropriate intervention and referral of students in trouble;
- (8) Train health education coordinators, teachers, and others on the identification of substance use and steps to take with students;

(9) Coordinate with higher education, teacher organizations, and alcohol and drug professionals;

(10) Act as a liaison between the Department of Public Instruction and other agencies addressing the substance abuse problem;

(11) Perform other services as directed by the State Board of Education and the Superintendent of Public Instruction; and

(12) Report regularly to the Superintendent of Public Instruction, the State Board of Education, and the General Assembly on the status of substance abuse among school-aged children.

(b) There is appropriated from the General Fund to the Department of Public Education the sum of five hundred sixty-five thousand dollars (\$565,000) for the 1985-86 fiscal year, and the sum of five hundred ninety-two thousand dollars (\$592,000) for the 1986-87 fiscal year, for an Alcohol and Drug Defense (ADD) Program for the public schools. These funds shall be used to provide three full-time professionals at the central office who will specialize in total program direction, alcohol and drug intervention, and prevention and education strategies for the public schools, to provide eight full-time regional specialists who will work directly with the health education coordinators and other personnel in their area of the State, and to provide support personnel and equipment for these professionals. The funds shall also be used to support existing and new initiatives within schools to operate prevention and early intervention programs.

TAMMY LYNN RESPITE CARE FUNDS

Sec. 80. There is appropriated from the General Fund to the Tammy Lynn Memorial Foundation, Incorporated, the sum of five thousand dollars (\$5,000) for fiscal year 1985-86 to operate the School for Respite Care Services.

HOLOCAUST COUNCIL

Sec. 81. (a) Article 3 of Chapter 143B of the General Statutes is amended by adding a new Part to read as follows:

"Part 28.

"North Carolina Council on the Holocaust.

"§ 143B-216.20. North Carolina Council on the Holocaust; creation; purpose.—There is hereby created the North Carolina Council on the Holocaust. The purpose of the Council is to prevent future atrocities similar to the systematic program of genocide of six million Jews and others by the Nazis. This purpose shall be accomplished by developing a program of education and observance of the Holocaust.

"§ 143B-216.21. Membership; selection; quorum.—The Council shall consist of 24 members, eight appointed by the Governor, eight appointed by the President of the Senate, and eight appointed by the Speaker of the House of Representatives. Members shall be appointed in 1985 for two-year terms to begin July 1, 1985. In 1987 and biennially thereafter, successors shall be appointed for two-year terms. A majority of the members shall constitute a quorum for the transaction of business.

"§ 143B-216.22. **Expenses.**—The members of the Council shall be compensated and reimbursed for their expenses in accordance with G.S. 138-5.

"§ 143B-216.23. **Assistance.**—The Secretary may arrange for clerical or other assistance required by the Council."

(b) There is appropriated from the General Fund to the Department of Human Resources the sum of five thousand dollars (\$5,000) for fiscal year 1985-86 to fund the North Carolina Council on the Holocaust.

(c) Chapter 116 of the General Statutes is amended by adding a new Article to read:

"Article 28.

"North Carolina-Israel Visiting Scholar Program.

"§ 116-230. **North Carolina-Israel Visiting Scholar Program.**— (a) There is created the North Carolina - Israel Visiting Scholar Program for the purpose of granting funds to members of the faculties of the constituent institutions of The University of North Carolina and institutions of higher education in Israel to assist in their travel and living expenses while participating in the program.

(b) The President of The University of North Carolina shall appoint a North Carolina Committee to work with a committee from Israel to prepare proper guidelines for the administration of the program and to establish criteria for the designation of participating scholars.

(c) Funds for the support of this program shall come from private sources, and grants shall be made for as many suitable recipients as can be found within budget limitations."

SOCIAL SECURITY INFORMATION FUNDS

Sec. 82. (a) There is appropriated from the General Fund to the Department of Human Resources the sum of fifty thousand dollars (\$50,000) for fiscal year 1985-86, and the sum of fifty thousand dollars (\$50,000) for fiscal year 1986-87, to be used as follows:

(1) The sum of forty-five thousand dollars (\$45,000) for each fiscal year of the 1985-87 fiscal biennium shall be allocated to establish a separate public information office, including a toll-free number, and two staff positions. The public information office will provide information to citizens on their rights under the Social Security Disability Program and will work with the Disability Task Force as established in Section 64 of Chapter 1034 of the 1983 Session Laws (Regular Session 1984) in addressing the recommendations of the General Assembly's Disability Review Study Commission. The office shall be staffed by a paralegal and by a clerk. These persons' legal work shall be supervised by an attorney from the Department of Human Resources.

(2) The sum of five thousand dollars (\$5,000) for each fiscal year of the 1985-87 fiscal biennium shall be allocated to the Disability Task Force as created under Section 64 of Chapter 1034 of the 1983 Session Laws (Regular Session 1984) to continue to implement the recommendations of the General Assembly's Disability Review Study Commission.

(b) The current members of the Disability Task Force shall remain in place and three new members shall be appointed as follows:

(1) A physician licensed to practice in North Carolina who is familiar with the medical profession's role in the Social Security Disability process appointed by the Governor;

(2) An attorney representing the statewide class in the case of Hyatt v. Heckler, 757 F. 2d 1455 (4th Cir. 1985), appointed by the President of the Senate; and

(3) A person with experience in vocational rehabilitation matters for the disabled appointed by the Speaker of the House of Representatives.

METABOLIC SCREENING FUNDS

Sec. 83. There is appropriated from the General Fund to the Department of Human Resources, Division of Health Services, the sum of one hundred thousand dollars (\$100,000) for fiscal year 1985-86, and the sum of one hundred thousand dollars (\$100,000) for fiscal year 1986-87, to strengthen and expand statewide newborn metabolic screening services.

COMMUNITY GROUP HOMES AND APARTMENTS FUNDS

Sec. 84. There is appropriated from the General Fund to the Department of Human Resources, Division of Mental Health, Mental Retardation, and Substance Abuse Services, the sum of six hundred fifty-nine thousand two hundred dollars (\$659,200) for fiscal year 1985-86, and the sum of six hundred forty-eight thousand four hundred dollars (\$648,400) for fiscal year 1986-87, to provide funds for State participation in the operation of Community Group Homes and Apartments for mentally retarded adults being constructed by Section 202 HUD (12 U.S.C. § 1701q) funds under an agreement with the Association for Retarded Citizens.

CHILD PROTECTIVE SERVICES WORKER FUNDS

Sec. 85. There is appropriated from the General Fund to the Department of Human Resources, Division of Social Services, the sum of one million dollars (\$1,000,000) for fiscal year 1985- 86, and the sum of one million dollars (\$1,000,000) for fiscal year 1986-87, to provide 50 additional child protective services workers for the county departments of social services.

MODEL LATCHKEY PROGRAM FUNDS

Sec. 86. There is appropriated from the General Fund to the Council for Children in Charlotte the sum of fifty thousand dollars (\$50,000) for fiscal year 1985-86, and the sum of fifty thousand dollars (\$50,000) for fiscal year 1986-87, to fund a pilot School-Age Child Care Program for latchkey children, who are children who care for themselves when their parents are working and school is not in session.

FOSTER CARE BOARD RATE FUNDS

Sec. 87. There is appropriated from the General Fund to the Department of Human Resources, Division of Social Services, the sum of eight hundred eleven

thousand five hundred twelve dollars (\$811,512) for fiscal year 1985-86, and the sum of eight hundred eleven thousand five hundred twelve dollars (\$811,512) for fiscal year 1986-87, to raise the foster care board rates from one hundred fifty dollars (\$150.00) per child per month to two hundred dollars (\$200.00) per child per month.

CRIPPLED CHILDREN'S PROGRAM FUNDS

Sec. 88. There is appropriated from the General Fund to the Department of Human Resources, Division of Health Services, the sum of four hundred nineteen thousand dollars (\$419,000) for fiscal year 1985-86, and the sum of four hundred nineteen thousand dollars (\$419,000) for fiscal year 1986-87, to increase the funding of the Crippled Children's Program.

NUTRITION AND DIETARY SERVICES FUNDS

Sec. 89. There is appropriated from the General Fund to the Department of Human Resources, Division of Health Services, the sum of one hundred eighty thousand five hundred seventy-six dollars (\$180,576) for fiscal year 1985-86, and the sum of one hundred eighty thousand five hundred seventy-six dollars (\$180,576) for fiscal year 1986-87, to expand the Division's nutrition and dietary services.

MISSION AIR FUNDS

Sec. 90. There is appropriated from the General Fund to Mission Air, Incorporated, the sum of fifty thousand dollars (\$50,000) for fiscal year 1985-86 for operating costs for emergency transportation of the sick and injured; emergency transportation of organs, blood, and medicine; assistance and transportation in times of disaster; and other air ambulance services.

HARNETT HOSPICE PROGRAM FUNDS

Sec. 91. There is appropriated from the General Fund to Harnett County the sum of twenty-five thousand dollars (\$25,000) for fiscal year 1985-86 for start-up costs for the Harnett County Hospice Program.

COMMUNITY BASED ALTERNATIVES FUNDS

Sec. 92. There is appropriated from the General Fund to the Department of Human Resources, Division of Youth Services, the sum of one million dollars (\$1,000,000) for fiscal year 1985- 86, and the sum of one million dollars (\$1,000,000) for fiscal year 1986-87, for the Community Based Alternatives Programs. These Program funds shall be distributed to the 100 counties to further support community programs for troubled youth, with emphasis on programs dealing with chronic status offenders, alternatives to secure detention, and diverting youth from training schools to community programs.

VITAL ORGAN PROCUREMENT FUNDS

Sec. 93. There is appropriated from the General Fund to the Carolina Organ Procurement Agency, Incorporated, the sum of one hundred fifty thousand dollars

(\$150,000) for fiscal year 1985-86 for operating expenses of the Agency in its work of establishing a statewide organ and tissue procurement agency, until it begins receiving funds to cover its expenses from the Health Care Financing Agency.

ACCEPT OPERATING FUNDS

Sec. 94. There is appropriated from the General Fund to the Advocacy Center for Children's Education and Parent Training (ACCEPT) the sum of twelve thousand dollars (\$12,000) for fiscal year 1985-86 for operating expenses of the Center.

NEW BERN CHILD CENTER FUNDS

Sec. 95. There is appropriated from the General Fund to the Neuse Center for Mental Health, Mental Retardation, and Substance Abuse Services the sum of two hundred thousand dollars (\$200,000) for fiscal year 1985-86 to construct a new facility for its child development center.

t.l.c. HOME FUNDS

Sec. 96. There is appropriated from the General Fund to t.l.c. Home, Incorporated, in Lee County the sum of two hundred thousand dollars (\$200,000) for fiscal year 1986-87 to complete the construction of the Home. DEVELOPMENTAL

DISABILITIES STUDY FUNDS

Sec. 97. There is appropriated from the General Fund to the Department of Human Resources, Division of Mental Health, Mental Retardation, and Substance Abuse Services, the sum of one hundred twenty thousand dollars (\$120,000) for fiscal year 1985- 86 to study the unserved needs of developmentally disabled persons. LEE-

HARNETT MENTAL HEALTH AUTHORITY FUNDS

Sec. 98. There is appropriated from the General Fund to the Department of Human Resources, Division of Mental Health, Mental Retardation, and Substance Abuse Services, the sum of two hundred twenty-five thousand dollars (\$225,000) for fiscal year 1985-86, and the sum of four hundred twenty-five thousand dollars (\$425,000) for fiscal year 1986-87, to be used by the Lee-Harnett Area Mental Health, Mental Retardation, and Substance Abuse Authority. Of the funds appropriated for fiscal year 1985-86, the sum of one hundred thousand dollars (\$100,000) shall be used for renovating Good Hope Hospital in Erwin, and the remainder shall be used to provide inpatient services at that hospital as part of the South Central Deinstitutionalization Project. All the funds appropriated for fiscal year 1986-87 shall be used to provide inpatient services at Good Hope Hospital as part of the South Central Deinstitutionalization Project.

EASTERN REGION DETOXIFICATION FUNDS

Sec. 99. There is appropriated from the General Fund to the Department of Human Resources, Division of Mental Health, Mental Retardation, and Substance Abuse Services, the sum of one million five hundred thousand dollars (\$1,500,000) for

fiscal year 1985-86, and the sum of two million dollars (\$2,000,000) for fiscal year 1986-87, for detoxification services in the Division's eastern region. Of the funds appropriated for fiscal year 1985-86, the sum of five hundred four thousand five hundred eleven dollars (\$504,511), and of the funds appropriated for fiscal year 1986-87 the sum of four hundred thirty-seven thousand two hundred eighty-three dollars (\$437,283), shall be placed in a reserve for capital improvements to detoxification facilities in the Division's eastern region. The remaining funds shall be allocated to the following mental health, mental retardation, and substance abuse authorities in accordance with the table below and used for detoxification services:

Mental Health, Mental Retardation, and Substance Abuse Authority	Fiscal Year 1985-86	Fiscal Year 1986-87
Albemarle	\$ 55,979	\$ 101,780
Duplin-Sampson	61,146	111,175
Edgecombe-Nash	84,399	153,453
Halifax	68,897	68,897
Lenoir	40,477	73,595
Neuse	93,012	169,112
Onslow	139,361	139,361
Pitt	62,869	114,307
Roanoke - Chowan	93,951	93,951
Southeastern	113,681	206,692
Tideland	62,869	114,307
Wayne	65,452	119,004
Wilson-Greene	53,396	97,083

SICKLE CELL ANEMIA FUNDS

Sec. 100. There is appropriated from the General Fund to the Department of Human Resources, Division of Health Services, the sum of eighty thousand dollars (\$80,000) for fiscal year 1985-86, and the sum of eighty thousand dollars (\$80,000) for fiscal year 1986-87. Of these funds the sum of sixty thousand dollars (\$60,000) for fiscal year 1985-86, and the sum of sixty thousand dollars (\$60,000) for fiscal year 1986-87, shall be distributed equally among the four Sickle Cell Centers in the State, and the remaining funds shall be used for the Sickle Cell Anemia Program of the Division of Health Services.

FIRST STEP FARM FUNDS

Sec. 101. There is appropriated from the General Fund to the First Step Farm, an alcohol rehabilitation center in Buncombe County, the sum of forty thousand dollars (\$40,000) for fiscal year 1985-86 for operating expenses.

ADULT DEVELOPMENTAL ACTIVITIES PROGRAM FUNDS

Sec. 102. There is appropriated from the General Fund to the Department of Human Resources, Division of Mental Health, Mental Retardation, and Substance

Abuse Services, the sum of eight hundred twelve thousand three hundred forty dollars (\$812,340) for fiscal year 1985-86, and the sum of eight hundred twelve thousand three hundred forty dollars (\$812,340) for fiscal year 1986-87, to be used to increase the reimbursement rate for Adult Developmental Activities Program (ADAP) slots to two hundred twenty-four dollars (\$224.00) per month.

N. C. FAMILY OF THE YEAR FUNDS

Sec. 103. There is appropriated from the General Fund to North Carolina Family of the Year, Incorporated, the sum of ten thousand dollars (\$10,000) for fiscal year 1985-86 for operating expenses to promote a North Carolina Family of the Year Award for five North Carolina families each year and to hold a Family of the Year banquet in all 100 counties.

JUSTICE/PUBLIC SAFETY

MISSING CHILDREN PROGRAM FUNDS

Sec. 104. There is appropriated from the General Fund to the Department of Crime Control and Public Safety the sum of one hundred seventy-eight thousand nine hundred fifty-seven dollars (\$178,957) for fiscal year 1985-86, and the sum of one hundred thirteen thousand nine hundred fifty-seven dollars (\$113,957) for fiscal year 1986-87, to fund the Missing Children Program.

DEPARTMENT OF JUSTICE FUNDS

Sec. 105. There is appropriated from the General Fund to the Department of Justice the sum of one million one hundred fifty thousand four hundred nineteen dollars (\$1,150,419) for fiscal year 1985-86, and the sum of eight hundred seventy-three thousand eight hundred twenty-four dollars (\$873,824) for fiscal year 1986-87, for operating expenses of the State Bureau of Investigation and the Attorney General's Office.

BLACK MOUNTAIN WOMEN'S PRISON FUNDS

Sec. 106. There is appropriated from the General Fund to the Department of Correction the sum of one hundred ninety- nine thousand fifty-five dollars (\$199,055) for fiscal year 1985- 86, and the sum of three hundred ninety-three thousand three hundred fifty-seven dollars (\$393,357) for fiscal year 1986-87, for additional staff and operating expenses at the Women's Prison at Black Mountain.

BLACK MOUNTAIN VOLUNTEER FIRE DEPARTMENT FUNDS

Sec. 107. There is appropriated from the General Fund to the Town of Black Mountain the sum of one hundred thousand dollars (\$100,000) for fiscal year 1985-86 to purchase and relocate the fire station of the Black Mountain Volunteer Fire Department.

HIGHWAY PATROL COMMUNICATIONS EQUIPMENT AND CAMERA FUNDS

Sec. 108. There is appropriated from the Highway Fund to the Department of Crime Control and Public Safety the sum of one hundred sixty-two thousand dollars (\$162,000) for fiscal year 1985-86 for communications equipment and cameras for the North Carolina Highway Patrol. Of these funds, seventy-two thousand dollars (\$72,000) shall be used to purchase walkie/talkie repeater radios, seventy-five thousand dollars (\$75,000) shall be used to purchase Signal 25's, and fifteen thousand dollars (\$15,000) shall be used to purchase cameras and other photographic equipment to allow members of the Highway Patrol to photograph accident scenes.

HARNETT CORRECTIONAL CENTER FUNDS

Sec. 109. There is appropriated from the General Fund to the Department of Correction the sum of three hundred twenty-five thousand dollars (\$325,000) for fiscal year 1985-86 for a vocational building at the Harnett Correctional Center.

WOMEN'S PRISON INFIRMARY FUNDS

Sec. 110. There is appropriated from the General Fund to the Department of Correction the sum of one million seven hundred thousand dollars (\$1,700,000) for fiscal year 1985-86 to establish a special reserve to be used to construct a new infirmary for the North Carolina Correctional Center for Women. These funds shall not revert at the end of the fiscal year but shall remain available until expended for the construction of the infirmary.

INTENSIVE JUVENILE PROBATION FUNDS

Sec. 111. There is appropriated from the General Fund to the Administrative Office of the Courts the sum of one hundred thirty thousand dollars (\$130,000) for fiscal year 1985-86, and the sum of one hundred thirty thousand dollars (\$130,000) for fiscal year 1986-87, to administer an intensive juvenile probation program.

NATURAL RESOURCES AND COMMUNITY DEVELOPMENT

HAZARDOUS WASTE TREATMENT COMMISSION FUNDS

Sec. 112. There is appropriated from the General Fund to the Department of Commerce the sum of one hundred fifty thousand dollars (\$150,000) for fiscal year 1985-86, and the sum of one hundred fifty thousand dollars (\$150,000) for fiscal year 1986-87, for operating expenses of the North Carolina Hazardous Waste Treatment Commission.

FOREST DEVELOPMENT PROGRAM FUNDS

Sec. 113. There is appropriated from the General Fund to the Department of Natural Resources and Community Development the sum of three hundred thousand dollars (\$300,000) for fiscal year 1985-86, and the sum of three hundred thousand dollars (\$300,000) for fiscal year 1986-87, to be placed in the Forest Development Fund and used for the forest development program.

GEOLOGICAL SURVEY COOPERATIVE PROGRAM FUNDS

Sec *. There is appropriated from the General Fund to the Department of Natural Resources and Community Development the sum of ninety-three thousand dollars (\$93,000) for fiscal year 1985-86, and the sum of ninety-three thousand dollars (\$93,000) for fiscal year 1986-87, to fund the State's share of the United States Geological Survey Cooperative Program.

ZOOLOGICAL PARK FUNDS

Sec. 114. There is appropriated from the General Fund to the Department of Natural Resources and Community Development the sum of six million dollars (\$6,000,000) for fiscal year 1985- 86 for the North Carolina Zoological Park, provided the North Carolina Zoological Park Society raises the sum of one million five hundred thousand dollars (\$1,500,000) to match this appropriation on a four-to-one basis. The Society shall periodically inform the Department of the amount of matching funds it has raised. The Department may expend the funds appropriated by this section only to the extent that the required matching funds have been raised. The funds appropriated by this section shall not revert at the end of the 1985-86 fiscal year, but shall remain available to the Department for the purpose stated in this section.

HAYWOOD AGRICULTURAL CENTER FUNDS

Sec. 115. There is appropriated from the General Fund to Haywood County the sum of two hundred thousand dollars (\$200,000) for fiscal year 1985-86 to construct an agricultural center, provided a like amount of non-State funds is raised by Haywood County to match this appropriation on a dollar-for-dollar basis.

LIVING-HISTORY FARM FUNDS

Sec. 116. There is appropriated from the General Fund to the Department of Natural Resources and Community Development the sum of seventy thousand dollars (\$70,000) for fiscal year 1985-86 for the purpose of developing a master plan and detailed cost estimate for a possible living-history farm as part of Pilot Mountain State Park.

NEW HANOVER FIRE PROTECTION FUNDS

Sec. 117. There is appropriated from the General Fund to the Department of Natural Resources and Community Development, Forest Resources Division, the sum of two hundred twenty-three thousand one hundred ninety-seven dollars (\$223,197) for fiscal year 1985-86, and the sum of fifty-two thousand three hundred fifteen dollars (\$52,315) for fiscal year 1986-87, to provide a medium fire suppression unit for New Hanover County, provided New Hanover County raises forty percent (40%) of the sums appropriated by this section to match this appropriation.

WESTERN FARMERS MARKET FUNDS

Sec. 118. There is appropriated from the General Fund to the Department of Agriculture the sum of five hundred fifteen thousand dollars (\$515,000) for fiscal year 1985-86 for capital improvements to the Western Farmers Market in Buncombe County.

CLYDE WASTEWATER TREATMENT FUNDS

Sec. 119. There is appropriated from the General Fund to the Town of Clyde the sum of seventy-five thousand dollars (\$75,000) for fiscal year 1985-86 to construct or improve wastewater treatment facilities for the Town, provided a like amount of non-State funds is raised by the Town of Clyde to match this appropriation on a dollar-for-dollar basis. The Town may not receive any of the funds appropriated by this section until it raises the total amount required as matching funds.

RIVER IMPROVEMENT FUNDS

Sec. 120. (a) There is appropriated from the General Fund to the Department of Natural Resources and Community Development the sum of forty thousand dollars (\$40,000) for fiscal year 1985-86, and the sum of forty thousand dollars (\$40,000) for fiscal year 1986-87, to be allocated to the French Broad River Improvement Program to continue the ten-year water quality program administered through the Region B Council of Governments in compliance with Section 205 of the Federal Clean Water Act.

(b) This section is effective only to the extent that federal funds in these amounts are not available for and are not used for this purpose.

LAKE GASTON LITIGATION FUNDS

Sec. 121. There is appropriated from the General Fund to the Department of Natural Resources and Community Development the sum of thirty-four thousand nine hundred fifty dollars (\$34,950) for the 1985-86 fiscal year, and the sum of fifty-three thousand two hundred eighty-seven dollars (\$53,287) for the 1986- 87 fiscal year, for technical support for the litigation involving Lake Gaston. These funds shall be used to gather, compile, and analyze water use data and other information necessary to demonstrate and quantify water needs in the Roanoke River Basin for municipal and industrial water use, agricultural irrigation, waste assimilation, and other instream uses.

WASTEWATER COLLECTION SYSTEM FUNDING/ALLOCATION

Sec. 122. The groundwater of certain areas of Scotland County was severely polluted by petroleum products from leaking underground storage tanks and the Council of State loaned Scotland County the sum of one hundred sixty thousand dollars (\$160,000) to run waterlines to the affected areas in order to ensure the health and safety of the people living there; therefore, there is appropriated from the General Fund to Scotland County the sum of one hundred sixty thousand dollars (\$160,000) for fiscal year 1985-86 to repay the loan from the Council of State.

NORTH CAROLINA HOUSING DEVELOPMENT ADVISORY SERVICE POSITIONS AND FUNDS

Sec. 123. (a) The six housing specialist positions in the Regional Housing Program of the Division of Economic Opportunity, Department of Natural Resources and Community Development, are transferred to the Division of Community Assistance effective July 1, 1985. It is the intent of the General Assembly that personnel employed in these positions as of May 1, 1985, shall be rehired.

(b) There is appropriated from the General Fund to the Department of Natural Resources and Community Development the sum of two hundred fifty-eight thousand dollars (\$258,000) for the 1985-86 fiscal year, and the sum of two hundred fifty-eight thousand dollars (\$258,000) for the 1986-87 fiscal year, for the positions transferred pursuant to subsection (a) of this section.

HAZELWOOD WATER SYSTEM FUNDS

Sec. 124. There is appropriated from the General Fund to the Town of Hazelwood the sum of seventy-five thousand dollars (\$75,000) for fiscal year 1985-86 to construct a water supply system for the Town, provided a like amount of non-State funds is raised by the Town of Hazelwood to match this appropriation on a dollar-for-dollar basis. The Town may not receive any of the funds appropriated by this section until it raises the total amount required as matching funds.

CEDAR ISLAND FERRY TERMINAL FUNDS

Sec. 125. There is appropriated from the Highway Fund to the Department of Transportation the sum of three hundred seventy-seven thousand dollars (\$377,000) for fiscal year 1985-86 to construct a mini-rest area at the Cedar Island Ferry Terminal, which may include a rest area building, a fenced play area, picnic shelters, a new ticket booth, improvements to existing offices, and security fencing.

STATE PARKS LAND PURCHASE FUNDS

Sec. 126. (a) There is appropriated from the General Fund to the Department of Natural Resources and Community Development the sum of twelve million five hundred thousand dollars (\$12,500,000) for fiscal year 1985-86, and the sum of twelve million five hundred thousand dollars (\$12,500,000) for fiscal year 1986-87. Of these funds, the sum of five hundred thousand dollars (\$500,000) for fiscal year 1985-86 shall be placed in a reserve and used to develop a State Park on Lake James if land becomes available for this purpose; the sum of four hundred thousand dollars (\$400,000) for fiscal year 1985-86 shall be used to develop the Jordan State Forest in Chatham County by preparing interpretive exhibits and trails and by making other capital improvements to the Forest; the sum of two hundred fifty thousand dollars (\$250,000) for fiscal year 1985-86 shall be used to purchase the remaining lands in Durham County designated by the Department's Division of Parks and Recreation for that portion of the Eno River State Park lying in Durham County; the sum of fifteen thousand dollars (\$15,000) for fiscal year 1985-86 shall be made available to the Town of Troy for park development; and the remainder of the funds appropriated for fiscal year 1985-86 shall be used to purchase the land determined to be the critical areas of the Park and Recreation System,

as identified by the Department's Division of Parks and Recreation and prioritized as follows:

Carolina Beach State Park - land necessary to protect existing resources and eliminate inholding.

Merchants Millpond State Park - land necessary for campground, primary resource and entrance protection, and to complete the park.

Mount Jefferson State Park - land necessary to eliminate control problems along the existing park entrance.

Jockey's Ridge State Park - land necessary for access control, to eliminate inholdings, and to complete the park and protective buffer.

Pettigrew State Park - land necessary to complete the park and for access control.

New River - land necessary to complete the park. Lake Waccamaw - land necessary to protect undeveloped shoreline and complete the park.

Mitchell Mill - land necessary to complete acquisition of rock outcroppings.

William B. Umstead - land necessary to protect the park along I-40 and U.S. 70 and to complete acquisition on the southeast boundary.

Cliffs of the Neuse - land necessary for river protection, new picnic and camping developments, and to complete the park.

Weymouth Woods - land necessary to complete park. Stone Mountain - land necessary for park entrance, watershed protection, and natural resource protection.

South Mountains - land necessary to provide lands suitable for campground development, and visual and watershed protection of surrounding ridges and above High Shoals Falls.

Eno River - land necessary for river protection and access to Cole Mill Road Use Area.

(b) The funds appropriated for fiscal year 1986-87 shall be used to purchase the land determined to be the critical areas of the Park and Recreation System, as identified by the Division of Parks and Recreation of the Department and prioritized as follows:

Raven Rock - land necessary to protect Fish Creek watershed, to provide for facility development, and to complete the park.

White Lake - land necessary for a State Lake's visitors center. Hammocks Beach - land necessary to provide park development on the mainland.

Crowders Mountain - land necessary to protect the slopes of Crowders Mountain and Kings Pinnacle and provide development area.

Mount Mitchell - land necessary to control access to the park and for resource protection.

Morrow Mountain - land necessary for inholding purchases and access control.

State Trails, including the Mountains-to-Sea Trail - land necessary to provide critical links and necessary public access.

William B. Umstead - land necessary to complete the park. Bushy Lake - land necessary to protect the remaining portion of the bay area.

Medoc Mountain - land necessary to complete the park. Goose Creek - land necessary to protect the entrance area. State Rivers - land necessary for resource protection and public access.

Duke Power State Park - land necessary to eliminate inholdings and control access.

(c) The Department of Natural Resources and Community Development may purchase the areas specified in subsections (a) and (b) in any order or manner as is necessary for efficiency or cost-effectiveness and may use some of the funds appropriated by this section for land surveys and appraisal fees.

TECHNOLOGICAL DEVELOPMENT AUTHORITY FUNDS

Sec. 127. There is appropriated from the General Fund to the Department of Commerce the sum of one hundred twenty-eight thousand dollars (\$128,000) for fiscal year 1985-86, and the sum of one hundred thousand dollars (\$100,000) for fiscal year 1986- 87, for programs of the North Carolina Technological Development Authority. Of the funds appropriated for fiscal year 1985-86, the sum of eighty-eight thousand dollars (\$88,000) shall be used for the Innovation Research Fund and the sum of forty thousand dollars (\$40,000) shall be used for operating expenses of the Authority. All the funds appropriated for fiscal year 1986-87 shall be used for the North Carolina Innovation Research Fund.

PIGEON RIVER WATER STUDY

Sec. 128. (a) There is appropriated from the General Fund to the Water Resources Research Institute of The University of North Carolina (hereinafter referred to as "the Institute") the sum of fifty thousand dollars (\$50,000) for fiscal year 1985- 86, and the sum of fifty thousand dollars (\$50,000) for fiscal year 1986-87, to conduct a study of the water quality of the portion of the Pigeon River above the Canton water supply intake (hereinafter referred to as "the watershed"). The purpose of the study shall be to serve as the basis of a water quality management plan for water supply and related purposes for the benefit of the citizens of eastern Haywood County and as a pilot project for similar areas elsewhere in the State. Subject to the availability of funds, the Institute may also initiate special studies in other water supply watersheds in the Pigeon River and French Broad River basins.

(b) The scope of the study shall include but need not be limited to water quality characteristics needed for public water supply purposes in the watershed; existing and projected water quality of the watershed; principal water pollution problems of the watershed, both present and projected; existing and projected sewage and waste collection and treatment facilities that discharge or would discharge into the watershed; and alternative methods to protect and improve the water quality of the watershed for public water supply purposes.

(c) The Institute shall publish a report of the Pigeon River study by November 15, 1987, and may publish one or more interim or supplemental reports.

CEDAR ISLAND SMALL PORT FUNDS

Sec. 129. (a) There is appropriated from the General Fund to the North Carolina Wildlife Resources Commission for fiscal year 1985-86 the sum of seventy-five thousand dollars (\$75,000) to provide for construction of the planned boating access facility at Cedar Island, North Carolina.

(b) The North Carolina Department of Transportation is directed to extend the existing rock jetty on the eastern side of the Cedar Island Ferry Harbor to create a harbor of refuge for small boats to use that will not interfere with ferry traffic and is also directed to utilize its dredges to remove sand from this harbor to allow for small boat usage.

OCRACOKE ISLAND FERRY FACILITY FUNDS

Sec. 130. There is appropriated from the Highway Fund to the Department of Transportation the sum of two hundred thousand dollars (\$200,000) for fiscal year 1985-86 to build permanent structures at the Ocracoke Island Ferry Facility.

VANCE LANDFILL ROAD FUNDS

Sec. 131. There is appropriated from the General Fund to Vance County the sum of forty thousand dollars (\$40,000) for fiscal year 1985-86 to construct a road leading to the county landfill, provided a like amount of non-State funds is raised by Vance County to match this appropriation on a dollar-for-dollar basis.

COASTAL SUBMERGED LANDS FUNDS

Sec. 132. There is appropriated from the General Fund to the Department of Natural Resources and Community Development the sum of one hundred thirty-nine thousand dollars (\$139,000) for fiscal year 1985-86, and the sum of two hundred thirty-six thousand dollars (\$236,000) for fiscal year 1986-87, to pay for condemned claims of land under navigable waters pursuant to G.S. 113-206.

STANLY FIRE PLOW FUNDS

Sec. 133. There is appropriated from the General Fund to the Department of Natural Resources and Community Development the sum of two hundred thousand dollars (\$200,000) for fiscal year 1985-86 to purchase a fire plow and related equipment for Stanly County.

BUNCOMBE FORESTRY BUILDING FUNDS

Sec. 134. There is appropriated from the General Fund to the Department of Natural Resources and Community Development, Forest Resources Division, the sum of three hundred sixty-nine thousand dollars (\$369,000) for fiscal year 1985-86 to construct a forestry headquarters building for Buncombe County.

ALLEGHANY AGRICULTURAL CENTER FUNDS

Sec. 135. There is appropriated from the General Fund to Alleghany County the sum of one hundred thousand dollars (\$100,000) for fiscal year 1985-86 to construct an Agricultural Center.

TRAVEL AND TOURISM FUNDS

Sec. 136. There is appropriated from the General Fund to the Department of Commerce, Division of Travel and Tourism, the sum of one million one hundred fifty-six thousand dollars (\$1,156,000) for fiscal year 1985-86 for advertising and for tourism promotion grants.

SOLAR PEANUT DRYING RESEARCH FUNDS

Sec. 137. There is appropriated from the General Fund to the Department of Agriculture the sum of sixty-six thousand five hundred dollars (\$66,500) for fiscal year 1985-86 for a solar-assisted peanut drying system at the Peanut Belt Research Station to do research on product quality and feasibility of these systems.

ARTIFICIAL REEF CONTROL AND FUNDS

Sec. 138. (a) G.S. 143B-286(2) is amended by adding a new subpart to read:

"k. Governing the location and utilization of artificial reefs in coastal waters."

(b) There is appropriated from the General Fund to the Department of Natural Resources and Community Development the sum of three hundred thousand dollars (\$300,000) for fiscal year 1985-86 to be placed in a reserve and used to construct artificial reefs from railroad boxcars. Any unexpended funds in this reserve at the end of fiscal year 1985-86 shall revert to the General Fund.

KEEP NORTH CAROLINA BEAUTIFUL FUNDS

Sec. 139. There is appropriated from the General Fund to Keep North Carolina Beautiful, Incorporated, the sum of twenty-five thousand dollars (\$25,000) for fiscal year 1985-86 to improve the visual environment of the State and to develop educational programs to accomplish this goal.

CROP DEPREDATION PILOT PROGRAM AND FUNDS

Sec. 140. There is appropriated from the Wildlife Fund to the Wildlife Resources Commission the sum of ten thousand dollars (\$10,000) for fiscal year 1985-86 to implement a local use crop depredation pilot program in Pender County to compensate landowners for damage caused by wildlife. The Wildlife Resources Commission shall make the necessary rules and regulations to preserve wildlife and ensure the quality of the pilot program.

TRENT RIVER DRAW BRIDGE FUNDS

Sec. 141. There is appropriated from the Highway Fund to the Department of Transportation the sum of one million five hundred thousand dollars (\$1,500,000) for fiscal year 1985-86 to replace the Trent River Railroad Draw Bridge.

Part II. SPECIAL PROVISIONS

EXPAND MEMBERSHIP OF JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS

Sec. 142. (a) The first sentence of G.S. 120-74 is amended by deleting "14" and substituting "22".

(b) The third sentence of G.S. 120-74 is amended by deleting "five" and substituting "nine".

(c) The fourth sentence of G.S. 120-74 is amended by deleting "four" and substituting "eight".

(d) This section is effective upon ratification.

BLOCK GRANT CORRECTION

Sec. 143. Section 4 of Chapter 479 of the 1985 Session Laws is amended in the chart for Alcohol and Drug Abuse and Mental Health Services Block Grant by rewriting entry 07. to read:

"07. Programs for Severely Emotionally Disturbed Children and Adolescents 17,377".

FORMULA DISTRIBUTION OF STATE VOCATIONAL EDUCATION FUNDS/SECONDARY

Sec. 144. To ensure a more balanced distribution of State and federal funds allocated for disadvantaged and handicapped students, the State Board of Education shall distribute to each of the local school administrative units the State vocational education funds that are required to match federal funds for the disadvantaged and for the handicapped, based on the following formula:

Factor	Point Value
(1) Concentration of Low Income Families	18-32
(2) Relative Financial Abilities	18-32
(3) Economically Depressed Areas	5-20
a. Designated Area Reimbursement Rate (0-6)	
b. General Unemployment (5-14)	
(4) Average Daily Membership (ADM)	<u>4-16</u>
Range of Points	45-100

Once the local school administrative units' total allotments are calculated, the State Board of Education shall combine each local school administrative unit's State and federal allotments into single allotments, one for the disadvantaged and one for the handicapped. The combined allotment for the disadvantaged shall require a local match based on the local school administrative unit's ability to pay, ranging from twenty- eight percent (28%) to thirty-two percent (32%), as is presently the case. The combined allotment for the handicapped shall be distributed with no local matching requirements.

CENTRAL PAY FOR SCHOOLS MODIFIED

Sec. 145. (a) G.S. 115C-12(18) is rewritten to read:

"(18) Duty to Develop and Implement a Central Payroll System. The State Board of Education shall develop and implement a central payroll system for all payments from State or federal funds for employees of local school administrative units as selected by the State Board. By the 1987-88 school year, all State-funded and federally funded employees of local school administrative units shall be paid through this system.

Payments through the central payroll system shall be made by electronic funds transferred to a financial institution in an account designated by the employee; however, the State Board may authorize payment by payroll check to certain classes of temporary employees that the State Board finds it would be administratively more efficient to pay in that manner.

All employees paid through the central payroll system shall be paid monthly on one of two statewide payroll dates established by the State Board. The State Board shall designate which classes of employees shall be paid on each of the two dates. This paragraph may not be construed to authorize payment to any employee for work not yet done.

Each employee shall receive a statement of his pay level and annual salary with the first salary payment of each school year.

Payments made to employees from non-State and non-federal funds, including local supplements, shall be made through the local payroll system unless the local school administrative unit is included in the central payroll system and its local board of education requests in writing that these payments be made through the central payroll system."

(b) Local acts establishing payroll dates for local school administrative units do not apply to payments made to employees through the central payroll system. Payments to employees that are made through a local payroll system may be made on the statewide payroll dates or on the payroll dates set by local act, at the discretion of the local boards of education.

(c) G.S. 115C-272(b)(1) is amended by deleting the first sentence and substituting:

"Salary payments to superintendents made through the central payroll system shall be made monthly on the statewide payroll date, as provided in G.S. 115C-12(18). Salary payments to superintendents made through a local payroll system may be made monthly on the basis of each calendar month of service or on the statewide payroll date for superintendents, at the discretion of the local board."

(d) G.S. 115C-285(a)(1) is amended by deleting the first sentence and substituting:

"Classified principals and State-allotted supervisors shall be employed for a term of 12 calendar months. Salary payments to classified principals and State-allotted supervisors made through the central payroll system shall be made monthly on the statewide payroll date, as provided in G.S. 115C-12(18). Salary payments to classified principals and State-allotted supervisors made through a local payroll system may be made monthly at the end of each calendar month of service or on the statewide payroll date for such employees, at the discretion of the local board."

(e) G.S. 115C-302(a)(1) is amended by deleting the first sentence up to the proviso and substituting:

"Regular State-allotted teachers shall be employed for a period of 10 calendar months. Salary payments to regular State-allotted teachers made through the central payroll system shall be made monthly on the statewide payroll date, as provided in G.S. 115C- 12(18). Salary payments to regular State-allotted teachers made through a local payroll system may be made monthly at the end of each calendar month of service or on the statewide payroll date for such employees, at the discretion of the local board:".

(f) G.S. 115C-302(a)(2) is amended by deleting the first sentence up to the proviso and substituting:

"State-allotted months of employment to local boards of education as provided by the State Board of Education shall be used for the employment of teachers of occupational education for a term of employment as determined by the local boards of education. Salary payments to these occupational education teachers made through the central payroll system shall be made monthly on the statewide payroll date, as provided in G.S. 115C- 12(18). Salary payments to these occupational education teachers made through a local payroll system may be made monthly at the end of each calendar month of service or on the statewide payroll date for these employees, at the discretion of the local board:".

(g) G.S. 115C-316(a)(1) is amended by deleting the first sentence and substituting:

"Salary payments to employees other than superintendents, supervisors, and classified principals employed on an annual basis made through the central payroll system shall be made monthly on the statewide payroll date, as provided in G.S. 115C-12(18). Salary payments to these employees made through a local payroll system may be made monthly at the end of each calendar month of service or on the statewide payroll date for these employees, at the discretion of the local board."

(h) G.S. 115C-316(a)(2) is amended by deleting the first sentence up to the proviso and substituting:

"Salary payments to employees other than those covered in G.S. 115C-272(b)(1), 115C-285(a)(1) and (2), 115C-302(a)(1) and (2), and 115C-316(a)(1) made through the central payroll system shall be made monthly on the statewide payroll date, as provided in G.S. 115C-12(18). Salary payments to these employees made through a local payroll system may be made at a time determined by each local board of education or may be made monthly on the statewide payroll date for these employees, at the discretion of the local board. Expenditures for the salary of these employees from State funds shall be within allocations made by the State Board of Education and in accordance with rules and regulations approved by the State Board of Education concerning allocations of State funds:".

(i) G.S. 115C-47(21) is amended by deleting the word "centralized" wherever it appears and substituting "central".

(j) A new section is added to Article 2 of Chapter 115C of the General Statutes to read:

"§ 115C-13. Duty to maintain confidentiality of certain records.—Except as otherwise provided by federal law, local boards of education and their officers and employees shall provide to the State Board and to the Superintendent all information needed to carry out their duties. It is unlawful for any member of the State Board of Education, the Superintendent of Public Instruction, or any employee or officer of the State Board of Education or the Department of Public Instruction to disclose any of this information that the local board or its officers or employees could not lawfully disclose. This disclosure is a misdemeanor, punishable by a fine of not less than two hundred dollars (\$200.00) nor more than one thousand dollars (\$1,000), imprisonment, or both."

(k) Notwithstanding the provisions of this section, an employee who has received at least one payroll check from a local school administrative unit may elect, when that local school administrative unit is included in the central payroll system, to continue to be paid by payroll check instead of by electronic funds transfer. This election shall be made in writing on a form provided by the State Board. An employee, who has been paid by electronic funds transfer through the central payroll system by a local school administrative unit may not elect to be paid by that local school administrative unit via payroll check.

The payroll check of an employee who elects to be paid by payroll check pursuant to the provisions of this section shall be mailed to the employee from the office of the State Board in Raleigh on the day it is due.

(l) The State Budget Office is authorized to transfer unexpended funds from the Public School Fund to the State Board to support the needs of local school administrative units in implementing the central payroll system.

(m) G.S. 115C-29(b) is amended by adding a new subdivision to read:

"(11a) He shall have responsibility for the successful implementation of the central payroll system. This responsibility shall include recommending to the Board a systematic evaluation and selection process for qualifying vendors to specify payroll software requirements, systems software requirements, systems software and hardware, and any other expertise necessary to the central payroll requirements definition, system design, or implementation. It shall further include the responsibility to recommend to the Board termination of any contractual relationship where the contractor's performance is not meeting previously agreed upon performance standards, product standards, or deadlines. He shall report his progress monthly to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division of the Legislative Services Commission."

COMMUNITY COLLEGE/MATCHING FUNDS FOR CAPITAL PROJECTS

Sec. 146. G.S. 115D-31(a)(1) is amended by adding a new sentence at the end to read:

"Notwithstanding the provisions of this subdivision, G.S. 116- 53(b), or G.S. 143-31.4, appropriations by the State of North Carolina for capital or permanent improvements for community colleges and technical institutes may be matched with any prior expenditure of non-State funds for capital construction or land acquisition not already used for matching purposes."

SATELLITE COUNTY/APPOINTMENTS TO BOARDS OF TRUSTEES

Sec. 147. (a) G.S. 115D-12(a) is amended in the first sentence by inserting after the phrase "of 13 members," the phrase "or of additional members if selected according to the special procedure prescribed by the third paragraph of this subsection,".

(b) G.S. 115D-12(a) is further amended in the third paragraph, designated by the words "Group Two", by inserting a new sentence between the second and third sentences to read: "Provided, also, the county commissioners of the county in which the community college or technical institute has established a satellite campus may elect an additional two members if the board of trustees of the community college or technical institute agrees."

COMMUNITY COLLEGE SATELLITE FUNDS/REQUIREMENTS

Sec. 148. (a) G.S. 115D-32 is amended by adding a new subsection at the end to read:

"(d) The counties that agree to have satellite campuses of community colleges or technical institutes located in them accept the maintenance and utility costs of these satellite campuses."

(b) Boards of county commissioners may enter into contracts for the construction of satellite campuses of community colleges or technical institutes, to be located in their counties.

(c) Funds appropriated in Chapter 480 of the 1985 Session Laws to the Department of Community Colleges that are used to construct satellite facilities of a community college or technical institute shall be paid directly to the board of county commissioners of the county where the facility is to be built upon the board's entering into a contract for construction of the building. These funds shall be paid to the board of county commissioners according to the payment schedule contained in the construction contract.

(d) The board of county commissioners of the county in which a satellite campus of a community college or technical institute is to be constructed shall submit the plans for the satellite facility's construction to the board of trustees of the community college or technical institute that will be operating the facility for its approval prior to entering into any contract for the construction of the satellite facility.

(e) A satellite facility may be used only as a satellite facility of the community college or technical institute that operates it and for no other purpose except as approved by the board of trustees of the community college or technical institute that has been assigned the county where the satellite facility is located as a service delivery area either by an act of the General Assembly or by the State Board of Community Colleges.

ALLOCATION FOR CAPE FEAR TECHNICAL INSTITUTE

Sec. 149. Of the funds allocated to Cape Fear Technical Institute by Section 5.16 of Chapter 480 of the 1985 Session Laws for fiscal year 1985-86, three hundred

thousand dollars (\$300,000) shall be used for the construction of a satellite in Pender County.

ALLOCATION FOR CENTRAL CAROLINA TECHNICAL COLLEGE

Sec. 150. Section 5.16(f) of Chapter 480 of the 1985 Session Laws is rewritten to read:

"(f) Of the funds allocated to Central Carolina Technical College by this section for fiscal year 1985-86, one hundred thousand dollars (\$100,000) shall be used for the completion of the satellite in Harnett County. The 49-year lease of land for this facility satisfies the matching requirement for these funds."

TRI-COUNTY AND ANSON COUNTY FUNDS/NO MATCH REQUIREMENT

Sec. 151. Funds allocated to Tri-County Community College and to Anson Technical College by Section 5.16 of Chapter 480 of the 1985 Session Laws are not subject to any requirements that they be matched by local funds.

UNENCUMBERED UNIVERSITY FUNDS/ADVANCE PLANNING

Sec. 152. (a) Notwithstanding any other provision of law, any unencumbered or unexpended funds remaining in capital improvement codes credited to The University of North Carolina Board of Governors or the 16 constituent institutions for projects not enumerated by the General Assembly may be used for advance planning within the University system.

TEACHER PREPARATION PROGRAM STUDY TASK FORCE

Sec. 153. The second paragraph of Section 72 of Chapter 479 of the 1985 Session Laws is amended by deleting the date "August 1, 1985" and substituting "October 1, 1985".

MILITARY TUITION

Sec. 154. Section 69(a) of Chapter 479 of the 1985 Session Laws, is rewritten to read:

"(a) G.S. 116-143.3(b) is rewritten to read:

'(b) Any member of the armed services qualifying for admission to an institution of higher education as defined in G.S. 116- 143.1(a)(3) but not qualifying as a resident for tuition purposes under G.S. 116-143.1 shall be charged the out-of-State tuition rate; provided, that the out-of-State tuition shall be forgiven to the extent that the out-of-State tuition rate exceeds any amounts payable to the institution or the service member by the service member's employer by reason of enrollment pursuant to such admission while the member is abiding in this State incident to active military duty, plus the amount that represents the percentage of the out-of-State tuition rate paid to the institution or the service member by the service member's employer multiplied by the in-State tuition rate and then subtracted from the in-State tuition rate.'"

DAY CARE REORGANIZATION

Sec. 155. (a) Chapter 143B of the General Statutes is amended by adding a new Part to Article 3 to read:

"Part 10A.

"Child Day Care Commission.

"§ 143B-168.1. Child Day Care Commission - powers and duties.—The Child Day Care Licensing Commission of the Department of Administration is transferred, recodified, and renamed the Child Day Care Commission of the Department of Human Resources with the power and duty to adopt rules to be followed in the licensing and operation of child day care facilities and day care plans as provided by Article 7 of Chapter 110 of the General Statutes.

(a) The Child Day Care Commission shall adopt rules:

- (1) For the issuance of licenses to any day care facility; and
- (2) To register day care plans and to adopt rules as provided by Article 7 of Chapter 110 of the General Statutes of the State of North Carolina, and to establish standards for 'AA' licenses, as authorized by G.S. 110-88(7).

(b) The Commission shall adopt rules consistent with the provisions of this Chapter. All rules not inconsistent with the provisions of this Chapter heretofore adopted by the Child Day Care Licensing Commission or the Social Services Commission shall remain in full force and effect unless and until repealed or superseded by action of the Child Day Care Commission. All rules and regulations adopted by the Commission shall be enforced by the Department of Human Resources.

"§ 143B-168.2. Child Day Care Commission - members; selection; quorum; compensation.—The Child Day Care Commission of the Department of Human Resources shall consist of 15 members. Seven of the members shall be appointed by the Governor and eight by the General Assembly, four upon the recommendation of the President of the Senate, and four upon the recommendation of the Speaker of the House of Representatives. Four of the members appointed by the Governor, two by the General Assembly on the recommendation of the President of the Senate, and two by the General Assembly on the recommendation of the Speaker of the House of Representatives, shall be members of the public who are not employed in, or providing, day care and who have no financial interest in a day care facility or plan. Two of the foregoing public members appointed by the Governor, one of the foregoing public members recommended by the President of the Senate, and one of the foregoing public members recommended by the Speaker of the House of Representatives shall be parents of children receiving day care services. Three of the members appointed by the Governor shall be day care providers, two of whom shall be affiliated with a for profit day care plan or facility and one of whom shall be affiliated with a nonprofit plan or facility. Two of the members appointed by the General Assembly on the recommendation of the President of the Senate, and two by the General Assembly on recommendation of the Speaker of the House of Representatives, shall be day care providers, one affiliated with a for profit day care facility or plan and one affiliated with

a nonprofit day care facility or plan. None may be employees of the State. Members shall be appointed as follows:

- (1) Of the Governor's initial appointees, four shall be appointed for terms expiring June 30, 1986, and three shall be appointed for terms expiring June 30, 1987;
- (2) Of the General Assembly's initial appointees appointed upon recommendation of the President of the Senate, two shall be appointed for terms expiring June 30, 1986, and two shall be appointed for terms expiring June 30, 1987;
- (3) Of the General Assembly's initial appointees appointed upon recommendation of the Speaker of the House of Representatives, two shall be appointed for terms expiring June 30, 1986, and two shall be appointed for terms expiring June 30, 1987.

Appointments by the General Assembly shall be made in accordance with G.S. 120-121. After the initial appointees' terms have expired, all members shall be appointed to serve two-year terms. Any appointment to fill a vacancy on the Commission created by the resignation, dismissal, death, or disability of a member shall be for the balance of the unexpired term.

A vacancy occurring during a term of office is filled:

- (1) By the Governor, if the Governor made the initial appointment;
- (2) By the General Assembly, if the General Assembly made the initial appointment in accordance with G.S. 120-122.

At its first meeting the Commission members shall elect a chairman to serve a two-year term. Chairmen shall be elected for two-year terms thereafter. The same member may serve as chairman for two consecutive terms.

Commission members may be reappointed and may succeed themselves for a maximum of four consecutive terms.

The Commission shall meet quarterly, and at other times at the call of the chairman or upon written request of at least six members.

The members of the Commission shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5. A majority of the Commission shall constitute a quorum for the transaction of business.

All clerical and other services required by the Commission shall be supplied by the Secretary of Human Resources."

- (b) G.S. 120-123 is amended by adding a new subdivision to read:

"(43) The Child Day Care Commission, as established by G.S. 143B-168.1."

- (c) G.S. 110-86(1) is amended by deleting the word "Licensing".

(d) G.S. 110-88(2) is amended by deleting the word "Commission" and by substituting the word "Department".

(e) G.S. 110-88(6) and (8) are amended by deleting the word "Administration" and by substituting the words "Human Resources".

(f) Part 4 of Article 9 of Chapter 143B, G.S. 143B-375 and G.S. 143B-376, is recodified as Part 10A of Article 3 of Chapter 143B, G.S. 143B-168.1 and G.S.

143B-168.2; and reference to it in the Table of Contents at the beginning of the Chapter is amended accordingly.

(g) G.S. 110-90 is amended in the catch line and in the first sentence by deleting the words "Administration" and "Administration" and by substituting the words "Human Resources" and "Human Resources".

(h) G.S. 110-91 is amended in the second sentence by deleting the word "Administration" and by substituting the words "Human Resources".

(i) G.S. 110-91(9) is amended in the third paragraph by deleting the word "Administration" and by substituting the words "Human Resources".

(j) G.S. 110-92 is amended by repealing the first paragraph, and is further amended in the second and third paragraphs by deleting the word "Administration" and by substituting the words "Human Resources"; and is further amended in the third paragraph by deleting the word "Commission" and by substituting the word "Department".

(k) G.S. 110-93(a) is amended by deleting the word "Commission" and by substituting the word "Department".

(l) G.S. 110-93(b) is amended by deleting the word "Administration" and substituting the words "Human Resources".

(m) G.S. 110-94 is amended by deleting the word "Licensing".

(n) G.S. 110-100 is amended by deleting the word "Administration" and by substituting the words "Human Resources".

(o) G.S. 110-102 is amended in the first and second sentences by deleting the word "Administration" and by substituting the words "Human Resources".

(p) G.S. 110-106(b)(1) is amended by deleting the word "Licensing".

(q) The statutory authority, powers, duties, and functions, records, personnel, property, unexpended balances of appropriations, allocations or other funds, including the functions of budgeting and purchasing, of the North Carolina Day Care Licensing Commission of the Department of Administration is transferred to the Department of Human Resources. The statutory authority, powers, duties, and functions, records, personnel, property, unexpended balances of appropriations, allocations, or other funds, including the functions of budgeting and purchasing, of the Office of Day Care Licensing of the Department of Administration and of the Office of Day Care Services of the Department of Human Resources, are transferred to the Division of Facility Services of the Department of Human Resources. Any disputes arising out of this transfer shall be resolved by the Governor pursuant to G.S. 143B-4.

(r) The Secretary of the Department of Human Resources shall report in writing to the 1985 General Assembly, Regular Session 1986, and to the Joint Legislative Commission on Governmental Operations documenting the progress of the implementation of this act. A copy of the report shall be delivered to the President of the Senate, the Speaker of the House, the Chairmen of the House and Senate Committee on Children and Youth, the Joint Legislative Commission on Children and Youth, and to the Fiscal Research Division.

(s) There is appropriated from the General Fund to the Department of Human Resources the sum of sixty-three thousand dollars (\$63,000) for fiscal year

1985-86, and the sum of twelve thousand dollars (\$12,000) for fiscal year 1986-87, to fund the Child Day Care Commission.

DAY CARE/STANDARDS/ABUSE AND NEGLECT
PROTECTION/ENFORCEMENT

Sec. 156. (a) G.S. 110-88(3) is rewritten to read:

"(3) To make rules establishing minimum and reasonable standards for the operation of day-care plans and the issuance of registration certificates. These rules shall establish minimum standards of health, sanitation, and safety that will be required in day-care plans and will recognize the vital role that parents and guardians play in the monitoring of the care provided in day-care plans."

(b) G.S. 110-90.1 is amended by adding two new sentences at the end to read:

"The person registered to provide care in a day-care plan shall be at least 18 years of age or a high school graduate. A person who is not a high school graduate, and who is less than 18 years of age, but at least 16 years of age, may work on a day-care plan if under the direct supervision of the person registered to provide the care."

(c) G.S. 110-91(2) is amended by rewriting the first paragraph to read:

"Each child in a day-care facility shall receive nutritious food and refreshments under rules to be adopted by the Commission. After consultation with the Division of Health Services of the Department of Human Resources, nutrition standards shall provide for specific requirements for infants. Nutrition standards shall provide for specific requirements for children older than infants, including a daily food plan for meals and snacks served that shall be adequate for good nutrition. The number and size of servings and snacks shall be appropriate for the ages of the children and shall be planned according to the number of hours the child is in care. Menus for meals and snacks shall be planned at least one week in advance, dated, and posted where they can be seen by parents."

(d) G.S. 110-91(6) is amended by deleting the words "Space Requirements" and by substituting "Space and Equipment Requirements", and by adding a new paragraph at the end to read:

"Each day-care facility shall provide equipment and furnishings that are child size, sturdy, safe, and in good repair. Space shall be available for proper storage of beds, cribs, mats, cots, sleeping garments, and linens as well as designated space for each child's personal belongings."

(e) G.S. 110-91(7) is amended by rewriting sub- subdivisions a., b., and c. to read:

- "a. For day-care facilities caring for fewer than 30 children of whom more than half are under the age of two, the ratios are as prescribed by sub-subdivision c. of this subdivision.
- b. For the other facilities caring for fewer than 30 children, the ratios are as follows:

1. In facilities licensed for six to 10 children, inclusive, one adult caregiver present, giving care, with another person who is at least 16 years of age available for emergencies in relief.
2. In facilities licensed for 11 to 20 children, inclusive, two adult caregivers present, giving care.
3. In facilities licensed for 21 to 29 children, inclusive, three adult caregivers present, giving care.

Maximum group size for each age is fixed at twice the child/staff ratio for the respective age groups, but not larger than 25.

- c. For facilities caring for 30 or more children, the ratios and maximum group sizes are as follows:

Ages of Children	No. of Children		Staff Group Size
0 to 2 years	7	1	14
2 to 3 years	12	1	24
3 to 4 years	15	1	25
4 to 5 years	20	1	25
5 years and older	25	1	25

1. Children under two years of age shall be kept separate from older children, and with a full-time adult always in attendance.
2. Staff members required to be responsible for the care of children shall not have responsibility for food preparation.
3. Excluding children under two years of age, any facility may provide care for ten percent (10%) more children than the number and group for which it is licensed. This tolerance shall be used only in emergency situations or to provide for after-school care for school-age children."

- (f) G.S. 110-91(8) is amended by adding a new paragraph at the end to read:

"The Commission shall adopt standards to establish the minimum educational requirements for directors, staff, and staff assistants. These standards shall reflect training, experience, education, or credentialing. It is the intent of this provision to guarantee that all children in day care are cared for by qualified people but also to recognize that qualifications for good child care may not be limited to formal education or training standards. To this end, the standards adopted by the Commission pertaining to training and educational requirements shall include provision that these requirements may be met by informal as well as formal training and educational experience. No requirements may interfere with the teachings or doctrine of any established religious organization."

- (g) G.S. 110-91(10) is amended by adding a new paragraph at the end to read:

"Each day-care facility shall have a written policy on discipline, which policy describes the methods and practices used to discipline children enrolled in that facility. This written policy shall be discussed with, and a copy given to, each child's parent prior to the first time the child attends the facility. Subsequently, any change in

discipline methods or practices shall be communicated in writing to the parents prior to the effective date of the change."

(h) G.S. 110-91 is amended by adding the following new subdivisions to read:

"(11) Staff Development. The Commission shall adopt minimum standards for ongoing staff development for facilities. These standards shall include a requirement that each day-care facility shall have a written staff development plan that shall include training activities for each staff member.

(12) Planned Age Appropriate Activities. Each day-care facility shall have a planned schedule of activities posted in a prominent place to enable parents to review it, and a written plan of age appropriate activities available to parents. Each facility shall have age appropriate activities and play materials to implement the written plan.

(13) Transportation. All day-care facilities shall abide by North Carolina law regulating the use of seat belts and child passenger restraint devices. All vehicles operated by any facility staff person or volunteer to transport children shall be properly equipped with appropriate seat belts or child restraint devices as approved by the Commissioner of Motor Vehicles. Each adult and child shall be restrained by an appropriate seat safety belt or restraint device when the vehicle is in motion. These restraint regulations do not apply to commercial vehicles, or other vehicles not required to be equipped with seat restraints. All vehicles used to transport children shall meet and maintain the safety inspection standards of the Division of Motor Vehicles of the Department of Transportation and the facility shall comply with all other applicable State and federal laws and regulations concerning the operation of a motor vehicle. Children may never be left unattended in a vehicle.

The ratio of adults to children in day-care vehicles may not exceed the staff/child ratios prescribed by G.S. 110-91(7). The Commission shall adopt standards for transporting children under the age of two, including standards addressing this particular age's staff/child ratio during transportation."

(i) G.S. 110-101 is amended in the catch line by deleting the period and by substituting the following:

"; minimum standards for plans."

(j) G.S. 110-101 is further amended by adding the following new sentences at the end:

"Day-care plans shall meet as a condition of registration reasonable, minimum standards of health, sanitation, and safety adopted pursuant to rules promulgated by the Commission, and shall maintain these standards for as long as they remain day-care plans. A registration certificate shall be issued and remain valid for a two-year period unless revoked or modified. Each plan shall display its current registration certificate in a prominent place."

(k) G.S. 110-106 is amended by deleting the phrase "G.S. 110-91" wherever it appears, and by substituting the phrase "the applicable provisions of G.S. 110-91"; and is further amended by adding a new subsection (c) to read:

"(c) G.S. 110-91(11), G.S. 110-91(12), and the second paragraph of G.S. 110-91(8) do not apply to religious sponsored day-care facilities, and these facilities are

exempt from any requirements prescribed by subsection (b) of this section that arise out of these provisions."

(l) Article 7 of Chapter 110 of the General Statutes is amended by adding a new section to read:

"§ 110-106.1. Religious sponsored day-care plans.—The requirements and exemptions that apply to religious sponsored day-care facilities pursuant to G.S. 110-106 apply to religious sponsored day-care plans, except that the religious sponsored day-care plans shall also comply with the minimum standards of health, sanitation, and safety prescribed by G.S. 110-88(3)."

(m) G.S. 143B-375(1)b. is amended by inserting immediately after the word "register" the phrase "and adopt standards for".

(n) Subsections (i) through (m) of this section apply to day-care plans in existence or seeking registration according to the following schedule:

- (1) For day care plans in counties with populations of 100,000 or more, on and after January 1, 1987;
- (2) For day care plans in counties with populations of 50,000 or more but less than 100,000, on July 1, 1987;
- (3) For day care plans in counties with populations of 25,000 or more but less than 50,000, on January 1, 1988;
- (4) For day care plans in counties with populations of less than 25,000, on July 1, 1988.

The 1980 census shall provide the population data. Upon ratification of this act, the North Carolina Child Day Care Commission shall adopt regulations and standards to implement this section, which regulations and standards shall be effective on January 1, 1986, and apply to day-care plans according to the schedule set out in this subsection. Those building standards adopted by units of local government shall not be a cause to penalize those day care centers which have been built according to those building standards or regulations which may be imposed pursuant to this Article.

(o) Subsection (f) of this section shall become effective January 1, 1987.

(p) Subsections (a) through (e) and subsections (g) through (n) of this section shall become effective January 1, 1986.

(q) G.S. 7A-517(5) is amended by adding a new sentence at the end to read:

"'Caretaker' also means any adult present with the approval of the care provider in a day-care plan or facility as defined in G.S. 110-86."

(r) There is established within the North Carolina Child Day Care Commission a special unit to deal primarily with day-care licensing and registration violations involving child abuse and neglect. The Commission shall make rules sufficient to define the duties of the special unit and to describe how it is to function as a special unit within the Commission as a whole.

(s) G.S. 7A-548 is amended in the catch line by deleting the period and by substituting the following: "; notification of Child Day Care Commission."

(t) G.S. 7A-548 is further amended by inserting a new paragraph between the second and the third to read:

"If the report received pursuant to G.S. 7A-543 involves abuse or neglect of a juvenile in day care, either in a day-care facility or a day-care plan, the Director shall notify the North Carolina Child Day Care Commission within 24 hours or on the next working day of receipt of the report. Upon completion of the investigation, the Director shall notify the Commission of the results of the investigation required by G.S. 7A-544."

(u) G.S. 7A-548 is amended in the catch line by inserting between the word "abuse" and the period the phrase ", neglect"; and is further amended by designating all the language as subsection (a); and is further amended by adding a new subsection (b) to read:

"(b) If the Director finds evidence that a juvenile has been abused or neglected as defined by G.S. 7A-517 in a day-care facility or plan, he shall immediately so notify the Child Day Care Commission in such a way as does not violate the law guaranteeing the confidentiality of the records of the Department of Social Services."

(v) G.S. 110-102 is amended by adding a new sentence at the end to read:

"The summary shall also include a statement regarding the mandatory duty prescribed in G.S. 7A-543 of any person suspecting child abuse or neglect has taken place in day care, or elsewhere, to report to the county Department of Social Services. The statement shall include the definitions of child abuse and neglect described in the Juvenile Code in G.S. 7A-517 and of child abuse described in the Criminal Code in G.S. 14-318.2 and G.S. 14-318.4. The statement shall stress that this reporting law does not require that the person reporting reveal his identity."

(w) Chapter 110 is amended by adding a new section to read:

"§ 110-105.2. Abuse and neglect violations.—For purposes of this Article, child abuse and neglect, as defined in G.S. 7A-517 and in G.S. 14-318.2 and G.S. 14-318.4, occurring in day-care facilities and plans, are violations of the licensure and registration standards and of the licensure and registration law."

(x) Subsection (r) of this section shall become effective July 1, 1985.

(y) Subsections (q), and subsections (s) through (w) of this section shall become effective October 1, 1985.

(z) G.S. 110-88(2) is amended by deleting the words "To approve the issuance of licenses for day-care facilities", and by substituting "To require that the issuance of licenses for day-care facilities be".

(aa) G.S. 110-88 is amended by adding a new subdivision to read:

"(6.1) To make rules for the issuance of a special provisional license or registration to a facility or plan, if the Commission's investigations pursuant to G.S. 110-105(a)(3) or 110-105.1(4) indicate that child abuse or neglect occurred in the facility or plan and that the operator caused, had knowledge of, or, after exercising reasonable care and diligence, should have had knowledge of the abuse or neglect. If the Commission's investigations indicate that the operator did not cause, did not have knowledge of, or, after exercising reasonable care and diligence, could not have known of the abuse or neglect, the Commission shall issue a written warning to the operator requiring that specific corrective action be taken as soon as possible. The Commission shall make a second investigation within a week of the first to determine whether the specific

corrective action has been taken. If this action has not been taken, the Commission shall issue the special provisional license or registration.

The facility or plan shall post the provisional license or registration, and clearly written reasons why it was issued, where the parents can see it. Under the terms of the provisional license or registration, the facility or plan may not accept any new children until the Commission notifies it that it is satisfied that the abusive or neglectful situation no longer exists and that the abuser or neglecter has been permanently removed. The provisional license or registration shall be in effect for six months from imposition and may not be renewed. During this six-month period the Commission shall provide for at least three surprise investigations.

The Commission shall make the rules necessary to issue the formal warnings and provisional licenses and registrations established by this subdivision. Nothing in this subdivision shall restrict the Commission from using any other statutory or administrative remedies available."

(bb) G.S. 110-88(9) is repealed.

(cc) G.S. 110-90 is amended by adding a new subdivision to read:

"(9) To levy a civil penalty pursuant to G.S. 110-103.1, after a hearing pursuant to G.S. 110-90(5), or to order summary suspension of a license pursuant to G.S. 150A-3(c), pending review by a hearing officer."

(dd) G.S. 110-90(5) is amended by adding a new sentence at the end to read:

"All hearings for this purpose shall be held in accordance with the Administrative Procedure Act and conducted by an impartial hearing officer."

(ee) G.S. 110-98 is rewritten to read:

"§ 110-98. Mandatory compliance.—It shall be unlawful for any operator or employee of a day-care facility or day-care plan to offer or provide day care without complying with the provisions of this Article."

(ff) Chapter 110 of the General Statutes is amended by adding a new section to read:

"§ 110-102.1. Administrative penalties.—After a hearing has been held, the hearing officer or officers may order one or more of the following sanctions:

- (1) Issue a written warning and a request for compliance;
- (2) Issue an official written reprimand;
- (3) Place a licensee upon probation until his compliance with this Article has been verified by the Commission or its agent;
- (4) Order suspension of a license for a specified length of time not to exceed one year;
- (5) Permanently revoke a license issued under this Article.

The Secretary shall implement the decision of the hearing officer or officers."

(gg) Chapter 110 of the General Statutes is amended by rewriting the catch line of G.S. 110-103 to read "Criminal penalty", and by adding a new section to read:

"§ 110-103.1. Civil penalty.—(a) A civil penalty of not more than one thousand dollars (\$1,000) may be levied against any licensee who violates any provision of this Article.

Every licensee shall be provided a schedule of the civil penalties established by the Commission pursuant to this Article.

(b) In determining the amount of the penalty, the threat of or extent of harm to children in care as well as consistency of violations shall be considered, and no penalty shall be imposed under this section unless there is a specific finding that this action is reasonably necessary to enforce the provisions of this Article or its rules.

(c) After a hearing as provided in G.S. 110-90(5), the person assessed shall be notified of the assessment by registered or certified mail, and the notice shall specify the reasons for the assessment. If the licensee assessed fails to pay the amount of the assessment to the Department within 30 days after receipt of notice, or a longer period, not to exceed 180 days, that may be specified in the notice, the Secretary may institute a civil action in the superior court of the county in which the violation occurred, or, in the discretion of the Department, in the superior court of the county in which the person assessed has his principal place of business, to recover the amount of the assessment. In any civil action, the scope of the court's review of the actions, which review shall include a review of the amount of the assessment, shall be as provided in Chapter 150A of the General Statutes."

(hh) G.S. 110-104 is rewritten to read:

"§ 110-104. **Injunctive relief.**—The Secretary or his designee may seek injunctive relief in the district court of the county in which a day-care facility or day-care plan is located against the continuing operation of that day-care facility or day-care plan at any time, whether or not any administrative proceedings are pending. The district court may grant injunctive relief, temporary, preliminary, or permanent, when there is any violation of this Article or of the rules and regulations promulgated by the Commission that threatens serious harm to children in the day-care facility or day-care plan, or when a final order to deny or revoke a license or registration has been violated, or when a day-care facility is operating without a license or a day-care plan is operating without being registered, or when a day-care facility or day-care plan repeatedly violates the provisions of this Article or rules adopted pursuant to it after having been notified of the violation."

(ii) G.S. 110-105(a)(3) is amended by adding two new sentences at the end to read:

"When the Commission is notified by the county director of social services that the director has received a report of child abuse or neglect in a day-care facility, or when the Commission is notified by any other person that alleged abuse or neglect has occurred in a facility, the Commission's rules shall provide for at least two mandatory inspections conducted without notice to any day-care facility to determine whether the alleged abuse or neglect has occurred and whether the operator of the day-care facility caused, or had knowledge of, or through the exercise of reasonable care and diligence should have had knowledge of the child abuse or neglect. It shall make the first inspection within seven calendar days of receipt of the report and the second within one month of the first."

(jj) Chapter 110 of the General Statutes is amended by adding a new section to read:

"§ 110-105.1. Authority to inspect plans.—(a) The Commission shall adopt standards, rules, and regulations under this section that provide for the following:

- (1) An initial registration inspection, for which the person requesting registration as a plan provider has prior notice, to certify that all mandatory standards are met;
- (2) A plan for routine announced inspections of all registered plans prior to registration renewal;
- (3) A plan for routine unannounced inspections at regular intervals, which plan shall be confidential unless a court orders its disclosure; and
- (4) An inspection that may be conducted without notice if there is probable cause to believe that an emergency situation exists or if there is a complaint alleging a violation of registration law. The Commission's rules shall provide for at least two mandatory inspections conducted without notice when it receives a report of child abuse or neglect in a day-care plan. It shall make the first inspection within seven calendar days of receipt of the report and the second within one week of the first.

The Secretary or his designee, upon presenting appropriate credentials to the operator of the day-care plan, may perform inspections in accordance with the standards, rules, and regulations promulgated under this subsection.

(b) If an operator refuses to allow the Secretary or his designee to inspect the day-care plan, the Secretary shall seek an administrative warrant in accordance with G.S. 15-27.2."

(kk) Nothing in this section shall be construed to obligate the General Assembly to make appropriations to implement the provisions of this section.

(ll) Subsections (z) through (kk) of this section shall become effective October 1, 1985.

LIMITATION ON PERMITS FOR LANDFILLS

Sec. 157. (a) The Department of Human Resources may not issue a permit for a sanitary landfill, as defined in G.S. 130A-290(16), to be located within a county with a population of four hundred thousand or more if the landfill is to be located within one mile of an incorporated city, town, or village with a population of two thousand five hundred or more in that county, without the approval of the governing board of the city, town or village.

(b) The Department of Human Resources may not issue a permit for a sanitary landfill, as defined in G.S. 130A-290(16), to or for a county with a population of four hundred thousand or more, or to or for any incorporated city, town or village in that county, if the landfill is to be located within any other county, without the approval of the board of county commissioners of the county where the landfill is to be located.

(c) This section is effective upon ratification.

MEDICAID TECHNICAL CORRECTION

Sec. 158. Section 86(d) of Chapter 479 of the 1985 Session Laws is amended by rewriting the last line in the chart to read:

"8	8,496	4,248	5,700".
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ADOPTION SUBSIDY/INCREASE

Sec. 159. Of the funds appropriated to the Department of Human Resources, Division of Social Services, in Section 2 of Chapter 479 of the 1985 Session Laws, the sum of four hundred fifty thousand dollars (\$450,000) for fiscal year 1985-86 and the sum of four hundred fifty thousand dollars (\$450,000) for fiscal year 1986-87, shall be used to increase from one hundred dollars (\$100.00) a month to one hundred fifty dollars (\$150.00) a month the adoption subsidy paid monthly by the Division to eligible families who adopt hard to place children.

FOREST RESOURCES DIVISION FIRE FIGHTERS STANDBY DUTY

Sec. 160. (a) Subchapter II of Chapter 113 of the General Statutes is amended by adding after Article 4C a new Article to read:

"Article 4D.

"Fire Fighters on Standby Duty.

"§ 113-60.32. **Definitions.**—As used in this Article:

(1) 'Fire Fighter' means an employee of the Forest Resources Division of the Department of Natural Resources and Community Development who engages in fire suppression duties.

(2) 'Fire Suppression Duties' means involvement in on-site fire suppression, participation in Project Fire Team while it is mobilized, Operations Room duty during on-going fires or when required by high readiness plans, mop-up activities to secure fire sites, scouting and detecting forest fires, performance of standby duty, and any other activity that directly contributes to the detection, response to, and control of fires.

"§ 113-60.33. **Standby duty.**—(a) Standby duty is time during which a fire fighter is required to remain within 25 miles of his duty station and be available to return to the duty station on call. The Department shall provide each fire fighter on standby duty with an electronic paging device that makes the wearer accessible to his duty station.

(b) Notwithstanding subsection (a) of this section, for at least two out of 14 consecutive days that a fire fighter is on duty, the Department of Natural Resources and Community Development shall permit the fire fighter to be more than 25 miles from his duty station so long as the fire fighter gives the Department of Natural Resources and Community Development a telephone number where he can be reached; each month, the days the fire fighter is permitted to be more than 25 miles from his duty station shall include one full weekend. On the days the fire fighter is permitted to be more than 25 miles from his duty station, the Department of Natural Resources and Community Development may call him only when there is a bona fide emergency."

(b) This section is effective upon ratification.

LAND RECORDS MANAGEMENT PROGRAM/TRANSFER.

Sec. 161. (a) The first sentence of G.S. 161-22.2(d) is amended by deleting "Administration" and substituting "Natural Resources and Community Development".

(b) G.S. 161-22.2(e)(1) is amended by deleting "Administration" and substituting "Natural Resources and Community Development".

(c) This section shall become effective August 1, 1985.

ATTORNEY GENERAL'S INTERNS

Sec. 162. G.S. 143B-417(1)p. is repealed.

DISTILLERY REPRESENTATIVES TRANSPORTATION LIMITS

Sec. 163. (a) G.S. 18B-400 is amended by adding a new sentence at the end to read: "The Commission may also authorize a distillery representative, in the course of his business, to transport and possess up to 10 gallons of spiritous liquor."

(b) This section is effective upon ratification.

TRANSFER OF MOTOR CARRIER SAFETY REGULATION

Sec. 164. (a) The safety regulation of all motor carrier transportation services is transferred from the Division of Motor Vehicles, Department of Transportation to the Department of Crime Control and Public Safety. This transfer includes all of the elements of a type I transfer as defined in G.S. 143A-6. The regulation of rates and market entry for motor carrier transportation services shall remain vested in the Utilities Commission.

(b) G.S. 20-384 is rewritten to read:

"§ 20-384. Safety regulations applicable to motor carrier and private carrier vehicles.—The Secretary of the Department of Crime Control and Public Safety may, in addition to the other powers provided in G.S. 143B-476, adopt highway safety rules for all for-hire motor carrier vehicles and all private carrier vehicles engaged in interstate commerce and intrastate commerce over the highways of North Carolina whether common carriers, contract carriers, exempt carriers, or private carriers."

(c) G.S. 143B-476(a) is amended by adding a new sentence at the end to read: "The Secretary of the Department of Crime Control and Public Safety may adopt, pursuant to G.S. 62- 281, highway safety rules for all for-hire motor carrier vehicles and all private carrier vehicles engaged in interstate commerce and intrastate commerce over the highways of North Carolina whether common carriers, contract carriers, exempt carriers, or private carriers."

(d) This section shall become effective July 1, 1986.

NEW HIGHWAY PATROL CARS

Sec. 165. All new highway patrol cars, whether marked or unmarked, placed in service after the effective date of this act, shall be assigned to and used by troopers whose primary duties are in the field.

USE OF FUNDS TO IMPROVE CORRECTIONAL FACILITIES AND SERVICES

Sec. 166. (a) Notwithstanding G.S. 114-2.1, the State may enter into a consent judgment in the case of Hubert v. Ward, C-C-80-414M, United States District Court for the Western District of North Carolina, Charlotte Division.

(b) The consent judgment authorized by subsection (a) of this section is subject to G.S. 114-2.2.

(c) In the event a consent agreement is reached, funds appropriated in Chapters 479 and 480 of the 1985 Session Laws to eliminate triple bunking and to improve correctional facilities in the south piedmont area may be used to implement that consent judgment, including, with consent of all parties to the litigation and with consent of the court, implementing additional community penalties programs or additional intensive probation programs.

In the event that no consent agreement is reached, funds appropriated in Chapters 479 and 480 of the 1985 Session Laws to eliminate triple bunking and to improve correctional facilities in the south piedmont area may be used to: (i) eliminate triple bunking through construction of new dormitories; (ii) improve correctional facilities by constructing recreation, vocational, and multipurpose buildings and renovating existing dormitories; and, (iii) improve staffing, services, and provisions in the South Piedmont Area and at the Montgomery County Unit, including implementing additional community penalties programs or additional intensive probation programs.

(d) The Office of State Budget and Management and the Department of Correction shall provide quarterly reports on expenditures to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division.

(e) The Office of State Budget and Management and the Department of Correction shall submit a report on expenditures and progress in achieving necessary improvements in the South Piedmont Area and at the Montgomery County Unit to the Governor, the Joint Legislative Commission on Governmental Operations, and the Fiscal Research Division, by May 1, 1986.

STATE FIRE COMMISSION TRANSFER

Sec. 167. (a) Article 9 of Chapter 143A of the General Statutes is amended by adding a new section to read:

"§ 143A-79.1. State Fire Commission; transfer.—The State Fire Commission, described in Part 4 of Article 11 of Chapter 143B of the General Statutes, is transferred from the Department of Crime Control and Public Safety to the Department of Insurance. This transfer shall include all elements of a Type I transfer as defined in G.S. 143A-6."

(b) Part 4 of Article 11 of Chapter 143B of the General Statutes, consisting of G.S. 143B-481 through G.S. 143B-485, is recodified as Article 2B of Chapter 58 of the General Statutes, to be numbered G.S. 58-27.20 through G.S. 58-27.24, and the Tables of Contents of Chapters 143B and of Chapter 58 are amended accordingly.

(c) Article 2B of Chapter 58, as recodified by this section, is amended by deleting the phrase "Crime Control and Public Safety" each time it appears and

substituting the word "Insurance"; provided, however, that the term "Secretary of Crime Control and Public Safety" shall remain in subsection (e) of G.S. 58-27.20.

(d) G.S. 143B-481, as recodified as G.S. 58-27.20 by this section, is rewritten to read:

"§ 58-27.20. State Fire Commission created; membership.—(a) There is created the State Fire Commission of the Department of Insurance, which shall be composed of 12 voting members to be appointed as follows:

- (1) The Commissioner of Insurance shall appoint nine members, two from nominations submitted by the North Carolina State Firemen's Association, one from nominations submitted by the North Carolina Association of Fire Chiefs, one from nominations submitted by the North Carolina Society of Fire Service Instructors, one from nominations submitted by the North Carolina Association of County Fire Marshals, one from nominations submitted by the North Carolina Fire Marshal's Association, one mayor or other elected city official nominated by the President of the League of Municipalities, one county commissioner nominated by the President of the Association of County Commissioners, and one from the public at large;
- (2) The Governor shall appoint one member from the public at large; and
- (3) The General Assembly shall appoint two members from the public at large, one upon the recommendation of the Speaker of the House of Representatives pursuant to G.S. 120-121, and one upon the recommendation of the President of the Senate pursuant to G.S. 120-121.

Public members may not be employed in State government and may not be directly involved in fire fighting.

(b) Of the members initially appointed by the Commissioner of Insurance, the nominees of the North Carolina State Firemen's Association and the nominee of the North Carolina Association of Fire Chiefs shall serve three-year terms; the nominees from the North Carolina Society of Fire Service Instructors, the North Carolina Association of County Fire Marshals, and the North Carolina Fire Marshal's Association shall serve two-year terms; and the mayor or other elected city official, the county commissioner, and the member from the public at large shall serve one-year terms. The Governor's initial appointee shall serve a three-year term. The General Assembly's initial appointees shall serve two-year terms. Thereafter all terms shall be for three years.

(c) Vacancies shall be filled by the original appointer in the same manner as the original appointment was made, except that vacancies in the appointments made by the General Assembly shall be filled in accordance with G.S. 120-122.

(d) Appointed members shall serve until their successors are appointed and qualified.

(e) The following State officials, or their designees, shall serve by virtue of their offices as nonvoting members of the Commission: the Commissioner of Insurance, the Commissioner of Labor, the State Auditor, the Attorney General, the Secretary of Crime

Control and Public Safety, the Secretary of Natural Resources and Community Development, and the President of the Department of Community Colleges.

(f) Members of the State Fire Commission shall receive per diem and necessary travel and subsistence allowances in accordance with the provisions of G.S. 138-5 or G.S. 138-6, as appropriate."

(e) G.S. 143B-483(a), as recodified as G.S. 58-27.22(a) by this section, is rewritten to read:

"(a) Organization. The State Fire Commission shall elect from its voting members a chairman and vice-chairman to serve as provided by the rules adopted by the Commission."

(f) G.S. 143B-483(c), as recodified as G.S. 58-27.22(c) by this section, is amended in the second sentence by deleting the words "six members" and substituting the words "five members".

(g) On September 30, 1985, all voting members of the State Fire Commission shall cease to be members of the Commission. New voting members shall be appointed in accordance with G.S. 58-27.20, to begin serving on the Commission on October 1, 1985. Nominations for the nine members to be appointed by the Commissioner of Insurance shall be submitted within 30 days after the ratification of this section, and the Commissioner shall appoint the members within 60 days after the ratification of this section. The appointments to be made by the General Assembly shall be made during the 1985 Regular Session. The appointment to be made by the Governor shall be made within 60 days after the ratification of this section.

(h) G.S. 120-123(9) is amended by deleting the phrase "G.S. 143B-481" and substituting "G.S. 58-27.20".

(i) G.S. 143B-484, as recodified as G.S. 58-27.23 by this section, is rewritten to read:

"§ 58-27.23. State Fire Commission; staff.—(a) There shall be an executive director nominated by the State Fire Commission with direct responsibilities to the Commission, who shall be appointed by the Commissioner of Insurance.

Personnel of the Department of Insurance shall serve as staff to the State Fire Commission. The Department of Insurance shall provide the clerical and professional services required by the State Fire Commission and, at the direction of the State Fire Commission, shall develop and administer the State Master Plan for Fire Prevention and Control, the State Fire Education and Training Plan, and any additional related programs as may be established by, or assigned to, the State Fire Commission."

(j) There is appropriated from the General Fund to the State Fire Commission, Department of Insurance, the sum of one hundred fifty thousand dollars (\$150,000) for the 1985-86 fiscal year to implement the fire reporting system and the voluntary fire service certification program.

(k) This section is effective upon ratification.

CAPITAL BUILDING AUTHORITY AMENDMENTS

Sec. 168. (a) The first sentence of G.S. 129-42(1) is amended by deleting the language "and employ".

(b) G.S. 129-42(2) is repealed.

(c) G.S. 129-42(5) is amended by deleting the language "awarding contracts for planning, design, or construction" and substituting "selecting architects, engineers, and other consultants to provide professional services for capital improvement projects".

SALE OF OLD HEALTH FARM

Sec. 169. (a) The Department of Administration may sell all or any part of that certain State-owned property known as the "Old Health Farm" property located in Wake County, North Carolina, and more particularly shown and described on a map entitled "STATE OF NORTH CAROLINA OLD HEALTH FARM PROPERTY" dated July 8, 1983, prepared by John A. Edwards & Company, Consulting Engineers, Raleigh, North Carolina, based on actual survey.

(b) The Department may accomplish these sales by public auction, by receipt of sealed bids after public advertisement, or by private sale, whichever it finds to be in the best interest of the State.

(c) All sales shall be subject to the provisions of Chapter 146 of the General Statutes, as amended by Chapter 479 of the 1985 Session Laws, specifically including its requirements of consultation with the Joint Legislative Commission on Governmental Operations and approval of the Governor and Council of State.

(d) The net proceeds from all sales shall be used to compensate the Department of Transportation for the release of control of access on Western Boulevard Extension adjacent to the southern boundary of the Old Health Farm Property. Any funds not required for this purpose shall be deposited in the General Fund.

BUILDING CODE REQUIREMENT

Sec. 170. (a) G.S. 143-135.1 is amended by adding a new paragraph at the end to read:

"Notwithstanding any law to the contrary, including any local act, no county or municipality may impose requirements that exceed the North Carolina State Building Code regarding the design or construction of buildings constructed by the State of North Carolina."

(b) This section is effective upon ratification.

REPAIRS AND RENOVATIONS RESERVE

Sec. 171. Of the funds appropriated to the Repairs and Renovations Reserve in Section 4, Chapter 480 of the 1985 Session Laws, the sum of two million three hundred thirty-five thousand dollars (\$2,335,000) for the 1985-86 fiscal year shall be allocated as follows:

	1985-86
Renovate Olivia Rainey Library Bldg.	\$ 1,800,000
Renovation and roof repairs-	
Sports Arena at Butner	80,000
Renovate Chinqua-Penn Plantation	500,000

The Board of Governors of The University of North Carolina shall report to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division on plans to renovate Chinqua-Penn Plantation before spending the funds allocated in this section for this purpose.

RENOVATION OF EDUCATION BUILDING

Sec. 172. Renovation of the Education Building may include conversion of the present inner courtyard of that building into two stories of office and meeting space with movable walls. This activity is designated as "renovation" rather than "new construction" activity.

Plans for this renovation shall be submitted to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division before this renovation activity is begun or any contracts on it are let.

LEASE OF PROPERTY FOR RONALD MCDONALD HOUSE

Sec. 173. G.S. 146-29.1, as enacted by Section 172 of Chapter 479 of the 1985 Session Laws, does not apply to the lease of property for the Ronald McDonald House that was approved by the Board of Governors of The University of North Carolina on June 28, 1985.

CHARGE TO STATE AGENCIES FOR STATE CARS

Sec. 174. (a) The amount allocated and charged by the Department of Administration to State agencies to which transportation is furnished shall be at least twenty cents (20c) per mile for each motor vehicle.

(b) This section shall become effective August 1, 1985.

ASSIGNMENT OF STATE CARS

Sec. 175. (a) G.S. 143-341(8)i.5., as rewritten by Section 168 of Chapter 479 of the 1985 Session Laws, is amended by adding a new paragraph at the end to read:

"As used in this subpart, 'suitable transportation' means the standard vehicle in the State motor fleet, unless special towing provisions are required by the employee or agency. The Department may not assign any employee or agency a motor vehicle that is not suitable."

(b) G.S. 143-341(8)i.5., as rewritten by Section 168 of Chapter 479 of the 1985 Session Laws, is further amended in the last sentence of the first paragraph by deleting the word "section" and substituting "subpart".

(c) Subsection (a) of this section is effective upon ratification.

COMMUTING BY STATE EMPLOYEES

Sec. 176. (a) Sections 170 and 171 of Chapter 479 of the 1985 Session Laws shall become effective October 1, 1985.

(b) This section is effective on and after June 30, 1985.

Sec. 177. Effective October 1, 1985, the last sentence of the third paragraph of G.S. 143-341(8)i.7a., as amended by Section 170 of Chapter 479 of the 1985 Session Laws, is further amended to read as follows:

"Commuting, for purposes of this paragraph, does not include those individuals whose office is in their home, as determined by the Department of Administration, Division of Motor Fleet Management. Also, this paragraph does not apply to the following vehicles: (i) clearly marked police and fire vehicles, (ii) delivery trucks with seating only for the driver, (iii) flatbed trucks, (iv) cargo carriers with over a 14,000 pound capacity, (v) school and passenger buses with over 20 person capacities, (vi) ambulances, (vii) hearses, (viii) bucket trucks, (ix) cranes and derricks, (x) forklifts, (xi) cement mixers, (xii) dump trucks, (xiii) garbage trucks, (xiv) specialized utility repair trucks (except vans and pickup trucks), (xv) tractors, (xvi) unmarked law enforcement vehicles that are used in undercover work and are operated by full-time, fully sworn law enforcement officers whose primary duties include carrying a firearm, executing search warrants, and making arrests, and (xvii) any other vehicle exempted under Section 274(d) of the Internal Revenue Code of 1954, and Federal Internal Revenue Services regulations based thereon."

MICROELECTRONICS COMMUNICATIONS EXTENSION

Sec. 178. Of the funds appropriated in a reserve as a grant-in-aid to the Microelectronics Center of North Carolina in Section 2 of Chapter 479 of the 1985 Session Laws, the sum of five million six hundred seventy-five thousand dollars (\$5,675,000) in fiscal year 1985-86 and two hundred thousand dollars (\$200,000) in fiscal year 1986-87 shall be used to finance and operate the extension of the Microelectronics Communications System to The University of North Carolina at Asheville and Winston-Salem State University, including a link with Bowman Gray School of Medicine.

NORTH CAROLINA BOARD OF SCIENCE AND TECHNOLOGY/TRANSFER

Sec. 179. (a) The first sentence of G.S. 143B-440 is amended by deleting "Department of Commerce" and substituting "Department of Administration".

(b) The third paragraph of G.S. 143B-441 is amended by deleting "Secretary of Commerce" and substituting "Secretary of Administration".

(c) Part 5 of Article 10 of Chapter 143B, which consists of G.S. 143B-440 and G.S. 143B-441, as amended by subsections (a) and (b) of this section, is recodified as Part 27 of Article 9 of Chapter 143B, to consist of G.S. 143B-426.30 and G.S. 143B-426.31, respectively and the Table of Contents of Chapter 143B is amended accordingly.

(d) G.S. 143B-433(13) is repealed.

(e) G.S. 120-123(18) is amended by deleting the phrase "by G.S. 143B-441" and by substituting the phrase "by G.S. 143B-426.30".

(f) This section is effective upon ratification.

ANDREW JACKSON HISTORIC MEMORIAL COMMITTEE

Sec. 180. Article 2 of Chapter 143B is amended by adding a new Part to read:

"Part 28.

"Andrew Jackson Historic Memorial Committee.

"§ 143B-132. **Andrew Jackson Historic Memorial Committee.**—(a) The State of North Carolina and its citizens have long noted and recognized the origins and early life of Andrew Jackson, the nation's seventh president, in the Waxhaw region along the North Carolina-South Carolina border. It is important that this State recognize the origins and early life of this outstanding national leader in Western North Carolina. It is necessary to plan an appropriate memorial in Union County, North Carolina, to commemorate and display for all Americans the origins and early life of Andrew Jackson.

(b) There is created an Andrew Jackson Historic Memorial Committee to consist of 12 members, six appointed by the Speaker of the House of Representatives and six appointed by the President of the Senate. Members shall serve four-year terms. Vacancies shall be filled by the appointing officer for the unexpired term.

(c) The primary duties and responsibilities of the Committee are:

- (1) To assist the Division of Archives and History, Department of Cultural Resources in determining the need for a permanent memorial to honor Andrew Jackson and to commemorate and display the origins and early life of Jackson in the Waxhaw region;
- (2) To assist the Division of Archives and History, Department of Cultural Resources in determining the location, design, content, and form of a memorial, if the Committee determines that one is needed, at one of the sites associated with the early life of Andrew Jackson;
- (3) To assist the Division of Archives and History, Department of Cultural Resources in determining the most appropriate methods for proceeding with the establishment and operation of the memorial, including methods for obtaining the necessary financial resources for property acquisition, capital expenditures, and operational expenses; and
- (4) To select appropriate qualified researchers and research institutions to assist the Committee in undertaking any required studies to complete the Committee's duties and responsibilities.

(d) Members of this Committee may not receive per diem, travel reimbursement, or subsistence allowances.

(e) Administrative and staff services for the Committee shall be provided by the Division of Archives and History, Department of Cultural Resources, which shall also provide the Committee with information in its possession relating to past research concerning the origins and early life of Andrew Jackson. In addition, the Division of Archives and History, Department of Cultural Resources shall assist the Committee in preparing a report for submission to the General Assembly.

(f) Funds for the operation of the Committee shall be provided by the Department of Cultural Resources."

DEADLINE FOR CERTAIN APPOINTMENTS

Sec. 181. (a) G.S. 147-12 is amended by adding two new subdivisions to read:

"(3c) Notwithstanding any other provision of law, whenever a statute calls for the Governor to appoint a person to an office subject to confirmation by the General Assembly, the Governor shall notify the President of the Senate and the Speaker of the House of Representatives by May 15 of the year in which the appointment is to be made of the name of the person he is submitting to the General Assembly for confirmation.

(3d) Notwithstanding any other provision of law, whenever a statute calls for the Governor to appoint a person to an office subject to confirmation by the Senate, the Governor shall notify the President of the Senate by May 15 of the year in which the appointment is to be made of the name of the person he is submitting to the General Assembly for confirmation."

(b) This section shall become effective January 1, 1986.

STUDENT LEGISLATURE FUNDS

Sec. 182. The Legislative Services Commission shall provide to the North Carolina Student Legislature the sum of ten thousand dollars (\$10,000) for the 1985-86 fiscal year from the funds available to the General Assembly. These funds may be used by the North Carolina Student Legislature for printing, postage, telephone, and travel expenses and for the costs of the Student Legislature's annual session.

BUDGET TRANSFERS/GENERAL ASSEMBLY

Sec. 183. G.S. 143-23 is amended by adding three new subsections to read:

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

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

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

HIGHWAY FUND APPROPRIATIONS

Sec. 184. Section 3 of Chapter 479 of the 1985 Session Laws is rewritten to read:

"Sec. 3. Appropriations from the Highway Fund of the State for the maintenance and operation of the Department of Transportation, and for other purposes as enumerated, are made for the biennium ending June 30, 1987, according to the following schedule:

Current Operations-Highway Fund	1985-86	1986-87
Department of Transportation		
01 Administration	\$ 20,560,283	\$ 20,705,171

02.	Highways		
a.	Administration and Operations	26,615,337	26,351,583
b.	State Construction		
	(01) Primary Construction	1,500,000	1,500,000
	(02) Secondary Construction	46,962,500	48,662,500
	(03) Urban Construction	18,500,000	1,500,000
	(04) Access and Public Service Roads	2,000,000	2,000,000
c.	State Funds to Match Federal Highway Aid		
	(01) Construction	68,130,000	27,860,000
	(02) Planning Survey and Highway Planning Research	760,920	781,324
d.	State Maintenance		
	(01) Primary	65,627,121	67,359,677
	(02) Secondary	119,450,241	122,603,727
	(03) Urban	16,552,162	16,989,139
	(04) Contract Resurfacing	81,191,673	84,049,620
e.	Ferry Operations	11,416,657	11,416,657
f.	State Aid to Municipalities	46,562,500	48,262,500
g.	State Aid Public Transportation	500,000	500,000
03.	Division of Motor Vehicles	49,513,859	48,613,982
04.	Governor's Highway Safety Program	276,104	276,698
05.	Salary Adjustments for Highway Fund Employees	200,000	200,000
06.	Debt Service	38,445,500	37,971,000
08.	Reserve to Correct Occupational Safety and Health	350,000	350,000
09.	Reserve for Salary Increase	20,300,000	27,500,000
10.	Reserve for Hospital Medical- Benefits	3,100,000	3,100,000
	Appropriations for Other State Agencies		
01.	Crime Control and Public Safety	57,255,249	60,432,857
02.	Other Agencies		
a.	Department of Agriculture	1,943,995	1,975,636
b.	Department of Revenue	1,188,962	1,204,279
c.	Department of Human Resources	277,860	277,957
d.	Department of Correction	1,750,000	1,750,000
e.	Department of Public Education	23,160,350	22,508,283
	Contingencies and Emergency Fund	100,000	100,000
	GRAND TOTAL CURRENT OPERATION- HIGHWAY FUND	\$724,191,273	\$686,802,590"

HIGHWAY FUND/ADJUSTMENTS TO REFLECT ACTUAL REVENUE

Sec. 185. Any unreserved credit balance in the Highway Fund on June 30 of each of the fiscal years shall support appropriations in the succeeding fiscal year. If all of the balance is not needed for these appropriations, the Director of the Budget may use the remaining excess to establish a reserve for access and public service roads, a reserve for unforeseen happenings or state of affairs requiring prompt action as provided for by G.S. 136-44.2, and other required reserves. If all of the remaining excess is not used to establish these reserves, the remainder shall be allocated to the State-funded maintenance or construction appropriations in the manner approved by the Board of Transportation.

UNSPENT DRIVING AND TRAINING FACILITY FUNDS

Sec. 186. Section 5.2(a) of Chapter 480 of the 1985 Session Laws is amended by rewriting the last sentence to read:

"The remainder of these unexpended funds shall revert to the Highway Fund."

URBAN CONSTRUCTION FUNDS

Sec. 187. Of the funds appropriated to the Department of Transportation for fiscal year 1985-86, seventeen million dollars (\$17,000,000) shall be allocated for Small Urban Construction projects. Fourteen million dollars (\$14,000,000) shall be allocated equally among the 14 Highway Divisions for the Small Urban Construction Program for small urban construction projects that are located within the area covered by a one-mile radius of the municipal corporate limits. The remaining three million dollars (\$3,000,000) shall be used statewide for rural or small urban highway improvements as approved by the Secretary of the Department of Transportation.

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

EMPLOYER CONTRIBUTION RATES/RETIREMENT AND HEALTH CARE

Sec. 188. Sections 224 and 225 of Chapter 479 of the 1985 Session Laws are amended by deleting "1985-86" and substituting "1985-87".

SALARY MODIFICATIONS AND CLARIFICATIONS

Sec. 189. Section 205 of Chapter 479 of the 1985 Session Laws is rewritten to read:

"Sec. 205. G.S. 120-37(c) is amended by deleting the phrase 'thirty-two thousand five hundred twenty dollars (\$32,520)' and substituting the phrase 'thirty-five thousand six hundred fifty- two dollars (\$35,652)'."

Sec. 190. Section 212 of Chapter 479 of the 1985 Session Laws is amended by designating the existing language as subsection (a) and adding a sentence to read:

"(b) Nothing contained in this Part limits any other provisions of G.S. 7A-102(c)."

Sec. 191. G.S. 136-4 is amended by deleting "salary fixed by the General Assembly in the Current Operations Appropriations Act", and substituting "salary to be set in accordance with Chapter 126 of the General Statutes, the State Personnel Act".

Sec. 192. Section 216 of Chapter 479, Session Laws of 1985 is amended by deleting:

"State Highway Administrator 58,140".

Sec. 193. Section 217 of Chapter 479, Session Laws of 1983 is amended by rewriting the entry in the chart for the Director of the State Ports Authority to read:

"Director, State Ports Authority 65,000".

Sec. 194. The salary of the executive director of the North Carolina Hazardous Waste Treatment Commission may not be more than fifty-eight thousand three hundred ninety-two dollars (\$58,392) a year.

Sec. 195. Section 201 and Section 226(c) of Chapter 479 of the 1985 Session Laws are amended by adding a sentence at the end of each to read: "As used in this section, approved leaves of absence as allowed by an employer's established personnel policies do not constitute a break in the continuous employment of an employee required under this section."

Sec. 196. The last sentence of Section 226(a)(1) of Chapter 479 of the 1985 Session Laws is amended by inserting between the words "steps" and "are" the phrase "for employees with one year of continuous employment".

Sec. 197. Section 201 and Section 226(a)(1) of Chapter 479 of the 1985 Session Laws are amended by adding a sentence at the end of each to read: "As to employees covered by Section 197 of this act, other than those covered by the fifth paragraph of that section, a break in service for a period not to exceed nine consecutive months, commencing on or after January 1, 1985, shall not constitute a break in the continuous employment of an employee required under this section."

Sec. 198. For fiscal year 1985-86, the minimum salary for permanent full-time State employees subject to the State Personnel Act paid from the State's General Fund or Highway Fund and those paid from agency receipts to the extent that receipts are available shall be seven hundred fifty-eight dollars (\$758.00) per month. In no event may such an employee receive an increase in salary pursuant to this section and Chapter 479 of the 1985 Session Laws for 1985-86 over the salary the same employee received in 1984-85 that exceeds fifteen percent (15%) except in those situations where such an increase is required to bring the employee to the minimum pay of seven hundred fifty-eight dollars (\$758.00) per month as prescribed by this section. State departments, institutions, boards, commissions, and other State agencies shall first use available salary and salary-related funds appropriated or otherwise available to them pursuant to Sections 2 and 3 of Chapter 479 of the 1985 Session Laws to implement the provisions of this section. The Director of the Budget may, after ensuring that such salary and salary-related funds are not available within a specific State agency, transfer appropriations from the Reserve for Salary Increases in Sections 2 and 3 of Chapter 479 of the 1985 Session Laws to the extent required to implement the provisions of this section.

CONFEDERATE WIDOWS' PENSION

Sec. 199. (a) Section 2 of Chapter 184, Session Laws of 1985 is amended by deleting ", but remains effective after June 30, 1985, only if funds are appropriated for such purpose as contained in this act".

(b) This section is effective on and after June 30, 1985.

CERTAIN ASSOCIATIONS' EMPLOYEES' RETIREMENT OPTION

Sec. 200. G.S. 135-27 is amended by adding a new subsection (f) to read as follows:

"(f) Notwithstanding the foregoing, employees of the State Employees Association of North Carolina, the employees of the North Carolina Association of Educators, and the employees of the North Carolina School Boards Association who are in service and members of the Retirement System on June 30, 1985, shall, on or before October 1, 1985, make an irrevocable election to exercise one of the three options provided in G.S. 135-27(e)."

SUBSISTENCE

Sec. 201. (a) G.S. 138-6(a)(3) is amended by deleting "forty-two dollars (\$42.00)" and substituting "forty-seven dollars (\$47.00)", and by deleting "fifty-four dollars (\$54.00)" and substituting "fifty-nine dollars (\$59.00)".

(b) G.S. 138-5(a)(2)b. is amended by deleting "Forty- two dollars (\$42.00)" and substituting "Forty-seven dollars (\$47.00)".

(c) This section shall become effective August 1, 1985.

UNC CHAIR ENDOWMENT

Sec. 202. Chapter 116 of the General Statutes is amended by adding six new sections to read:

"§ 116-36.5. Distinguished Professors Endowment Trust Fund; purpose.—The General Assembly of North Carolina recognizes that the public university system would be greatly strengthened by the addition of distinguished scholars. It further recognizes that private as well as State support is preferred in helping to obtain distinguished scholars for the State universities and that private support will help strengthen the commitment of citizens and organizations in promoting excellence throughout all State universities. It is the intent of the General Assembly to establish a trust fund to provide the opportunity to each State university to receive and match challenge grants to create endowments for selected distinguished professors to occupy chairs within the university. The associated foundations that serve the universities shall solicit and receive gifts from private sources to provide for matching funds to the trust fund challenge grants for the establishment of endowments for chairs within universities.

"§ 116-36.6. Distinguished Professors Endowment Trust Fund; establishment; maintenance.—There is established a Distinguished Professors Endowment Trust Fund to be maintained by the Board to provide challenge grants to the constituent institutions. All appropriated funds deposited into the trust fund shall be invested pursuant to G.S. 116-36. Interest income accruing to that portion of the trust fund not matched shall increase the total funds available for challenge grants.

"§ 116-36.7. Distinguished Professors Endowment Trust Fund; allocation; administration.—The amount appropriated to the trust shall be allocated by the Board as follows:

(1) On the basis of one three hundred thirty-four thousand dollar (\$334,000) challenge grant for each six hundred sixty-six thousand dollars (\$666,000) raised from private sources; or

(2) On the basis of one one hundred sixty-seven thousand dollar (\$167,000) challenge grant for each three hundred thirty- three thousand dollars (\$333,000) raised from private sources.

If an institution chooses to pursue the use of the allocated challenge grant funds described in either subdivision (1) or subdivision (2) of this section, the funds shall be matched on a two-to-one basis. Matching funds shall come from contributions made after July 1, 1985, and pledged for the purposes specified by G.S. 116-36.6. Each participating constituent institution's board of trustees shall establish its own Distinguished Professors Endowment Trust Fund, and shall maintain it pursuant to the provision of G.S. 116-36 to function as a depository for private contributions and for the State matching funds for the challenge grants. The State matching funds shall be transferred to the constituent institution's Endowment Fund upon notification that the institution has received and deposited the appropriate amount required by this section in its own Distinguished Professors Endowment Trust Fund. Only the net income from that account shall be expended in support of the distinguished professorship thereby created.

"§ 116-36.8. Contribution commitments.—Contributions may also be eligible for matching if there is:

(1) A commitment to make a donation of at least six hundred sixty-six thousand dollars (\$666,000), as prescribed by G.S. 143- 31.4, and an initial payment of one hundred eleven thousand dollars (\$111,000) to receive a grant described in G.S. 116-36.7(1); or

(2) A commitment to make a donation of at least three hundred thirty-three thousand dollars (\$333,000), as prescribed by G.S. 143-31.4, and an initial payment of fifty-five thousand five hundred dollars (\$55,500) to receive a grant described in G.S. 116-36.7(2); and if the initial payment is accompanied by a written pledge to provide the balance within five years after the date of the initial payment. Each payment on the balance shall be no less than the amount of the initial payment and shall be made on or before the anniversary date of the initial payment. Pledged contributions may not be matched prior to the actual collection of the total funds. Once the income from the institution's Distinguished Professors Endowment Trust Fund can be effectively used pursuant to G.S. 116-36.9, the institution shall proceed to implement plans for establishing an endowed chair.

"§ 116-36.9. Distinguished Professors Endowment Trust Fund; establishment of chairs.—When the sum of the challenge grant and matching funds in the Scholars' Endowment Trust Fund reaches:

(1) One million dollars (\$1,000,000), if the sum of funds described in G.S. 116-36.7(1); or

(2) Five hundred thousand dollars (\$500,000), if the sum of funds described in G.S. 116-36.7(2); the board of trustees may recommend to the Board, for its approval, the establishment of an endowed chair or chairs. The Board, in considering whether to approve the recommendation, shall include in its consideration the programs already existing in The University of North Carolina. If the Board approves the recommendation, the chair or chairs shall be established. The chair or chairs, the property of the constituent institution, may be named in honor of a donor, benefactor, or honoree of the institution, at the option of the board of trustees.

"§ 116-36.10. Selection of Distinguished Professors.—Each constituent institution that receives, through private gifts and an allocation by the Board of Governors, funds for the purpose shall, under procedures established by rules of the Board of Governors and the board of trustees of the constituent institution, select a holder of the Distinguished Professorship. Once given, that designation shall be retained by the distinguished professor as long as he remains in the full-time service of the institution. When a distinguished professorship becomes vacant, it shall remain assigned to the institution and another distinguished professor shall be selected under procedures established by rules of the Board of Governors and the board of trustees of the constituent institution.

(b) The Board of Governors of The University of North Carolina shall promulgate rules to implement this section.

(c) There is appropriated from the General Fund to the Board of Governors of The University of North Carolina the sum of two million dollars (\$2,000,000) for fiscal year 1985-86, and the sum of two million dollars (\$2,000,000) for fiscal year 1986-87, to implement this section."

ROANOKE RIVER LAND PURCHASE

Sec. 204. To the extent that funds are available in fiscal year 1985-86 to the Wildlife Resources Commission from the Wildlife Fund, the sum of three million four hundred thousand dollars (\$3,400,000) may be used to purchase land that borders the Roanoke River. 1990

CENSUS PREPARATION

Sec. 205. (a) Chapter 163 of the General Statutes is amended by adding a new Article to read:

"Article 12A.

"Precinct Boundaries.

"§ 163-132.1. Voluntary participation in Block Boundary Suggestion Program.—Not later than December 1, 1985, the Legislative Services Office shall poll the county boards of elections to determine which of their precincts have boundaries that are not coterminous with a major physical feature, as identified under the criteria to be established pursuant to 13 U.S.C. § 141 (c), a current township boundary, or a current municipal boundary. The Legislative Services Office shall:

(1) assist county boards of elections in identifying the precincts with those nonconforming boundaries;

(2) place those boundaries on maps deemed appropriate by the State Board;

(3) request the U.S. Census Bureau to hold for census block identification in the 1990 U.S. Census all major physical features on the map near the nonconforming precinct boundary; and

(4) request the U.S. Census Bureau to hold for census block identification in the 1990 U.S. Census all other major physical features already on U.S. Census Bureau maps.

"§ 163-132.2. Establishment of precinct boundaries for 1990 Census.—(a) The Legislative Services Office as soon as it receives the U.S. Census Bureau's official census block maps to be used in the 1990 U.S. Census shall send the relevant copies of those maps to county boards of elections. After receiving copies of those maps, the county boards of election shall:

- (1) Alter, where necessary, precinct boundaries to be coterminous with township boundaries, municipal boundaries, census block boundaries, or a combination of those boundaries provided that if, as a result of the alteration, the polling place is no longer in the precinct, it may continue to be the polling place as long as the lot or tract on which the polling place is situated adjoins the precinct;
- (2) Mark all precinct boundaries on the maps sent by the Legislative Services Office; and
- (3) File, within 60 days of the date the maps are sent by the Legislative Services Office or at an earlier time deemed necessary by the State Board of Elections, with the State Board and the Legislative Services Office the maps identifying the precinct boundaries and a written description of those boundaries deemed sufficient by the State Board to identify the precincts.

(b) The State Board of Elections and the Legislative Services Office shall examine the returned maps and their written descriptions. After its examination of the maps and their written descriptions, the Legislative Services Office shall submit to the State Board of Elections its opinion as to whether all precinct boundaries are coterminous with current township boundaries, current municipal boundaries, census block boundaries, or a combination of those boundaries, with notations as to where those boundaries do not comply with these standards. If the State Board determines that all precinct boundaries are coterminous with current township boundaries, current municipal boundaries, census block boundaries, or a combination of those boundaries, the State Board shall approve the maps and written descriptions as filed and these precincts shall be the official precincts.

(c) If the State Board does not find that the filed precinct boundaries are coterminous with the current township boundaries, current municipal boundaries, census block boundaries, or a combination of those boundaries, the State Board shall not approve those precinct boundaries but shall alter the precinct boundaries to be coterminous with the census block boundaries, municipal boundaries or township boundaries nearest to those existing precinct boundaries and these altered precincts with their written descriptions prepared by the State Board shall then be the official precincts.

(d) The changes in precinct boundaries under subsections (b) and (c) of this section shall be made effective not later than January 1, 1992.

(e) After the State Board approves or alters the precincts filed by the county boards and before January 2, 1990, no county board of elections may establish, alter, discontinue, or create any precinct except for changes resulting from amending township or municipal boundaries or by division of one precinct into two or more precincts. These changes shall be reported by the county board of elections to the State Board by filing the relevant amended Census maps and written descriptions of the precincts with the State Board and shall not be effective until approved by the State Board. The State Board shall certify these precinct changes to the U.S. Census Bureau.

(f) The State Board of Elections shall request that the U.S. Census Bureau provide summaries of census data by precinct.

"§ 163-132.3. Alterations to precinct boundaries after January 1, 1990.—For any alteration made to precinct boundaries after January 1, 1990, the county boards of elections shall establish the new boundaries to be coterminous with those of townships, municipalities, the census blocks established under the latest U.S. Census, or a combination of these boundaries. The county boards of elections shall report precinct boundary changes by filing with the State Board on current official census maps the new boundaries of these precincts and their written descriptions deemed sufficient by the State Board to identify these precincts. No newly created or altered precinct boundary occurring after January 1, 1990, is effective until approved by the State Board as being coterminous with the boundaries of townships, municipalities, census blocks established by the then latest U. S. Census, or a combination of those boundaries.

"§ 163-132.4. Rules.—The State Board of Elections may promulgate rules concerning its duties and those of the county boards of elections under this Article other than under G.S. 163- 132.1. The Legislative Services Commission may promulgate rules concerning G.S. 163-132.1.

"§ 163-132.5. Cooperation of State and local agencies.—The State Budget Office, the Department of Transportation and county and municipal planning departments shall cooperate and assist the Legislative Services Office, the State Board of Elections and the county boards of elections in the implementation of this Article.

"§ 163-132.6. Applicability of Article.—This Article applies only to counties with a population of 55,000 or over, according to the 1980 decennial federal census."

(b) The first sentence of the second paragraph of G.S. 163-128(a) is amended by deleting "The", and substituting "Except as provided by Article 12A of this Chapter, the".

(c) G.S. 160A-36(d) is amended by deleting "and if a street is used as a boundary, include within the municipality developed land on both sides of the street", and substituting "and may use streets as boundaries".

(d) G.S. 160A-48(e) is amended by deleting "and if a street is used as a boundary, include within the municipality land on both sides of the street and such outside boundary may not extend more than 200 feet beyond the right-of-way of the street", and substituting "and may use streets as boundaries".

(e) In fiscal years 1985-86 and 1986-87, the General Assembly shall use funds already appropriated to it to implement Article 12A of Chapter 163 of the General Statutes. The General Assembly may reimburse State agencies from those funds for their assistance in implementing Article 12A of Chapter 163 of the General Statutes.

(f) This section is effective upon ratification.

SCHOOL OF SCIENCE AND MATHEMATICS TRANSFERRED

Sec. 206. (a) Article 15 of Chapter 115C of the General Statutes is repealed.

(b) Chapter 116 of the General Statutes is amended by the addition of a new Article to read:

"Article 28.

"The North Carolina School of Science and Mathematics.

"§ 116-230. **Policy.**—It is hereby declared to be the policy of the State to foster, encourage, promote, and provide assistance in the development of skills in science and mathematics among the people of the State.

"§ 116-231. **Reestablishment of the North Carolina School of Science and Mathematics as an Affiliated School of The University of North Carolina.**—The North Carolina School of Science and Mathematics is hereby reestablished, as an affiliated school of The University of North Carolina, and shall be governed by a Board of Trustees as prescribed in this Article.

"§ 116-232. **Purposes.**—The purposes of the School shall be to foster the educational development of North Carolina high school students who are academically talented in the areas of science and mathematics and show promise of exceptional development through participation in a residential educational setting emphasizing instruction in the areas of science and mathematics; to develop, evaluate, and disseminate experimental instructional programs; and to serve all schools of the State through research and outreach activities.

"§ 116-233. **Board of Trustees; appointment; terms of office.**— (a) There shall be a Board of Trustees of the School, which shall consist of 25 members:

- (1) Eleven members who shall be appointed by the Board of Governors of The University of North Carolina, one from each congressional district;
- (2) Four members without regard to residency who shall be appointed by the Board of Governors of The University of North Carolina;
- (3) Three members, ex officio, who shall be the chief academic officers, respectively, of constituent institutions. The Board of Governors shall in 1985 and quadrennially thereafter designate the three constituent institutions whose chief academic officers shall so serve, such designations to expire on June 30, 1989, and quadrennially thereafter;
- (4) The chief academic officer of a college or university in North Carolina other than a constituent institution, ex officio. The Board of Governors shall designate in 1985 and quadrennially thereafter which college or university whose chief academic officer shall so serve, such designation to expire on June 30, 1989, and quadrennially thereafter;

- (5) Two members appointed by the General Assembly upon the recommendation of the President of the Senate in accordance with G.S. 120-121;
- (6) Two members appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121; and
- (7) Two members appointed by the Governor.

(b) Appointed members of the Board of Trustees shall be selected for their interest in and commitment to public education and to the purposes of the School, and they shall be charged with the responsibility of serving the interests of the whole State. In appointing members, the objective shall be to obtain the services of the best qualified persons, taking into consideration the desirability of diversity of membership, including men and women, representatives of different races, and members of different political parties.

(c) No member of the General Assembly or officer or employee of the State or of the School or of any constituent institution of The University of North Carolina, or the spouse of any such member, officer or employee, shall be eligible to be appointed to the Board of Trustees; and any appointed trustee who is elected or appointed to the General Assembly or who becomes an officer or employee of the State, of the School, or of a constituent institution of The University of North Carolina, or whose spouse is elected or appointed to the General Assembly or becomes such an officer or employee, shall be deemed thereupon to resign from his or her membership on the Board of Trustees. This subsection does not apply to ex officio members.

(d) Seven of the initial class of members of the Board of Trustees appointed under G.S. 116-233(1) and (2) shall be chosen for a term of two years to expire June 30, 1987, and eight shall be chosen for a term of four years to expire June 30, 1989; thereafter, all such members shall be elected to four-year terms. No person other than an ex officio member shall be eligible to serve more than two successive terms. Any vacancy in the membership of the Board of Trustees appointed under G.S. 116- 233(1) or (2) shall be reported promptly by the Secretary of the Board of Trustees to the Board of Governors of The University of North Carolina, which shall fill any such vacancy by appointment of a replacement member to serve for the balance of the unexpired term. Any vacancy in members appointed under G.S. 116-233(5) or (6) shall be filled in accordance with G.S. 120-122. Any vacancy in members appointed under G.S. 116-233(7) shall be filled by the Governor for the remainder of the unexpired term.

(e) Of the initial members appointed under G.S. 116-233(5), one member shall serve a term to expire June 30, 1987, and one member shall serve a term to expire June 30, 1989. Subsequent appointments shall be for four-year terms. The initial members appointed under G.S. 116-233(6), shall be appointed for terms to expire June 30, 1987. Subsequent appointments shall be for two- year terms. The initial members appointed under G.S. 116-233(7) shall be appointed for terms to expire January 15, 1989. Successors shall be appointed for four-year terms.

(f) Whenever an appointed member of the Board of Trustees shall fail, for any reason other than ill health or service in the interest of the State or nation, to be present

at three successive regular meetings of the Board, his or her place as a member of the Board shall be deemed vacant.

"§ 116-234. Board of Trustees; meetings; rules of procedure; officers.– (a) The Board of Trustees shall meet at least four times a year and may hold special meetings at any time, at the call of the chairman or upon petition addressed to the chairman by at least four of the members of the Board.

(b) The Board of Trustees shall elect a chairman and a vice- chairman; no ex officio member may hold such an office.

(c) The Board of Trustees shall determine its own rules of procedure and may delegate to such committees as it may create such of its powers as it deems appropriate.

(d) Members of the Board of Trustees, other than ex officio members under G.S. 116-233(3), shall receive such per diem compensation and necessary travel and subsistence expenses while engaged in the discharge of their official duties as is provided by law for members of State boards and commissions. Ex officio members under G.S. 116-233(3) shall be reimbursed for travel expenses as provided by G.S. 138-6.

"§ 116-235. Board of Trustees; powers and duties.–(a) Academic program.

(1) The Board of Trustees shall establish the standard course of study for the School. This course of study shall set forth the subjects to be taught in each grade and the texts and other educational materials on each subject to be used in each grade.

(2) The Board of Trustees shall adopt regulations governing class size, the instructional calendar, the length of the instructional day, and the number of instructional days in each term.

(b) Students.

(1) Admission of students. The School shall admit students in accordance with criteria, standards, and procedures established by the Board of Trustees. To be eligible to be considered for admission, an applicant must be a legal resident of the State, as defined by G.S. 116-143.1; eligibility to remain enrolled in the School shall terminate at the end of any school year during which a student becomes a nonresident of the State. The Board of Trustees shall ensure, insofar as possible without jeopardizing admission standards, that an equal number of qualified rising high school juniors is admitted to the program and to the residential summer institutes in science and mathematics from each of North Carolina's congressional districts.

(2) School attendance. Every parent, guardian, or other person in this State having charge or control of a child who is enrolled in the School and who is less than 16 years of age shall cause such child to attend school continuously for a period equal to the time which the School shall be in session. No person shall encourage, entice, or counsel any child to be unlawfully absent from the School. Any person who aids or abets a student's unlawful absence from the School shall, upon conviction, be guilty of a misdemeanor punishable by a fine of not more than fifty

dollars (\$50.00) or imprisonment for not more than 30 days, or both, in the discretion of the court. The Director of the School shall be responsible for implementing such additional policies concerning compulsory attendance as shall be adopted by the Board of Trustees, including regulations concerning lawful and unlawful absences, permissible excuses for temporary absences, maintenance of attendance records, and attendance counseling.

(3) Student discipline. Rules of conduct governing students of the School shall be established by the Board of Trustees. The Director, other administrative officers, and all teachers, substitute teachers, voluntary teachers, teacher aides and assistants, and student teachers in the School may use reasonable force in the exercise of lawful authority to restrain or correct pupils and maintain order.

(c) Personnel.

(1) Faculty members. Members of the faculty of the School shall be exempt from the provisions of the State Personnel Act. The Board of Trustees shall adopt all policies and regulations governing the qualifications, criteria for employment, assignment, health requirements, terms and conditions of employment, compensation and benefits, and the supervision and management of all faculty members of the School, and such system of employment and employment security as the Board of Trustees may deem to be appropriate.

(2) Senior administrative officers. The senior administrative officers of the School shall consist of a Director, as provided by G.S. 116-236, and such other senior academic and administrative officers as shall be selected and employed by the Board of Trustees. They shall be governed by such policies and regulations and provisions for compensation as the Board of Trustees may adopt, and shall be exempt from the State Personnel Act.

(3) Other employees. All other employees of the School shall be subject to the State Personnel Act and to such supplemental policies and regulations, not inconsistent therewith, as may be adopted by the Board of Trustees.

(4) All employees of the School shall be deemed to be employees of the State and shall be covered by all provisions of State law relevant thereto, including Chapter 97, Chapter 135, and Article 31A of Chapter 143 of the General Statutes.

(d) Finances, property, obligations.

(1) The Board of Trustees shall develop, prepare, and present to the Board of Governors a recommended budget for the School, which shall be transmitted by the Board of Governors to the General Assembly.

(2) Subject to all applicable State law and to the terms and conditions of the instruments under which property is acquired, the Board of Trustees may acquire, hold, convey or otherwise dispose of, and invest

or reinvest any and all real and personal property, except that the Board of Trustees may not convey any of the land constituting the campus, except for necessary easements, without the approval of the General Assembly. All power and authority exercised with regard to the acquisition, operation, maintenance, and disposition of real and personal property shall be subject to the provisions of Chapters 143 and 146 of the General Statutes except as provided in G.S. 116-238.

- (3) The Board of Trustees is authorized to accept, receive, and use any federal funds, or aids, that may be made available by the federal government which, in the judgment of the Board of Trustees, would be beneficial to the operation of the School.
 - (4) The Board of Trustees is authorized to establish a permanent endowment fund as provided in G.S. 116- 238.
 - (5) The lands and other property of the School shall be exempt from all kinds of public taxation, except as may be provided for by State law.
 - (6) The Board of Trustees may establish policies and regulations for the sale of goods and services, not inconsistent with the provisions of Article 11 of Chapter 66 of the General Statutes.
- (e) Regulation of traffic and parking and registration of motor vehicles.
- (1) Unless the context clearly requires another meaning, the following words and phrases have the meanings indicated when used in this subsection:
 - a. 'Board of Trustees' means the Board of Trustees of the North Carolina School of Science and Mathematics.
 - b. 'Campus' means that School property, without regard to location, which is used wholly or partly for the purposes of the North Carolina School of Science and Mathematics.
 - c. 'School property' means property owned or leased in whole or in part by the State of North Carolina and which is subject to the general management and control of the Board of Trustees of the North Carolina School of Science and Mathematics.
 - (2) Except as otherwise provided in this subsection, all of the provisions of Chapter 20 of the General Statutes relating to the use of highways of the State and the operation of motor vehicles thereon are applicable to all streets, alleys, driveways, parking lots, and parking structure on School property. Nothing in this subsection modifies any rights of ownership or control of School property, now or hereafter vested in the Board of Trustees or the State of North Carolina.
 - (3) The Board of Trustees may by ordinance prohibit, regulate, divert, control, and limit pedestrian or vehicular traffic and the parking of motor vehicles and other modes of conveyance on the campus. In fixing speed limits, the Board of Trustees is not subject to G.S. 20-141(f1) or (g2), but may fix any speed limit reasonable and safe under the circumstances as conclusively determined by the Board of

Trustees. The Board of Trustees may not regulate traffic on streets open to the public as of right, except as specifically provided in this section.

- (4) The Board of Trustees may by ordinance provide for the registration of motor vehicles maintained or operated on the campus by any student, faculty member, or employee of the School, and may fix fees for such registration. The ordinance may make it unlawful for any person to operate an unregistered motor vehicle on the campus when the vehicle is required by the ordinance to be registered.
- (5) The Board of Trustees may by ordinance set aside parking lots and other parking facilities on the campus for use by students, faculty, and employees of the School and members of the general public attending schools, conferences, or meetings at the School, visiting or making use of any School facilities, or attending to official business with the School. The Board of Trustees may issue permits to park in these lots and garages and may charge a fee therefor. The Board of Trustees may also by ordinance make it unlawful for any person to park a motor vehicle in any lot or other parking facility without procuring the requisite permit and displaying it on the vehicle.
- (6) The Board of Trustees may by ordinance set aside spaces in designated parking areas or facilities in which motor vehicles may be parked for specified periods of time. To regulate parking in such spaces, the Board of Trustees may install a system of parking meters and make it unlawful for any person to park a motor vehicle in a metered space without activating the meter for the entire time that the vehicle is parked, up to the maximum length of time allowed for that space. The meters may be activated by coins of the United States. The Board of Trustees may also install automatic gates, employ attendants, and use any other device or procedure to control access to and collect the fees for using its parking areas and facilities.
- (7) The Board of Trustees may by ordinance provide for the issuance of stickers, decals, permits, or other indicia representing the registration status of vehicles or the eligibility of vehicles to park on the campus and may by ordinance prohibit the forgery, counterfeiting, unauthorized transfer, or unauthorized use of them.
- (8) Violation of an ordinance adopted under any portion of this subsection is a misdemeanor punishable by a fine of not more than fifty dollars (\$50.00) or imprisonment for not more than 30 days, in the discretion of the court. An ordinance may provide that certain acts prohibited thereby shall not be enforced by criminal sanctions, and in such cases a person committing any such act shall not be guilty of a misdemeanor.
- (9) An ordinance adopted under any portion of this subsection may provide that violation subjects the offender to a civil penalty. Penalties may be graduated according to the seriousness of the offense or the

number of prior offenses by the person charged. The Board of Trustees may establish procedures for the collection of these penalties and they may be enforced by civil action in the nature of debt. The Board of Trustees may also provide for appropriate administrative sanctions if an offender does not pay a validly due penalty or upon repeated offenses. Appropriate administrative sanctions include, but are not limited to, revocation of parking permits, termination of vehicle registration, and termination or suspension of enrollment in or employment by the School.

- (10) An ordinance adopted under any portion of this subsection may provide that any vehicle illegally parked may be removed to a storage area. Regardless of whether the School does its own removal and disposal of motor vehicles or contracts with another person to do so, the School shall provide a hearing procedure for the owner. For purposes of this subdivision, the definitions in G.S. 20-219.9 apply.
- a. If the School operates in such a way that the person who tows the vehicle is responsible for collecting towing fees, all provisions of Article 7A, Chapter 20, apply.
 - b. If the School operates in such a way that it is responsible for collecting towing fees, it shall:
 - 1. Provide by contract or ordinance for a schedule of reasonable towing fees,
 - 2. Provide a procedure for a prompt fair hearing to contest the towing,
 - 3. Provide for an appeal to district court from that hearing,
 - 4. Authorize release of the vehicle at any time after towing by the posting of a bond or paying of the fees due, and
 - 5. If the School chooses to enforce its authority by sale of the vehicle, provide a sale procedure similar to that provided in G.S. 44A-4, 44A-5, and 44A-6, except that no hearing in addition to the probable cause hearing is required. If no one purchases the vehicle at the sale and if the value of the vehicle is less than the amount of the lien, the School may destroy it.
- (11) Evidence that a motor vehicle was found parked or unattended in violation of an ordinance of the Board of Trustees is prima facie evidence that the vehicle was parked by:
- a. The person holding a School parking permit for the vehicle, or
 - b. If no School parking permit has been issued for the vehicle, the person in whose name the vehicle is registered with the School pursuant to subdivision (3), above, or
 - c. If no School parking permit has been issued for the vehicle and the vehicle is not registered with the School, the person in whose name it is registered with the North Carolina Division of

Motor Vehicles or the corresponding agency of another state or nation.

The rule of evidence established by this subdivision (11) applies only in civil, criminal, or administrative actions or proceedings concerning violations of ordinances of the Board of Trustees. G.S. 20-162.1 does not apply to such actions or proceedings.

- (12) The Board of Trustees shall cause to be posted appropriate notice to the public of applicable traffic and parking restrictions.
- (13) All ordinances adopted under this subsection shall be recorded in the minutes of the Board of Trustees and copies thereof shall be filed in the office of the Secretary of State. The Board of Trustees shall provide for printing and distributing copies of its traffic and parking ordinances.
- (14) All moneys received pursuant to this subsection shall be placed in a trust account of the School and may be used for any of the following purposes:
 - a. To defray the cost of administering and enforcing ordinances adopted under this subsection;
 - b. To develop, maintain, and supervise parking areas and facilities;
 - c. To fulfill other purposes related to parking, traffic, and transportation on the campus.

(f) Status as a body politic and corporate. The Board of Trustees of the School is hereby made a body corporate and politic, to be known and distinguished as 'The Board of Trustees of the North Carolina School of Science and Mathematics.' The Board of Trustees shall be capable in law to sue and be sued and of prosecuting and defending suits for or against the corporation, subject to the provisions of G.S. 114-2 and G.S. 147-17.

(g) The Board of Trustees may adopt such other policies and regulations as it may consider necessary and expedient for the operation and management of the affairs of the School, not inconsistent with the provisions of this Article.

(h) The Board of Trustees shall keep the Board of Governors fully and promptly informed, through the President of The University of North Carolina, concerning activities of the Board of Trustees, including notices of meetings and copies of the minutes of all such meetings.

"§ 116-236. Director of the School.—The chief administrative officer of the School shall be the Director, who shall be appointed by the Board of Trustees to serve at its pleasure. The Director shall administer all affairs of the School, subject to policies, rules, and regulations adopted by the Board of Trustees. The Director shall serve as the Secretary to the Board of Trustees and shall report at least annually to the Board of Trustees concerning the state of the School.

"§ 116-237. Educational Advisory Council.—The Board of Governors shall establish a 12-member Educational Advisory Council consisting of (1) ex officio, the State Superintendent of the Department of Public Instruction and the Chairman of the State Board of Education, and (2) 10 persons who are scientists, mathematicians, public

school representatives, or other persons having an interest in the School and desiring to contribute to its work. The members of the Advisory Council shall be appointed by the Board of Governors for four-year terms. No person shall be eligible to serve more than two successive four-year terms. The Advisory Council shall give advice and counsel to the Director and the Board of Trustees.

"§ 116-238. Endowment fund.—(a) The Board of Trustees of the School may establish and maintain, consistent with this section, an endowment fund for the School.

(b) It is not the intent of this section that the proceeds from any endowment fund shall take the place of State appropriations or any part thereof, but it is the intent of this section that those proceeds shall supplement the State appropriations to the end that the School may improve and increase its functions, may enlarge its areas of service, and may become more useful to a greater number of people.

(c) Pursuant to the foregoing subsections and consistent with the powers and duties prescribed in this section, the Board of Trustees of the School shall appoint an investment board to be known as 'The Board of Trustees of the Endowment Fund of the North Carolina School of Science and Mathematics.'

(d) The trustees of the endowment fund may receive and administer as part of the endowment fund gifts, devises, and bequests and any other property of any kind that may come to them from the Board of Governors of The University of North Carolina or that may come to the trustees of the endowment fund from any other source, excepting always the moneys received from State appropriations and from tuition and fees, if any, collected from students and used for the general operation of the institution.

(e) The trustees of the endowment fund shall be responsible for the prudent investment of the fund in the exercise of their sound discretion, without regard to any statute or rule of law relating to the investment of funds by fiduciaries but in compliance with any lawful condition placed by the donor upon that part of the endowment fund to be invested.

(f) In the process of prudent investment of the fund or to realize the statutory intent of the endowment, the Board of Trustees of the endowment fund may expend or use interest and principal of gifts, devises, and bequests; provided that, the expense or use would not violate any condition or restriction imposed by the original donor of the property which is to be expended or used. To realize the statutory intent of the endowment fund, the Board of Trustees of the endowment fund may transfer interest or principal of the endowment fund to the useful possession of the School; provided that, the transfer would not violate any condition or restriction imposed by the original donor of the property which is the subject of the proposed transfer.

(g) The trustees of the endowment fund shall have the power to buy, sell, lend, exchange, lease, transfer, or otherwise dispose of or to acquire (except by pledging their credit or violating a lawful condition of receipt of the corpus into the endowment fund) any property, real or personal, with respect to the fund, in either public or private transaction, and in doing so they shall not be subject to the provisions of Chapters 143 and 146 of the General Statutes; provided that, any expense or financial obligation of the State of North Carolina created by any acquisition or disposition, by whatever means, of any real or personal property of the endowment fund shall be borne by the

endowment fund unless authorization to satisfy the expense or financial obligation from some other source shall first have been obtained from the Director of the Budget after the Director of the Budget consults with the Advisory Budget Commission.

(j) Any gift, devise, or bequest of real or personal property to the North Carolina School of Science and Mathematics shall be presumed, nothing to the contrary appearing, a gift, devise, or bequest, as the case may be, to the endowment fund of the School.

(k) Whenever any property of the endowment fund authorized by this section is disposed of or otherwise transferred from the endowment fund, any instrument of transfer shall indicate that the donor, grantor, seller, lessor, lender, or transferor, as the case may be, is the Board of Trustees of the endowment fund.

(l) All instruments for execution of the duly authorized business of the endowment fund, including deeds of conveyance and other documents of title to real property, are hereby authorized to be executed in the name of the endowment board by the principal officer of the Board of Trustees of the endowment fund or such other person or agent as the board may expressly appoint in a manner consistent with the requirements of law."

(c) G.S. 126-5(C1) is amended by adding a new subdivision to read:

"(11) North Carolina School of Science and Mathematics' employees whose salaries are fixed in accordance with the provisions of G.S. 116-235(c)(1) and G.S. 116-235(c)(2)."

(d) G.S. 66-58 is amended by adding a new subsection to read:

"(g) The North Carolina School of Science and Mathematics may engage in any of the activities permitted by G.S. 66-58(b)(8) and (c)(3)."

(e) G.S. 143-318.18(8) is amended by inserting immediately before the period at the end the phrase "or G.S. 116- 238."

(f) G.S. 120-123(17) is amended by deleting "G.S. 115C- 223", and substituting "G.S. 116-233".

(g) This section is effective upon ratification.

CHOWAN INTERSTATE COMMISSION

Sec. 207. (a) The General Assembly of North Carolina recognizes that the Chowan River and its tributaries are a major resource whose preservation, conservation, and wise use are essential to a prosperous future of the surrounding regions of North Carolina and Virginia. The Chowan River and its tributaries are the location of a major fisheries resource that is used by Virginia and North Carolina fishermen as a food source for the people of Virginia and North Carolina. The Chowan River is a major transportation artery between North Carolina and Virginia. The Chowan River and its tributaries also are a recreation resource for the people of Virginia and North Carolina. The river and its tributaries are an important resource for agricultural irrigation. The Chowan River and its tributaries also are used for waste transportation and assimilation. These and other uses should be studied thoroughly throughout the Chowan River and its tributaries so as to identify those problems that have developed or may develop due to the lack of coordination between and among these various uses.

(b) The President of the Senate and the Speaker of the House of Representatives of the North Carolina General Assembly (hereinafter, the President and the Speaker) may establish, in cooperation with the Virginia General Assembly, a commission to study the Chowan River, its tributaries, their uses, and the effects of these uses. The commission shall consist of an equal number of members of each of the General Assemblies of Virginia and North Carolina. Members of this commission from North Carolina shall consist of an equal number from the House of Representatives and the Senate. The Speaker shall appoint members from the House of Representatives, and the President shall appoint members from the Senate. The Speaker and the President shall appoint their members as soon as possible.

(c) The President and the Speaker may cooperate with the Virginia General Assembly to establish a date for the submission of the results of the study. The results of the study shall be submitted to the President and the Speaker. The results of the study may be submitted to other bodies, including the Virginia General Assembly, as agreed to by the Virginia General Assembly, the President, and the Speaker. The study shall contain findings of fact, conclusions based thereon, and any recommendations for new legislation or other action as the members of the commission may choose to make. As a minimum, the study shall include the following:

(1) A study of the effect of the uses identified in subsection (b) of this section on the Chowan River and its tributaries; and

(2) A study of the possible costs and benefits of the implementation of agricultural best management practices on the Chowan River and its tributaries.

The commission may undertake to identify and study the effect of such other uses of the Chowan River and its tributaries as the commission deems relevant, and the commission may make such additional recommendations for new legislation or other action, based on identification of such uses and their effects, as the commission may choose.

(d) There is appropriated from the General Fund to the commission established under this act for fiscal year 1985-86 the sum of twenty-five thousand dollars (\$25,000) as support for the commission.

MEDICAL DATABASE COMMISSION

Sec. 208. (a) Chapter 131E of the General Statutes is amended by adding a new Article to read:

"Article 11.

"North Carolina Medical Database Commission.

"§ 131E-210. **Title and purpose.**—(a) This Article shall be known as the 'North Carolina Medical Database Commission Act'.

(b) The General Assembly finds that as a result of rising medical care costs and the concern expressed by medical care providers, medical consumers, third-party payers, and health care planners involved with planning for the provision of medical care, there is an urgent need to understand patterns and trends in the use and cost of these services. It is the intent and purpose of this Article to establish an information base to be used to improve the appropriate and efficient usage of medical care services, while

at the same time maintaining an acceptable quality of health care services in this State. This is to be accomplished by compiling a uniform set of data and disseminating aggregate data, including but not limited to price and utilization data. It is the intent of the General Assembly to require that the information necessary for a review and comparison of cost, utilization patterns, and quality of medical services be supplied to the Medical Database Commission by all medical care providers and third-party payers both public and private. It is the intent of the General Assembly that any duplication in the collection of medical care data shall be eliminated as recommended by the Medical Database Commission. The information is to be compiled by a statewide clearinghouse and made available in an aggregate form to interested persons, including medical care providers, payors, medical care consumers, and health care planners to improve the decision-making processes regarding access, identified needs, patterns of medical care, price and use of appropriate medical care services. The Commission shall take steps to assure that patient confidentiality shall be protected.

"§ 131E-211. North Carolina Medical Database Commission; created.—(a) There is created the North Carolina Medical Database Commission, to receive medical care data from providers and insurers, construct databases, analyze cost and utilization trends and oversee dissemination of data to users and to further the purposes, findings, and declarations of the General Assembly as found in G.S. 131E-210. The Commission may require that data be submitted to a data processor from all State agencies and State supported providers and from all medical care providers and third-party payers both public and private as described in G.S. 131E-212(b)(1), in accordance with this Article; provided, however, that any data submitted by a medical provider to this Commission shall not be required to be submitted to another State agency, commission, or board, except for medicaid reimbursement data and reports otherwise required by State law or federal regulation.

(b) The North Carolina Medical Database Commission shall consist of nine members. The appointments shall be made as follows:

- (1) One employer from a business with 200 or more employees shall be appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121.
- (2) One employer from a business with less than 200 employees shall be appointed by the General Assembly upon the recommendation of the President of the Senate in accordance with G.S. 120-121.
- (3) One physician shall be appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121.
- (4) One hospital administrator shall be appointed by the General Assembly upon the recommendation of the President of the Senate in accordance with G.S. 120-121.
- (5) One representative of a commercial insurance company providing health insurance in North Carolina shall be appointed by the General

Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121.

- (6) One representative of Blue Cross and Blue Shield of North Carolina shall be appointed by the General Assembly upon the recommendation of the President of the Senate in accordance with G.S. 120-121.
- (7) One representative of State government at large shall be appointed by the Governor.
- (8) One nurse shall be appointed by the General Assembly upon the recommendation of the Speaker of the House in accordance with G.S. 120-121.
- (9) One health care provider shall be appointed by the General Assembly upon the recommendation of the President of the Senate in accordance with G.S. 120-121.

The Insurance Commissioner and the Secretary of Human Resources shall be ex officio members of the Commission without voting power.

Vacancies in appointments made by the General Assembly shall be filled in accordance with G.S. 120-122. Other vacancies in appointive terms shall be filled for the unexpired portion of the terms by appointment by the Governor.

(c) The members of the Commission shall serve terms of three years and may serve not more than two consecutive full three-year terms.

(d) The members of the Commission shall receive necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5.

(e) The majority of the Commission shall constitute a quorum for the transaction of business.

(f) The members of the Commission shall select a chairman and vice-chairman. Effective for terms to begin on or after July 1, 1987, no person may be elected chairman or vice-chairman unless they have been a member of the Commission for two years before their election. Effective July 1, 1987, the term of the chairman and vice-chairman shall be one year, and no person may be elected to the same office for two full consecutive terms.

(g) The Commission shall meet at least once during each calendar quarter upon the call of the chairman.

(h) The Commission shall issue annual reports on or before March 15 of each calendar year including recommendations to the General Assembly for any changes in the General Statutes needed to further the purposes of this Article. The initial report shall survey the types of discharge and encounter specific data on medical services collected by the State and shall make recommendations for the elimination of duplication in the collection of that data. Subsequent reports shall include plans for expanding the uniform database, which shall begin with data from in-patient hospital admissions, then shall include data at the earliest feasible time from hospital emergency rooms, hospital ambulatory surgery centers, freestanding ambulatory surgery centers and other medical providers including, but not limited to, all licensed health care professionals or entities providing health care services who submit third-party claims, as

described in G.S. 131E-212(b)(1). The initial mechanism for data collection will be the UB-82 claim form for hospital inpatients.

(i) The Commission may hire professional and other staff needed to implement the requirements of this Article. Clerical and other services to the Commission may be provided by the Department of Insurance.

(j) The Commission shall prepare and submit its annual budget directly to the Governor.

(k) The Commission shall have the authority to set fees with regard to the collection, compilation, and dissemination of data and to provide reimbursement to data providers in accordance with G.S. 131E-212(b)(4).

(l) The Commission shall adopt standard coding systems to assure adequate data quality.

"§ 131E-212. North Carolina Medical Database Commission; powers.—(a) The Commission shall contract with an organization that shall act as a data processor. The data processor shall, pursuant to rules and policies adopted by the Commission, collect the data from the hospitals, third-party carriers, State agencies, and others as described in subdivision (b)(1) of this subsection; build and maintain the database; analyze the information; and prepare reports.

(b) The Commission may adopt rules after holding required public hearings and complying with the other procedural requirements of Chapter 150A of the General Statutes, governing the acquisition, compilation, and dissemination of all data collected pursuant to this Article. The rules shall provide, at a minimum, that:

- (1) The Commissioner of Insurance shall require all third-party payers, including licensed insurers, medical and hospital service corporations, health maintenance organizations, and self-funded employee health plans to provide to the Commission the claims data, as required by this Article. The data shall be provided in the most useful form possible to the data processor, which may include copies of the UB-82 to report hospital inpatient claims information, datatape, or other electronic media.
- (2) This data shall include the following: patient's age, sex, zip code, third-party coverage, principal and other diagnoses, date of admission, procedure and discharge date, principal and other procedures, total charges and components of those charges, attending physician identification number, and hospital identification number.
- (3) The Commission shall ensure that adequate measures have been taken to provide system security for all data and information acquired under this Article.
- (4) The data shall be collected in the most efficient and cost-effective manner and the providers of the data shall be reimbursed for the reasonable cost incurred in providing the actual data to the Commission as determined by the Commission.

- (5) The Commission shall develop procedures to assure the confidentiality of patient records. Patient names, addresses, and other personal identifiers shall be omitted from the database.
- (6) A data provider may obtain data it has submitted as well as other aggregate data, but it may not access data submitted by another provider and which is limited only to that provider. Prior to the release or dissemination of any data, in any form, the Commission shall permit providers an opportunity to verify the accuracy of any information pertaining to the provider.
- (7) The Commission shall charge users for the cost of data preparation for information that is beyond the routine data disseminated by the Commission.
- (8) Time limits shall be set for the submission and review of data by data providers and penalties shall be established for failure to submit and review the data within the established time.

(c) The Commission may accept gifts, grants, donations, or contributions from any source. These funds shall be held in a separate account and used solely in furtherance of the purposes of this Article.

(d) The Commission may establish committees to study issues related to the operation of the Commission and the database.

(e) Any person who submits data as required by this Article shall be immune from liability in any civil action. This immunity is in addition to any other immunity to which the person is otherwise entitled.

(f) Data collected by and furnished to the Commission pursuant to this Article shall not be shared among other State agencies unless the information is approved by the Commission as a public record pursuant to G.S. 131E-213.

(g) The Commission may not use the data collected for a purpose other than one authorized by this Article.

(h) The Commission shall ensure that no collection of unneeded or irrelevant data will be allowed and that information collected will be kept current and accurate.

"§ 131E-213. North Carolina Medical Database not public records.—The individual forms, computer tapes, or other forms of data collected by and furnished to the Commission or data processor shall not be public records under Chapter 132 of the General Statutes and shall not be subject to public inspection. After approval by the Commission, the compilations prepared for release or dissemination from the data collected, except for a report prepared for an individual data provider containing information concerning only its transactions, shall be public records. The confidentiality of patient's individual personal identifiers, such as name or address in conjunction with a social security or patient identification number, is to be protected and the laws of this State with regard to patient confidentiality apply."

(b) The initial appointments of the employer from a business with 200 or more employees, the Hospital Administrator, and the representative of State government shall be for three years. The initial appointments of the employer from a business of less than 200 employees, the physician, and the commercial insurance representative shall

be for two years. The initial appointments of the nurse, health care provider, and the representative of Blue Cross and Blue Shield of North Carolina shall be for one year. Thereafter, the terms of all members shall be for three years.

(c) G.S. 120-123 is amended by adding a new subdivision to read:

"(43) The North Carolina Medical Database Commission, as established by G.S. 131E-211."

(d) The North Carolina Medical Database Commission shall terminate and Article 11 of Chapter 131E of the General Statutes shall expire on July 1, 1991.

(e) There is appropriated from the General Fund to the Department of Insurance the sum of one hundred thousand dollars (\$100,000) for fiscal year 1985-86, and the sum of one hundred thirty-five thousand dollars (\$135,000) for fiscal year 1986-87, to implement the provisions of this section.

Part III. MISCELLANEOUS

Sec. 209. The headings preceding each section of this act are included only as a reference and do not limit, expand, or otherwise affect the sections of this act.

Sec. 210. Except for statutory changes and other provisions that are clearly intended to have an effect beyond the 1985-87 fiscal biennium, the textual provisions of this act apply only to funds appropriated for and activities occurring during the 1985-87 fiscal biennium.

Sec. 211. Except as specifically provided otherwise, this act is effective July 1, 1985.

In the General Assembly read three times and ratified, this the 15th day of July, 1985.