

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 1100
SENATE BILL 257

AN ACT TO CREATE AND CONTINUE VARIOUS COMMITTEES AND
COMMISSIONS AND TO MAKE CHANGES IN THE BUDGET OPERATIONS
OF THE STATE.

The General Assembly of North Carolina enacts:

SUBCHAPTER A
STUDY COMMISSIONS AND COMMITTEES

PART I—LEGISLATIVE RESEARCH COMMISSION STUDIES

Sec. 1.1. The Legislative Research Commission may study the topics listed below. Listed with each topic is the bill or resolution from the 1987 General Assembly that originally proposed the issue or study and the name of the sponsor. The Commission may consider the original bill or resolution in determining the nature, scope and aspects of the study. The topics are:

- (1) Open Beer Containers in Motor Vehicles (H.B. 734 -Privette)
- (2) State Ports Authority (H.B. 2640 - Hall)
- (3) International Trade (H.B. 2640 - Hall)
- (4) Equity in the Delivery of Educational Services (S.B. 1692 - Martin, W.)
- (5) Emergency Evacuations Forced by Hurricanes (S.B. 1851 - Basnight).

Sec. 1.2. Growth Management System. The Legislative Research Commission may study the feasibility of establishing a Growth Trends Development Issues Legislative Commission and may seek the assistance of the North Carolina League of Municipalities and the North Carolina Association of County Commissioners in its study. The study may include consideration of the following issues:

- (1) The need for a growth management system in North Carolina;
- (2) The need for an official set of planning data across the State;
- (3) The funding options for long-term support of growth;
- (4) A review of State and local programs affecting growth;
- (5) A review and analysis of environmental protection legislation;
- (6) The need for encouraging regional strategies for growth;
- (7) The alternatives for developing action plans, including appropriate incentives and funding mechanisms;
- (8) The need for close coordination with city and county governments;
- (9) The need for involvement of local citizens in the planning process; and

- (10) A review of statewide growth management strategies developed in other states and an analysis of whether any of those systems would work in North Carolina.

Sec. 1.3. Migrant Housing. The Legislative Research Commission may study the issue of consolidation of migrant housing regulations, including the elimination of overlapping, duplicative and conflicting regulations.

Sec. 1.4. Guardian Ad Litem Program Costs. The Legislative Research Commission may study the long-term costs of Guardian Ad Litem Program authorized by Chapter 1090 of the 1987 Session Laws (Regular Session, 1988).

Sec. 1.5. The Legislative Research Commission may report its findings and recommendations to the 1989 General Assembly.

Sec. 1.6. From the funds available to the General Assembly, the Legislative Services Commission shall allocate monies to fund the work of the Legislative Research Commission.

PART II—HAZARDOUS WASTE MANAGEMENT STUDY COMMISSION (H.B. 93 - Hackney)

Sec. 2.1. The Hazardous Waste Management Study Commission is created. The Commission shall consist of 10 members: five Senators appointed by the President of the Senate, and five Representatives appointed by the Speaker of the House.

Sec. 2.2. The President of the Senate shall designate one Senator as cochairman and the Speaker of the House shall designate one Representative as cochairman.

Sec. 2.3. The Commission shall:

- (a) Study the current and projected need for hazardous waste treatment and disposal capacity in the State in light of anticipated generation of hazardous waste and alternatives for hazardous waste treatment and disposal;
- (b) Study the necessity for and scope of a State-owned or operated hazardous waste treatment facility;
- (c) Evaluate the potential for the development of additional hazardous waste treatment and disposal capacity by the private sector;
- (d) Review progress in securing a volunteer county to host the State's hazardous waste treatment facility;
- (e) Study incentives and compensation for the community which hosts, either voluntarily or involuntarily, the State's hazardous waste treatment facility, including any additional incentives and compensation which may be needed, whether there should be differential compensation for a volunteer county, options for use of funds by local governments, distribution of compensation among local governments, and methods of providing flexibility in the development of an incentives and compensation package for a particular local community;

- (f) Review progress in developing interstate agreements for the treatment and disposal of hazardous waste outside the State;
- (g) Examine site selection guidelines established by the Hazardous Waste Treatment Commission and determine whether any modification is needed in site selection criteria and procedures;
- (h) Analyze existing State law governing the Hazardous Waste Treatment Commission and determine whether any changes are needed;
- (i) Study the capacity assurance requirement under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Pub. L. No. 96-510, 94 Stat. 2767, 42 U.S.C. 9601 et seq., as amended, and the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, 100 Stat. 1613, as amended as it relates to the continued eligibility of North Carolina for remedial actions under Superfund; and
- (j) Make such findings and recommendations with respect to any of the foregoing topics as it deems necessary and appropriate.

Sec. 2.4. The Commission shall submit a final report of its findings and recommendations to the General Assembly on or before the first day of the 1989 Session of the General Assembly by filing the report with the President of the Senate and the Speaker of the House of Representatives. Upon filing its final report, the Commission shall terminate.

Sec. 2.5. The Hazardous Waste Management Study Commission shall proceed expeditiously with the study authorized by this Part, to the end that the 1989 General Assembly may consider and act on the recommendations of the Study Commission as early as possible in the 1989 Session in order that the siting activities of the Hazardous Waste Treatment Commission, if any, may resume at the earliest possible time.

Sec. 2.6. From funds available to the General Assembly, the Legislative Services Commission shall allocate monies to fund the work of the Commission created by this Part.

PART III—JOINT SELECT COMMITTEE ON LOW-LEVEL RADIOACTIVE WASTE (H.B. 2388 - Miller)

Section 3.1. Chapter 120 of the General Statutes is amended by adding a new Article to read:

"Article 12C.

"Joint Select Committee on Low-Level Radioactive Waste.

"§ 120-70.31. **Committee established.** – The Joint Select Committee on Low-Level Radioactive Waste is hereby established as a permanent joint committee of the General Assembly. As used in this Article, the term 'Joint Select Committee' means the Joint Select Committee on Low-Level Radioactive Waste.

"§ 120-70.32. **Membership; cochairmen; vacancies; quorum.** – The Joint Select Committee shall consist of six Senators appointed by the President of the Senate and six

Representatives appointed by the Speaker of the House of Representatives who shall serve at the pleasure of their appointing officer. The President of the Senate shall designate one Senator to serve as cochairman and the Speaker of the House of Representatives shall designate one Representative to serve as cochairman. Any vacancy which occurs on the Joint Select Committee shall be filled in the same manner as the original appointment. A quorum of the Joint Select Committee shall consist of seven members.

"§ 120-70.33. Powers and duties. – The Joint Select Committee shall have the following powers and duties:

- (1) To study alternatives available to the State for dealing with low-level radioactive waste and the ramifications of each of those alternatives;
- (2) To evaluate actions of the North Carolina Low-Level Radioactive Waste Management Authority, its operator, and other persons with whom the Authority contracts;
- (3) To evaluate actions of the Governor's Waste Management Board, the Radiation Protection Commission, and the Radiation Protection Section of the Department of Human Resources, and of any other board, commission, department, or agency of the State or local government as such actions relate to low-level radioactive waste management;
- (4) To receive, review, and evaluate reports and recommendations submitted to the General Assembly by the North Carolina Low-Level Radioactive Waste Management Authority and the Inter-Agency Committee on Low-Level Radioactive Waste;
- (5) To review and evaluate changes in federal law and regulations, relevant court decisions, and changes in technology affecting low-level radioactive waste management;
- (6) To review existing and proposed State law and rules affecting low-level radioactive waste management and to determine whether any modification of law or rules is in the public interest;
- (7) To make reports and recommendations, including draft legislation, to the General Assembly from time to time as to any matter relating to the powers and duties set out in this section; and
- (8) To undertake such additional studies as it deems appropriate or as may from time to time be requested by the President of the Senate, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, either house of the General Assembly, the Legislative Research Commission, the Joint Legislative Commission on Governmental Operations, the Environmental Review Commission, or the Joint Legislative Utility Review Committee, and to make such reports and recommendations to the General Assembly regarding such studies as it deems appropriate.

"§ 120-70.34. Additional powers. – The Joint Select Committee, while in the discharge of official duties, may exercise all the powers provided for under the provisions of G.S.

120-19, and G.S. 120-19.1 through G.S. 120-19.4. The Joint Select Committee may meet at any time upon the call of either cochairman, whether or not the General Assembly is in session. The Joint Select Committee may meet in the Legislative Building or the Legislative Office Building upon the approval of the Legislative Services Commission.

"§ 120-70.35. **Compensation and expenses of members.** – Members of the Joint Select Committee shall receive subsistence and travel expenses at the rates set forth in G.S. 120-3.1.

"§ 120-70.36. **Staffing.** – The Legislative Administrative Officer shall assign as staff to the Joint Select Committee professional employees of the General Assembly, as approved by the Legislative Services Commission. Clerical staff shall be assigned to the Joint Select Committee through the offices of the Supervisor of Clerks of the Senate and Supervisor of Clerks of the House of Representatives. The expenses of employment of clerical staff shall be borne by the Joint Select Committee.

"§ 120-70.37. **Funding.** – From funds available to the General Assembly, the Legislative Services Commission shall allocate monies to fund the Joint Select Committee created by this Part."

Sec. 3.2. The Joint Select Committee on Low-Level Radioactive Waste shall be a continuation of the Joint Select Committee on Low-Level Radioactive Waste authorized by Section 24 of Chapter 850 of the 1987 Session Laws. The initial membership and Cochairmen of the Joint Select Committee on Low-Level Radioactive Waste shall be those persons serving as members and Cochairmen of the original Joint Select Committee on Low-Level Radioactive Waste as previously authorized as of the effective date of this Part. Any unexpended funds previously available for the original Joint Select Committee on Low-Level Radioactive Waste are hereby transferred to the Joint Select Committee on Low-Level Radioactive Waste created by this Part.

PART IV—ENVIRONMENTAL REVIEW COMMISSION (H.B. 2388-Miller)

Sec. 4.1. Chapter 120 of the General Statutes is amended by adding a new Article to read:

"Article 12D.

"Environmental Review Commission.

"§ 120-70.41. **Commission established.** – The Environmental Review Commission is hereby established.

"§ 120-70.42. **Membership; cochairmen; vacancies; quorum.** – The Environmental Review Commission shall consist of five Senators appointed by the President of the Senate and five Representatives appointed by the Speaker of the House of Representatives who shall serve at the pleasure of their appointing officer. The President of the Senate shall designate one Senator to serve as cochairman and the Speaker of the House of Representatives shall designate one Representative to serve as cochairman. Any vacancy which occurs on the Environmental Review Commission shall be filled in the same manner as the original appointment. A quorum of the Environmental Review Commission shall consist of six members.

"§ 120-70.43. Powers and duties. – The Environmental Review Commission shall have the following powers and duties:

- (1) To evaluate actions of all boards, commissions, departments, and other agencies of the State and local governments as such actions relate to the environment or protection of the environment, including but not limited to an evaluation of:
 - a. Benefits of each program relative to costs;
 - b. Achievement of program goals;
 - c. Use of measures by which the success or failure of a program can be measured; and
 - d. Conformity with legislative intent;
- (2) To study on a continuing basis the organization of State government as it relates to the environment or to the protection of public health and the environment, including but not limited to:
 - a. Improvements in administrative structure, practices, and procedures;
 - b. Increased integration and coordination of programs and functions;
 - c. Increased efficiency in budgeting and use of resources;
 - d. Efficient administration of licensing, permitting, and grant programs;
 - e. Prompt, effective response to environmental emergencies;
 - f. Opportunities for effective citizen participation; and
 - g. Broadening of career opportunities for professional staff;
- (3) To make any recommendations it deems appropriate regarding the reorganization and consolidation of environmental regulatory agencies and the recodification of statutes relating to the environment, including but not limited to:
 - a. Ways in which agencies may operate more efficiently and economically;
 - b. Ways in which agencies can provide better services to the State and to the people; and
 - c. Instances in which functions of agencies are duplicative, overlapping, incomplete in scope or coverage, fail to accomplish legislative objectives, or for any other reason should be redefined or redistributed;
- (4) To review and evaluate changes in federal law and regulations, relevant court decisions, and changes in technology affecting the environment or protection of the environment;
- (5) To review existing and proposed State law and rules affecting the environment or protection of the environment and to determine whether any modification of law or rules is in the public interest;

- (6) To make reports and recommendations, including draft legislation, to the General Assembly from time to time as to any matter relating to the powers and duties set out in this section; and
- (7) To undertake such additional studies as it deems appropriate or as may from time to time be requested by the President of the Senate, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, either house of the General Assembly, the Legislative Research Commission, the Joint Legislative Commission on Governmental Operations, the Joint Legislative Utility Review Committee, or the Joint Select Committee on Low-Level Radioactive Waste and to make such reports and recommendations to the General Assembly regarding such studies as it deems appropriate; provided that the Environmental Review Commission shall not undertake any study which the General Assembly has assigned to another legislative commission or committee.

"§ 120-70.44. Additional powers. – The Environmental Review Commission, while in the discharge of official duties, may exercise all the powers provided for under the provisions of G.S. 120-19, and G.S. 120-19.1 through G.S. 120-19.4. The Environmental Review Commission may meet at any time upon the call of either cochairman, whether or not the General Assembly is in session. The Environmental Review Commission may meet in the Legislative Building or the Legislative Office Building upon the approval of the Legislative Services Commission.

"§ 120-70.45. Compensation and expenses of members. – Members of the Environmental Review Commission shall receive subsistence and travel expenses at the rates set forth in G.S. 120-3.1.

"§ 120-70.46. Staffing. – The Legislative Administrative Officer shall assign as staff to the Environmental Review Commission professional employees of the General Assembly, as approved by the Legislative Services Commission. Clerical staff shall be assigned to the Environmental Review Commission through the offices of the Supervisor of Clerks of the Senate and Supervisor of Clerks of the House of Representatives. The expenses of employment of clerical staff shall be borne by the Environmental Review Commission.

"§ 120-70.47. Funding. – From funds available to the General Assembly, the Legislative Services Commission shall allocate monies to fund the work of the Environmental Review Commission."

Sec. 4.2. The Environmental Review Commission shall be a continuation of the Consolidation of Environmental Regulatory Agencies Study Commission authorized by Section 150 of Chapter 1014 of the 1985 Session Laws (1986 Regular Session) as modified by Section 9 of Chapter 773 of the 1987 Session Laws. The Consolidation of Environmental Regulatory Agencies Study Commission is abolished and its powers and duties are transferred to the Environmental Review Commission. All records and other materials in the custody of the Consolidation of Environmental Regulatory Agencies Study Commission shall be transferred to the Environmental Review Commission. The Environmental Review Commission shall continue the study of the reorganization and

consolidation of environmental regulatory agencies and the recodification of statutes relating to the environment begun by the Consolidation of Environmental Regulatory Agencies Study Commission and shall report its findings and recommendations on these topics to the 1989 General Assembly.

Sec. 4.3. The initial membership and Cochairmen of the Environmental Review Commission shall be those persons serving as members and Cochairmen of the Consolidation of Environmental Regulatory Agencies Study Commission as previously authorized as of the effective date of this Part. Any unexpended funds available for the Consolidation of Environmental Regulatory Agencies Study Commission are hereby transferred to the Environmental Review Commission.

PART V—WORKER TRAINING TRUST FUND STUDY COMMISSION (H.B. 1317 - Enloe)

Sec. 5.1. Part XII of Chapter 873 of the 1987 Session Laws is amended by adding the following new sections to read:

"Sec. 12.3. The Worker Training Trust Fund Study Commission shall submit a written report to the 1989 Regular Session of the General Assembly upon its convening. The Commission shall terminate upon filing that report.

"Sec. 12.4. From the funds available to the General Assembly, the Legislative Services Commission shall allocate monies to fund the work of the Worker Training Trust Fund Study Commission."

PART VI—BIRTH-RELATED NEUROLOGICAL IMPAIRMENT STUDY COMMISSION (H.B. 2415 - Etheridge, S.B. 1646 - Rand)

Sec. 6.1. (a) There is hereby created a North Carolina Birth-Related Neurological Impairment Study Commission. The Commission shall make a study of the need for a Birth-Related Neurological Impairment Act to assist birth-related neurologically impaired victims whose condition was not caused by the negligence of others.

(b) The Commission shall consist of 13 members who shall be appointed as follows:

- (1) Four members appointed by the Speaker of the House of Representatives as follows: two persons who are members of the House; one physician licensed to practice medicine in North Carolina; and one at-large member representing the general public;
- (2) Four members appointed by the President of the Senate as follows: two persons who are members of the Senate; one physician licensed to practice medicine in North Carolina; and one at-large member representing the general public;
- (3) The Commissioner of Insurance or his designee;
- (4) The Attorney General or his designee;

- (5) The Director of the Division of Health Services of the Department of Human Resources or his designee;
- (6) The President of the North Carolina Hospital Association or his designee; and
- (7) The Executive Director of the Governor's Advocacy Council for Persons with Disabilities or his designee.

If a vacancy occurs in the membership, the appointing authority shall appoint another person to serve the balance of the unexpired term in the same manner in which the original appointment was made.

The Commission shall terminate upon the filing of a report with the General Assembly.

(c) The Commission shall submit a written report and recommendations, including any recommended legislation, to the 1989 General Assembly, prior to March 15, 1989.

(d) The Speaker of the House and the President of the Senate shall each select a cochairman for the Commission. Either Cochairman may preside at any meetings of the Commission.

(e) The Commission shall also have the authority to call witnesses, compel testimony relevant to any matter properly before the Commission, and subpoena records and documents, provided that any patient record shall have patient identifying information removed. The provisions of G.S. 120-19.1 through G.S. 120-19.4 shall apply to the proceedings of the Commission as if it were a joint committee of the General Assembly. In addition to the other signatures required for the issuance of a subpoena under this section, the subpoena shall also be signed by the cochairmen of the Commission.

(f) The Commission shall have all powers necessary or convenient to carry out the purposes and provisions of this Part, including, but not limited to, the power to receive and accept grants of funds from any public or private agency for, or in aid of, the purposes of this section, and to receive and accept contributions, from any source, of money, or labor, to be held, used and applied for the purposes of this Part. Any grants or contributions received shall be held by the Legislative Services Commission and these monies received shall be used prior to the use of any available State funds. If grants or contributions are received thereafter, they shall be retained by the Legislative Services Commission in an amount equal to State funds already expended.

(g) From the funds available to the General Assembly, the Legislative Services Commission may allocate monies to fund the work of the North Carolina Birth-Related Neurological Impairment Study Commission.

PART VII—ADOPTIONS AND SURROGATE PARENTHOOD STUDY COMMISSION (S.B. 1583 - Rand)

Sec. 7.1. Section 26.5 of Chapter 873 of the 1987 Session Laws reads as rewritten:

"Sec. 26.5. The Commission's first meeting shall be called by the cochairmen and held on or before October 1, 1987. The Commission shall submit ~~a final report~~ reports of its findings and recommendations to the General Assembly on or before the first day of the 1989 ~~and 1991 Session~~ Sessions of the General Assembly by filing the ~~report~~ reports with the President of the Senate, the Speaker of the House of Representatives, and the Governor. Upon filing its ~~final report~~ to the 1991 Session, the Commission shall terminate."

Sec. 7.2. From the funds available to the General Assembly, the Legislative Services Commission shall allocate monies to fund the work of the Adoptions and Surrogate Parenthood Study Commission. Unexpended funds at the end of the 1987-88 fiscal year shall not revert but shall remain in the budget to fund the Commission until it terminates.

PART VIII—GENERAL PROVISIONS RELATING TO TEMPORARY STUDY COMMISSIONS AND COMMITTEES

Sec. 8.1. (a) Initial meeting. The initial meeting of a temporary commission or committee created by this Subchapter shall be at the call of the chairperson, in the case of one chairperson, or at the joint call of both the chairpersons, in the case of two chairpersons.

(b) Staffing and consultants. A temporary commission or committee created or continued by this Subchapter does not have the power to contract for professional, clerical, or consultant services. The Legislative Services Commission, through the Legislative Administrative Officer, shall assign professional staff to assist in the work of the commission or committee. The House of Representatives' and the Senate's Supervisor of Clerks shall assign clerical staff to the commission or committee, upon the direction of the Legislative Services Commission. The expenses relating to clerical employees shall be borne by the commission or committee so requesting.

(c) Members' compensation and subsistence and travel expenses. Except as otherwise specifically provided in this Subchapter, members of a temporary commission or committee created or continued by this Subchapter, shall receive the following compensation and allowances:

- (1) State legislators shall receive subsistence and travel allowances as provided by G.S. 120-3.1;
- (2) State officers and employees shall receive subsistence and travel allowances as provided by G.S. 138-6; and
- (3) All other members shall receive per diem, subsistence, and travel allowances as provided by G.S. 138-5.

(d) Meeting in legislative complex. A temporary commission or committee created or continued by this Subchapter may meet in the State Legislative Building or the Legislative Office Building with the approval of the Legislative Services Commission.

(e) Vacancies in membership. When a vacancy occurs in one of the appointed memberships of a temporary commission or committee created or continued

by this Subchapter the vacancy shall be filled by the same appointing officer who made the initial appointment.

(f) Information furnished. All State departments and agencies and local governments and their subdivisions shall furnish a temporary commission or committee created or continued by this Subchapter with any information in their possession or available to them.

PART IX—GRANTS TO LEGISLATIVE COMMISSIONS AND THEIR EMPLOYEES AND CONSULTANTS

Sec. 9.1. Two new sections are added to Article 7 of Chapter 120 of the General Statutes to read:

"§ 120-32.02. Legislative commissions' and committees' employees and consultants.

– (a) In the construction of a statute creating, continuing, or modifying a commission or committee whose funds are appropriated or transferred to the General Assembly or to the Legislative Services Commission for disbursement, unless that construction would be inconsistent with the manifest intent of the General Assembly or repugnant to the context of the statute, the creation, continuation, or modification of the commission or committee shall not be construed as a grant of authority to the commission or committee to hire its own employees or to contract for consultant or other services.

(b) Notwithstanding any other provision of law, a commission or committee whose funds are appropriated or transferred to the General Assembly or to the Legislative Services Commission for disbursement and which has the power to contract for consultants or hire employees, or both, may contract for consultants, or hire employees, or both, only upon the prior approval of the Legislative Services Commission. A contract for employment or consultant services by such a commission or committee is void and unenforceable unless approved by the Legislative Services Commission prior to the contract being entered into.

(c) This section shall not apply to contracts of employment or for consultant services for standing or select committees of either house of the General Assembly, or subcommittees thereof, which shall be entered into by either the Speaker of the House or the President Pro Tempore of the Senate, as appropriate, and governed by the provisions of G.S. 120-35.

"§ 120-32.03. Grants and contributions to legislative commissions and committees.

– (a) In the construction of a statute creating, continuing, or modifying a commission or committee whose funds are appropriated or transferred to the General Assembly or to the Legislative Services Commission for disbursement, unless that construction would be inconsistent with the manifest intent of the General Assembly or repugnant to the context of the statute, the creation, continuation, or modification of the commission or committee shall not be construed as a grant of authority to the commission or committee to apply for, receive or accept grants, loans, and advances of non-State funds, or to receive and accept contributions from any source, of money, property, labor, or any other thing of value in order for it to conduct its work.

(b) Notwithstanding any other provision of law, a commission or committee whose funds are appropriated or transferred to the General Assembly or to the Legislative Services Commission for disbursement may, only with specific approval of the Legislative Services Commission, apply for, receive, or accept grants and contributions, from any source, of money, property, labor, or any other thing of value, to be held and used for the purposes set forth in the act creating the commission or committee. Any thing of value remaining at the termination of the commission or committee shall be deposited with the Legislative Services Commission to be employed for the use of the General Assembly."

PART X—ORIGINAL BILL REFERENCES

Sec. 10.1. The listing of the original bill or resolution in the parts of this Subchapter is for reference purposes only and shall not be deemed to have incorporated by reference any of the provisions contained in the original bill or resolution.

SUBCHAPTER B BUDGET CHANGES

PART I—JUSTICE AND PUBLIC SAFETY

Requested by: Representative Watkins and Senator Rand
—SPECIAL JUDGE TERM OF OFFICE

Sec. 11. Notwithstanding G.S. 7A-45, G.S. 7A-45.1, Section 7 of Chapter 509, Session Laws of 1987, or any other provision of law, if any special superior court judge who is holding office on the effective date of this act will attain five years of membership service under G.S. 135-53(12) in 1990, if this section is enacted, the term of office of that judge is extended through December 31, 1990. The Administrative Office of the Courts may use funds available to the Judicial Department for the 1988-89 fiscal year to implement this section.

Requested by: Senator Plyler
—INDIGENT PERSONS' ATTORNEY FEE FUND CORRECTION

Sec. 11.1. G.S. 7A-456(c), as enacted by Section 113(c) of Chapter 1086, Session Laws of 1987, is repealed.

Requested by: Senators Rand and Plyler
—CURRENT OPERATING EXPENSES

Sec. 12. From the funds specifically appropriated to the Judicial Department in the certified budget for the 1988-89 fiscal year, the Administrative Office of the Courts may transfer within its budget up to one million four hundred fifty-four thousand eight hundred fifty-four dollars (\$1,454,854) to meet additional current operating expenses for supplies and materials, current obligations, fixed charges, other expenses, and books.

—TRANSFER OF FUNDS FOR WAREHOUSE AND PRINTING EQUIPMENT

Sec. 13. From the five hundred ninety-three thousand three hundred seventy-five dollars (\$593,375) appropriated to the Judicial Department for the 1988-89 fiscal year under line items 1260-2600, 1260-4400, and 1260-5200 in the certified budget for the current biennium to provide for the automation of general ledger accounting for clerks of superior court, fifty thousand four hundred eighty-eight dollars (\$50,488) is hereby transferred to line item 1130-5100 to provide for the purchase of equipment for the warehouse and printing services purpose of the Administrative Office of the Courts.

—NEW DEPUTY CLERKS

Sec. 14. The Administrative Office of the Courts may use funds appropriated to the Judicial Department or overrealized receipts of the Judicial Department for the 1988-89 fiscal year to allocate among the counties of the State pursuant to the formula authorized by Section 9 of Chapter 881 of the 1983 Session Laws, 10 new full-time deputy clerks of superior court or a comparable number of part-time and full-time deputies, in addition to any otherwise available for such allocation.

—LONGEVITY PAY FOR DIRECTOR AND ASSISTANT DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE COURTS.

Sec. 15. (a) G.S. 7A-341 is amended by inserting at the end of the second sentence the following, "and longevity pay at the rates and for the service designated in G.S. 7A-44(b) for a judge of the superior court".

(b) G.S. 7A-342 is amended by inserting at the end of the second sentence the following, "and longevity pay at the rates and for the service designated in G.S. 7A-144(b) for a judge of the district court".

(c) G.S. 7A-44(b) is amended by inserting at the end of the second sentence the following, "or as director or assistant director of the Administrative Office of the Courts".

(d) G.S. 7A-114(b) is amended by inserting at the end of the second sentence the following, "or as director or assistant director of the Administrative Office of the Courts".

—CLERKS OF COURT GET LONGEVITY FOR ASSISTANT CLERK SERVICE/CHIEF ADMINISTRATIVE LAW JUDGE/PRINCIPAL CLERKS GET SAME BENEFITS AS LEGISLATIVE EMPLOYEES

Sec. 16. (a) G.S. 7A-101(c), as so designated by Section 14 of Chapter 1086, Session Laws of 1987, reads as rewritten:

"(c) In lieu of merit and other increment raises paid to regular State employees, a clerk of superior court shall receive as longevity pay an amount equal to four and eight-tenths percent (4.8%) of the annual salary set forth in the Budget Appropriation Act payable monthly after five years of service, nine and six-tenths percent (9.6%) after 10 years of service, fourteen and four-tenths percent (14.4%) after 15 years of service, and nineteen and two-tenths percent (19.2%) after 20 years of service. Service shall mean

service in the elective position of clerk of superior court, as an assistant clerk of court and as a supervisor of clerks of superior court with the Administrative Office of the Courts and shall not include service as ~~an assistant, deputy, a deputy~~ or acting clerk. Service shall also mean service as a justice or judge of the General Court of Justice or as a district attorney."

(b) Effective August 1, 1988, G.S. 7A-751 is amended by adding at the end:

"In lieu of merit and other increment raises, the Chief Administrative Law Judge shall receive as longevity an annual amount payable monthly at the rates provided in G.S. 7A-65 and based upon his years of State service."

(c) The last sentence of G.S. 120-37(b) is amended by deleting "State employees", and substituting "permanent legislative employees".

—CLERKS OF COURT POPULATION SALARY CLASSIFICATION

Sec. 17. G.S. 7A-101(a), as amended by Section 14 of Chapter 1086, Session Laws of 1987, reads as rewritten:

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

<u>Population</u>	<u>Annual Salary</u>
Less than 50,000 <u>30,000</u>	\$ 36,288
<u>50,000-30,000</u> to 99,999	41,748
100,000 to 199,999	47,184
200,000 and above	53,832

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

Requested by: Representative Bob Etheridge

—HARNETT PRISON CHAPEL DONATION

Sec. 17.1. The Department of Correction may accept a donation from the New Life Chapel, Inc., in the sum of thirty-five thousand dollars (\$35,000) to assist with the cost of constructing a chapel at the Harnett Prison Unit.

Requested by: Senators Sands, Basnight, Representative Holt

—ADD ONE MAGISTRATE FOR STOKES AND TYRRELL COUNTIES

Sec. 17.2. (a) G.S. 7A-133 is amended in the table by increasing the maximum number of magistrates for Stokes County from four to five and by increasing the maximum number of magistrates for Tyrrell County from two to three.

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

Requested by: Representative Watkins

—SBI FACILITY TECHNICAL CORRECTION

Sec. 17.3. Section 117 of Chapter 1086 of the 1987 Session Laws reads as rewritten:

"Sec. 117. The new State Bureau of Investigation Facility shall be located on the Garner Road Campus, and no funds shall be used to locate the ~~laboratory~~-facility at any other location."

—REIMBURSEMENT OF COSTS FOR FEMALE INMATES IN LOCAL CONFINEMENT FACILITIES

Sec. 17.4. (a) G.S. 148-32.1(a) reads as rewritten:

"(a) The Department of Correction shall pay each local confinement facility a standard sum set by the General Assembly in its appropriation acts at a per day, per inmate rate, for the cost of providing food, clothing, personal items, supervision and necessary ordinary medical services to those ~~male~~-inmates committed to the custody of the local confinement facility to serve sentences of 30 days or more. This reimbursement shall not include any period of detention prior to actual commitment by the sentencing court. The Department shall also pay to the local confinement facility extraordinary medical expenses incurred for the inmates, defined as follows:

- (1) Medical expenses incurred as a result of providing health care to an inmate as an inpatient (hospitalized);
- (2) Other medical expenses when the total cost exceeds thirty-five dollars (\$35.00) per occurrence or illness as a result of providing health care to an inmate as an outpatient (nonhospitalized); and
- (3) Cost of replacement of eyeglasses and dental prosthetic devices if those eyeglasses or devices are broken while the inmate is incarcerated, provided the inmate was using the eyeglasses or devices at the time of his commitment and then only if prior written consent of the Department is obtained by the local facility."

(b) Of funds appropriated to the Department of Correction for the 1988-89 fiscal year to pay per diem costs of inmates committed to the custody of local confinement facilities, the Department of Correction shall reimburse local confinement facilities as provided by G.S. 148-32.1 for female inmates committed to those facilities.

(c) The Department of Correction shall keep a separate accounting of reimbursements made under G.S. 148-32.1 to local confinement facilities for female inmates for the 1988-89 fiscal year.

(d) The Department of Correction shall report the cost of reimbursing local confinement facilities for female inmates committed to those facilities and shall provide an accounting of those expenses to the 1989 General Assembly and the Fiscal Research Division, no later than April 15, 1989.

PART II—EDUCATION

Requested by: Representative Bob Etheridge

—EFFECTIVE TEACHER TRAINING STIPEND CLARIFIED

Sec. 18. (a) Section 207 of Chapter 738 of the 1987 Sessions Laws was enacted for the purpose and intention only of providing a one-time stipend in the amount of two hundred fifty dollars (\$250.00) to teachers who successfully completed the effective teacher training program and who, following completion, remained in the public schools and utilized this training to benefit students. To the extent that any teachers who successfully completed the program during the 1986-87 or 1987-88 school years, who then put their training to use in the public schools, and who subsequently retired with retirement benefits have not received the two hundred fifty dollars (\$250.00) stipend, the State Board of Education, from funds available to it for the 1988-89 fiscal year, shall pay those teachers a stipend in the amount of two hundred fifty dollars (\$250.00).

(b) Teacher aides who in the 1986-87 or 1987-88 school years were required to complete the effective teacher training while they were under contract to be teachers in North Carolina public schools shall be eligible for the stipend as if they had been teachers at the time they successfully completed the training.

(c) Persons employed as teachers and certified as teachers in schools operated by the Department of Correction and the Department of Human Resources who successfully completed the effective teacher training program in the 1986-87 or 1987-88 school year shall be eligible for the stipend for effective teacher training in the same manner as teachers in local school administrative units. Their stipends shall be paid from funds available to the Departments that employed them the year after they took the training or from funds available to the Department of Public Education if a North Carolina local school administrative unit employed them after they took the training.

(d) Except as expressly authorized in this section, no funds may be used to pay any further stipend.

Requested by: Senator Royall

—N.C. MEMORIAL HOSPITAL CAPITAL FUNDS

Sec. 19. Budgeted overhead receipts for The University of North Carolina, Academic Affairs, shall be increased by one million dollars (\$1,000,000) and the General Fund appropriation shall be decreased by a like amount. Budgeted overhead receipts for The University of North Carolina, Health Affairs, shall be increased by five hundred thousand dollars (\$500,000) and the General Fund appropriation shall be decreased by a like amount.

The appropriation for the Board of Governors of The University of North Carolina from the General Fund for the 1988-89 fiscal year shall be increased by one million five hundred thousand dollars (\$1,500,000). These funds shall be used for capital improvements in the fire alarm and sprinkler systems at North Carolina Memorial Hospital.

Requested by: Representative Watkins (at the request of Robert Powell of the Office of State Budget and Management)

—EDUCATION BUILDING/PLAN COMPLETION

Sec. 20. Section 29 of Chapter 795 of the 1987 Session Laws reads as rewritten:

"Sec. 29. Funds in the amount of four hundred thousand three hundred thirty-three dollars (\$400,333) allocated for the Education Building from the 1984-85 Repairs and Renovations Reserve, one million four hundred fifty thousand dollars (\$1,450,000) appropriated by the 1985 General Assembly for the Education Building in 1986, and two million dollars (\$2,000,000) allocated for the Education Building from the 1986-87 Repairs and Renovations Reserve, shall be placed in a Reserve for the Education Building. Of these funds, up to one million five hundred thousand dollars (\$1,500,000) may be used to plan for the construction of this new building. An architect shall be selected within 60 days of the effective date of this act, and construction plans shall be completed within ~~12 months of the effective date of this act.~~ 60 days of August 12, 1988."

Requested by: Representative Blue, Senator Rand

—PROJECT TEACH FUNDS/MODIFICATION

Sec. 21. Section 97.4 of Chapter 1086 of the 1987 Session Laws reads as rewritten:

"Sec. 97.4. Of the funds appropriated to the Department of Public Education for the 1988-89 fiscal year, the sum of seventy-three thousand dollars (\$73,000) ~~may~~shall be used to:

- (1) Maintain the Project Teach Initiative in the Robeson, Pitt, Cumberland, Warren, Halifax, and Northampton County Schools and the Durham and Greensboro City Schools;
- (2) In at least two of those counties, to expand the project to focus on parents of students in the seventh grade so as to involve parents in the coaching and support of promising minority young people; and
- (3) To expand Project Teach into at least two additional local school administrative units.

~~The Department of Public Instruction shall administer the project and may not contract with any public or private entity other than local school administrative units for administration of the project."~~

PART III—GENERAL GOVERNMENT

Requested by: Senator Rand

—POLK YOUTH CENTER LAND TRANSFER RESTRICTIONS CLARIFIED

Sec. 22. Section 46 of Chapter 1086, Session Laws of 1987, reads as rewritten:

"Sec. 46. Notwithstanding any other provision of law, the State land which lies beside the North Carolina Museum of Art and behind the Polk Youth Center, and which

is bounded by the Raleigh Beltline on the east, Wade Avenue on the south, Blue Ridge Road on the west, and a northern boundary that is the extension of the current State land boundary beginning at the Raleigh Beltline and running generally westward to Blue Ridge Road between the Cross Country Transmission Line and the intersection of Myron Drive and Nancy Ann Drive, may not be used by the North Carolina Museum of Art for any purpose until the Museum's master plan for site development is presented to and specifically and expressly approved by the General Assembly, ~~and by the Office of State Construction, Department of Administration in accordance with existing law.~~"

Requested by: Representative Watkins and Senator Plyler

—MUSEUM OF HISTORY SINGLE PRIME

Sec. 23. Notwithstanding G.S. 143-128, the Department of Administration may use the single prime contract system, and may prequalify bidders, for the Museum of History Project. Provided, however, that all bidders must identify on their bid the electrical, plumbing, and mechanical contractors they have selected. If the contract is to be let under this section, each bidder shall include minority business subcontractors in an amount not less than ten percent (10%) of the prospective prime contractor's total bid, or shall verify why that bidder was unable to secure qualified minority subcontractors in such an amount.

Requested by: Senator Rand

—HOWARD TRUST PROPERTY

Sec. 24. Of funds appropriated to the Office of State Budget-State Aid for fiscal year 1988-89, the allocation of one hundred thousand dollars (\$100,000) for the Fayetteville Minority Business League is reduced to fifty thousand dollars (\$50,000). The sum of fifty thousand dollars (\$50,000) is reallocated to the Howard Improvement Association, Inc., for renovation, improvement, and landscaping of the historic Howard Trust property in Cumberland County.

Requested by: Representative Payne, Senator Block

—NEW HANOVER FUNDS CORRECTION

Sec. 25. (a) Paragraph H2647 of Section 1 of Chapter 1085 of the 1987 Session Laws (Regular Session 1988) is amended by rewriting the third paragraph of Paragraph H2647 to read:

"Three thousand five hundred dollars (\$3,500) to the City Council of Wilmington for Northside Neighborhood Housing Council, Inc., to help support its community programs that assist low and moderate income families in securing housing. The funds shall be held in trust by the City Council until the questions involving the Northside Neighborhood Housing Council are resolved to the City Council's satisfaction. If the matter is not resolved within 90 days after receipt of the funds by the City Council, the funds shall be allocated to Headstart of New Hanover County, Incorporated, to help with the cost of renovations to the building which houses the Headstart Program."

(b) Paragraph S1844 of Section 1 of Chapter 1094 of the 1987 Session Laws (Regular Session 1988) is amended by rewriting the twenty-first paragraph to read:

"One thousand five hundred dollars (\$1,500) to the City Council of Wilmington for Northside Neighborhood Housing Council, Inc., to help support its community programs that help low and moderate income families secure housing. The funds shall be held in trust by the City Council until the questions involving the Northside Neighborhood Housing Council are resolved to the City Council's satisfaction. If the matter is not resolved within 90 days after receipt of the funds by the City Council, the funds shall be allocated to Pine Forest Cemetery Company for restoration and maintenance of Pine Forest Cemetery, a public cemetery of historic significance in Wilmington."

Requested by: Representative Miller

—SUPERCONDUCTING SUPER COLLIDER REPORTS

Sec. 26. The Secretary of Administration and the Executive Director of the North Carolina Board of Science and Technology shall report on a quarterly basis beginning October 1, 1988, to the Joint Legislative Commission on Governmental Operations, the Joint Select Committee on Low-Level Radioactive Waste, the Environmental Review Commission, the Fiscal Research Division, and the Research Division of the General Assembly as to the use of any funds expended to continue the State's efforts in pursuit of selection as the host state for the Superconducting Super Collider (SSC), whether such expenditures are made from funds appropriated for this purpose or from other sources. Reports shall include, but are not limited to:

- (1) The amount and purpose of all funds expended, funds remaining, and additional funds, if any, which may be needed;
- (2) Progress with respect to limiting encroachments on property used for churches and cemeteries and with respect to minimizing the impact of the SSC project on churches and cemeteries;
- (3) Reorientation or redesign of the SSC to minimize the number of landowners affected by the project;
- (4) Anticipated impact of the SSC project on the environment, including water quality, air quality, and efforts to minimize environmental impact;
- (5) Potential for leasing land required for the SSC project as opposed to acquisition of property by purchase or condemnation; and
- (6) Extent to which owners of land that is acquired for the SSC project by purchase or condemnation could be afforded a right of first refusal with respect to repurchase of such land when such land is no longer needed for the SSC project.

Requested by: Representatives Hunter, Miller, Senator Royall.

—PUBLIC TELECOMMUNICATIONS FUNDS

Sec. 26.1. Of the funds appropriated for the 1988-89 fiscal year for the SBI facility, the sum of two hundred forty-seven thousand dollars (\$247,000) shall be reallocated to the Agency for Public Telecommunications. These funds shall be used to match a federal grant for a satellite up link. These funds shall be replaced when funds are available.

Requested by: Senator Thomas
—FLAT ROCK PLAYHOUSE FUNDS

Sec. 27. Of the funds appropriated for the 1988-89 fiscal year for Folkmoot, USA, the sum of eighteen thousand seven hundred fifty dollars (\$18,750) shall be reallocated to the Office of State Budget-State Aid for The Vagabond School of Drama, Inc., to be used for the State Theater of North Carolina in Flat Rock for capital improvements to the theater and to assist with the production costs of presentations at the theater.

Requested by: Representative Watkins, Senator Plyler
—TREASURER INVESTMENT MANAGEMENT FUNDS

Sec. 28. The Department of State Treasurer may use investment income funds of one hundred forty-four thousand seven hundred two dollars (\$144,702) to support an additional portfolio manager with forty-four thousand seven hundred two dollars (\$44,702) and increased data processing with one hundred thousand dollars (\$100,000) as required due to increased needs related to investment management.

Receipts of the Escheat Program may be increased by one hundred forty-two thousand thirty-three dollars (\$142,033) to support a governmental accounts auditor and an accounting clerk with sixty-seven thousand thirty-three dollars (\$67,033) and additional data processing needs with seventy-five thousand dollars (\$75,000) as required to maintain compliance with the Escheat Law.

Requested by: Representative Watkins, Senator Plyler
—REALLOCATION OF FUNDS

Sec. 29. (a) Of the funds appropriated for the SBI facility for the 1988-89 fiscal year, the sum of two million six hundred four thousand one hundred ten dollars (\$2,604,110) shall be reallocated as follows:

- | | | |
|-----|---|----------|
| (1) | Department of Natural Resources and
Community Development-Community Action
Agencies | \$85,000 |
| (2) | Administrative Rules Review Commission-
For operating costs | 234,110 |
| (3) | Office of State Budget and Management-
State Aid | |

(Requested by: Representative Hightower)

- a. Anson County-For Anson County Farmers Market 150,000
- (Requested by: Representative Murphy, Senator Hardison)
- b. Duplin Outdoor Drama Society, Inc.-
Grant for Operations of the Outdoor Drama, "Liberty Cart" 35,000
- (Requested by: Representatives Nesbitt, Greenwood, Colton, and N.J. Crawford)
- c. Brevard Music Center-Paving of parking lot 78,000
- (Requested by: Representatives Nesbitt, Greenwood, Colton, and N.J. Crawford and Senators Hipps and Thomas)
- d. Transylvania Youth Activities Building -
Grant to Transylvania County (match of two non-State dollars required for each State dollar) 32,000
- (Requested by: Representative Brannan)
- e. Johnston County-Grant for the Johnston County
Airport Authority for the construction of an
aircraft mechanic service and training building
at the Johnston County Airport 60,000
- (Requested by: Representatives Beall and Ramsey)
- f. Webster Enterprises, Inc. (Jackson County)-
Grant to provide matching funds for development
of a vocational rehabilitation facility to serve
the physically and mentally handicapped
individuals in the far western counties (to be
matched with previously raised non-State
funds, additional non-State funds, and/or real
property) 250,000
- (Requested by: Representative Bob Etheridge, Senator Plyler)
- g. North Carolina Family Community Leadership
Institute-To provide funds to match a Kellogg
Foundation Grant for continuance of a program
designed to train and teach volunteer leaders
how to become involved in public policy 50,000
- (Requested by: Representative Holt)
- h. City of Mebane-Grant-in-Aid for the Mebane
Art Center 35,000
- (Requested by: Representative Redwine)
- i. Old Baldy Foundation, Incorporated-Grant

for research, surveys, and architectural
preservation of the Old Baldy Lighthouse 25,000

(Requested by: Senator Warren)

j. The Johnston County Board of Education-Grant to provide mobile classroom units for students displaced by a fire that destroyed Four Oaks School in Johnston County. Notwithstanding any other provision of law, the Johnston County Board of Education may negotiate for the purchase of mobile classroom units to meet this emergency situation. When the Johnston County Board of Education no longer needs these mobile classroom units, Johnston County shall transfer title to the units to the State of North Carolina. The State Board of Education shall assign these mobile classroom units to other schools as it deems appropriate. 300,000

(4) Department of Community Colleges

(Requested by: Senator Warren, Representative Nye)

a. Sampson Community College-Renovations 100,000

(Requested by: Senator Thomas)

b. Blue Ridge Community College-To plan and develop a Vocational Skills Trade Center 75,000

(Requested by: Representative Chapin, Senator Basnight)

(5) East Carolina University-For the Regional Development Institute to conduct a feasibility study for the purchase and physical restoration of Mattamuskeet Lodge to develop an adaptive renovation plan of the facility and to assess the economic impact on the region that securing Mattamuskeet Lodge as a regional office would have as it would also be available for use as a campus extension, an aquaculture center, and a conference center 50,000

(6) Department of Correction

(Requested by: Senator Parnell, Representative Barnes)

1. Probation and Parole Officers
 - a. Reserve for the support of 16 probation officers, two unit supervisors, and two stenographers 262,000
 - b. Reserve for the support of seven parole officers, one unit supervisor, and one stenographer 120,000
 - c. Expansion of electronic surveillance house arrest project in Forsyth County and to implement a similar program in Wake County 253,000
 - d. No person may be employed in any position authorized by subparts a. and b. above prior to February 1, 1989. The funds set out in subsections a., b., and c. above shall not become a part of the continuation budget.
- (Requested by: Representative Dawkins)
2. Rockingham Prison Unit-Chapel Construction 60,000
- (7) Department of Cultural Resources
- (Requested by: Senator Seymour)
- a. Shakespeare Festival-Funds to tour metropolitan and rural communities throughout the State to present a major Shakespearean production, to tour high schools throughout the State to present Shakespearean productions, and to assist with production and marketing expenses. These funds shall be allocated by the Department to the North Carolina Shakespeare Festival as soon as possible after the effective date of this act. 75,000
- (Requested by: Senators Goldston and Sands)
- b. Living History Farm-To provide a grant for the initial development of the Hauser Farm "Horne Creek Living History Farm" 25,000
- (8) General Assembly

- a. Legislative Services Commission-Funds to support various independent studies 250,000
- (b) Section 43 of Chapter 1086 of the 1987 Session Laws is repealed.
- (c) Section 97.1 of Chapter 1086 of the 1987 Session Laws is repealed.

Requested by: Representative Watkins, Senator Plyler
 ---WATER AND SEWER GRANT ALLOCATIONS

Sec. 30. From funds appropriated to the Office of State Budget and Management, Sewer and Water Loans and Grants, for the 1988-89 fiscal year the following grant allocations shall be made:

(Requested by: Representatives Beall, Ramsey)

- a. Town of Hot Springs-Funds to be used to help defray the cost of a new one million gallon water tank and improvements \$ 75,000

(Requested by: Representative Bruce Ethridge)

- b. Town of Swansboro 100,000

(Requested by: Representative Lutz)

- c. Upper Cleveland Sanitary District 100,000

(Requested by: Representative Lutz)

- d. Piedmont Metropolitan Water District-Planning 25,000

(Requested by: Senators Plyler and Conder, Representative Hightower)

- e. Town of Wadesboro-Water system improvements 200,000

(Requested by: Senator Hardison, Representatives Murphy, Lilley, Anderson, and Perdue)

- f. Lenoir County-Additional funds for economic development and to make Lenoir County's total allocation \$3,500,000 1,600,000

(Requested by: Senators Thomas and Royall)

- g. Transylvania County-For industrial development in the Rosman Industrial Area on U.S. 64 West in Rosman 250,000

(Requested by: Senators Plyler and Royall, Representatives Watkins and Bob Etheridge)

---REPORTS ON GRANTS TO NON-STATE AGENCIES

Sec. 30.1. Any non-State agency receiving an appropriation of fifty thousand dollars (\$50,000) or more made directly by the General Assembly in an act ratified during 1988 shall report the amounts expended and details of the use of the expenditures. Such reports shall be made to the Joint Legislative Commission on Governmental Operations with a copy to the State Controller. Such reports shall be made no later than the 10th day of November, February, May, and August and each report shall cover the previous calendar quarter. The first report shall be made no later than November 10, 1988. Reports required by this section shall continue until all funds are expended or repaid to the State.

PART IV—NATURAL AND ECONOMIC RESOURCES

Requested by: Senator Hipps
—PISGAH FISH HATCHERY BLDG.

Sec. 31. The Wildlife Resources Commission may use funds available to it for the 1988-89 fiscal year for the construction of a laboratory complex at Pisgah Forest Fish Hatchery. The cost of the construction shall not exceed one hundred fifty-six thousand dollars (\$156,000). The Wildlife Resources Commission shall report to the Joint Legislative Commission on Governmental Operations on its plans before spending any funds on this project.

Requested by: Senator Rand
—CLEAN WATER GRANT EXPLANATION

Sec. 32. Any allocations made directly by the General Assembly as sewer and/or water grants under Chapter 1086 of the 1987 Session Laws as outlined in the conferees report for House Bill 2641 or under this act are made notwithstanding Chapter 159G of the General Statutes.

Requested by: Senators Basnight, Barnes
—BUXTON WOODS TECHNICAL CORRECTION

Sec. 33. Section 161.4 of Chapter 1086, Session Laws of 1987, reads as rewritten:

"Sec. 161.4. Of the funds allocated in Section ~~7-32~~ of Chapter 795 of the 1987 Session Laws for State Parks, three hundred thousand dollars (\$300,000) shall be used for the purchase of land at Buxton Woods in Dare County to protect the natural area."

Requested by: Representative Watkins
—N.E. FARMERS MARKET FUNDS

Sec. 34. (a) Section 137(a)(3) of Chapter 738 of the 1987 Session Laws, as rewritten by Section 154 of Chapter 1086 of the 1987 Session Laws, is amended by deleting "and".

(b) Section 137(a)(4) of Chapter 738 of the 1987 Session Laws, as rewritten by Section 154 of Chapter 1086 of the 1987 Session Laws, is amended by deleting "." and substituting ";".

(c) Section 137(a) of Chapter 738 of the 1987 Session Laws, as rewritten by Section 154 of Chapter 1086 of the 1987 Session Laws, is amended by adding three subdivisions to read:

"(5) Seven hundred thousand dollars (\$700,000) to the Rocky Mount Business Development Authority for the agricultural complex located at Fountain Park in Rocky Mount to match the three million three hundred thousand dollars (\$3,300,000) in local funds already committed to this project;

(6) Seventy-five thousand dollars (\$75,000) to Franklin County for senior citizens; and

(7) Seventy-five thousand dollars (\$75,000) to Halifax County for the Halifax County Mental Health Center for a new building in Halifax County to help the adult mentally retarded to be productive citizens."

Requested by: Rep. Bruce Ethridge

—COMMUNITY ACTION PROGRAM FUNDS

Sec. 35. (a) For the 1988-89 fiscal year, all agencies, as provided in G.S. 113-28.24, that receive Community Service Block Grant funds may use those funds for the administration of agency programs. The amount of those funds used for administration of agency programs shall be limited to ten percent (10%) of the total annual budget of the agency, as certified in the prior year's audit of the agency.

The Department of Natural Resources and Community Development shall report to the 1989 General Assembly by February 15, 1989, and quarterly thereafter to the Joint Legislative Commission on Governmental Operations on the use of Community Service Block Grant Funds for administration of agency programs. The report shall show the total budget for each community action agency or limited purpose agency by program funding source and the amount of funds for administration funds provided by each program. The report shall also show the criteria for determining the amount of funds used for administrative expenses and the number of persons served by each program.

(b) Chapter 830 of the 1987 Session Laws is amended by repealing Section 104.

(c) Of the funds allocated by this act for use by community action agencies, the Department of Natural Resources and Community Development may use up to thirty-three thousand dollars (\$33,000) for additional personnel to administer and monitor federal and State grants to these agencies. Prior to the expenditure of these funds, the Department shall report to the Joint Legislative Commission on Governmental Operations on the proposed use of these funds.

Requested by: Representative Enloe, Senator Parnell

—FOCUSED INDUSTRIAL TRAINING PROGRAM

Sec. 36. (a) Notwithstanding G.S. 96-5(f), there is appropriated from the Worker Training Trust Fund to the Department of Community Colleges the sum of five hundred thousand dollars (\$500,000) for the 1988-89 fiscal year to expand the Focused Industrial Training program administered by the Department of Community Colleges.

These funds are a one-time appropriation for the 1988-89 fiscal year only and may not become part of the continuation budget.

(b) Of the funds appropriated to the Department of Community Colleges for the 1988-89 fiscal year for New Industry Training, the State Board of Community Colleges may use up to five hundred thousand dollars (\$500,000) to expand the Focused Industrial Training program administered by the Department of Community Colleges. These funds may be used only after the funds appropriated by subsection (a) of this section have been exhausted.

(c) The funds made available by this section shall be allocated as follows:

- (1) Up to six hundred eighty thousand dollars (\$680,000) to create up to nine additional Focused Industrial Training centers located at community colleges;
- (2) Up to one hundred ninety thousand dollars (\$190,000) for the existing 19 centers, to be divided equally among the 19 centers; and
- (3) Up to one hundred thirty thousand dollars (\$130,000) for development, delivery, and support of training programs as authorized by the Department of Community Colleges and for statewide administrative support.

(d) The Department of Community Colleges shall submit a written evaluation of the Focused Industrial Training program to the Joint Legislative Commission on Governmental Operations by May 1, 1989. The evaluation shall include an analysis of the effectiveness of each training center in meeting the needs of the area industries and recommended actions to improve delivery of services and training opportunities for the client population.

Requested by: Representative Watkins

—LIMITATION ON USE OF WATER AND SEWER GRANT FUNDS

Sec. 37. (a) Section 161.3 of Chapter 1086 of the 1987 Session Laws reads as rewritten:

"Sec. 161.3. Funds allocated to local governments by the General Assembly from the funds appropriated for the 1988-89 fiscal year to the Office of State Budget and Management for Sewer and Water Grants shall be subject to the following limitations:

- (1) These funds shall be spent for a public purpose;
- (2) Any real or personal property purchased with the funds shall remain the property of the local government: provided, however, the local government may grant utility easements; ~~and~~
- (3) These funds may not supplant local funds that have been or will be used for real or personal property purchased for or given to a private, for profit corporation;
- (4) If the local government has given real property to an industry before receiving funds allocated to it, the amount of the allocation shall be reduced by an amount equal to the cost of the real property to the local government; and

(5) If a local government gives real property to an industry after receiving funds allocated to it, the local government shall repay to the State an amount equal to the cost of the real property to the local government, up to the amount of the allocation."

(b) The limitations set out in Section 161.3 of Chapter 1086 of the 1987 Session Laws, as amended by subsection (a) of this section, do not apply if the Attorney General finds that, absent such limitations, the use of the funds would be lawful.

PART V—EMPLOYEES

Requested by: Senator Rand, Representative Watkins

—REIMBURSEMENT OF STATE EMPLOYEE LUNCHES

Sec. 38. (a) G.S. 138-6(a)(3) reads as rewritten:

"(3) For expenses incurred for subsistence, payment of fifty-two dollars (\$52.00) per day when traveling in-state or sixty-four dollars (\$64.00) per day when traveling out-of-state. When travel involves less than a full day (24-hour period), a reasonable prorated amount shall be paid in accordance with regulations and criteria which shall be promulgated and published by the Director of the Budget. Reimbursement to State employees for lunches eaten while on official business may be made only in the following circumstances:

a. When an overnight stay is required reimbursement is allowed while an employee is in travel status;

b. When the cost of the lunch is included as part of a registration fee for a formal congress, conference, assembly, or convocation, by whatever name called. Such assembly must involve the active participation of persons other than the employees of a single State department, institution, or agency and must be necessary for conducting official State business; ~~or~~

c. When the State employee is a member of a State board, commission, committee, or council which operates from funds deposited with the State Treasurer, or when the State employee's job requires his attendance at the meeting of such board, commission, committee, or council in his official capacity, and the lunch is preplanned as part of the meeting for the entire board, commission, committee, or council-; ~~or~~

d. When the lunch is included as an integral part of a congress, conference, assembly, or convocation, by whatever name called. Such assembly must involve the active participation of persons other than the employees of a single State department, institution, or agency; the employee's attendance must be necessary for the performance of his duties but must not be part of that employee's normal day-to-day business activities; and the assembly must be planned in advance with a formal agenda, and include a written notice or invitation to participants."

(b) This section is effective from September 1, 1988 through June 30, 1990.

Requested by: Representative Bob Etheridge.

—UNIVERSITY EMPLOYEES OPTIONAL RETIREMENT PROGRAM/MODIFICATION

Sec. 38.1. (a) If the benefit accrual rate in The Teachers' and State Employees' Retirement System is increased by the 1988 Regular Session of the 1987 General Assembly to one and fifty-nine hundredths percent (1.59%), then Section 21(b) (3) of Chapter 1086 of the 1987 Session Laws is rewritten to read: "(3) seven and sixty-seven hundredths percent (7.67%) - University Employees' Optional Retirement Program;".

(b) If the benefit accrual rate in The Teachers' and State Employees' Retirement System is increased by the 1988 Regular Session of the 1987 General Assembly to one and sixty hundredths percent (1.60%), then Section 21(b) (3) of Chapter 1086 of the 1987 Session Laws is rewritten to read: "(3) seven and seventy-two hundredths percent (7.72%) - University Employees' Optional Retirement Program;".

PART VI—DEPARTMENT OF HUMAN RESOURCES

Requested by: Senators Walker, Plyler

—NON-MEDICAID REIMBURSEMENT

Sec. 39. Section 90 of Chapter 738 of the 1987 Session Laws reads as rewritten:

"Sec. 90. Providers of medical services under the various State programs other than Medicaid offering medical care to citizens of the State shall be reimbursed at rates no more than those under the North Carolina Medical Assistance Program. The Department of Human Resources may reimburse hospitals at the full prospective per diem rates without regard to the Medical Assistance Program's annual limits on hospital days. When the Medical Assistance Program's per diem rates for inpatient services and its interim rates for outpatient services are used to reimburse providers in non-Medicaid medical service programs, retroactive adjustments to claims already paid shall not be required.

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

Family Size	Kidney	Medical Eye Care		All Other
		Adults	Rehabilitation	
1	6,400	3,600 <u>4,860</u>	5,053 <u>8,364</u>	4,200
2	8,000	4,400 <u>5,940</u>	6,608 <u>10,944</u>	5,300
3	9,600	4,600 <u>6,204</u>	8,161 <u>13,500</u>	6,400
4	11,000	5,400 <u>7,284</u>	9,718 <u>16,092</u>	7,500
5	12,000	5,800 <u>7,824</u>	11,276 <u>18,648</u>	7,900
6	12,800	6,100 <u>8,220</u>	12,828 <u>21,228</u>	8,300
7	13,600	6,500 <u>8,772</u>	13,116 <u>21,708</u>	8,800
8	14,400	6,900 <u>9,312</u>	13,411 <u>22,220</u>	9,300

~~These standards shall be in effect until change is approved by the Director of the Budget with the advice of the Advisory Budget Commission, or by the General Assembly.~~

Effective October 1, 1987, Children's Special Health Services shall increase their eligibility level to one hundred percent (100%) of the federal poverty level for outpatient services for all clients, and for inpatient services for children under the age of five."

Requested by: Representative Hunter, Senator Walker

—CERTIFIED NURSE MIDWIFE SERVICES

Sec. 39.1. Section 67(a) of Chapter 738 of the 1987 Session Laws is amended by adding a new subdivision to the end to read:

"(22) Nurse Midwife Services - Reimbursement in accordance with physician fee schedule for those services nurse midwives are permitted to perform as specified in State law."

Requested by: Representative Bob Etheridge

—NCMH DIRECTORS LIABILITY CORRECTION

Sec. 39.2. G.S. 131E-48, as enacted by Chapter 1057, Session Laws of 1987, reads as rewritten:

"§ 131E-48. **Limited liability.** – (a) A person serving as a director, trustee, or officer of a public hospital as defined in G.S. 159-39, or as a commissioner, member, or officer of a hospital authority established under Part A or B of this Article, or as a director, trustee, or officer of North Carolina Memorial Hospital, shall be immune individually from civil liability for monetary damages, except to the extent covered by insurance, for any act or failure to act arising out of this service, except where the person:

- (1) Is compensated for his services beyond reimbursement for expenses,
- (2) Was not acting within the scope of his official duties,
- (3) Was not acting in good faith,
- (4) Committed gross negligence or willful or wanton misconduct that resulted in the damage or injury,
- (5) Derived an improper personal financial benefit from the transaction,
- (6) Incurred the liability from the operation of a motor vehicle, or
- (7) Is defendant in an action brought under G.S. 55A-28.1 or 55A-28.2.

(b) The immunity in subsection (a) is personal to the directors, trustees, officers, commissioners, and members, and does not immunize the hospital or hospital authority for liability for the acts or omissions of the directors, trustees, or officers."

Requested by: Representative Hunter, Senators Walker, Plyler

—RURAL OBSTETRICAL CARE INCENTIVE

Sec. 39.3. (a) From the funds appropriated from the General Fund to the Department of Human Resources in Section 3 of Chapter 1086, Session Laws of 1987, there is established a reserve of two hundred forty thousand dollars (\$240,000) for the 1988-89 fiscal year to fund a new pilot program to compensate family physicians and obstetricians who agree to provide prenatal and obstetrical services in counties that are underserved with regard to these services. The Commission for Health Services shall adopt rules determining the counties that are underserved with respect to obstetrical care

that are to be part of the program, the scope of the obstetrical services that are to be provided by a physician for that physician to be eligible to receive assistance under the program, and the amount and nature of the assistance to be provided to eligible physicians. Specific rules issued by the Commission for Health Services governing this new program shall include:

- (1) A physician who provides obstetrical care in a county that is designated as being underserved for prenatal and obstetrical care by the Commission for Health Services will be compensated for either the difference between his premiums with obstetrical care coverage and his premiums without obstetrical care coverage, or six thousand five hundred dollars (\$6,500), whichever is less;
- (2) Physicians providing obstetrical care through an arrangement with their local health department shall have the option of providing the care at their offices or at the facilities of the health department obstetrical clinic;
- (3) No physician shall be required to assume management of the care of any obstetrical patient if the level of care required for that patient is beyond the professional competence of that physician;
- (4) Physicians eligible for payment under this program shall be licensed to practice medicine in this State;
- (5) Participating physicians shall provide complete obstetrical care for covered patients including prenatal care and delivery; provided, however, physicians in a county without a facility for obstetrical delivery are still eligible if they provide only prenatal care;
- (6) The liability insurance rates for obstetrical care to be used to determine compensation under this program shall be based on obstetrical premiums of \$1,000,000/\$1,000,000 coverage at a mature rate; and
- (7) Any physician compensated under this program shall not refuse to provide obstetrical care for any patient based on the patient's economic status or ability to pay.

(b) The Division of Health Services shall establish the pilot program provided by subsection (a) of this section. The Division of Health Services shall report, by April 1, 1989, to the chairmen of the House and Senate Appropriations Committees and to the Chairmen of the Appropriations Subcommittees on Human Resources on the progress in implementing and operating the pilot program mandated by this section.

Requested by: Senators Royall, Walker, and Seymour

—VISUALLY IMPAIRED CHILDREN'S FUNDS

Sec. 40. Of the funds appropriated in Section 2 of Chapter 1086 of the 1987 Session Laws to The University of North Carolina at Chapel Hill, for academic affairs, for the 1988-89 fiscal year, the General Fund appropriation shall be reduced by one hundred thousand dollars (\$100,000) which shall instead be appropriated to the Department of Human Resources, Division of Schools for the Deaf and Blind to establish a pilot program, in conjunction with the Department of Child Development at

The University of North Carolina at Greensboro, that will serve visually impaired preschool children from birth to five years of age. The pilot program shall provide teachers and teachers aides as well as physical therapy, speech therapy, and other services needed to meet the unique needs of visually impaired preschool children in a setting that assures continuity of all services provided. The Department of Human Resources shall report to the Joint Legislative Commission on Governmental Operations by December 31, 1988, on the progress made in implementing this activity.

The one hundred thousand dollars (\$100,000) reduction from academic affairs at The University of North Carolina at Chapel Hill shall be made up with an increase of one hundred thousand dollars (\$100,000) in the anticipated overhead receipts for academic affairs.

Requested by: Representatives Nye, Diamont

—SURRY-YADKIN PSYCHIATRIC INPATIENT FUNDS/CAPITAL

Sec. 40.1. Of the funds appropriated in Chapter 1086, Session Laws of 1987, to the Department of Human Resources, Division of Mental Health, Mental Retardation, and Substance Abuse Services, the sum of fifty thousand dollars (\$50,000) for fiscal year 1988-89 shall be used by the Surry-Yadkin Area Mental Health, Mental Retardation, and Substance Abuse Authority for psychiatric inpatient services at Northern Hospital of Surry County.

Requested by: Senators Goldston, Sands, Representatives Holt, Nye

—COMMUNITY WORK EXPERIENCE PROGRAM CORRECTION

Sec. 40.2. Section 139 of Chapter 1086 of the 1987 Session Laws reads as rewritten:

"Sec. 139. Of funds available for fiscal year 1988-89 to the Department of Human Resources, Division of Social Services, the sum of one hundred fifty-four thousand dollars (\$154,000) shall be used to implement the community work experience program in Anson, Burke, Duplin, Madison, Martin, ~~Pamlico, and Rockingham~~ and Pamlico Counties."

Requested by: Representative Watkins and Senator Plyler

—DELETE REPEATED AGING PROVISION

Sec. 40.3. (a) Sections 2 and 4 (a) and (c) of Chapter 1095, Session Laws of 1987, duplicate Sections 148.12 and 148.13 (a) and (c) of Chapter 1086, Session Laws of 1987.

(b) Section 2 of Chapter 1095, Session Laws of 1987, and Section 148.13 of Chapter 1086, Session Laws of 1987, are repealed.

(c) Any mention in Section 10 of Chapter 1095, Session Laws of 1987 of Section 2 of that act shall be construed to be mention of Section 148.12 of Chapter 1086, Session Laws of 1987.

(Requested by: Representative Locks)

—SICKLE CELL FUNDS

Sec. 40.4. Of the funds appropriated in Section 1(c) of Chapter 1097, Session Laws of 1987, to the Rural Economic Development Center, Inc., the sum of two hundred thousand dollars (\$200,000) shall be reallocated to the Department of Human Resources, Division of Health Services for expansion of the Sickle Cell Program, and the sum of fifty thousand dollars (\$50,000) shall be reallocated to the North Carolina Civic Education Project for non-partisan voter profiles.

Requested by: Representative Miller

—TECHNICAL CORRECTION

Sec. 40.5. G.S. 104E-6.2(d)(1), as rewritten by Section 24 of Chapter 993 and Section 10 of Chapter 1082 of the 1987 Session Laws (1988 Regular Session), is amended by deleting the word "There" and substituting the words "That there".

—HAZARDOUS WASTE FEES

Sec. 40.6. Section 7 of Chapter 1020 of the 1987 Session Laws (1988 Regular Session) reads as rewritten:

"Sec. 7. This act shall become effective 1 July 1988, except that Section 4 shall become effective 30 June 1988 and shall apply to fees collected but not expended during the 1987-88 fiscal year."

Requested by: Representative Blue

—MURPHEY SCHOOL FUNDS

Sec. 40.7. (a) The State of North Carolina shall, on or before December 31, 1988, lease to the City of Raleigh for a term of 40 years the old Murphey School property in the City of Raleigh. Consideration for the lease shall be one thousand dollars (\$1,000) to be paid by the City of Raleigh into the General Fund before June 30, 1989.

(b) Of the funds appropriated to the Department of Administration for fiscal year 1988-89, the sum of one thousand dollars (\$1,000) shall be allocated to handle legal and surveying expenses necessitated by this act.

PART XI—MISCELLANEOUS PROVISIONS

—EXECUTIVE BUDGET ACT APPLIES

Sec. 41. The provisions of the Executive Budget Act, Chapter 143, Article 1, of the General Statutes, are reenacted and shall remain in full force and effect and are incorporated in this act by reference.

—MOST TEXT APPLIES ONLY TO 1988-89

Sec. 43. Except for statutory changes or other provisions that clearly indicate an intention to have effects beyond the 1988-89 fiscal year, the textual provisions of this act apply only to funds appropriated for, and activities occurring during, the 1988-89 fiscal year.

—1987-88 APPROPRIATIONS LIMITATIONS AND DIRECTIONS APPLY

Sec. 44. Except where expressly repealed or amended by this act, the provisions of Chapters 738, 795, 830, 876, 886, 1036, and 1086 of the 1987 Session Laws as amended remain in effect.

Sec. 45. Notwithstanding any modifications by this act in the amounts appropriated, except where expressly repealed or amended, the limitations and directions for the 1987-89 fiscal biennium in Chapters 738, 795, 830, 876, 886, 1036, and 1086 of the 1987 Session Laws that applied to appropriations to particular agencies or for particular purposes apply to the newly enacted appropriations of this act for those same particular purposes.

Sec. 46. Notwithstanding G.S. 120-20.1, the provisions of Sections 2 and 3 of Chapter 1086, Session Laws of 1987 shall be construed using the underlined figures to reflect the new law, although the struck through figures do not reflect the amendments made by Sections 2 and 3 of Chapter 886, Session Laws of 1987.

—EFFECT OF HEADINGS

Sec. 47. The headings to the parts and sections of Subchapter B of this act are a convenience to the reader and are for reference only. The headings do not expand, limit, or define the text of this act.

—SEVERABILITY CLAUSE

Sec. 48. If any section or provision of this act is declared unconstitutional or invalid by the courts, it does not affect the validity of this act as a whole or any part other than the part so declared to be unconstitutional or invalid.

—EFFECTIVE DATE

Sec. 49. Except as otherwise provided, this act shall become effective July 1, 1988.

In the General Assembly read three times and ratified this the 12th day of July, 1988.