

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1997

SESSION LAW 1998-23
SENATE BILL 620

AN ACT TO AUTHORIZE THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT THE LEVEL IN EFFECT ON JUNE 30, 1998, AND TO EXTEND CERTAIN EXPIRING PROVISIONS OF LAW.

The General Assembly of North Carolina enacts:

BUDGET CONTINUATION

Section 1. The Director of the Budget shall allocate funds for expenditure for current operations by State departments, institutions, and agencies, as provided in S.L. 1997-443 and as otherwise provided by law. The Director of the Budget shall not allocate funds for any of the purposes set out in the proposed base budget reductions submitted to the Regular 1998 Session of the General Assembly by the Governor.

Vacant positions subject to the proposed base budget cuts shall not be filled. State employees in positions subject to the proposed base budget cuts and State employees in positions funded with nonrecurring funds for the 1997-98 fiscal year shall be given 30 days' notice of termination.

There is appropriated from the appropriate State funds and cash balances, federal receipts, and departmental receipts for the 1998-99 fiscal year funds necessary to carry out the provisions of this act.

The appropriations and the authorizations to spend funds in this section shall remain in effect until the Current Operations Appropriations and Capital Improvement Appropriations Act of 1998 becomes a law, at which time that act shall become effective and shall govern appropriations and expenditures. When the Current Operations Appropriations and Capital Improvement Appropriations Act of 1998 becomes a law, the Director of the Budget shall adjust allocations to give effect to that act from July 1, 1998.

BLOCK GRANT PROVISIONS

Section 2. The Director of the Budget shall continue to allocate federal block grant funds at the levels provided as provided in Sections 5 and 5.1 of S.L. 1997-443 and as otherwise provided by law.

EMPLOYEE SALARIES

Section 3. The salary schedules and specific salaries established for fiscal year 1997-98 in S.L. 1997-443 for offices and positions shall remain in effect until the

effective date of the Current Operations Appropriations and Capital Improvement Appropriations Act of 1998.

Teachers and other employees shall not move up on these salary schedules or receive automatic, annual, performance, merit, or other increments or bonuses until authorized by the General Assembly.

CASH FLOW HIGHWAY FUND AND HIGHWAY TRUST FUND APPROPRIATIONS

Section 4. Section 32.13 of S.L. 1997-443 reads as rewritten:

"Section 32.13. The General Assembly authorizes and certifies anticipated revenues of the Highway Fund as follows:

FY 1999-2000	\$1,182.2 <u>\$1,190.8</u> million
FY 2000-2001	\$1,211.2 <u>\$1,225.7</u> million
FY 2001-2002	\$1,241.2 <u>\$1,265.4</u> million
FY 2002-2003	\$1,271.9 <u>\$1,301.0</u> million

The General Assembly authorizes and certifies anticipated revenues of the Highway Trust Fund as follows:

FY 1999-2000	\$861.7 <u>\$871.4</u> million
FY 2000-2001	\$891.0 <u>\$901.8</u> million
FY 2001-2002	\$921.6 <u>\$934.7</u> million
FY 2002-2003	\$953.3 <u>\$967.2</u> million."

ALLOCATIONS FOR PUBLIC SCHOOLS

Section 5. (a) There is allocated from unexpended 1997-98 General Fund appropriations the sum of fifty-five million twenty-seven thousand six hundred eighty dollars (\$55,027,680) which shall not revert and shall be used as follows:

- (1) \$17,118,003 to fulfill the State's obligations to public school employees who qualified for performance bonuses for the 1997-98 school year under the ABC's of Public Education Program;
 - (2) \$9,010,274 to fulfill the State's obligations to public school teachers who qualified for longevity payments for the 1997-98 school year;
 - (3) \$24,199,403 to permit the State Board of Education to order school buses needed for the 1998-99 school year; and
 - (4) \$4,700,000 for the State School Technology Fund to provide additional school technology funds prior to the beginning of the 1998-99 school year.
- (b) This section becomes effective June 30, 1998.

FUNDS TO IMPLEMENT THE ABC'S OF PUBLIC EDUCATION PROGRAM

Section 6. (a) Section 8.36(a) of S.L. 1997-443 reads as rewritten:

"(a) Of the funds appropriated to State Aid to Local School Administrative Units, the State Board of Education ~~may use up to seventy-two million four hundred thousand dollars (\$72,400,000) for the 1997-98 fiscal year to~~ shall provide incentive funding for schools that meet or exceed the projected levels of improvement in student

performance, in accordance with the ABC's of Public Education Program. In accordance with State Board of Education policy, incentive awards in schools that achieve higher than expected improvements may be up to: (i) one thousand five hundred dollars (\$1,500) for each teacher and for certified personnel; and (ii) five hundred dollars (\$500.00) for each teacher assistant. In accordance with State Board of Education policy, incentive awards in schools that meet the expected improvements may be up to: (i) seven hundred fifty dollars (\$750.00) for each teacher and for certified personnel; and (ii) three hundred seventy-five dollars (\$375.00) for each teacher assistant."

(b) This section becomes effective June 30, 1998.

OUTDOOR ADVERTISING JUST COMPENSATION SUNSET EXTENDED

Section 7. (a) Section 2 of Chapter 1147 of the 1981 Session Laws, as amended by all of the following:

Chapter 318 of the 1983 Session Laws

Chapter 1024 of the 1987 Session Laws

Section 1 of Chapter 166 of the 1989 Session Laws

Section 1 of Chapter 725 of the 1993 Session Laws

reads as rewritten:

"Sec. 2. This act is effective upon ratification, but shall expire ~~June 30, 1998~~, when the Current Operations Appropriations and Capital Improvement Appropriations Act of 1998 becomes a law and shall have no force or effect after that date."

(b) This section becomes effective June 30, 1998.

EXTEND THE DEADLINE FOR MATCHING COMMUNITY COLLEGE BOND FUNDS

Section 8. (a) Section 6(b)IV of Chapter 542 of the 1993 Session Laws, as added by Section 4 of Chapter 515 of the 1995 Session Laws, reads as rewritten:

"IV. If the State Board of Community Colleges determines that a community college has not met the matching requirements of G.S. 115D-31(a)(1) by July 1, ~~1998, 1999~~, with respect to a capital improvement project for which bond proceeds are allocated in subdivision I or pursuant to subdivision II of this subsection, the Board shall certify that fact to the State Treasurer by October 1, ~~1998, 1999~~. All of these bond proceeds with respect to which the Board certifies that the matching requirement has not been met by July 1, ~~1998, 1999~~, shall be placed by the State Treasurer in a special account within the Community Colleges Bond Fund and shall be used for making grants to community colleges. Bond proceeds in the special account shall be allocated among the community colleges in accordance with the following conditions:

- (1) The State Board of Community Colleges shall generate, by October 1, ~~1998, 1999~~, a priority ranking of legitimate community college capital improvement needs using a formula based on objective meaningful factors relevant to capital needs, including space to population ratio, population served ratio, capacity enrollment ratio, local to State and

vocational education ratios, type of project, and readiness to implement.

- (2) The State Board of Community Colleges shall provide the State Treasurer a projected allocation of the proceeds in the special account in accordance with this priority ranking, except that:
 - a. No projected allocation shall be made for a community college that the Board certified in accordance with this subdivision IV had failed to meet a matching requirement.
 - b. No more than four million dollars (\$4,000,000) shall be allocated to a single community college.
 - c. Funds shall not be allocated for more than one project per community college.
 - (3) The proceeds of grants made from bond proceeds in the special account shall be allocated and expended for paying the cost of community college capital improvements in accordance with this allocation by the State Board of Community Colleges, to the extent and as provided in this act. The Director of the Budget is empowered, when the Director of the Budget determines it is in the best interest of the State and the North Carolina Community College System to do so, and if the cost of a particular project is less than the projected allocation, to use the excess funds to increase the size of that project or increase the size of any other project itemized in this section, or to increase the amount allocated to a particular community college within the aggregate amount of funds available under this section. The Director of the Budget shall consult with the Advisory Budget Commission and the Joint Legislative Commission on Governmental Operations before making these changes."
- (b) This section becomes effective June 30, 1998, and expires when the Current Operations Appropriations and Capital Improvement Appropriations Act of 1998 becomes a law.

CONTINUE DRUG TREATMENT COURT/FUNDS DO NOT REVERT

Section 9. (a) Section 21.6(c) of Chapter 507 of the 1995 Session Laws reads as rewritten:

"(c) Subsection (a) of this section becomes effective July 1, 1995, and expires ~~June 30, 1998.~~ when the Current Operations Appropriations and Capital Improvement Appropriations Act of 1998 becomes a law. The remainder of this section becomes effective October 1, 1995."

(b) Effective June 30, 1998, funds appropriated for the Drug Treatment Court shall not revert at the end of the 1997-98 fiscal year.

TEEN COURT FUNDS DO NOT REVERT

Section 9.1. (a) The funds appropriated in S.L. 1997-443 to the Judicial Department for teen court programs throughout the State shall not revert at the end of

the 1997-98 fiscal year and shall remain available to the Department for the 1998-99 fiscal year to be used for teen court programs.

(b) This section becomes effective June 30, 1998.

CUMBERLAND JUVENILE ASSESSMENT CENTER

Section 10. (a) Section 18.21 of S.L. 1997-443 reads as rewritten:

"Section 18.21. (a) Of the funds appropriated in this act to the Administrative Office of the Courts for the 1997-98 fiscal year, the sum of one hundred fifty thousand dollars (\$150,000) shall be used to fund the Juvenile Assessment Project authorized by this section. These funds shall be matched by local funds on the basis of one dollar (\$1.00) of local funds for every three dollars (\$3.00) of State funds. These funds shall not revert at the end of the 1997-98 fiscal year but shall remain in the Department during the 1998-99 fiscal year to implement this section.

(b) The Administrative Office of the Courts, in collaboration with the Chief Court Counselor of District Court District 12, the Cumberland County Department of Social Services, and the appropriate local school administrative units, shall develop and implement a Juvenile Assessment Center Project in District Court District 12 to operate from the effective date of this act to ~~June 30, 1998.~~ June 30, 1999. The purpose of the Project is to facilitate efficient prevention and intervention service delivery to juveniles who are (i) alleged to be delinquent or undisciplined and have been taken into custody or (ii) at risk of becoming delinquent or undisciplined because they have behavioral problems and have committed delinquent acts even though they have not been taken into custody. The Project shall assist these juveniles by providing a centralized point of intake and assessment for the juveniles, by addressing the educational, emotional, and physical needs of the juveniles, and by providing juveniles with an atmosphere for learning personal responsibility, self-respect, and respect for others. The Administrative Office of the Courts shall consider the recommendations of the Juvenile Assessment Advisory Board in developing and implementing the Project.

(c) The Project shall be modeled after the Juvenile Assessment Center in Hillsborough County, Florida, and shall:

- (1) Identify those juveniles who are alleged to be delinquent or undisciplined or are at risk of becoming delinquent or undisciplined;
- (2) Evaluate the educational, emotional, and physical needs of the juveniles identified and determine whether the juveniles have problems related to substance abuse, depression, or other emotional conditions;
- (3) Develop in-depth and comprehensive assessment plans for the juveniles identified that recommend appropriate treatment, counseling, and disposition of the juveniles; and
- (4) Provide services to juveniles identified and their families through collaboration with public and private resources, including local law enforcement, parents' organizations, the Fayetteville Chamber of Commerce, and county and community programs and organizations

that provide substance abuse treatment and child and family counseling.

(d) There is established the Juvenile Assessment Advisory Board to make recommendations to the Administrative Office of the Courts regarding the development and operations of the Project. The Board shall consist of 13 members, including:

- (1) The director of the Department of Social Services of Cumberland County, or the director's designee.
- (2) A representative from the local mental health area authority of Cumberland County.
- (3) A member of the Cumberland County Board of Education.
- (4) The sheriff of Cumberland County, or the sheriff's designee.
- (5) The chief of police of the Fayetteville Police Department, or the designee of the chief of police.
- (6) A judge of District Court District 12.
- (7) A juvenile court counselor from District Court District 12.
- (8) The director of the Guardian Ad Litem program in Cumberland County, or the director's designee.
- (9) The director of the Health Department of Cumberland County, or the director's designee.
- (10) Two public members appointed by the Fayetteville City Council.
- (11) Two public members appointed by the Board of County Commissioners of Cumberland County.

The members of the Board shall, within 30 days after the initial appointment is made, meet and elect one member as chair. The Board shall meet at least once a month at the call of the chair, and a quorum of the Board shall consist of a majority of its members. The Board of County Commissioners of Cumberland County shall provide necessary clerical and professional assistance to the Board.

Initial appointments shall be made by October 1, 1997, and all terms shall expire ~~June 30, 1998.~~ June 30, 1999.

(e) The Administrative Office of the Courts, in consultation with the Department of ~~Human Resources, Health and Human Services,~~ shall evaluate the Project and report to the Chairs of the House and Senate Appropriations Committees, the Chairs of the House and Senate Appropriations Subcommittees on Justice and Public Safety and ~~Human Resources, Health and Human Services,~~ and the Fiscal Research Division of the General Assembly by ~~May 1, 1998,~~ May 1, 1999, on the progress of the development and implementation of the Project. In the report, the Administrative Office of the Courts, in consultation with the Department of ~~Human Resources, Health and Human Services,~~ shall evaluate the effectiveness of the Project, including the number of juveniles served or expected to be served, and shall recommend whether the Project should be continued. If the report recommends that the Project be continued, it shall also provide a cost analysis outlining the long-term staffing and operating needs of the Project."

(b) This section becomes effective June 30, 1998, and expires when the Current Operations Appropriations and Capital Improvement Appropriations Act of 1998 becomes a law.

EXTEND SUNSET ON BAD CHECK PROGRAM/FUNDS DO NOT REVERT

Section 11. (a) Subsection (e) of Section 18.22 of S.L. 1997-443 reads as rewritten:

"(e) This ~~act-section~~ becomes effective October 1, 1997, and expires ~~June 30, 1998.~~ when the Current Operations Appropriations and Capital Improvement Appropriations Act of 1998 becomes a law."

(b) Effective June 30, 1998, funds appropriated for the bad check pilot program shall not revert at the end of the 1997-98 fiscal year.

DRIVERS EDUCATION FUNDS DO NOT REVERT

Section 12. (a) Funds appropriated for drivers education for the 1997-98 fiscal year but not expended for that purpose shall not revert at the end of the fiscal year. The State Board of Education may use these funds during the 1998-99 fiscal year for forms to implement S.L. 1997-507, AN ACT TO PROVIDE THAT CERTAIN STUDENTS WHO DROP OUT OF SCHOOL OR DO NOT MAKE PROGRESS TOWARD GRADUATION SHALL NOT BE ELIGIBLE FOR DRIVERS PERMITS OR LICENSES.

(b) This section becomes effective June 30, 1998, and expires when the Current Operations Appropriations and Capital Improvement Appropriations Act of 1998 becomes a law.

COMMUNITIES IN SCHOOLS FUNDS/DO NOT REVERT

Section 13. (a) Funds allocated to Communities in Schools of the Rocky Mount Region, Inc., for the 1997-98 fiscal year shall not revert at the end of the fiscal year but shall remain available for expenditure during the 1998-99 fiscal year.

(b) This section becomes effective June 30, 1998, and expires when the Current Operations Appropriations and Capital Improvement Appropriations Act of 1998 becomes a law.

LITIGATION RESERVE

Section 14. (a) Funds in the State Board of Education's Litigation Reserve that are not expended or encumbered on June 30, 1998, shall not revert on July 1, 1998, but shall remain available for expenditure until the Current Operations Appropriations and Capital Improvement Appropriations Act of 1998 becomes a law.

(b) Subsection (a) of this section becomes effective June 30, 1998, and expires when the Current Operations Appropriations and Capital Improvement Appropriations Act of 1998 becomes a law.

CORE SOUND MORATORIUM

Section 15. Section 3 of Chapter 547 of the 1995 Session Laws, Regular Session 1996, as amended by subsection (b) of Section 1 of Chapter 633 of the 1995 Session Laws, Regular Session 1996; Section 27.33 of Chapter 18 of the 1996 Session Laws, Second Extra Session; Section 12 of S.L. 1997-256; Section 8 of S.L. 1997-347; and Section 6.14 of S.L. 1997-400, reads as rewritten:

"Sec. 3. Notwithstanding G.S. 113-202, a moratorium on new shellfish cultivation leases shall be imposed in the remaining area of Core Sound not described in Section 1 of this act. During the moratorium, a comprehensive study of the shellfish lease program shall be conducted. The moratorium established under this section covers that part of Core Sound bounded by a line beginning at a point on Cedar Island at 35°00'39"N - 76°17'48"W, thence 109°(M) to a point in Core Sound 35°00'00"N - 76°12'42"W, thence 229°(M) to Marker No. 37 located 0.9 miles off Bells Point at 34°43'30"N - 76°29'00"W, thence 207°(M) to the Cape Lookout Lighthouse at 34°37'24"N - 76°31'30"W, thence 12°(M) to a point at Marshallberg at 34°43'07"N - 76°31'12"W, thence following the shoreline in a northerly direction to the point of beginning except that the highway bridges at Salters Creek, Thorofare Bay, and the Rumley Bay ditch shall be considered shoreline. The moratorium shall expire ~~1 July 1998.~~ when the Current Operations Appropriations and Capital Improvement Appropriations Act of 1998 becomes a law."

BEAVER DAMAGE CONTROL FUNDS

Section 16. (a) Subsection (h) of Section 69 of Chapter 1044 of the 1991 Session Laws, as amended by Section 111 of Chapter 561 of the 1993 Session Laws, Section 27.3 of Chapter 769 of the 1993 Session Laws, Section 26.6 of Chapter 507 of the 1995 Session Laws, Section 27.15 of Chapter 18 of the Session Laws of the 1996 Second Extra Session, and Section 15.44(b) of S.L. 1997-443, reads as rewritten:

"(h) Subsections (a) through (d) of this section expire ~~June 30, 1998.~~ when the Current Operations Appropriations and Capital Improvement Appropriations Act of 1998 becomes a law."

(b) This section becomes effective June 30, 1998.

YEAR 2000 RESERVE FUND

Section 17. (a) Section 1 of S.L. 1998-9 reads as rewritten:

"Section 1. There is appropriated from the General Fund to the Department of Commerce, Year 2000 Reserve Fund, the sum of twenty million five hundred six thousand three hundred sixty-seven dollars (\$20,506,367) for the 1997-98 fiscal year to cover the costs of the year 2000 conversion in General Fund and Highway Fund agencies during the 1997-99 fiscal biennium."

(b) This section becomes effective June 30, 1998.

Section 17A. There is appropriated from the General Fund for the 1998-99 fiscal year the following:

- (1) \$26,553,765 to the Department of Public Education for increases in average daily membership in public schools for 1998-99;

- (2) \$2,000,000 to the Department of Community Colleges for FTE students in the Community College System for 1998-99; and
- (3) \$13,730,338 to the UNC Board of Governors for increased enrollment.

DELAY RELEASE OF DMV RECORDS TO MARKETERS

Section 17.1. Notwithstanding any other provision of law, the Division of Motor Vehicles shall not disclose personal information in its records for purposes specified in 18 U.S.C. § 2721(b)(12) prior to July 1, 1999. This section shall not expire until July 1, 1999.

EXTEND SUNSET ON 1997 BOXING COMMISSION AMENDMENTS

Section 18. Section 9 of S.L. 1997-504 reads as rewritten:

"Section 9. Except as otherwise specified herein, this act is effective when it becomes law. This act expires ~~August 1, 1998.~~ October 1, 1998."

EFFECTIVE DATE

Section 19. Except as otherwise provided, this act becomes effective July 1, 1998, and expires on the effective date of the Current Operations Appropriations and Capital Improvement Appropriations Act of 1998.

In the General Assembly read three times and ratified this the 30th day of June, 1998.

s/ Dennis A. Wicker
President of the Senate

s/ Harold J. Brubaker
Speaker of the House of Representatives

s/ James B. Hunt, Jr.
Governor

Approved 4:30 p.m. this 1st day of July, 1998