

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 1388
Finance Committee Substitute Adopted 7/11/90

Short Title: Restructure Budget Process.

(Public)

Sponsors:

Referred to:

May 25, 1990

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE FOR ANNUAL BUDGETS, STREAMLINE THE
2 LEGISLATIVE PROCESS, AND STUDY A RESTRUCTURING OF THE
3 BUDGET PROCESS SO AS TO ASSURE MORE STABLE BUDGETING, BY
4 PROVIDING FOR USE OF THE PRIOR CALENDAR YEAR'S COLLECTIONS
5 AS THE REVENUE ESTIMATES, RESCHEDULING THE PRIMARY AND
6 OTHER ELECTION-LAW DATES, LIMITING USE OF REVERSIONS TO ONE-
7 TIME EXPENDITURES.
8

9 The General Assembly of North Carolina enacts:

10 ---REVENUE ESTIMATES/ANNUAL BUDGET

11 Section 1. If the Economic Future Study Commission is created by the 1989
12 General Assembly, that commission shall:

- 13 (1) Study and recommend to the 1991 General Assembly whether in
14 preparing and enacting the budget for a fiscal year, the Governor and
15 General Assembly shall use as the State funds revenue estimate for the
16 General, Highway, and Wildlife Funds no more than the total State
17 funds received for the calendar year ending December 31 immediately
18 prior to the fiscal year;
- 19 (2) Study and recommend to the 1991 General Assembly whether if the
20 budget estimates any reversions at the end of the fiscal year ending
21 immediately prior to the beginning of the fiscal year covered by the
22 budget, those reversions may be proposed only for capital projects, or
23 other projects with a fiscal impact only in that fiscal year;

- 1 (3) If it recommends favorable on (1) or (2) above, include any necessary
2 technical provisions, as well as propose a transition period to enable a
3 smoother change in budget process.

4 The purpose of such changes in the budget process would be to provide an
5 estimate to be used in the budget process, so that enactment of the budget need not wait
6 until the end of the fiscal year. This will enable shortening of the legislative session, as
7 well as allowing State agencies and local governments adequate time to implement the
8 adopted budget.

9 Sec. 1.1. No later than February 1, 1991, the Fiscal Research Division and
10 the Office of State Budget and Management shall agree on revenue estimates for the
11 State budget for fiscal year 1991-92, these estimates shall be forwarded to the General
12 Assembly, and those revenue estimates shall be used in the budget enactment process,
13 except as may be modified by changes in the revenue laws enacted by the 1991 Regular
14 Session or by federal law, provided, if the Fiscal Research Division and the Office of
15 State Budget and Management do not agree on revenue estimates for the State budget
16 for fiscal year 1991-92, they shall each forward those estimates on February 1, 1990,
17 and the lower of the two revenue estimates shall be used in the budget enactment
18 process, except as may be modified by changes in the revenue laws enacted by the 1991
19 Regular Session or by federal law.

20 Sec. 1.2. The Executive Budget Act, Article 1 of Chapter 143 of the General
21 Statutes, is amended by adding the following new section:

22 "**§ 143-2.1. Annual budget.**

23 The Governor shall propose and the General Assembly shall enact a budget
24 covering one fiscal year only, that being the fiscal year commencing on July 1 of the
25 year of enactment of the bill."

26 ---LIMIT LEGISLATIVE SESSION LENGTH

27 Sec. 2. G.S. 120-11.1 reads as rewritten:

28 "**§ 120-11.1. Time of meeting.**

29 The regular session of the Senate and House of Representatives shall be held
30 biennially beginning on the first ~~Wednesday after the second Monday in January~~ Monday in
31 February next after their election. The regular session shall adjourn in the odd-
32 numbered year not later than the last Friday in April, as provided by joint resolution, to
33 reconvene in the next even-numbered year on the first Monday in February, and shall
34 adjourn sine die not later than the last Friday in April, as provided by joint resolution;
35 provided that in 1991 and decennially thereafter, the General Assembly may continue in
36 session in the odd-numbered year beyond the last Friday in April, but only for the
37 consideration of redistricting of the Senate, the House of Representatives, the United
38 States House of Representatives, and units of local government, and for any changes in
39 election laws required by the redistricting."

40 Sec. 3. G.S. 120-3.1(c) reads as rewritten:

41 "(c) When the General Assembly by joint action of the two houses adjourns to a
42 day certain, which day is more than three days after the date of adjournment, the period
43 between the date of adjournment and the date of reconvening shall for the purposes of
44 this section be deemed to be a period when the General Assembly is not in session, and

1 no member shall be entitled to subsistence and travel allowance during that period,
2 except under circumstances which would entitle him to subsistence and travel allowance
3 when the General Assembly is not in session. If the General Assembly remains in
4 session in any:

5 (1) Odd-numbered year after the date when G.S. 120-11.1 requires
6 adjournment until the even-numbered year; or

7 (2) Even-numbered year after the date when G.S. 120-11.1 requires
8 adjournment **sine die**,

9 the period until such adjournment or adjournment **sine die** shall for the purposes of this
10 section be deemed to be a period when the General Assembly is not in session, and no
11 member shall be entitled to subsistence and travel allowance during that period."

12 —RESCHEDULED PRIMARY

13 Sec. 3.1. G.S. 163-1(b) reads as rewritten:

14 "(b) ~~On Tuesday next after the first Monday in May~~ the last Tuesday in June
15 preceding each general election to be held in November for the officers referred to in
16 subsection (a) of this section, there shall be held in all election precincts within the
17 territory for which the officers are to be elected a primary election for the purpose of
18 nominating candidates for each political party in the State for those offices."

19 Sec. 3.2. G.S. 163-96(a) reads as rewritten:

20 "(a) Definition. – A political party within the meaning of the election laws of this
21 State shall be either:

22 (1) Any group of voters which, at the last preceding general State
23 election, polled for its candidate for Governor, or for presidential
24 electors, at least ten percent (10%) of the entire vote cast in the
25 State for Governor or for presidential electors; or

26 (2) Any group of voters which shall have filed with the State Board of
27 Elections petitions for the formulation of a new political party
28 which are signed by registered and qualified voters in this State
29 equal in number to two percent (2%) of the total number of voters
30 who voted in the most recent general election for Governor. Also
31 the petition must be signed by at least 200 registered voters from
32 each of four congressional districts in North Carolina. To be
33 effective, the petitioners must file their petitions with the State
34 Board of Elections before 12:00 noon on the first day of ~~June~~
35 August preceding the day on which is to be held the first general
36 State election in which the new political party desires to participate.
37 The State Board of Elections shall forthwith determine the
38 sufficiency of petitions filed with it and shall immediately
39 communicate its determination to the State chairman of the
40 proposed new political party."

41 Sec. 3.3. G.S. 163-122(a) reads as rewritten:

42 "(a) Procedure for Having Name Printed on Ballot as Unaffiliated Candidate. – Any
43 qualified voter who seeks to have his name printed on the general election ballot as an
44 unaffiliated candidate shall:

- 1 (1) If the office is a statewide office, file written petitions with the
2 State Board of Elections supporting his candidacy for a specified
3 office. These petitions must be filed with the State Board of
4 Elections on or before 12:00 noon on ~~the last Friday in June~~
5 ~~preceding~~ the 90th day before the general election and must be
6 signed by qualified voters of the State equal in number to two
7 percent (2%) of the total number of registered voters in the State as
8 reflected by the most recent statistical report issued by the State
9 Board of Elections. Each petition shall be presented to the
10 chairman of the board of elections of the county in which the
11 signatures were obtained. The chairman shall examine the names
12 on the petition and place a check mark on the petition by the name
13 of each signer who is qualified and registered to vote in his county
14 and shall attach to the petition his signed certificate. Said
15 certificates shall state that the signatures on the petition have been
16 checked against the registration records and shall indicate the
17 number of signers to be qualified and registered to vote in his
18 county. The chairman shall return each petition, together with the
19 certificate required in this section, to the person who presented it to
20 him for checking. Verification by the chairman of the county
21 board of elections shall be completed within two weeks from the
22 date such petitions are presented and a fee of five cents (5¢) for
23 each name appearing on the petition has been received.
- 24 (2) If the office is a district office comprised of two or more counties,
25 file written petitions with the State Board of Elections supporting
26 his candidacy for a specified office. These petitions must be filed
27 with the State Board of Elections on or before 12:00 noon on the
28 ~~last Friday in June preceding~~ 90th day before the general election
29 and must be signed by qualified voters of the State equal in number
30 to five percent (5%) of the total number of registered voters in the
31 district as reflected by the latest statistical report issued by the State
32 Board of Elections. Each petition shall be presented to the
33 chairman of the board of elections of the county in which the
34 signatures were obtained. The chairman shall examine the names
35 on the petition and the procedure for certification shall be the same
36 as specified in (1) above.
- 37 (3) If the office is a county office or a single county legislative district,
38 file written petitions with the chairman or supervisor of the county
39 board of elections supporting his candidacy for a specified county
40 office. These petitions must be filed with the county board of
41 elections on or before 12:00 noon on the ~~last Friday in June~~
42 ~~preceding~~ 90th day before the general election and must be signed
43 by qualified voters of the county equal in number to ten percent
44 (10%) of the total number of registered voters in the county as

1 reflected by the most recent statistical report issued by the State
 2 Board of Elections. Each petition shall be presented to the
 3 chairman or supervisor of the county board of elections. The
 4 chairman shall examine, or cause to be examined, the names on
 5 the petition and the procedure for certification shall be the same as
 6 specified in (1) above.

- 7 (4) If the office is a partisan municipal office, file written petitions
 8 with the chairman or supervisor of the county board of elections in
 9 the county wherein the municipality is located supporting his
 10 candidacy for a specified municipal office. These petitions must be
 11 filed with the county board of elections on or before the time and
 12 date specified in G.S. 163-296 and must be signed by the number
 13 of qualified voters specified in G.S. 163-296. The procedure for
 14 certification shall be the same as specified in (1) above.

15 Upon compliance with the provisions of (1), (2), (3), or (4) of this subsection, the
 16 board of elections with which the petitions and affidavit have been timely filed shall
 17 cause the unaffiliated candidate's name to be printed on the general election ballots in
 18 accordance with G.S. 163-14C [G.S. 163-140].

19 An individual whose name appeared on the ballot in a primary election preliminary
 20 to the general election shall not be eligible to have his name placed on the general
 21 election ballot as an unaffiliated candidate for the same office in that year."

22 —CONFORMING AMENDMENTS/EXECUTIVE BUDGET ACT

23 Sec. 4. G.S. 143-4.1 reads as rewritten:

24 "**§ 143-4.1. Biennial-Annual inspection.**

25 The Commission shall make a ~~biennial~~ an annual inspection of those physical
 26 facilities of the State it deems necessary. The Governor may make a ~~biennial~~ an annual
 27 inspection of those facilities of the State he deems necessary."

28 Sec. 5. G.S. 143-8 reads as rewritten:

29 "**§ 143-8. Reporting of legislative and judicial expenditures and financial needs.**

30 On or before the first day of September, ~~biennially, in the even-numbered years, of each~~
 31 year the Legislative Administrative Officer shall furnish the Director a detailed
 32 statement of expenditures of the General Assembly for the current fiscal ~~biennium~~ year,
 33 and an estimate of its financial needs, itemized in accordance with the budget
 34 classification adopted by the Director and approved and certified by the President pro
 35 tempore of the Senate and the Speaker of the House for ~~each year of the ensuing biennium~~
 36 beginning with the first day of July thereafter the next fiscal year. The Administrative
 37 Officer of the Courts shall furnish the Director a detailed statement of expenditures of
 38 the judiciary, and for ~~each year of the current fiscal biennium~~ year an estimate of its
 39 financial needs as provided by law, itemized in accordance with the budget
 40 classification adopted by the Director and approved and certified by the Chief Justice
 41 for ~~each year of the ensuing biennium, beginning with the first day of July thereafter~~
 42 fiscal year. The Director shall include these estimates and accompanying explanations
 43 in the budget submitted with such recommendations as the Director may desire to make
 44 in reference thereto."

1 Sec. 6. G.S. 143-11 reads as rewritten:

2 "**§ 143-11. Survey of departments.**

3 On or before the ~~fifteenth day of December biennially in the even-numbered years~~first
4 day of February each year, the Director shall make a complete, careful survey of the
5 operation and management of all the departments, bureaus, divisions, officers, boards,
6 commissions, institutions, and agencies and undertakings of the State and all persons or
7 corporations who use or expend funds as hereinbefore defined, in the interest of
8 economy and efficiency, and a working knowledge upon which to base
9 recommendations to the General Assembly as to appropriations for maintenance and
10 special funds and capital expenditures for the succeeding ~~biennium~~fiscal year. If the
11 Director and the Commission shall agree in their recommendations for the budget for
12 the next ~~biennial period~~fiscal year, he shall prepare their report in the form of a proposed
13 budget, together with such comment and recommendations as they may deem proper to
14 make. If the Director and Commission shall not agree in substantial particulars, the
15 Director shall prepare the proposed budget based on his own conclusions and judgment,
16 and the Commission or any of its members retain the right to submit separately to the
17 General Assembly such statement of disagreement and the particulars thereof as
18 representing their views. The budget report shall contain a complete and itemized plan
19 of all proposed expenditures for each State department, bureau, board, division,
20 institution, commission, State agency or undertaking, person or corporation who receive
21 or may receive for use and expenditure any State funds as hereinbefore defined, in
22 accordance with the classification adopted by the State Controller, and of the estimated
23 revenues as provided by G.S. 143-2.1 and borrowings for ~~each year in the ensuing biennial~~
24 ~~period beginning with the first day of July thereafter~~the next fiscal year. Opposite each item
25 of the proposed expenditures, the budget shall show in separate parallel columns the
26 amount expended for the last preceding ~~appropriation~~fiscal year, for the current
27 ~~appropriation~~fiscal year, and the increase or decrease. The budget shall clearly
28 differentiate between general fund expenditures for operating and maintenance, special
29 fund expenditures for any purpose, and proposed capital outlays.

30 The Director shall accompany the budget with:

- 31 (1) A budget message supporting his recommendations and outlining a
32 financial policy and program for the ensuing ~~biennium~~fiscal year.
33 The message will include an explanation of increase or decrease
34 over past expenditures, a discussion of proposed changes in
35 existing revenue laws and proposed bond issues, their purpose, the
36 amount, rate of interest, term, the requirements to be attached to
37 their issuance and the effect such issues will have upon the
38 redemption and annual interest charges of the State debt.
- 39 (2) State Controller reports including:
- 40 a. An itemized and complete financial statement for the State at
41 the close of the last preceding fiscal year ending June 30.
- 42 b. A statement of special funds.

1 c. A statement showing the itemized estimates of the condition of
 2 the State treasury as of the beginning and end of ~~each of the next~~
 3 ~~two appropriation years~~fiscal year.

4 (3) A report on the fees charged by each State department, bureau,
 5 division, board, commission, institution, and agency during the
 6 previous fiscal year and the previous calendar year, the statutory or
 7 regulatory authority for each fee, the amount of the fee, when the
 8 amount of the fee was last changed, the number of times the fee
 9 was collected during the prior fiscal year and the previous calendar
 10 year, and the total receipts from the fee during the prior fiscal year
 11 and the previous calendar year.

12 It shall be a compliance with this section by each incoming Governor, at the first
 13 session of the General Assembly in his term, to submit the budget report with the
 14 message of the outgoing Governor, if he shall deem it proper to prepare such message,
 15 together with any comments or recommendations thereon that he may see fit to make,
 16 either at the time of the submission of the said report to the General Assembly, or at
 17 such other time, or times, as he may elect and fix.

18 The function of the Advisory Budget Commission under this section applies only if
 19 the Director of the Budget consults with the Commission in preparation of the budget."

20 Sec. 7. G.S. 143-12 reads as rewritten:

21 "**§ 143-12. Bills containing proposed appropriations.**

22 (a) The Director shall cause to be prepared and submitted to the General
 23 Assembly the following bills:

24 (1) A bill containing all proposed current operations appropriations of
 25 the budget for ~~each year in the ensuing biennium~~the ensuing fiscal
 26 year, which shall be known as the 'Current Operations
 27 Appropriations Bill', and a bill containing all proposed capital
 28 appropriations of the budget for ~~each year in the ensuing biennium~~the
 29 ensuing fiscal year, which shall be known as the 'Capital
 30 Improvement Appropriations Bill'.

31 (2) If necessary, a bill containing the Director of the Budget's views on
 32 revenue for the ensuing ~~biennium~~fiscal year, which shall be known
 33 as the 'Budget Revenue Bill', and shall provide an amount of
 34 revenue for the ensuing ~~biennium~~fiscal year sufficient, in the
 35 opinion of the Director and the Commission, to meet the
 36 appropriations contained in the Current Operations Appropriations
 37 Bill and the Capital Improvement Appropriations Bill.

38 (3) Repealed by Session Laws 1983 (Regular Session, 1984), c. 1034,
 39 s. 153.

40 (b) To the end that all expenses of the State may be brought and kept within the
 41 budget, the Current Operations Appropriations Bill shall contain a specific sum as a
 42 contingent or emergency appropriation, and shall allocate a specific portion of that sum
 43 to a special reserve to be used solely for purposes as outlined in G.S. 143-23(a1)(3), (4),
 44 and (5). The manner of the allocation of such contingent or emergency appropriation

1 shall be as follows: Any institution, department, commission, or other agency or activity
2 of the State, or other activity in which the State is interested, desiring an allotment out
3 of such contingent or emergency appropriation, shall upon forms prescribed and
4 furnished by the Director of the Budget, present such request in writing to the Director
5 of the Budget, with such information as he may require, and if the Director of the
6 Budget shall approve such request, in whole or in part, he shall forthwith present the
7 same to the Governor and Council of State, and upon their order only shall such
8 allotment be made. If the Director shall disapprove the request of such an allotment out
9 of the emergency or contingent appropriation, he shall transmit his refusal and his
10 reason therefor to the Governor and Council of State for their information.

11 Funds allocated from the contingent or emergency appropriation may be used only
12 for the purpose for which they were allocated and may not be reallocated for another
13 purpose by the Governor and the Council of State. If the funds are not spent or
14 encumbered for the purpose for which they were allocated by the end of the ~~fiscal~~
15 ~~biennium~~ next fiscal year and if the Governor and the Council of State do not reallocate
16 them for that same purpose, the funds shall revert to the fund from which the contingent
17 or emergency appropriation was made. Also, if the funds are not needed for the purpose
18 for which they were allocated, the funds shall revert to the fund from which the
19 contingent or emergency appropriation was made.

20 (c) The Director of the Budget may, in preparation of the Appropriations and
21 Revenue Bills, seek the advice of the Advisory Budget Commission. If the Director and
22 the Commission shall not agree as to the Appropriations and Revenue Bills in
23 substantial particulars, the Director shall prepare the same, based on his conclusions and
24 judgment, and the Commission or any of its members retain the right to submit
25 separately to the General Assembly such statement of disagreement and the particulars
26 thereof as they shall find proper to submit as representing their own views."

27 Sec. 8. G.S. 143-12.1(d) reads as rewritten:

28 "(d) ~~The Office of State Budget and Management~~ Director of the Budget shall submit
29 to the General Assembly along with or as a part of the ~~biennial~~ annual budget ~~(and along~~
30 ~~with or as a part of any second-year budget requests)~~ budgets for vending facilities operated
31 by General Fund, Highway Fund, and Wildlife Fund departments' and institutions'
32 operating budgets."

33 Sec. 9. G.S. 143-13 reads as rewritten:

34 **"§ 143-13. Printing copies of budget report and bills and rules for the introduction**
35 **of the same.**

36 The Director shall cause to be printed one thousand copies each of the budget report,
37 the Current Operations Appropriations Bill, Capital Improvement Appropriations Bill,
38 and the Budget Revenue Bill. The Governor shall present copies thereof to the General
39 Assembly, together with the ~~biennial~~ annual message, except incoming Governors may,
40 at the first session of the General Assembly in their respective terms, submit the same
41 after the ~~biennial~~ annual message has been presented to the General Assembly. The
42 Current Operations Appropriations Bill and the Capital Improvement Appropriations
43 Bill shall be introduced by the chairman of the committee on appropriations in each
44 house of the General Assembly, and the Budget Revenue Bill shall be introduced by the

1 chairmen of the finance committees in each branch of the General Assembly; ~~Provided,~~
2 ~~that for the years in which the Governor is elected, other than when a Governor is elected for a~~
3 ~~second successive term the Director shall deliver the budget report and the Current Operations~~
4 ~~Appropriations Bill and the Capital Improvement Appropriations Bill and the Budget Revenue~~
5 ~~Bill to the Governor-elect, on or before the fifteenth day of December, and the said budget~~
6 ~~report, Appropriations, and Revenue Bills, shall be presented by the Governor to the General~~
7 ~~Assembly with such recommendations in the way of amendments, or other modifications,~~
8 ~~together with such criticism as he may determine.~~ The provisions herein contained as to the
9 introduction of the bills mentioned in this section shall be considered and treated as a
10 rule of procedure in the Senate and House of Representatives until otherwise expressly
11 provided for by a rule in either, or both, of said branches of the General Assembly."

12 Sec. 10. G.S. 143-18.1 reads as rewritten:

13 **"§ 143-18.1. Decrease of projects within capital improvement appropriations;**
14 **requesting authorization of capital projects not specifically provided for.**

15 (a) Upon the request of the administration of a State agency or institution, the
16 Director of the Budget may decrease the scope of a capital improvement project. Prior
17 to taking any action under this subsection, the Director of the Budget may consult with
18 the Advisory Budget Commission.

19 (b) Upon the request of the administration of a State agency or institution, the
20 Director of the Budget may when, in his opinion, it is in the best interest of the State to
21 do so, increase the cost of a capital improvement project within the appropriation made
22 to that State agency or institution within the capital improvement appropriation to that
23 agency or institution for that ~~biennium~~fiscal year, provided that the project may not be
24 increased in scope under the authority of this subsection. Prior to taking any action
25 under this subsection, the Director of the Budget may consult with the Advisory Budget
26 Commission.

27 (c) Upon the request of the administration of any State agency or institution, the
28 Director of the Budget may accept funds by gift or grant for the construction of a capital
29 improvement project not specifically provided for or authorized by the General
30 Assembly. These funds shall be placed in a special reserve account to be held by the
31 State Treasurer until the end of the ~~biennium~~fiscal year in which the account was
32 established or until the capital improvement project is authorized by the Director of the
33 Budget, whichever occurs first. These funds shall be invested and the interest thereon
34 shall be added to the reserve. If the project is not authorized by the end of ~~that~~
35 ~~biennium~~the next fiscal year, the State Treasurer shall pay the funds accumulated in the
36 special reserve account to the grantor or donor. Upon the establishment of a special
37 reserve account under this section, the Director of the Budget shall notify the Speaker of
38 the House and President of the Senate of the receipt of the funds and the existence of the
39 reserve account. Upon the request of the administration of any State agency or
40 institution, the Governor may authorize the construction of a capital improvement
41 project not specifically authorized by the General Assembly if such project is to be
42 funded by receipts, special funds, self-liquidating indebtedness, other funds, or any
43 combination of funds, but not including funds appropriated from the General Fund. All
44 expenditures under this authorization shall be handled in full compliance with the
45 provisions of the Executive Budget Act.

1 The agency shall support its request for such capital improvement project, or
2 projects, with the following information: the estimated annual operating costs for (i)
3 utilities; (ii) maintenance; (iii) repairs; (iv) additional personnel; (v) any and
4 all other expenses to the State resulting from the addition of this facility to the plant of
5 the institution. Prior to taking any action under this section to authorize a project, the
6 ~~Governor or the~~ Director of the Budget may consult with the Advisory Budget
7 Commission and the Capital Planning Commission."

8 Sec. 11. G.S. 143-25 reads as rewritten:

9 **"§ 143-25. Maintenance appropriations dependent upon adequacy of revenues to**
10 **support them.**

11 All maintenance appropriations now or hereafter made are hereby declared to be
12 maximum, conditional and proportionate appropriations, the purpose being to make the
13 appropriations payable in full in the amounts named herein if necessary and then only in
14 the event the aggregate revenues collected and available during ~~each~~the fiscal year ~~of~~
15 ~~the biennium~~ for which such appropriations are made, are sufficient to pay all of the
16 appropriations in full; otherwise, the said appropriations shall be deemed to be payable
17 in such proportion as the total sum of all appropriations bears to the total amount of
18 revenue available in ~~each of the said~~the fiscal ~~years~~year. The Director of the Budget is
19 hereby given full power and authority to examine and survey the progress of the
20 collection of the revenue out of which such appropriations are to be made, and to
21 declare and determine the amounts that can be, during each quarter of ~~each of the~~ fiscal
22 ~~years of the biennium~~ properly allocated to each respective appropriation. In making such
23 examination and survey, he shall receive estimates of the prospective collection of
24 revenues from the Secretary of Revenue and every other revenue collecting agency of
25 the State. The Director of the Budget may reduce all of said appropriations pro rata
26 when necessary to prevent an overdraft or deficit to the fiscal ~~period~~year for which such
27 appropriations are made. The purpose and policy of this Article are to provide and
28 insure that there shall be no overdraft or deficit in the general fund of the State at the
29 end of the fiscal ~~period~~year, growing out of appropriations for maintenance and the
30 Director of the Budget is directed and required to so administer this Article as to prevent
31 any such overdraft or deficit. Prior to taking any action under this section to reduce
32 appropriations pro rata, the Governor may consult with the Advisory Budget
33 Commission."

34 Sec. 12. G.S. 143-28.1(4) reads as rewritten:

35 "(4) Anticipation of Revenues. – In awarding State highway
36 construction and maintenance contracts requiring payments beyond
37 a ~~biennium~~period consisting of two fiscal years, the first of which
38 ends in an even number, the Director of the Budget may anticipate
39 revenues as authorized and certified by the General Assembly, to
40 continue contract payments for up to seventy-five percent (75%) of
41 the revenues which are estimated for the ~~first~~next fiscal year which
42 ends in an even number of the succeeding biennium and which are
43 not required for other budget items. Up to fifty percent (50%) of

1 the revenues not required for other budget items may be anticipated
2 for the second and subsequent fiscal years' contract payments."

3 ~~—OTHER CONFORMING AMENDMENTS~~

4 Sec. 13. G.S. 7A-101 reads as rewritten:

5 "**§ 7A-101. Compensation.**

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

11 Population	12 Annual Salary	
	<u>1989-90</u>	<u>1990-91</u>
13 Less than 99,999	\$ 44,256	46,920
14 100,000 to 199,999	50,016	53,028
15 200,000 and above	57,072	60,504

16
17 When a county changes from one population group to another, the salary of the clerk
18 shall be changed to the salary appropriate for the new population group on July 1 of the
19 ~~first year of each biennial budget~~ next fiscal year, except that the salary of an incumbent
20 clerk shall not be decreased by any change in population group during his continuance
21 in office.

22 (b) The clerk shall receive no fees or commission by virtue of his office. The
23 salary set forth in this section is the clerk's sole official compensation, but if, on June
24 30, 1975, the salary of a particular clerk, by reason of previous but no longer authorized
25 merit increments, is higher than that set forth in the table, that higher salary shall not be
26 reduced during his continuance in office.

27 (c) In lieu of merit and other increment raises paid to regular State employees, a
28 clerk of superior court shall receive as longevity pay an amount equal to four and eight-
29 tenths percent (4.8%) of the annual salary set forth in the ~~Budget Appropriation—Current~~
30 Operations Appropriations Act payable monthly after five years of service, nine and six-
31 tenths percent (9.6%) after 10 years of service, fourteen and four-tenths percent (14.4%)
32 after 15 years of service, and nineteen and two-tenths percent (19.2%) after 20 years of
33 service. Service shall mean service in the elective position of clerk of superior court, as
34 an assistant clerk of court and as a supervisor of clerks of superior court with the
35 Administrative Office of the Courts and shall not include service as a deputy or acting
36 clerk. Service shall also mean service as a justice or judge of the General Court of
37 Justice or as a district attorney."

38 Sec. 14. G.S. 7A-467(a) reads as rewritten:

39 "(a) Each public defender is entitled to such assistant public defenders and
40 investigators, full-time or part-time, as may be authorized by the Administrative Office
41 of the Courts. Assistants and investigators are appointed by the public defender and
42 serve at his pleasure. Compensation of assistants shall be as provided in the ~~biennial~~
43 Current Operations Appropriations Act. The Administrative Officer of the Courts shall

1 fix the compensation of each investigator. Assistants and investigators shall perform
2 such duties as may be assigned by the public defender."

3 Sec. 15. G.S. 17E-10(a) reads as rewritten:

4 "(a) The Commission may accept for any of its purposes and functions under this
5 Chapter any and all donations, both real and personal, and grants of money from any
6 governmental unit or public agency, or from any institution, person, firm or corporation,
7 and may receive, utilize and dispose of same. Any arrangement pursuant to this section
8 shall be detailed in a ~~biennial~~ annual report of the Commission to the General
9 Assembly. Such report shall include the identity of the donor, the nature of the
10 transaction, and the conditions, if any. Any money received by the Commission
11 pursuant to this section shall be deposited in the State Treasury to the account of the
12 Commission."

13 Sec. 16. G.S. 58-31-5 reads as rewritten:

14 **"§ 58-31-5. Appropriations; fund to pay administrative expenses.**

15 Upon the expiration of the existing fire insurance policies on said properties and in
16 making appropriations for any ~~biennium~~ fiscal year after the next ~~biennium~~ fiscal year, the
17 Commissioner of Insurance shall file with the Department of Administration his
18 estimate of the appropriations which will be necessary in order to set up and maintain an
19 adequate reserve to provide a fund sufficient to protect the State, its departments,
20 institutions, and agencies from loss or damage to any of said properties up to fifty per
21 centum (50%) of the value thereof. Appropriations made for the creating of such fire
22 insurance reserves against property of the Department of Agriculture, or the Department
23 of Transportation or any special operating fund shall be charged against the funds of
24 such departments.

25 The State Property Fire Insurance Fund is authorized and empowered to pay all the
26 administrative expenses occasioned by the administration of Article 31 of Chapter 58 of
27 the General Statutes."

28 Sec. 17. G.S. 58-31-45 reads as rewritten:

29 **"§ 58-31-45. Report required of Commissioner.**

30 The Commissioner of Insurance must annually submit to the Governor and General
31 Assembly a full report of his official action under this Article, with such
32 recommendations as commend themselves to him, ~~and it shall be embodied in or attached~~
33 ~~to his biennial report to the General Assembly."~~

34 Sec. 18. G.S. 66-58(f) reads as rewritten:

35 "(f) Notwithstanding the provisions of ~~G.S. 66-58(a)~~ subsection (a) of this section,
36 the operation by the Department of Correction of facilities for the manufacture of any
37 product or the providing of any service pursuant to G.S. 148-70 not regulated by the
38 provisions of subsection (c) hereof, shall be subject to the prior approval of the
39 Governor, with ~~biennial~~ annual review by the General Assembly, at the beginning of
40 each fiscal year ~~commencing after October 1, 1975~~. The Department of Correction shall
41 file with the Director of the Budget quarterly reports detailing prison enterprise
42 operations in such a format as shall be required by the Director of the Budget."

43 Sec. 19. G.S. 94-2 reads as rewritten:

44 **"§ 94-2. Apprenticeship Council.**

1 The Commissioner of Labor shall appoint an Apprenticeship Council composed of
2 four representatives each from employer and employee organizations respectively and
3 three representatives from the public at large. One State official designated by the
4 Department of Public Instruction and one State official designated by the Department of
5 Community Colleges shall be a member ex officio of said council, without vote. The
6 terms of office of the members of the Apprenticeship Council first appointed by the
7 Commissioner of Labor shall expire as designated by the Commissioner at the time of
8 making the appointment: two representatives each of employers and employees, being
9 appointed for one year and one representative of the public at large being appointed for
10 two years; and one representative each of employers, employees, and the public at large
11 being appointed for a term of three years. Any member appointed to fill a vacancy
12 occurring prior to the expiration of the term of his predecessor shall be appointed for the
13 remainder of said term. Each member of the Council not otherwise compensated by
14 public moneys, shall be reimbursed for transportation and shall receive such per diem
15 compensation as is provided generally for boards and commissions ~~under the biennial~~
16 ~~maintenance appropriation acts by law~~ for each day spent in attendance at meetings of the
17 Apprenticeship Council. The Commissioner of Labor shall annually appoint one
18 member of the Council to act as its chairman.

19 The Apprenticeship Council shall meet at the call of the Commissioner of Labor and
20 shall aid him in formulating policies for the effective administration of this Chapter.
21 Subject to the approval of the Commissioner, the Apprenticeship Council shall establish
22 standards for apprentice agreement which in no case shall be lower than those
23 prescribed by this Chapter, shall issue such rules and regulations as may be necessary to
24 carry out the intent and purposes of said Chapter, and shall perform such other functions
25 as the Commissioner may direct. Not less than once a year the Apprenticeship Council
26 shall make a report through the Commissioner of Labor of its activities and findings to
27 the legislature and to the public."

28 Sec. 20. G.S. 96-4(a) reads as rewritten:

29 "(a) Duties and Powers of Commission. – It shall be the duty of the Commission
30 to administer this Chapter. The Commission shall meet at least once in each 60 days and
31 may hold special meetings at any time at the call of the chairman or any three members
32 of the Commission, and the Commission shall have power and authority to adopt,
33 amend, or rescind such rules and regulations, to employ such persons, make such
34 expenditures, require such reports, make such investigations, and take such other action
35 as it deems necessary or suitable in the administration of this Chapter. Such rules and
36 regulations shall be effective upon publication in the manner, not inconsistent with the
37 provisions of this Chapter, which the Commission shall prescribe. The Commission
38 shall determine its own organization and methods of procedure in accordance with the
39 provisions of this Chapter, and shall have an official seal which shall be judicially
40 noticed. The chairman of said Commission shall, except as otherwise provided by the
41 Commission, be vested with all authority of the Commission, including the authority to
42 conduct hearings and make decisions and determinations, when the Commission is not
43 in session and shall execute all orders, rules and regulations established by said
44 Commission. Not later than November 20 ~~preceding the meeting of the General~~

1 ~~Assembly~~ of each year, the Commission shall submit to the Governor a report covering
2 the administration and operation of this Chapter during the preceding ~~biennium~~ fiscal
3 year, and shall make such recommendation for amendments to this Chapter as the
4 Commission deems proper. Such report shall include a balance sheet of the moneys in
5 the fund in which there shall be provided, if possible, a reserve against the liability in
6 future years to pay benefits in excess of the then current contributions, which reserve
7 shall be set up by the Commission in accordance with accepted actuarial principles on
8 the basis of statistics of employment, business activity, and other relevant factors for the
9 longest possible period. Whenever the Commission believes that a change in
10 contribution or benefit rates will become necessary to protect the solvency of the fund,
11 it shall promptly so inform the Governor and the legislature, and make
12 recommendations with respect thereto."

13 Sec. 21. G.S. 105-1 reads as rewritten:

14 **"§ 105-1. Title and purpose of Subchapter.**

15 The title of this Subchapter shall be 'The Revenue Act.' The purpose of this
16 Subchapter shall be to raise and provide revenue for the necessary uses and purposes of
17 the government and State of North Carolina during the next ~~biennium~~ fiscal year and
18 each ~~biennium~~ fiscal year thereafter, and the provisions of this Subchapter shall be and
19 remain in full force and effect until changed by law. It is the policy of this State that as
20 many State taxes as possible be structured so that they are deductible for federal income
21 tax purposes under the Internal Revenue Code."

22 Sec. 24. G.S. 112-29 reads as rewritten:

23 **"§ 112-29. Limit and distribution of appropriation.**

24 The State Auditor is authorized, empowered and directed to apportion, distribute and
25 divide the money appropriated by the State for pensions, and to issue warrants to the
26 several pensioners pro rata in their respective grades: Provided, ~~that if the money~~
27 ~~appropriated by the General Assembly for the Confederate soldiers, widows and servants is~~
28 ~~more than enough to pay them the amounts mentioned in this Chapter, or if for any other cause,~~
29 ~~after paying the Confederate soldiers, widows and servants the amount stipulated in their~~
30 ~~respective grades as set out in this Chapter, there should be an excess of the money~~
31 ~~appropriated for the first year, then the balance in the fund so appropriated for the first year~~
32 ~~shall revert and supplement the fund appropriated for the second year of the biennium.~~
33 ~~Provided, further,~~ that if any moneys herein appropriated for the purposes aforesaid shall
34 not be needed to pay the Confederate soldiers, widows and servants the amounts
35 stipulated in their respective grades, then such moneys shall be paid by the State Board
36 of Pensions into the treasury and become a part of the general fund appropriated by the
37 State for other purposes: Provided, that no greater amount shall be paid out under this
38 Chapter than is appropriated under the ~~General Appropriation Maintenance~~ Current
39 Operations Appropriations Act."

40 Sec. 25. G.S. 113-54 reads as rewritten:

41 **"§ 113-54. Duties of forest rangers; payment of expenses by State and counties.**

42 Forest rangers shall have charge of measures for controlling forest fires, protection
43 of forests from pests and diseases, and the development and improvement of the forests
44 for maximum production of forest products; shall post along highways and in other
45 conspicuous places copies of the forest fire laws and warnings against fires, which shall

1 be supplied by the Secretary; shall patrol and man lookout towers and other points
2 during dry and dangerous seasons under the direction of the Secretary, and shall
3 perform such other acts and duties as shall be considered necessary by the Secretary in
4 the protection, development and improvement of the forested area of each of the
5 counties within the State. No county may be held liable for any part of the expenses
6 thus incurred unless specifically authorized by the board of county commissioners under
7 prior written agreement with the Secretary; appropriations for meeting the county's
8 share of such expenses so authorized by the board of county commissioners shall be
9 provided annually in the county budget. For each county in which financial
10 participation by the county is authorized, the Secretary shall keep or cause to be kept an
11 itemized account of all expenses thus incurred and shall send such accounts periodically
12 to the board of county commissioners of said county; upon approval by the board of the
13 correctness of such accounts, the county commissioners shall issue or cause to be issued
14 a warrant on the county treasury for the payment of the county's share of such
15 expenditures, said payment to be made within one month after receipt of such statement
16 from the Secretary. Appropriations made by a county for the purposes set out in
17 Articles 4, 4A, 4C and 6A of this Chapter in the cooperative forest protection,
18 development and improvement work are not to replace State and federal funds which
19 may be available to the Secretary for the work in said county, but are to serve as a
20 supplement thereto. The funds appropriated to the Department in the ~~biennial budget~~
21 ~~appropriation act~~ Current Operations Appropriations Act for the purposes set out in
22 Articles 4, 4A, 4C and 6A of this Chapter shall not be expended in a county unless that
23 county shall contribute at least twenty-five percent (25%) of the total cost of the forestry
24 program."

25 Sec. 26. G.S. 113-77.8(c) reads as rewritten:

26 "(c) The Trustees shall receive the per diem allowed for other members of boards
27 and commissions of the State as fixed ~~in the Biennial Appropriations Act~~ by law, and, in
28 addition, the Trustees shall receive subsistence and travel expenses as fixed by statute
29 for such purposes. Travel and subsistence expenses shall be allowed while going to or
30 from any place of meeting or when on official business. Per diem payments shall
31 include necessary time spent in traveling to and from their places of residence to any
32 meeting place or while traveling on official business. Per diem, subsistence, and travel
33 expenses of the Trustees shall be paid from the Fund."

34 Sec. 27. G.S. 113A-164.4(7) reads as rewritten:

35 "(7) Submit to the Governor and the General Assembly ~~a biennial~~ an annual
36 report on or before February 15, 1987, and on or before February 15 of
37 subsequent odd-numbered years of each year describing the activities of
38 the past ~~biennium~~ fiscal year and plans for the coming ~~biennium~~ fiscal
39 year, and detailing specific recommendations for action that the
40 Secretary deems necessary for the improvement of the Program."

41 Sec. 28. G.S. 115C-249(h) reads as rewritten:

42 "(h) Appropriations made in the ~~biennial Budget Appropriation~~ Current Operations
43 Appropriations Act for the purchase of public school buses shall be permanent
44 appropriations, and unexpended portions of those appropriations shall not revert to the

1 General Fund at the end of the ~~biennium~~ fiscal year for which appropriated. Any
2 unexpended portion of those appropriations shall at the end of each fiscal year be
3 transferred to a reserve account and shall be held, together with any other funds
4 appropriated for the purpose, for the purchase of public school buses."

5 Sec. 29. G.S. 120-32(11) reads as rewritten:

6 "(11) To specify the uses within the General Assembly budget of funds
7 appropriated to the General Assembly which remain available for
8 expenditure after the end of the ~~biennial fiscal period~~ fiscal year, and to
9 revert funds under G.S. 143-18."

10 Sec. 30. G.S. 121-12.2 reads as rewritten:

11 "**§ 121-12.2. Procedures for preparing budget requests and expending**
12 **appropriations for grants-in-aid.**

13 Requests for funding may be submitted by these organizations to the Department of
14 Cultural Resources. If received by any other department of State government except the
15 General Assembly they shall be forwarded to the Department of Cultural Resources. All
16 such requests shall be subjected to the process described in G.S. 121-12.1 and included
17 in the Department's ~~biennial~~ annual budget request submitted in compliance with the
18 Executive Budget Act.

19 The Department of Cultural Resources shall notify on a timely basis and in
20 appropriate detail all those recipients of continuing appropriations as grants-in-aid of the
21 requirements for submission of requests for appropriations for the ensuing fiscal period.

22 The Secretary of Cultural Resources is empowered and directed, in discharging the
23 responsibilities herein assigned, to make regular and timely reviews, studies and
24 recommendations concerning the operations and needs of these organizations for State
25 funds, and to request from the applicants for grants and the recipients of grants through
26 the Department, operating statements, audit reports and other information deemed
27 appropriate."

28 Sec. 31. G.S. 125-2(2) reads as rewritten:

29 "(2) To make to the Governor a ~~biennial~~ an annual report of its activities
30 and needs, including recommendations for improving its services to
31 the State, to be transmitted by the Governor to the General Assembly."

32 Sec. 32. G.S. 126-79 reads as rewritten:

33 "**§ 126-79. Report required.**

34 The State Personnel Commission shall require a ~~biennial~~ an annual report of each
35 State division, department, agency, instrumentality or authority on the status of the
36 Work Options Program. The State Personnel Commission shall in turn make a ~~biennial~~
37 an annual report to the General Assembly on the status of the Work Options Program,
38 including any increase in the use of job sharing, flexible work hours and any other
39 approved work option for State employees."

40 Sec. 33. G.S. 127A-169 reads as rewritten:

41 "**§ 127A-169. Unexpended portion of State appropriation.**

42 The unexpended portion of any appropriation from the general fund of the State for
43 the purposes set out in this Article, remaining at the end of any ~~biennium~~ fiscal year, shall
44 not revert to the general fund of the State, but shall constitute part of a permanent fund

1 to be expended from time to time in the manner and for the purposes set out in this
2 Article."

3 Sec. 34. G.S. 130B-19(i) reads as rewritten:

4 "(i) No grant funds shall be used for litigation expenses. Each site designation
5 review committee shall properly account for all funds. Unexpended funds shall revert
6 to the Board, and at the end of the ~~biennium~~fiscal year shall revert to the General Fund."

7 Sec. 35. G.S. 135-8(f)(2)a. reads as rewritten:

8 "a. Upon the basis of each actuarial valuation provided herein there
9 shall be prepared ~~biennially~~annually and certified to the
10 Department of Administration a statement of the total amount
11 necessary for the ensuing ~~biennium~~fiscal year to the pension
12 accumulation and expense funds, as provided under subsections
13 (d) and (f) of this section, and these funds shall be handled and
14 disbursed in accordance with ~~Chapter 100, Public Laws of 1929,~~
15 ~~and amendments thereto (G.S. 143-1 et seq.), known as the~~
16 ~~Executive Budget Act."~~

17 Sec. 36. G.S. 135-26 reads as rewritten:

18 **"§ 135-26. Studies and reports.**

19 The State agency shall make studies concerning the problem of old age and
20 survivors insurance protection for employees of the State and local governments and
21 their instrumentalities and concerning the operation of agreements made and plans
22 approved under this Article and shall submit a report to the legislature at the beginning
23 of each regular session, and at the reconvening of the regular session in the even-
24 numbered year, covering the administration and operation of this Article during the
25 preceding ~~biennium~~fiscal year, including such recommendations for amendments to this
26 Article as it considers proper."

27 Sec. 37. G.S. 136-18(25) reads as rewritten:

28 "(25) The Department of Transportation is hereby authorized and
29 directed to design, construct, repair, and maintain paved streets and
30 roads upon the campus of each of the State's institutions of higher
31 education, at state-owned hospitals for the treatment of
32 tuberculosis, state-owned orthopedic hospitals, juvenile correction
33 centers, mental health hospitals and retarded centers, schools for
34 the deaf, and schools for the blind, when such construction,
35 maintenance, or repairs have been authorized by the General
36 Assembly in the appropriations bills enacted by the General
37 Assembly. Cost for such construction, maintenance, and repairs
38 shall be borne by the Highway Fund. Upon the General Assembly
39 authorizing the construction, repair, or maintenance of a paved road
40 or drive upon any of the above-mentioned institutions, the
41 Department of Transportation shall give such project priority to
42 insure that it shall be accomplished as soon as feasible, at the
43 minimum cost to the State, and in any event during the ~~biennium~~
44 fiscal year for which the authorization shall have been given by the

1 General Assembly, or if that fiscal year ends in an even number, by
2 the end of the next fiscal year."

3 Sec. 38. G.S. 136-41.1(a) reads as rewritten:

4 "(a) There is annually appropriated out of the State Highway Fund a sum equal to
5 the net amount after refunds that was produced during the ~~fiscal~~previous calendar year
6 by a one and three-fourths cents (1 3/4¢) tax on each gallon of motor fuel as taxed by
7 G.S. 105-434 and 105-435, to be allocated in cash on or before ~~October~~August 1 of each
8 year to the cities and towns of the State in accordance with this section. In addition, as
9 provided in G.S. 136-176(b)(3), revenue is allocated and appropriated from the
10 Highway Trust Fund to the cities and towns of this State to be used for the same
11 purposes and distributed in the same manner as the revenue appropriated to them under
12 this section from the Highway Fund. Like the appropriation from the Highway Fund,
13 the appropriation from the Highway Trust Fund shall be based on revenue collected
14 during the fiscal year preceding the date the distribution is made.

15 Seventy-five percent (75%) of the funds appropriated for cities and towns shall be
16 distributed among the several eligible municipalities of the State in the percentage
17 proportion that the population of each eligible municipality bears to the total population
18 of all eligible municipalities according to the most recent annual estimates of population
19 as certified to the Secretary of Revenue by the State Budget Officer. This annual
20 estimation of population shall include increases in the population within the
21 municipalities caused by annexations accomplished through July 1 of the calendar year
22 in which these funds are distributed. Twenty-five percent (25%) of said fund shall be
23 distributed among the several eligible municipalities of the State in the percentage
24 proportion that the mileage of public streets in each eligible municipality which does
25 not form a part of the State highway system bears to the total mileage of the public
26 streets in all eligible municipalities which do not constitute a part of the State highway
27 system.

28 It shall be the duty of the mayor of each municipality to report to the Department of
29 Transportation such information as it may request for its guidance in determining the
30 eligibility of each municipality to receive funds under this section and in determining
31 the amount of allocation to which each is entitled. Upon failure of any municipality to
32 make such report within the time prescribed by the Department of Transportation, the
33 Department of Transportation may disregard such defaulting unit in making said
34 allotment.

35 The funds to be allocated under this section shall be paid in cash to the various
36 eligible municipalities on or before October 1 of each year. Provided that eligible
37 municipalities are authorized within the discretion of their governing bodies to enter
38 into contracts for the purpose of maintenance, repair, construction, reconstruction,
39 widening, or improving streets of such municipalities at any time after January 1 of any
40 calendar year in total amounts not to exceed ninety percent (90%) of the amount
41 received by such municipality during the preceding fiscal year, in anticipation of the
42 receipt of funds under this section during the next fiscal year, to be paid for out of such
43 funds when received.

1 The Department of Transportation may withhold each year an amount not to exceed
2 one percent (1%) of the total amount appropriated for distribution under this section for
3 the purpose of correcting errors in allocations: Provided, that the amount so withheld
4 and not used for correcting errors will be carried over and added to the amount to be
5 allocated for the following year.

6 The word 'street' as used in this section is hereby defined as any public road
7 maintained by a municipality and open to use by the general public, and having an
8 average width of not less than 16 feet. In order to obtain the necessary information to
9 distribute the funds herein allocated, the Department of Transportation may require that
10 each municipality eligible to receive funds under this section submit to it a statement,
11 certified by a registered engineer or surveyor of the total number of miles of streets in
12 such municipality. The Department of Transportation may in its discretion require the
13 certification of mileage on a ~~biennial~~ an annual basis."

14 Sec. 39. G.S. 136-176(d) reads as rewritten:

15 "(d) A contract may be let for projects funded from the Trust Fund in anticipation
16 of revenues pursuant to the cash-flow provisions of G.S. 143-28.1 only for the ~~biennium~~
17 two fiscal years following the year in which the contract is let."

18 Sec. 40. G.S. 140-5.14(10) reads as rewritten:

19 "(10) To make a ~~biennial~~ an annual report to the Governor and the
20 General Assembly on the activities of the Board of Trustees and of
21 the North Carolina Museum of Art;".

22 Sec. 41. G.S. 143-283.7 reads as rewritten:

23 **"§ 143-283.7. Funds, expenses and gifts; reports.**

24 There is hereby created in the State treasury a special revolving fund to be known as
25 'Employment of the Handicapped Revolving Fund.' The fund shall consist of all
26 moneys received by the Department of Administration, or in behalf of the Department
27 from the United States, any federal or State agency or institution, gifts, contributions,
28 donations and bequests, but not excluding any other source of revenue for the purpose
29 of promoting the employment and rehabilitation of handicapped citizens of North
30 Carolina. The Department of Administration may use said revolving fund to pay the
31 salaries and general expenses of the administrative office, personnel, materials, supplies,
32 equipment, travel; provide awards, citations, scholarships, but not excluding other
33 purposes for the promoting of the employment and rehabilitation of handicapped
34 citizens. All expenditures from said fund shall be subject to the provisions of the
35 Executive Budget Act.

36 Any moneys remaining in said revolving fund at the end of any fiscal year ~~or~~
37 ~~biennium~~ shall not revert to the general fund or any other fund but shall continue to
38 remain in said revolving fund to be expended for the purposes of this Article.

39 The Department of Administration shall accept, hold in trust, and authorize the use
40 of any grant or devise of land, or any donation or bequests of money or other personal
41 property made to the Department, so long as the terms of the grant, donation, bequest or
42 will are carried out. The Department of Administration may invest and reinvest any
43 funds and money, lease, or sell any real or personal property, and invest the proceeds for
44 the purpose of promoting the employment and rehabilitation of the handicapped unless

1 prohibited by the terms of the grant, donation, bequest, gift, or will. If, due to
2 circumstances, the requests of the person or persons, making the grant, donation,
3 bequest, gift, or will cannot be carried out, the Department of Administration shall have
4 the authority to use the remainder thereof for the purpose of this Article. Said funds
5 shall be deposited in the revolving fund to carry out the provisions of this Article. Such
6 gifts, donations, bequests, or grants shall be exempt for tax purposes. The Department
7 shall report annually to the Governor all moneys and properties received and expended
8 by virtue of this section.

9 All funds and properties in the hands of the Governor's Executive Committee on
10 July 1, 1973, shall be transferred to the Department of Administration for use in
11 furtherance of the purposes of this Article."

12 Sec. 42. G.S. 143-355(b)(14) reads as rewritten:

13 "(14) Include in the ~~biennial~~-annual budget the cost of performing the
14 additional functions indicated above."

15 Sec. 43. G.S. 143-406 reads as rewritten:

16 "**§ 143-406. Duties of Department of Cultural Resources.**

17 The Department of Cultural Resources shall take action to carry out the following
18 purposes as funds and staff permit:

- 19 (1) Study, collect, maintain, and otherwise disseminate factual data and
20 pertinent information relative to the arts;
- 21 (2) Assist local organizations and the community at large with needs,
22 resources and opportunities in the arts;
- 23 (3) Serve as an agency through which various public and nonpublic
24 organizations concerned with the arts can exchange information,
25 coordinate programs and stimulate joint endeavors;
- 26 (4) Identify research needs, encourage research and assist in obtaining
27 funds for research;
- 28 (5) Assist in bringing the highest obtainable quality in the arts to the
29 State; promote the maximum opportunity for the people to
30 experience, enjoy, and profit from those arts.

31 The Department of Cultural Resources shall, in addition to such other
32 recommendations, studies and plans as it may submit from time to time, submit a
33 ~~biennial~~-an annual report of progress to the Governor, and thus, to the General
34 Assembly."

35 Sec. 44. G.S. 143B-279.5 reads as rewritten:

36 "**§ 143B-279.5. ~~Biennial~~-Annual State of the Environment Report.**

37 The Secretary of the Department of Environment, Health, and Natural Resources
38 shall report on the state of the environment to the General Assembly and the
39 Environmental Review Commission no later than 1 January of each ~~odd-numbered~~-year
40 ~~beginning 1 January 1991~~. The report shall include:

- 41 (1) An identification and analysis of current environmental protection
42 issues and problems within or affecting the State and its people;
- 43 (2) Trends in the quality and use of North Carolina's air and water
44 resources;

- 1 (3) An inventory of areas of the State where air or water pollution is in
 2 evidence or may occur during the upcoming biennium;
 3 (4) Current efforts and resources allocated by the Department to
 4 correct identified pollution problems and an estimate, if necessary,
 5 of additional resources needed to study, identify, and implement
 6 solutions to solve potential problems;
 7 (5) Departmental goals and strategies to protect the natural resources
 8 of the State;
 9 (6) Any information requested by the General Assembly or the
 10 Environmental Review Commission;
 11 (7) Suggested legislation, if necessary; and
 12 (8) Any other information on the state of the environment the
 13 Secretary considers appropriate.

14 Other State agencies involved in protecting the State's natural resources and
 15 environment shall cooperate with the Department of Environment, Health, and Natural
 16 Resources in preparing this report."

17 Sec. 45. G.S. 143B-299(c) reads as rewritten:

18 "(c) Compensation. – The members of the Commission shall receive the usual and
 19 customary per diem allowed for the other members of boards and commissions of the
 20 State ~~and as fixed in the Biennial Appropriation Act by law~~, and, in addition, the members
 21 of the Commission shall receive subsistence and travel expenses according to the
 22 prevailing State practice and as allowed and fixed by statute for such purposes, which
 23 said travel expenses shall also be allowed while going to or from any place of meeting
 24 or when on official business for the Commission. The per diem payments made to each
 25 member of the Commission shall include necessary time spent in traveling to and from
 26 their places of residence within the State to any place of meeting or while traveling on
 27 official business for the Commission."

28 Sec. 46. G.S. 143B-426.21(b)(3) reads as rewritten:

- 29 "(3) To develop a comprehensive plan, covering the current fiscal year
 30 and the following biennium ~~three fiscal years~~, for the acquisition and
 31 use of information technology resources in the affected
 32 departments, which shall be updated annually and shall be
 33 submitted to the General Assembly on the first day of each regular
 34 session, and in the even-numbered year on the first day of
 35 reconvening of the regular session."

36 Sec. 47. G.S. 147-11(c) reads as rewritten:

37 "(c) In addition to the foregoing allowance, the actual expenses of the Governor
 38 while traveling outside the State on business incident to his office shall be paid by a
 39 warrant drawn on the State Treasurer. Whenever a person who is not a State official or
 40 employee is designated by the Governor to represent the Governor's office, such person
 41 shall be paid actual travel expenses incurred in the performance of such duty; provided
 42 that the payment of such travel expense shall conform to the provisions of ~~the biennial~~
 43 ~~appropriation act law~~ in effect at the time the payment is made."

44 Sec. 48. G.S. 147-68(d) reads as rewritten:

1 "(d) The Treasurer shall report to the General Assembly, Governor and Advisory
2 Budget Commission annually ~~and to the General Assembly at the beginning of each biennial~~
3 ~~session~~ the exact balance in the treasury to the credit of the State, with a summary of the
4 receipts and payments of the treasury during the preceding fiscal year, and so far as
5 practicable an account of the same down to the termination of the current calendar
6 year."

7 Sec. 49. This act shall become effective for budgets beginning with the
8 budget for fiscal year 1991-92, except that Sections 2 and 3 of this act shall become
9 effective upon convening of the 1991 Regular Session of the General Assembly and
10 Sections 3.1 through 3.3 shall become effective with respect to primaries and elections
11 on or after January 1, 1992, Section 1 of this act is effective upon ratification, and
12 except that if this act in changing any biennial report to an annual report would cause
13 the failure to receive information concerning a year, then one final biennial report shall
14 be made.