

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 1074
SENATE BILL 1427

AN ACT TO MAKE APPROPRIATIONS TO PROVIDE CAPITAL IMPROVEMENTS FOR STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATION OF THE STATE.

The General Assembly of North Carolina enacts:

Requested by: Senator Royall, Representative Diamont

—TITLE OF ACT

Section 1. This act shall be known as the "Capital Improvement Appropriations Act of 1990."

An outline of the provisions of the act follows this section. The outline shows the heading "—CONTENTS/INDEX—" and it lists by general category the descriptive captions for the various sections and groups of sections that make up the act.

—CONTENTS/INDEX—

(This outline is designed for reference only, and the outline and the corresponding entries throughout the act in no way limit, define, or prescribe the scope or application of the text of the act.)

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PART I.—GENERAL FUND APPROPRIATIONS

—CAPITAL IMPROVEMENTS/AMOUNTS DELAYED OR REVERTED

Sec. 2. (a) The Governor, acting pursuant to Article III, Section 5(3), of the Constitution to effect the necessary economies in State expenditures to balance the budget for the 1989-91 fiscal biennium, has placed all or part of the funds appropriated by the General Assembly for the projects set out on the following chart on a "delayed" status or reverted them.

The appropriations of funds in the amounts set out in the chart in the column headed "**Amount Delayed or Reverted**" are hereby repealed.

Appropriations are made from the General Fund for the 1990-91 fiscal year for use by State departments, institutions, and agencies for capital improvement projects, to replace the amounts delayed or reverted by the Governor and repealed herein by the General Assembly, according to the column headed "**1990-91 Appropriation**" in the following schedule:

Agency/Project	Amount Delayed or Reverted	1990-91 Appropriation
Department of Administration		
(Total)	\$ 28,002,480	\$ 21,303,955
1. Museum of Art - Landscaping	700,000	-
2. Education Building - Furnishings	1,407,980	-
3. New Steam Plant - Government Complex	6,594,500	6,594,500
4. Reserve for Asbestos Removal	750,000	-
5. New Revenue Building	18,000,000	14,159,455
6. Veterans Cemetery Funds	400,000	400,000
7. Indian Cultural Center - Planning	150,000	150,000
Department of Agriculture		
(Total)	10,162,994	8,789,394

1.	Watercraft Museum	499,700	499,700
2.	Western North Carolina Agricultural Center - Land	350,000	350,000
3.	Mountain Research Station - Building	140,000	-
4.	Southeastern Farmers Market	1,500,000	1,500,000
5.	New Agronomics Lab	6,852,694	6,439,694
6.	Garden Center Building - Charlotte	320,600	-
7.	Piedmont Triad Market	500,000	-

Board of Governors – University of North Carolina

(Total)		63,451,300	49,354,257
1.	1987 University-wide Construction	2,855,678	2,855,678
2.	1987 Advance Planning	350,000	350,000
3.	1988 Major Renovations and Repairs	4,865,660	4,793,242
4.	1988 Utilities Repairs and Improvements	1,692,000	1,598,657
5.	1988 Land Acquisition	689,920	689,920
6.	1988 University-wide Construction	5,352,932	5,062,150
7.	1988 Mitchell 4-H Camp - Repairs	214,000	214,000
8.	1988 UNC - Asheville - Conference Center	2,200,000	2,200,000
9.	1988 North Carolina Arboretum	1,062,810	1,062,810
10.	N. C. State University - a. Engineering Graduate Center	6,000,000	3,000,000

	b. Centennial Center	2,000,000	1,000,000
11.	East Carolina University -		
	a. Joyner Library Addition	6,000,000	2,000,000
	b. Center for Regional Advancement	1,000,000	500,000
12.	University of North Carolina at Chapel Hill -		
	a. School of Business	6,500,000	5,000,000
	b. Social Work Building	4,140,500	2,500,000
13.	UNC - Asheville -		
	a. Conference Center	2,000,000	2,000,000
	b. Conference Center	2,000,000	-
14.	Fayetteville State University - Health/Physical Educ. Building	8,677,800	8,677,800
15.	Appalachian State University -		
	a. Student Activities Center	2,000,000	2,000,000
	b. Academic Support Building	500,000	500,000
16.	N. C. Arboretum	1,250,000	1,250,000
17.	Board of Governors - Land	1,000,000	1,000,000
18.	Area Health Education Centers - Construction Grants	1,100,000	1,100,000

Department of Community Colleges

	(Total)	6,000,000	2,905,000
1.	Anson Community College/Stanly Community College - Union Satellite	900,000	-
2.	Cape Fear Community College - Classroom	500,000	-
3.	Craven Community College - Student Activity Center	750,000	-
4.	Fayetteville Technical Community College - Center for Applied		

	Technology - Equipment	899,952	899,952
5.	Isothermal Community College - Fine Arts Center	320,000	-
6.	Johnston Community College - Renovate Library	90,000	90,000
7.	Pitt Community College - Vocational Building	28,577	28,577
8.	Roanoke-Chowan Community College - Technology/Small Business Center	368,645	368,645
9.	Rockingham Community College - Lab/Classroom Building	1,032,826	407,826
10.	Wake Technical Community College - Health Education Building	1,110,000	1,110,000

Department of Correction

	(Total)	1,955,600	1,955,600
1.	Reserve for Repairs - Statewide	347,800	347,800
2.	Wastewater and Water System Improvements	133,400	133,400
3.	Plumbing Repairs at 51 Units	517,600	517,600
4.	Substance Abuse Facility (Correctional Center for Women)	62,800	62,800
5.	DWI Treatment Facility (Goldsboro)	894,000	894,000

Department of Cultural Resources

	(Total)	950,000	-
1.	Ziegler House - Renovation	400,000	-
2.	C. H. Brown State Historic Site - Improvements	400,000	-

3.	Spencer Shops - Round House Renovations	150,000	-
Department of Economic and Community Development			
	(Total)	7,000,000	1,000,000
1.	Biotechnology Center - Construction Grant	1,000,000	1,000,000
2.	State Ports Authority - Expansion, Modernization, and Development	2,844,043	-
3.	State Ports Authority Development		
	a. Morehead City Port	2,130,263	-
	b. Wilmington Port	1,025,694	-
Department of Environment, Health, and Natural Resources			
	(Total)	9,550,000	7,700,000
1.	State Park System - Repairs and Renovations/Improvements	2,000,000	1,000,000
2.	State Park System - Land Purchases	400,000	-
3.	Headquarters - Forest Resources County Headquarters - Beaufort, Rutherford and Cumberland counties	900,000	450,000
4.	North Carolina Zoological Park - North American Phase	6,250,000	6,250,000
Department of Justice			
	(Total)	18,508,000	-
1.	State Bureau of Investigation Complex	18,508,000	-

**NC Solid Waste Mgt Capital Projects
Financing Agency**

(Total)	5,000,000	900,000
1. Solid Waste Revolving Fund	5,000,000	900,000

Office of State Budget and Management

(Total)	52,736,698	43,660,094
1. Clean Water and Sewer Program	11,000,000	10,500,000
2. Emergency Prison Construction Program	27,160,094	27,160,094
3. Low-Level Radioactive Waste Site Selection	6,000,000	6,000,000
4. Satellite Jail/Work Release Units	8,576,604	-
GRAND TOTAL	\$203,317,072	\$137,568,300

(b) Except where expressly repealed or amended by this act, the provisions of law relating to the capital projects set out in subsection (a) of this section,

- (1) Are not affected by language in subsection (a) repealing the amounts appropriated and appropriating new funds for the projects and
- (2) Apply to the funds appropriated in subsection (a).

—ADDITIONAL APPROPRIATIONS FOR CAPITAL PROJECTS

Sec. 3. Appropriations are made from the General Fund for the 1990-91 fiscal year for use by the State departments, institutions, and agencies to provide for capital improvement projects according to the following schedule:

Agency/Project **1990-91**

Department of Administration

1. New Museum of Natural Science - Planning	\$ 90,000
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Department of Agriculture

1. Southeastern Farmers' Market	-
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Wastewater Treatment Facility 140,000

Board of Governors - University of North Carolina

(Total) 1,853,000

1. University of North Carolina at Chapel Hill - Living and Learning Center for Autistic Adults 1,078,000

2. N. C. State University - Agriculture Programs - Castle Hayne Horticultural Research Station - Greenhouse and Support Facilities 275,000

3. Board of Governors - Land Acquisition 500,000

Department of Community Colleges

1. Repairs/Renovations of Franklin County satellite of Vance - Granville 133,592

Department of Crime Control and Public Safety

1. Construction of Armories at Clinton and Goldsboro
Total Requirements 5,409,300
Federal Matching 3,941,500
Local Matching 733,900
State Matching 733,900

Department of Cultural Resources

1. Museum of the Albemarle - Continued Planning 75,000

Department of Economic and Community Development

(Total) 2,600,000

1. State Ports Development - Long Range Planning 100,000

2. National Institute of Statistical Sciences (Research Triangle Park) 2,500,000

Department of Environment, Health, and

Natural Resources

(Total)	2,509,532
1. Coastal Reserves - Buxton Woods - Federal Matching	125,000
2. Reserve for Water Resources - Federal Matching	2,100,000
3. Shellfish Sanitation Lab Facility, Wilmington	284,532

Department of Human Resources

1. Murdoch Center - Renovate Parkview Cottage	1,400,000
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Department of Justice

1. Justice Academy - Classroom Building	2,000,000
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Office of State Budget and Management

(Total)	58,193,872
1. Reserve for Repairs and Renovations	5,543,872
2. Clean Water Program - Federal Match	6,150,000
3. Public School Construction Funds:	
a. ADM Fund Allocations	36,500,000
b. Critical Needs Allocations	10,000,000
GRAND TOTAL	\$ 69,728,896

—CONTINGENT APPROPRIATIONS FOR CAPITAL PROJECTS

Requested by: Senator Royall

Sec. 4. (a) Appropriations are made from the General Fund for the 1990-91 fiscal year for use by the State departments, institutions, and agencies to provide for capital improvement projects according to the following schedule:

Department of Justice

1. New State Bureau of Investigation Complex	18,508,000
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Department of Environment, Health, and Natural Resources

- | | |
|---|-----------|
| 1. North Carolina Zoological Park -
Completion of the North American Phase | 4,953,000 |
|---|-----------|

GRAND TOTAL	23,461,000
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(b) Subsection (a) of this section shall become effective only if the Director of the Budget certifies that adequate nonrecurring revenue is available to support these expenditures and that adequate revenue is otherwise available to meet budgeted expenditures. The Director of the Budget may consult with the Advisory Budget Commission prior to making this certification.

—NONRECURRING OPERATING APPROPRIATIONS

Sec. 5. Appropriations from the General Fund of the State for the maintenance of the State departments, institutions, and agencies, and for other purposes as enumerated are made for the fiscal year ending June 30, 1991, according to the schedule that follows. The amounts set out in the schedule are in addition to other appropriations from the General Fund for these purposes for the 1990-91 fiscal year. Amounts set out in brackets are reductions from General Fund appropriations for the 1990-91 fiscal year.

Current Operations - General Fund	1990-91
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Department of Community Colleges

- | | |
|---------------------------------|-----------|
| 1. Equipment and Book Purchases | 6,000,000 |
|---------------------------------|-----------|

—NONRECURRING STATE AID APPROPRIATIONS

Sec. 6. Appropriations from the General Fund of the State to State departments, institutions, and agencies for aid to certain governmental and nongovernmental units as enumerated are made for the fiscal year ending June 30, 1991, according to the following schedule:

Project	1990-91
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Department of Agriculture

- | | |
|---|----------|
| 1. Grant-in-Aid to the North Carolina
Strawberry Association, Inc., for
strawberry marketing and research | \$25,000 |
|---|----------|

**Department of Economic and
Community Development**

(Total)	3,150,000
1. Industrial Economic Development Fund	1,500,000
2. North Carolina Housing Trust Fund	1,000,000
3. Rural Economic Development Center, Inc. - Grants to Community Development Corporations incorporated under Chapter 55A of the General Statutes	650,000

**Board of Governors - University of
North Carolina**

1. North Carolina State University- Research Triangle World Trade Center	50,000
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Department of Human Resources

1. HUD Group Homes - For start-up and operational costs of 15 group homes for the developmentally disabled and 2 group homes and 2 apartment projects for the mentally ill as approved in the 1989 Section 202 allocation by the U. S. Department of Housing and Urban Development	1,525,978
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**Department of Environment, Health, and
Natural Resources**

(Total)	250,000
1. United Cerebral Palsy Group Homes and Developmental Centers	200,000
2. Rural Water Association, Inc. - Grant-in-aid	50,000

Department of Cultural Resources

- | | | |
|----|---|---------|
| 1. | Grassroots Arts Program - to be distributed on a per capita basis | 550,000 |
|----|---|---------|

Office of State Budget and Management

(Total)		2,580,000
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- | | | |
|----|--|-----------|
| 1. | North Carolina Performing Arts Center - Charlotte | 2,100,000 |
| 2. | Grant-in-Aid - Autistic Foundation of N.C. for development of camp and conference center | 300,000 |
| 3. | North Carolina Poverty Project, Inc. - Grant-in-Aid | 55,000 |
| 4. | The Pack Place Education, Arts and Service Center (Asheville) | 125,000 |

GRAND TOTAL		\$8,130,978
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—CURRENT OPERATIONS/RECURRING EXPENSES

Sec. 7. Appropriations from the General Fund of the State for maintenance of State departments, institutions, and agencies, and for other purposes as enumerated are made for the fiscal year ending June 30, 1991, according to the schedule that follows. The amounts set out in the schedule are in addition to other appropriations from the General Fund for these purposes for the 1990-91 fiscal year. Amounts set out in brackets are reductions from General Fund appropriations for the 1990-91 fiscal year.

General Fund		1990-91
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Department of State Auditor

- | | | |
|----|--|----------|
| 1. | Reduce State contributions to Pension Funds based upon actuarial report. | |
| a. | Firemen's Pension Fund | (95,859) |
| b. | Rescue Squad Worker's Pension Fund | (41,302) |

Department of the Secretary of State

- | | | |
|----|--|--|
| 1. | Reserve for implementation of the new N.C. | |
|----|--|--|

Business Corporation Act effective
January 1, 1991 386,160

Department of State Treasurer

1. Increase funding for data processing services
in Investment Management Division 150,000

**Department of Environment, Health, and
Natural Resources**

1. Children's Special Health Services
Funding Supplement 900,000

Department of Public Education

1. Purchase of 100 additional school buses 3,000,000
2. Additional support for Exceptional
Children Program 2,000,000

Department of Revenue

1. Reserve for workload created by passage of
bill to accelerate employer withholding
payments 1,252,678

Department of Agriculture

1. Reserve for staff and support related to
new Raleigh Farmers' Market opening
January 1, 1991 200,000

GRAND TOTAL \$7,751,677

PART II.—HIGHWAY FUND

—CAPITAL IMPROVEMENTS

Sec. 8. Appropriations are made from the Highway Fund for the 1990-91 fiscal year for use of the Department of Transportation to provide for capital improvement projects according to the following schedule:

Agency/Project 1990-91

Division of Highways

1.	Salt Storage Facilities	\$691,437
2.	Division of Highways Roof Replacements	226,150
3.	Land Acquisition and Sub-Maint.-Jonas Ridge	177,300
4.	Division Office Annex-Ahoskie	400,000
5.	Division Office Annex-Greenville	360,000
6.	Site Completion-Taylorsville	359,700
7.	Central Warehouse Expansion-Raleigh	226,225

Division of Motor Vehicles

1.	Reserve for Repairs to Parking Lots	97,000
2.	Reserve for Roof Replacements	94,300
3.	Land purchase and building design-Asheville	180,000
	GRAND TOTAL	\$2,812,112

PART III.—GENERAL PROVISIONS

Requested by: Senator Royall, Representative Diamont
—PROJECTS ON DELAYED STATUS

Sec. 9. Because adequate funds are not available for the 1990-91 fiscal year to meet all of the State's critical needs for capital projects and to appropriate funds for all projects that were placed on delayed status by the Governor, the General Assembly is unable to restore all of the funds for the projects or to meet other critical capital needs. The General Assembly urges the Governor to give highest priority to funds for these projects when he prepares his proposed budget for the 1991-93 fiscal biennium.

Requested by: Senator Royall, Representative Holmes
—RESTRICTION ON CAPITAL IMPROVEMENT EXPENDITURES/UNC
ENGINEERING GRADUATE RESEARCH CENTER

Sec. 10. (a) Notwithstanding any other provision of law, capital improvement projects for which funds are appropriated in Sections 2, 3, and 4 of this act shall not be available for expenditure prior to January 1, 1991, and until the Director of the Budget has certified that nonrecurring revenue sufficient to support these expenditures has been

realized or is anticipated to be realized prior to June 30, 1991. Prior to certification of funds as required under this section, the Director of the Budget may seek the advice of the Advisory Budget Commission.

This section is not applicable to any projects (i) on which construction contracts have been awarded; (ii) where federal, local, or private funds are available to match State funds; (iii) where agents of the State have made commitments to provide waste disposal facilities; or (iv) where necessary repairs must be made to State facilities.

(b) Notwithstanding subsection (a) of this section and any other provisions of law, funds appropriated for the 1990-91 fiscal year to the Board of Governors of The University of North Carolina for the Engineering Graduate Research Center at North Carolina State University shall be released as needed for site preparation and infrastructure for this facility on North Carolina State University's Centennial Campus.

Requested by: Senator Royall, Representative Holmes

—USE OF REPAIRS AND RENOVATIONS RESERVE FUNDS/PROJECTS

Sec. 11. (a) Notwithstanding G.S. 143-16.3, funds from the Repairs and Renovations Reserve may be used for repair and renovation of capital facilities for which the General Assembly considered but did not enact an appropriation of funds for the 1990-91 fiscal year.

(b) Of the funds appropriated to the Office of State Budget and Management for the 1990-91 fiscal year for repair and renovation projects, the following funds may be allocated for the following purposes:

- (1) Up to \$400,000 may be used for the Ziegler House for renovation;
- (2) Up to \$400,000 may be used for the C. H. Brown State Historic Site for improvements;
- (3) Up to \$150,000 may be used for Spencer Shops for Round House renovation; and
- (4) Up to \$400,000 may be used for Broughton Hospital for steam plant modifications.

Requested by: Senator Royall

—INTANGIBLES TAX DISTRIBUTION

Sec. 12. Notwithstanding G.S. 105-213(a), as amended by Chapter 813 of the 1989 Session Laws, the distribution required to be made in the 1990-91 fiscal year by that subsection shall be made by September 15, 1990, instead of by August 30, 1990.

Requested by: Representative Holmes

—SEQUESTRATION OF FUNDS/NON-STATE AGENCIES

Sec. 13. The Governor is urged, when performing his constitutional duty to balance the State budget, to consider sequestering State funds appropriated to non-State entities.

The Governor is urged, when performing his constitutional duty to balance the State budget, not to sequester funds appropriated to the Local Tax Reimbursement Reserve.

Requested by: Representative Diamont

—REVERSION OF CLEAN WATER REVOLVING LOAN/GRANT PROGRAM

Sec. 14. The balance of \$133,592.20 remaining in the North Carolina Clean Water Revolving Loan and Grant Program-Administrative Account is reverted to the General Fund.

Requested by: Representative Holmes

—REVERSION/REMAINDER \$120 MILLION WATER AND SEWER FUNDS

Sec. 15. Notwithstanding any other provision of law, funds appropriated to the Office of State Budget and Management as a Reserve for Clean Water Program by Section 4 of Chapter 480, Session Laws of 1985, (as limited by Section 5.12 of that act, as amended) that have not been contractually obligated by May 31, 1991, shall revert to the General Fund.

Requested by: Representative Michaux

—PUBLIC DEFENDER APPOINTMENT CHANGE

Sec. 16. (a) Subsection (d) of Section 127 of Chapter 1066 of the 1989 Session Laws, the Current Operations Appropriations Act of 1990, is repealed.

(b) Effective July 1, 1990, but to expire on December 31, 1990, G.S. 7A-466(d) reads as rewritten:

"(d) Except in Defender District 16B, for each new term beginning on or after January 1, 1989, and to fill any vacancy, the public defender for a defender district shall be appointed from a list of not less than ~~two~~three and not more than ~~three~~five names nominated by written ballot of the attorneys resident in the defender district who are licensed to practice law in North Carolina. The balloting shall be conducted pursuant to regulations promulgated by the Administrative Office of the Courts. The appointment shall be made by the senior resident superior court judge of the superior court district or set of districts as defined in G.S. 7A-44.1 which includes the county or counties of the defender district for which the public defender is being appointed."

PART IV.—GENERAL GOVERNMENT

Requested by: Senator Royall

—CHARGES FOR OVERDRAFT IN STATE TREASURER'S DISBURSING ACCOUNT

Sec. 17. G.S. 143-3.2 reads as rewritten:

"§ 143-3.2. Issuance of warrants upon State Treasurer.

(a) The State Controller shall have the exclusive responsibility for the issuance of all warrants for the payment of money upon the State Treasurer. All warrants upon the State Treasurer shall be signed by the State Controller, who before issuing them shall determine the legality of payment and the correctness of the accounts.

When the State Controller finds it expedient to do so because of a State agency's size and location, the State Controller may authorize a State agency to make expenditures

through a disbursing account with the State Treasurer. The State Controller shall authorize the Judicial Department and the General Assembly to make expenditures through such disbursing accounts. All deposits in these disbursing accounts shall be by the State Controller's warrant. A copy of each voucher making withdrawals from these disbursing accounts and any supporting data required by the State Controller shall be forwarded to the Office of the State Controller monthly or as otherwise required by the State Controller.

A central payroll unit operating under the Office of the State Controller may make deposits and withdrawals directly to and from a disbursing account. The disbursing account shall constitute a revolving fund for servicing payrolls passed through the central payroll unit.

The State Controller may use a facsimile signature machine in affixing his signature to warrants.

(b) The State Treasurer may impose on an agency a fee of fifteen dollars (\$15.00) for each check drawn against the agency's disbursing account that causes the balance in the account to be in overdraft or while the account is in overdraft. The financial officer shall pay the fee from non-State or personal funds to the General Fund to the credit of the miscellaneous non-tax revenue account by the agency."

Requested by: Senator Parnell, Representative Holmes

—INDIAN CULTURAL CENTER FUNDS

Sec. 18. (a) The State of North Carolina shall lease out for a period of 99 years at a monetary consideration of \$1.00 per year all the real property it acquired for the Indian Cultural Center, but no part of Phase I of the project may be constructed either by the State or for the lessee until an environmental impact assessment is completed on Phase I of the property, and if required pursuant to Article 1 of Chapter 113A of the General Statutes, an environmental impact statement is prepared.

Any lease agreement entered into by the State with the North Carolina Indian Cultural Center, Inc., shall include but not be limited to the following terms:

- (1) An environmental impact assessment pursuant to Article 1 of Chapter 113A of the General Statutes is completed on Phase I of the property.
- (2) The lease shall include a reversionary clause stipulating that the North Carolina Indian Cultural Center, Inc., must have the \$4,160,000 necessary to complete Phase I of this project in their possession, unencumbered, and subject to its immediate disposal within five years from the date of execution of the lease agreement.
- (3) If the funds are not so possessed within five years from the date of execution, then this lease agreement will automatically terminate.
- (4) The North Carolina Indian Cultural Center, Inc., as lessee, may conduct no construction of Phase I on the premises until it has fulfilled the terms of the lease agreement.

(b) Of the funds appropriated to the Department of Administration for fiscal year 1990-91 in Section 2 of this act for the Indian Cultural Center, the sum of \$100,000 shall be used for an environmental impact assessment, pursuant to Article 1 of Chapter

113A of the General Statutes, and construction of the Indian Cultural Center and the sum of \$50,000 shall be used for operating costs of the Center, as a grant-in-aid.

Requested by: Representative Diamont

—NORTH CAROLINA PERFORMING ARTS CENTER IN CHARLOTTE
COMMITMENT COMPLETION

Sec. 19. The appropriations in this act for the North Carolina Performing Arts Center in Charlotte, together with the interest earned on all the State funds appropriated for the center in any fiscal year, shall complete the State's commitment to provide \$15,000,000 for the construction of the North Carolina Performing Arts Center in Charlotte.

Requested by: Senator Raynor, Representatives Easterling, Hurley

—VETERANS HOME STUDY COMMISSION

Sec. 20. (a) The Veterans Home Study Commission is created. The Commission shall consist of 10 members appointed by the Speaker of the House of Representatives and the President Pro Tempore of the Senate. The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall each appoint one member from his or her respective body of the legislature and from the North Carolina American Legion, the North Carolina Veterans of Foreign Wars, the North Carolina Disabled American Veterans, and the North Carolina American Veterans of World War II (AMVETS) from a list submitted to each of them from the governing body of each organization containing three recommendations for Commission membership.

(b) The Speaker of the House of Representatives shall designate one member of the Commission as cochairman and the President Pro Tempore of the Senate shall designate one member as cochairman. The cochairmen shall call the initial meeting of the Commission.

(c) The Commission shall study the construction of a State veterans home, the identification of a site for the home, and the operation, management, and ongoing costs for a State veterans home. The Commission shall formulate funding recommendations to be made to the General Assembly that will fully implement a State veterans home program to serve adequately the veterans in North Carolina. The Commission may assist the State in making an application to secure federal grant matching funds for the construction of a State veterans home, may visit veterans homes in other states, and may contract with consultants, architects, engineers, contractors, and other experts in the field of veteran home construction.

(d) The Commission shall submit a report of its findings and recommendations to the 1991 General Assembly.

(e) Upon the approval of the Legislative Services Commission, the Legislative Services Officer shall assign professional staff to assist in the work of the Commission. Clerical staff shall be furnished to the Commission through the offices of House and Senate Supervisors of Clerks. The expenses of employment of the clerical staff shall be paid by the Commission. The Commission may employ professional staff as necessary

to perform its duties. The Commission may meet in the State Legislative Building or the Legislative Office Building, upon the approval of the Legislative Services Commission.

(f) Members of the Commission shall be paid subsistence and travel allowances as follows:

- (1) Commission members who are also General Assembly members at the rate established in G.S. 120-3.1;
- (2) Commission members, if any, who are also officials or employees of the State at the rate established in G.S. 138-6; and
- (3) All other Commission members at the rate established in G.S. 138-5.

(g) The Commission may be funded from funds available to the Legislative Services Commission for the 1990-91 fiscal year.

PART V.—EMPLOYEE BENEFITS

Requested by: Senator Johnson of Wake

—FUNDS FOR ADMINISTRATION OF PERFORMANCE PAY PLAN

Sec. 21. Of the funds appropriated for fiscal year 1990-91 in Sections 3 and 4 of Chapter 752 of the 1989 Session Laws as a Reserve for Salary Increases and a Reserve for Compensation Increases, respectively, any amount not required to be transferred by the Director of the Budget from the Reserves to State agencies, departments, and institutions for salary and compensation increases may be transferred to the Department of Administration, up to a total amount not to exceed the sum of \$500,000, to be used by the Office of State Personnel in administering the performance pay plan for State employees subject to the same provisions of the State Personnel Act.

Requested by: Representative Lineberry

—LEO RETIREES/STATE HEALTH PLAN

Sec. 22. (a) G.S. 135-40.2(a) reads as rewritten:

"(a) The following persons are eligible for coverage under the Plan, on a noncontributory basis, subject to the provisions of G.S. 135-40.3:

- (1) All permanent full-time employees of an employing unit who meet the following conditions:
 - a. Paid from general or special State funds, or
 - b. Paid from non-State funds and in a group for which his or her employing unit has agreed to provide coverage.

Employees of State agencies, departments, institutions, boards, and commissions not otherwise covered by the Plan who are employed in permanent job positions on a recurring basis and who work 30 or more hours per week for nine or more months per calendar year are covered by the provisions of this subdivision.

- (1a) Permanent hourly employees as defined in G.S. 126-5(c4) who work at least one-half of the workdays of each pay period.

- (2) Retired teachers, State employees, ~~and~~ members of the General Assembly ~~Assembly~~, and retired State law enforcement officers who retired under the Law Enforcement Officers' Retirement System prior to January 1, 1985.
- (2a) Surviving spouses of:
 - a. Deceased retired employees, provided the death of the former plan member occurred prior to October 1, 1986; and
 - b. Deceased teachers, State employees, and members of the General Assembly who are receiving a survivor's alternate benefit under any of the State-supported retirement programs, provided the death of the former plan member occurred prior to October 1, 1986.
- (3) Repealed by Session Laws 1985 (Reg. Sess., 1986), c. 1020, s. 29(b), effective January 1, 1988.
- (3a) Employees of the General Assembly, not otherwise covered by this section, as determined by the Legislative Services Commission, except for legislative interns and pages.
- (4) Members of the General Assembly."

(b) This section shall become effective the first day of the calendar month following ratification of this act, and applies to coverage in accordance with the provisions of G.S. 135-40.3.

PART VI.—EDUCATION

Requested by: Senator Conder

—SCHOOL SUPPLEMENTAL INSTRUCTIONAL MATERIAL/
DIFFERENTIATED PAY PLANS

Sec. 23. (a) G.S. 115C-98(b) reads as rewritten:

"(b) Local boards of education shall adopt written policies concerning the procedures to be followed in their local school administrative units for the selection and procurement of supplementary textbooks, library books, periodicals, audio-visual materials, and other supplementary instructional materials needed for instructional purposes in the public schools of their units.

Local boards of education shall have sole authority to select and procure supplementary instructional materials, whether or not the materials contain commercial advertising, to determine if the materials are related to and within the limits of the prescribed curriculum, and to determine when the materials may be presented to students during the school day. Supplementary materials and contracts for supplementary materials are not subject to approval by the State Board of Education.

Supplementary books and other instructional materials shall neither displace nor be used to the exclusion of basic textbooks."

(b) G.S. 115C-47 is amended by adding a new subdivision to read:

"(33) Local boards of education shall have sole authority to select and procure supplementary instructional materials, whether or not the

materials contain commercial advertising, pursuant to the provisions of G.S. 115C-98(b)."

(c) G.S. 115C-238.4 is amended by adding a new subsection to read:

"(f) If a local school administrative unit bases its differentiated pay plan on a locally designed school-based performance program, pursuant to subdivision (a)(3) of this section, the plan shall provide that following the attainment of the local school goals, the local board of education shall make a determination of which certified staff members contributed to the attainment of those goals. Differentiated pay bonuses shall then be distributed to those designated employees. The local board of education shall make the determination upon recommendation of (i) the superintendent and (ii) any other person or committee designated in the local differentiated pay plan. The other person or committee designated in the local differentiated pay plan may be the principal, a school-based committee, or any other person or local committee."

(d) The State Board of Education shall study the use in the public schools of supplementary materials that contain commercial advertising or that identify commercial products and that are provided to the public schools at less than fair market value. The State Board shall evaluate the impact of these supplementary materials on the instructional program in the public schools.

The State Board shall report the results of this study to the General Assembly prior to March 15, 1991.

Requested by: Senator Kaplan

—PARENTAL INVOLVEMENT IN SCHOOLS/STUDY

Sec. 24. The Education Study Commission, which was created in Part V of Chapter 802 of the 1989 Session Laws, shall study the concept of requiring parents to spend time at school with their children. During the course of this study, the Education Study Commission shall consider the legislation proposed in the first edition of Senate Bill 1524 of the 1989 Session.

Requested by: Senator Royall, Representative Diamont

—SCHOOL ADMINISTRATOR SALARY SCHEDULE

Sec. 25. (a) Section 38(a1) of Chapter 752 of the 1989 Session Laws is repealed.

(b) Section 38(a2) of Chapter 752 of the 1989 Session Laws reads as rewritten:

"(a2) Superintendents, Assistant Superintendents, Associate Superintendents, Supervisors, Directors, Coordinators, Evaluators, Program Administrators, Principals, and Assistant Principals—1990-91. The Director of the Budget may transfer from the salary increase reserve fund created in Section 3 of this act for fiscal year 1990-91 funds necessary to provide an average annual salary increase of six percent (6%), including funds for the employer's retirement and Social Security contributions, commencing July 1, 1990, for all superintendents, assistant superintendents, associate superintendents, supervisors, directors, coordinators, evaluators, program administrators, principals, and assistant principals whose salaries are supported from the State's General Fund. ~~These funds shall be allocated to individuals according to rules adopted by the State Board of~~

~~Education and the Superintendent of Public Instruction so as to begin the first year of the implementation schedule of the salary schedule developed pursuant to subsection (a1) of this section.—~~These funds may not be used for any purpose other than for the salary increase and necessary employer contributions provided by this subsection."

Requested by: Senator Royall

—EDUCATION GOVERNANCE STUDY

Sec. 26. The Task Force on Excellence in Secondary Education of the Department of Public Instruction shall study the method of selecting education officials and the educational governance structure at the State level. The Task Force shall report the results of its study and its recommendations to the General Assembly prior to the convening of the 1991 General Assembly.

Requested by: Representative Chapin

—YEAR-ROUND EDUCATION

Sec. 27. (a) The State Board of Education shall study the concept of year-round education and shall develop policies and procedures for local school administrative units that want to implement year-round education. The State Board of Education shall report the results of its study and any policies and procedures it develops to the General Assembly prior to the convening of the 1991 General Assembly.

The State Board shall also develop a grant program for local school administrative units to use in planning for the implementation of year-round education.

(b) The Department of Public Instruction shall develop the ability to offer technical expertise to local school administrative units that want to implement year-round education.

(c) The Department of Public Education shall fund this study from funds available to it.

Requested by: Representative Diamont

—PUBLIC SCHOOL TESTING FUNDS

Sec. 28. Of the funds appropriated for aid to local school administrative units for the 1990-91 fiscal year, the State Board of Education may allocate \$375,000 to the Department of Public Instruction to implement and administer end-of-course tests in physical sciences and English II (essay) and to develop end-of-grade tests for grades three through eight, necessary to implement the School Improvement and Accountability Act of 1989.

PART VII.—HUMAN RESOURCES

Requested by: Senator Royall, Representative Diamont

—PRESCRIPTION DRUG REIMBURSEMENT CHANGE

Sec. 29. (a) Section 70(a)(6), of Chapter 500 of the 1989 Session Laws, as rewritten by Section 139(a) of Chapter 752 of the 1989 Session Laws of the 1989 Session Laws, reads as rewritten:

"(6) **Drugs** - Drug costs as allowed by federal regulations plus ~~four dollars twenty-four cents (\$4.24)~~ four dollars forty-five cents (\$4.45) professional services fee per month excluding refills for the same drug or generic equivalent during the same month. Reimbursement shall be available for up to six prescriptions per recipient, per month, including refills. Payments for drugs are subject to the provisions of subsection (g) of this section and to the provisions at the end of subsection (a) of this section, or in accordance with a plan adopted by the Department of Human Resources consistent with federal reimbursement regulations."

(b) Effective upon the reduction of the estimated drug acquisition cost below the Average Wholesale Price, Section 70(a)(6) of Chapter 500 of the 1989 Session Laws, as rewritten by Section 139(a) of Chapter 752 of the 1989 Session Laws, and as further rewritten by subsection (a) of this section, reads as rewritten:

"(6) **Drugs** - Drug costs as allowed by federal regulations plus ~~four dollars eighty-five cents (\$4.85)~~ five dollars ten cents (\$5.10) professional services fee per month excluding refills for the same drug or generic equivalent during the same month. Reimbursement shall be available for up to six prescriptions per recipient, per month, including refills. Payments for drugs are subject to the provisions of subsection (g) of this section and to the provisions at the end of subsection (a) of this section, or in accordance with a plan adopted by the Department of Human Resources consistent with federal reimbursement regulations."

(c) Section 139(b) of Chapter 752 of the 1989 Session Laws is repealed.

(d) Subsections (a), (b), and (c) of this section shall become effective only if the Department identifies funds available to it sufficient to implement the increases established pursuant to these subsections.

Requested by: Senators Walker, Marvin

—HEAD START/ELDERLY AND NEEDY PROGRAM FUNDS

Sec. 30. (a) Of the funds appropriated in Section 6 of Chapter 1066 of the 1989 Session Laws, the Current Operations Appropriations Act of 1990 under the Social Services Block Grant for day care services, the sum of \$200,000 shall be allocated to the Department of Human Resources, Division of Economic Opportunity, for the continuation of Head Start programs and services for children eligible for these programs and services, and for the continuation of the services to the elderly and needy funded in Section 47 of Chapter 754 of the 1989 Session Laws.

(b) There is appropriated from the General Fund to the Department of Human Resources, Division of Economic Opportunity, the sum of \$50,000 for the 1990-91 fiscal year to continue funding for those Head Start programs and services and those services to the elderly and needy described in subsection (a) of this section.

Requested by: Representative H. Hunter

—AREA MENTAL HEALTH PILOT PROGRAM

Sec. 31. The Secretary of Human Resources may designate as a pilot program one area mental health, developmental disabilities, and substance abuse authority to be covered by the provisions of G.S. 160A-20 as if it were a county. The area authority so designated may borrow an amount not to exceed \$100,000 as part of the transaction. No transaction may be entered into under this section after July 1, 1991. In applying this section, the Secretary shall use criteria to choose the area authority based on its readiness to proceed, and based on the ability of the proposal to provide separation of a partial hospitalization program and a psychosocial program for severely and persistently mentally ill clients.

PART VIII.—NATURAL AND ECONOMIC RESOURCES

Requested by: Senator Plyler, Representative Redwine

—NC AGRICULTURAL FINANCE AUTHORITY

Sec. 32. (a) Section 109 of Chapter 500 of the 1989 Session Laws is repealed, except that such repeal reenacts Chapter 122D of the General Statutes only as provided by subsection (b) of this section.

(b) Chapter 122D of the General Statutes is reenacted, with the exception of G.S. 122D-6(12), 122D-6(15), 122D-10, 122D-12, 122D-14, 122D-15, and 122D-17.

(c) G.S. 120-123(47) is reenacted.

(d) The amendment made to G.S. 53-234(6)(d) by Section 109(f) of Chapter 500, Session Laws of 1989, is repealed.

(e) Of the funds that were in the Reserve for Farm Loans on June 30, 1990, a sum not to exceed \$204,627 may be reallocated to the North Carolina Agricultural Finance Authority for the 1990-91 fiscal year for the administration of Chapter 122D of the General Statutes, notwithstanding any provision of law to the contrary.

Requested by: Senator Hunt, Representative Diamont

—COMMUNITY DEVELOPMENT CORPORATIONS FUNDS

Sec. 33. (a) Of the funds appropriated to the Department of Economic and Community Development for the 1990-91 fiscal year for the Rural Economic Development Center, Inc., the sum of \$650,000 shall be used for grants to be disbursed to community development corporations which are incorporated under Chapter 55A of the General Statutes and which currently serve minority and underdeveloped communities.

(b) The Rural Economic Development Center, Inc., shall make a written report by May 1, 1991, to the General Assembly on the use of the funds appropriated under subsection (a) of this section.

(c) No funds allocated under subsection (a) of this section shall be used for administrative expenses of the Rural Economic Development Center, Inc., and any interest earned on unexpended funds shall be used for grants pursuant to subsection (a) of this section.

Requested by: Representative Diamont

—WATER RESOURCES DEVELOPMENT PROJECTS

Sec. 34. (a) Of the funds appropriated to the Department of Environment, Health, and Natural Resources for the 1990-91 fiscal year, the sum of \$2,100,000 shall be used for water resources development projects. The Department shall fund the following projects, whose estimated costs are as indicated:

(1)	Morehead City Harbor Maintenance Dredging	\$ 50,000
(2)	Beaufort Harbor Maintenance Dredging	80,000
(3)	Lower Creek (City of Lenoir) Flood Control	169,000
(4)	Aquatic Weed Control Projects	37,000
(5)	Carolina Beach Renourishment	800,000
(6)	State/Local Water Development Projects	278,000
(7)	Wilmington Harbor Passing Lane Study	18,000
(8)	Wilmington Harbor Turns and Bends Study	13,000
(9)	Corps of Engineers Feasibility Studies as funds are available	
(10)	Colington Bay Navigation	200,000
(11)	Small Watershed	380,000
(12)	Great Coharie (Sampson County) Flood Control	75,000

(b) Where the actual costs are different from the estimated costs under subsection (a) of this section, the Department may adjust the allocations among projects as needed. If any projects listed in subsection (a) of this section are delayed and the budgeted State funds cannot be used during the 1990-91 fiscal year, or if the projects listed in subsection (a) are accomplished at a lower cost, the Department may use the resulting fund availability to fund:

- (1) Corps of Engineers project feasibility studies, or
- (2) Corps of Engineers projects whose schedules have advanced and require State matching funds in fiscal year 1990-91.

Funds not expended or encumbered for these purposes shall revert to the General Fund at the end of the 1991-92 fiscal year.

(c) Beginning October 1, 1990, the Department shall make quarterly reports on the use of these funds to the Joint Legislative Commission on Governmental Operations, the Director of the Fiscal Research Division, and the Office of State Budget and Management. Each report shall include:

- (1) All projects listed in subsection (a) of this section;
- (2) The estimated cost of each project;

- (3) The date work on each project began or is expected to begin;
- (4) The date work on each project was completed or is expected to be completed; and
- (5) The actual cost of each project.

The quarterly reports shall also show those projects advanced in schedule, those projects delayed in schedule, and an estimate of the amount of funds expected to revert to the General Fund.

Requested by: Representative Holmes

—INSTITUTE OF STATISTICAL SCIENCES MATCHING FUNDS

Sec. 35. Funds appropriated for the 1990-91 fiscal year to the Department of Economic and Community Development for the Institute of Statistical Sciences shall be matched on the basis of one State dollar for one non-State dollar.

No State funds shall be disbursed until the design or construction contracts are awarded for the Institute's facility.

Requested by: Representatives B. Ethridge, Redwine

—TRANSFER OF TRAVEL AND TOURISM FUNDS

Sec. 36. The Department of Economic and Community Development may transfer up to \$176,000 of the funds appropriated for the 1990-91 fiscal year for promotional advertising in the Division of Travel and Tourism to establish and maintain two positions for direct marketing and one position for media development.

Requested by: Senator Basnight

—LEGISLATIVE SERVICES COMMISSION TO PAY FOR CHAIRMAN OF SENATE NATURAL AND ECONOMIC RESOURCES APPROPRIATIONS COMMITTEE TO ATTEND HIGHWAY OVERSIGHT COMMITTEE MEETINGS

Sec. 37. The Legislative Services Commission shall pay the costs of the attendance of the Chairman of the Senate Appropriations Committee on Natural and Economic Resources at all meetings of the Joint Legislative Highway Oversight Committee. These subsistence and travel expenses shall be as provided in G.S. 120-3.1.

PART IX.—TRANSPORTATION

Requested by: Senators Basnight, Plyler

—D.O.T. CONTRACT RETAINAGE DEPOSITS

Sec. 38. Chapter 136 of the General Statutes is amended by adding a new section to read:

"§ 136-28.9. Retainage - construction contracts.

Notwithstanding the provisions of G.S. 147-69.1, 147-77, 147-80, 147-86.10, and 147-86.11, or any other provision of the law, the Department of Transportation is authorized to enter into trust agreements with banks and contractors for the deposit of retainage and for the payment to contractors of income on these deposits, in connection with highway construction contracts, in trust accounts with banks in accordance with

Department of Transportation regulations, including deposit insurance and collateral requirements. The Department of Transportation may contract with those banks without trust departments in addition to those with trust departments. Funds deposited in any trust account shall be invested only in bonds, securities, certificates of deposits, or other forms of investment authorized by G.S. 147-69.1 for the investment of State funds. The trust agreement may also provide for interest to be paid on uninvested cash balances."

PART X.—MISCELLANEOUS PROVISIONS

Requested by: Senator Royall, Representative Diamont

—EXECUTIVE BUDGET ACT APPLIES

Sec. 39. 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.

Requested by: Senator Royall, Representative Diamont

—MOST TEXT APPLIES ONLY TO 1990-91

Sec. 40. Except for statutory changes or other provisions that clearly indicate an intention to have effects beyond the 1990-91 fiscal year, the textual provisions of this act apply only to funds appropriated for, and activities occurring during, the 1990-91 fiscal year.

Requested by: Senator Royall, Representative Diamont

—1989-90 APPROPRIATIONS LIMITATIONS AND DIRECTIONS APPLY

Sec. 41. Except where expressly repealed or amended by this act, the provisions of Chapters 500, 752, 754, 795, and 799 of the 1989 Session Laws, as amended, and Chapter 1066 of the 1989 Session Laws, the Current Operations Appropriations Act of 1990, as amended, remain in effect.

Sec. 42. Notwithstanding any modifications by this act in the amounts appropriated, except where expressly repealed or amended, the limitations and directions for the 1990-91 fiscal year in Chapters 500, 752, 754, 795, and 799 of the 1989 Session Laws, as amended, and Chapter 1066 of the 1989 Session Laws, the Current Operations Appropriations Act of 1990, as amended, that applied to appropriations to particular agencies or for particular purposes apply to the newly enacted appropriations and budget reductions of this act for those same particular purposes.

Requested by: Senator Royall, Representative Diamont

—EFFECT OF HEADINGS

Sec. 43. The headings to the parts and sections 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.

Requested by: Senator Royall, Representative Diamont

—SEVERABILITY CLAUSE

Sec. 44. 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.

Requested by: Senator Royall, Representative Diamont

—EFFECTIVE DATE

Sec. 45. Except as otherwise provided, this act shall become effective July 1, 1990.

In the General Assembly read three times and ratified this the 28th day of July, 1990.