

March 26, 2009

H 836. REMOVAL OF ELECTRONIC MONITORING DEVICE (=S 713). Filed 3/26/09. *TO CREATE THE CRIMINAL OFFENSE OF REMOVING, DESTROYING, OR CIRCUMVENTING THE OPERATION OF AN ELECTRONIC MONITORING DEVICE.*

Identical to S 713, filed 3/19/09.

Intro. by Tillis.

GS 14

May 5, 2009

H 836. REMOVAL OF ELECTRONIC MONITORING DEVICE. Filed 3/26/09. House committee substitute makes the following changes to 1st edition. Amends GS 14-226.3 to expand the prohibition against interfering with an electronic monitoring device to provide that it is unlawful for an unauthorized person to remove an electronic monitoring device that a person is wearing as a condition of post-release supervision. Provides that if a person is required to comply with electronic monitoring because of a conviction for a criminal offense, a violation of this section is a felony one class lower than the underlying felony or a misdemeanor one class lower than the underlying misdemeanor for which the person was convicted. However, if the underlying offense is a Class I felony, then a violation of this section is a Class A1 misdemeanor. Provides that violation of this section by a person who is required to have an electronic monitoring device as a condition of bond or pretrial release is a Class 1 misdemeanor. Makes violation of this section by any other person a Class 2 misdemeanor. In the 1st edition, a violation of this section was a Class E felony. Makes technical changes.

August 7, 2009

H 836. MODIFY APPROPRIATIONS ACT (NEW). Filed 3/26/09. Senate committee substitute deletes all the provisions of 2nd edition and replace it with *AN ACT TO MAKE TECHNICAL, CLARIFYING, AND OTHER MODIFICATIONS TO THE APPROPRIATIONS ACT OF 2009.*

Provides that if Senate Bill 202, *Appropriations Act of 2009*, 2009 Regular Session, becomes law, then the Sections of that act are amended as indicated.

SECTION 2.1. Amends the appropriations from the General Fund to state departments, institutions, and agencies in the following amounts (only includes amounts that were amended).

Current Operations-General Fund	2009-2010	2010-2011
Department of Public Instruction	\$7,458,261,240	\$7,360,833,223
Commerce	44,528,421	
Rural Economic Development Center	24,407,436	
Department of Crime Control and Public Safety	34,320,831	
33,718,963		
Department of Juvenile Justice and	148,752,858	
147,183,945		
Delinquency Prevention		

Total Current Operations-General Fund **19,010,057,199**

19,559,764,576

SECTION 2.2. Amends amounts as indicated in the General Fund Availability Statement used in developing the 2009-11 biennial budget. Only includes amounts that were amended.

	FY 2009-2010	FY 2010-2011
Projected Reversions FY 2008-09		
\$3,702,182		
Beginning Unreserved Fund Balance		
3,702,182		
Total General Fund Availability		
18,117,002,182		

Adjustments to Availability: 2009 Session

Increase Health Services Regulation Fees	1,122,990
1,122,990	

Subtotal Adjustments to Availability: 1,410,267,370
1,525,663,331
2009 Session

Revised General Fund Availability 19,018,634,381
19,642,665,513
Less: General Fund Appropriations 19,014,932,199
19,559,764,576
Unappropriated Balance Remaining 3,702,182
3,702,182

Amends Section 2.2(g) to provide that the amounts listed to be transferred to the State Controller are to be deposited in Nontax Budget Code 19978 (was, 18878).

SECTION 6.6C.(d). Provides that noting in this subsection is to be construed to prohibit the use of federal American Recovery and Investment Act funds to employ teachers, other school personnel, and faculty and other university personnel (was, teachers and other school personnel) for the 2009-11 fiscal biennium (was, for the 2009-10 school year).

SECTION 6.8. Enacts a new subsection to provide for ESRI License Funding Directs the State Chief Information Officer (Information Officer) to use up to \$600,000 from funding appropriated to the Information Technology Fund during the 2009-10 fiscal year to support ESRI licenses for state agencies. Permits the Information Officer to use anticipated carryforward from 2009-10 to provide funding for those licensing fees. Prohibits the Information Officer from charging subscription fees to fund ESRI licenses.

SECTION 6.13. Makes the feasibility study on coordinating the operation of the NC Research and Education Network and the state network infrastructure due to the Joint Legislative Oversight Committee on Information and Technology on January 1, 2010 (was, October 31, 2009). Clarifies that the feasibility study is to be conducted by the Office of State Budget and Management (OSBM) and the Office of Information and Technology Services. Following completion of the feasibility study, a coordination plan is to be completed by May 1, 2010 (was, February 28, 2010).

SECTION 6.16. Directs the OSBM and the Office of the State Chief Information Officer (OSCIO) to develop a plan for converting one or more paper forms to an electronic format (was, directed the OSBM to develop the plan after completing an inventory of all paper and electronic forms in use). Makes additional conforming changes pairing the OSBM and OSCIO as the responsible agencies.

SECTION 7.4(a)(5). Increases the base for the consolidated funds allotment, excluding textbooks, to \$788,789 for the 2009-10 fiscal year, and \$788,789 for the 2010-11 fiscal year (was, \$717,360 for each fiscal year). Provides that notwithstanding the specified provisions in the Joint Conference Committee Report dated August 3, 2009, there is no reduction in funds for small county supplemental funding.

SECTION 7.12(a). Deletes requirement that the transfer of up to \$350,000 to the Office of the Governor for NC Virtual be done annually.

SECTION 7.13(f). Clarifies that the allocation of dropout prevention funds for vendor contracts with consultants is in the amount of \$100,000 per fiscal year for 2009-10, and 2010-11; and that the allocation to the Department of Public Instruction for administrative and technical assistance is in the amount of \$175,000 per fiscal year for 2009-10 and 2010-11.

SECTION 7.18(b). Provides that the savings resulting from eliminating tests are to be used to implement the directive in this section to the State Board of Education to investigate and pilot a developmentally appropriate diagnostic assessment of students in elementary grade for the 2009-10 school year.

SECTION 7.19. Amends Section 7.19, *Development of a PreK-20 Data System*, to delete the term, "Department of Public Instruction" wherever it appears and replace it with "State Board of Education." Requires that the technical specifications and data standards for a PreK-20 data system be submitted to the Education Cabinet no later than March 1, 2010 (was, January 1, 2010). Directs the Education Cabinet to review the standards and specifications and make its recommendations by April 1, 2010 (was, March 1, 2010).

SECTION 7.41. Makes the repeal of SL 2008-86, which permitted Board Certified Teachers to serve as full-time mentors, effective June 30, 2011 (was, January 1, 2011).

SECTION 7.42 (NEW). Allocates up to \$200,000 of the appropriation to the Department of Public Instruction for the 2009-10 fiscal year to be used to support a Leadership Academy that provides professional development to superintendents.

SECTION 7.43. (NEW). Directs the Joint Legislative Education Oversight Committee (JLEOC) to develop a plan to restructure the North Carolina Teacher Salary Schedule. Provides factor that JLEOC should consider in restructuring the salary schedule. Authorizes JLEOC to contract for consultant services as provided by GS 120-32.02 and encourages the committee to seek partnerships with other state and national public and private groups in designing the new salary schedule. Requires the JLEOC to report on the plan to the General Assembly no later than September 30, 2010.

SECTION 7.44. (NEW). Authorizes the State Board of Education to use up to \$1.5 million out of available funds previously set aside from GS 115C-546.2 to support positions in the Department of Public Instruction's Support Services Division.

SECTION 8.11(d). Provides that senior citizens age 65 or older may take up to 96 contact hours of noncredit instruction per academic semester at state community colleges with no tuition fee.

SECTION 10.19A.(a) Provides that the Department of Health and Human Services (DHHS) must reduce the allocation of state funds to each local management entity (LME) as necessary to achieve budget reductions in this act giving consideration to the LME's unrestricted fund balance and the LME's ability to supplement funding of services without impairing its financial stability (was, a reduction by 10% in each fiscal year). Deletes other provisions related to the use of an LME's fund balance.

SECTION 10.68A. Allows a provider of services under the Medicaid program to be subject sanctions, including exclusion from further participation in the Medicaid program if the provider fails to comply with the required record retention.

SECTION 10.68B. (NEW). Provides criteria for utilization management of outpatient imaging services under the Medicaid program. Includes vendor requirements and contract and reporting requirements.

SECTION 10.78.(a) Reduces the total for the Child Care and Development Fund Block Grant received through ARRA to \$67,543,134 from \$67,543,143.

SECTION 10.78.(p) Deletes that the county demonstration grants used to identify best practices that can be used by counties to improve work participation rates may be awarded for up to three years.

SECTION 10.78.(ff) Specifies that the funds appropriated for the North Carolina Institute of Medicine under this section are to be used for at least two of the specified purposes (was, must be used for the three listed purposes).

SECTION 15.20.(n) Changes the effective date of Section 15.20(m) (amendments to GS 7A-321) to September 1, 2009 (was, July 1, 2009) and applies to fees assessed or collected on or after that date.

SECTION 17.4. Requires the Office of State Budget and Management (OSBM) to study the feasibility of consolidating the law enforcement agencies of state government (was, in the executive branch of state government) for the stated purposes. Allows OSBM to consider law enforcement functions within any state government agency where consolidation with other functions in other agencies, departments, or institutions can generate efficiencies and economies and improve coverage of the required enforcement function.

SECTION 17.4A. Amends subsection 11 of SL 2008-220 to require funds allocated by SL 2008-107 to the Governor's Crime Commission to be used for a grant to the North Carolina Sheriff's Association (was, to fund grants to eligible sheriff's offices) to assist with training and technical assistance in the enforcement of (was, assist in the enforcement of) sex offender laws. Makes conforming changes. Deletes the matching funds requirement.

Provides that notwithstanding specified items in the committee report the following: (1) The six vacant positions eliminated are three assistant capital defender positions, one assistant appellate defender position, and two assistant public defender positions. (2) The elimination of the SOS program results in a reduction of \$6,171,062 for 2009-10 and \$6,171,062 for 2010-11.

(3) Samarkand YDC closes July 1, 2010, rather than September 1, 2009, and the cut for 2009-10 regarding its closure is eliminated and the cut to positions for 2009-10 is eliminated. (4) Adjust the continuation budget for the Department of Crime Control and Public Safety by reducing it by \$2,124,937 in 2009-10 and by \$2,291,729 in 2010-11. (5) prohibits the Department of Crime Control and Public Safety from eliminating 2 vacant positions and requires that the specified 4 vacant positions be eliminated.

SECTION 19.20. Requires the Department of Correction (DOC) to consult with the State Health Plan for Teachers and State Employees (Plan) and the Plan's claims processing contractor to develop a mutually agreed upon procedure by December 1, 2009, for DOC to obtain and pay for medically necessary services for inmates committed to its custody from providers and medical facilities (was, directed DOC to obtain services from the Plan's provider network). Provides that such an agreement may require the Plan to amend its contracts with its claims processing contractor. Allows DOC to delegate the administration of the payment process to the Executive Administrator of the Plan. Changes the effective date for subsection (a) to when it is signed into law (was, for provider contracts executed or renewed with the claims processing contractor for the Plan on or after October 1, 2009). Requires DOC to enter enrollment information for the inmates into the Plan's claims processor's system through one central location. Provides that the Plan and its claims processor are not responsible for the equitable distribution of inmates among all hospitals or other appropriate health care facilities in a region.

SECTION 19.22B. Provides that DOC must continue to fund the operation of the specified wastewater treatment system for a one year (was, six months) after closing the Gates County Correctional Center. Makes a conforming change to Section 120 of SL 1989-1066, as amended.

SECTION 19.26.(f) Specifies that the section *applies to persons ordered to perform community service on or after September 1, 2009.*

Notwithstanding a specified item in the Joint Conference Committee Report, transfers \$500,000 from the Department of Commerce to the NC Rural Economic Development Center to be used to support existing small business.

SECTION 21A.2. Instead of amending GS 143B-30.1(d), sets out uncodified provision setting the daily compensation for members of the Rules Review Commission who are not officers or employees of the state at \$150 and limits this provision to fiscal year 2010-11.

Specifies that notwithstanding item 23 on page J5 of the committee report, three specified assistant state auditor positions are to be funded from single audits of State agencies and institutions.

SECTION 25.10. Adds new section requiring the Division of Motor Vehicles to replace the current out of state contractors handling questions from service station operations about the emissions program with state employees at an existing DMV call center. Allows up to 15 new receipt supported positions to be created.

SECTION 26A.1. Also allows salary increase for UNC faculty for retention adjustments funded from available non-state funding sources.

Makes technical changes to Sections 8.6(b), 10.31(b), 10.52(a), 10.41(a), 14.19(e2), GS 7A-44(a), as amended by Section 15.10, and GS 7A-304, as enacted by Section 15.20(c).

H 836. MODIFY APPROPRIATIONS ACT. Filed 3/26/09. Senate amendments make the following changes to 3rd edition. Amendment #1 provides that in Section 12 the \$500,000 is to be appropriated (was, transferred from the Department of Commerce) to the NC Rural Economic Development Center. Provides that if Senate 202 (Appropriations Act) becomes law, then Section 14.3 (Small Business Assistance Fund) is repealed.

Amendment #2 provides that if the Appropriations Act becomes law, then Section 5.2 is amended to provide if the actual net lottery revenues exceed the amounts appropriated under 5.2(b), the excess net revenues are to be allocated on the basis of average daily membership to local school administrative units that did not qualify for funding for the 2009-10 and 2010-11 fiscal years under GS 115C-546.5(d)(2).

September 24, 2009

SL 2009-575 (H 836). MODIFY APPROPRIATIONS ACT. AN ACT TO MAKE TECHNICAL, CLARIFYING, AND OTHER MODIFICATIONS TO THE APPROPRIATIONS ACT OF 2009.
Summarized in *Daily Bulletin* 8/7/09. Enacted September 10, 2009. Effective July 1, 2009, except as otherwise provided.