

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

S

2

**SENATE BILL 1202*
House Committee Substitute Favorable 7/9/10**

Short Title: Budget Technical Corrections. (Public)

Sponsors:

Referred to:

May 18, 2010

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE TECHNICAL, CLARIFYING, AND OTHER MODIFICATIONS TO
3 THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS
4 APPROPRIATIONS ACTS.

5
6 The General Assembly of North Carolina enacts:

7
8 **PART I. GENERAL PROVISIONS**

9
10 **SECTION 1.1.** The portion of Section 2.1 of S.L. 2010-31 setting forth
11 appropriations for Education reads as rewritten:

12 "SECTION 2.1. Appropriations from the General Fund of the State for the maintenance of
13 the State departments, institutions, and agencies, and for other purposes as enumerated, are
14 adjusted for the fiscal year ending June 30, 2011, according to the schedule that follows.
15 Amounts set out in brackets are reductions from General Fund appropriations for the
16 2010-2011 fiscal year.

17
18 **Current Operations – General Fund** **2010-2011**

19
20 **EDUCATION**

21		
22	Community Colleges System Office	\$ 42,668,183
23		
24	Department of Public Instruction	(275,244,311)
25		
26	University of North Carolina – Board of Governors	
27	Appalachian State University	1,998,580
28	East Carolina University	
29	Academic Affairs	5,851,230
30	Elizabeth City State University	750,308
31	Fayetteville State University	1,417,998
32	North Carolina Agricultural and Technical State University	2,490,531
33	North Carolina Central University	370,281
34	North Carolina State University	
35	Academic Affairs	12,371,317
36	UNC School of the Arts	466,240
37	University of North Carolina at Asheville	782,143



1	University of North Carolina at Chapel Hill	
2	Academic Affairs	5,269,319
3	Health Affairs	125,319
4	Area Health Education Centers	0
5	University of North Carolina at Charlotte	7,748,950
6	University of North Carolina at Greensboro	3,362,001
7	University of North Carolina at Pembroke	768,400
8	University of North Carolina at Wilmington	3,435,177
9	Western Carolina University	1,015,952
10	Winston-Salem State University	798,672
11	General Administration	(410,863)
12	University Institutional Programs	(40,303,905) (44,855,669)
13	Related Educational Programs	10,058,332
14	UNC Financial Aid Private Colleges	(63,635) 4,488,129
15	North Carolina School of Science and Mathematics	80,851
16	UNC Hospitals at Chapel Hill	(8,000,000)
17	Total University of North Carolina – Board of Governors	\$ 10,383,198
18"	

19 **SECTION 1.2.(a)** Section 2.2(d) of S.L. 2010-31 reads as rewritten:

20 **"SECTION 2.2.(d)** Notwithstanding the provisions of G.S. 105-187.19(b), effective for
21 taxes levied during the 2010-2011 fiscal year, the Secretary of Revenue shall credit to the
22 General Fund the net tax proceeds that G.S. 105-187.19(b) directs the Secretary to credit to the
23 Scrap Tire Disposal Account. This subsection applies to distributions to the Scrap Tire Disposal
24 Account made by the Secretary during the 2010-2011 fiscal year."

25
26 **SECTION 1.2.(b)** Section 2.2(e) of S.L. 2010-31 reads as rewritten:

27 **"SECTION 2.2.(e)** Notwithstanding the provisions of G.S. 105-187.24, effective for taxes
28 levied during the 2010-2011 fiscal year, the Secretary of Revenue shall credit to the General
29 Fund the net tax proceeds that G.S. 105-187.24 directs the Secretary to credit to the White
30 Goods Management Account. This subsection applies to distributions to the White Goods
31 Management Account made by the Secretary during the 2010-2011 fiscal year."

32
33 **SECTION 1.2.(c)** Section 2.2(j) of S.L. 2010-31 reads as rewritten:

34 **"SECTION 2.2.(j)** The Brody School of Medicine (formerly known as the East Carolina
35 University School of Medicine) shall transfer the sum of ~~two million dollars (\$2,000,000)~~one
36 million dollars (\$1,000,000) from Budget Code 06067, Fund Code 0142, to the Office of State
37 Controller for deposit to Nontax Budget Code 19978 (Intrastate Transfers) for the 2010-2011
38 fiscal year."

39
40 **SECTION 1.2.(d)** Section 2.2 of S.L. 2010-31 is amended by adding a new
41 subsection to read:

42 **"SECTION 2.2.(k)** The sum of one million dollars (\$1,000,000) is hereby transferred from
43 the Contingency and Emergency Fund to the Department of Agriculture for budget code 53750,
44 which is DACS – NC State Fair."

45
46 **SECTION 1.2.(e)** Section 2.2 of S.L. 2010-31 is amended by adding a new
47 subsection to read:

48 **"ESTABLISH RESERVE FOR SOFTWARE DEVELOPMENT FOR THE STATE**
49 **BOARD OF ELECTIONS**

50 **"SECTION 2.2(i).** There is appropriated from the General Fund to the Office of State
51 Budget and Management, Reserve for State Board of Elections Software Development, the sum

of six hundred seventy-one thousand eight hundred ninety-three dollars (\$671,893) recurring for the 2010-2011 fiscal year. If House Bill 961, 2010 Regular Session of the 2009 General Assembly, or Senate Bill 716, 2010 Regular Session of the 2009 General Assembly, or substantially similar government ethics and campaign reform legislation becomes law, then the funds shall be used for the development of software to provide campaign committee treasurers the ability to comply with existing campaign laws and provide a searchable public database."

SECTION 1.3. Section 2.3 of S.L. 2010-31 reads as rewritten:

"SECTION 2.3.(a) The General Assembly finds that:

...

"SECTION 2.3.(b) If the Congress does not act to authorize all or part of these enhanced FMAP funds prior to January 1, 2011, the General Assembly directs the Director of the Budget, in conjunction with the State Treasurer, State Controller, and other State officials, to effectuate the following extraordinary budget adjustments that either increase availability or decrease appropriations, to the extent necessary to backfill the enhanced FMAP funds, in priority order:

MEASURES TO ADDRESS POTENTIAL LOSS OF ENHANCED FMAP FUNDS

(1) Transfer from the Disaster Relief Reserve Fund established in S.L. 2005-1	\$ (30,000,000)	\$ <u>30,000,000</u>
(2) Transfer of unclaimed lottery prize money and excess receipts	(35,000,000)	<u>35,000,000</u>
(3) Use of interest from all other funds	(50,000,000)	<u>50,000,000</u>
(4) Use of balance in General Fund Availability	(23,469,157)	<u>22,768,282</u>
(5) Reduction of Medicaid Provider rates	(26,618,975)	<u>26,618,975</u>
(6) Use of funds from the Savings Reserve Fund	(37,307,714)	<u>38,008,589</u>
(7) Reduction in Retirement System contributions	(139,000,000)	<u>139,000,000</u>
(8) One percent (1%) Management Flexibility Reduction	(177,500,000)	<u>177,500,000</u>
TOTAL	\$ (518,895,846)	\$ <u>518,895,846</u>

"SECTION 2.3.(b1) Items set out in subdivisions (1) through (4) and (6) of subsection (b) of this section are increases to availability and, to the extent that these funds are required to backfill shortfalls in FMAP funding, these funds are hereby appropriated from the appropriate fund for this purpose. Items set out in subdivisions (5), (7), and (8) of subsection (b) of this section are decreases to appropriations.

...

"SECTION 2.3.(e) If it is necessary to implement the budget adjustment set out in subdivision (b)(4) of this section, the Director of the Budget shall use the unappropriated balance in the General Fund to offset the reduction in federal fund availability, ~~and such funds are hereby appropriated for this purpose.~~ availability. If it is not necessary to expend all of these funds in accordance with subdivision (b)(4) of this section, the State Controller shall transfer the remaining funds to the Savings Reserve Account.

SECTION 2.3.(f) If it is necessary to implement the budget adjustment set out in subdivision (b)(5) of this section, notwithstanding Section 10.68A(a)(8) of S.L. 2009-451, as amended by Section 5A of S.L. 2009-575 and Section 10.35 of this act, the Department of Health and Human Services shall reduce reimbursement rates paid to service providers in the Medicaid program to generate savings of twenty-six million six hundred eighteen thousand

1 nine hundred seventy-five dollars (~~\$26,618,975~~)-(\$26,618,975) with the reductions occurring in
 2 an equal percentage rate to all service providers, as allowed under federal law.

3 In order to avoid a significant decrease in reimbursement rates late in the fiscal year, the
 4 Secretary of the Department of Health and Human Services may reduce reimbursement rates at
 5 any time that he or she finds it is unlikely the State will receive adequate enhanced FMAP
 6 funds to avoid the necessity to reduce reimbursement rates.

7 The rate reduction authorized in this section shall not apply to: ~~federally qualified health~~
 8 ~~clinics, rural health centers, State institutions, hospital inpatient, pharmacies, and the~~
 9 ~~noninflationary components of the case mix reimbursement system for nursing~~
 10 ~~facilities.~~ federally qualified health centers, rural health centers, school-based and school-linked
 11 health centers, State institutions, hospital outpatient, pharmacy, and the noninflationary
 12 components of the case-mix reimbursement system for skilled nursing facilities.

13 "**SECTION 2.3.(g)** If it is necessary to implement the budget adjustment set out in
 14 subdivision (b)(6) of this section, the Office of State Budget and Management shall use up to
 15 thirty-eight million eight thousand five hundred eighty-nine dollars (\$38,008,589) from the
 16 Savings Reserve Fund to offset the reduction in federal fund ~~availability, and such funds are~~
 17 ~~hereby appropriated for this purpose.~~ availability.

18 ...

19 "**SECTION 2.3.(i)** If it is necessary to implement the budget adjustment set out in
 20 subdivision (b)(8) of this section, the Director of the Budget shall implement a one percent
 21 (1%) annualized management flexibility reduction. Notwithstanding any other provision of law,
 22 and unless it is inconsistent with a federal law, grant agreement, or other federal requirement,
 23 or with the terms of a gift or settlement agreement, the Director of the Budget may use funds
 24 appropriated for any purpose or program and from any governmental or proprietary funds for
 25 this purpose. For purposes of this section, and in keeping with the legislative budget priority to
 26 "keep our families working" set out in Section 6.6 of this act, "management flexibility" shall be
 27 defined as cuts made at the discretion of the agency head with the understanding that the
 28 agencies are encouraged to implement all administrative and other operating efficiencies,
 29 including the reduction of vacant positions which do not affect public safety or staffing ratios at
 30 State institutions, prior to the dismissal of employees.

31 Effective July 1, 2010, agency heads shall immediately take steps in preparation for a
 32 potential one percent (1%) reduction. The reduction authorized in this section shall not apply to
 33 Medicaid provider reimbursement rates.

34"

35
 36 **SECTION 1.3A.** Section 3.1 of S.L. 2010-31 reads as rewritten:

37 "**CURRENT OPERATIONS/HIGHWAY FUND**

38 "**SECTION 3.1.** Appropriations from the State Highway Fund for the maintenance and
 39 operation of the Department of Transportation and for other purposes as enumerated are
 40 adjusted for the fiscal year ending June 30, 2011, according to the following schedule.
 41 Amounts set out in brackets are reductions from Highway Fund Appropriations for the
 42 2010-2011 fiscal year.

	2010-2011
43 ...	
44 Division of Highways	
45 ...	
46 Maintenance	(4,373,213) (4,693,213)
47 ...	
48 Transfers to Other State Agencies, and Reserves	35,861,964 <u>36,181,964</u>
49 ...	
50"	

1
2 **SECTION 1.4.** Section 5.1(e) of S.L. 2010-31 reads as rewritten:

3 **"SECTION 5.1(e)** Notwithstanding G.S. 18C-164(c), G.S. 115C-546.2(d), or any other
4 provision of law, funds appropriated in this section to the Public School Building Capital Fund
5 for the 2010-2011 fiscal year shall be allocated to counties on the basis of average daily
6 membership (ADM). ~~Counties~~ For funds received for the 2010-2011 fiscal year, counties may
7 authorize local school administrative units to use funds received from the Public School
8 Building Capital Fund pursuant to subsection (f) of this section for one or more of the
9 following purposes only: (i) for school construction projects in accordance with
10 G.S. 115C-546.2(d), (ii) to retire indebtedness incurred for school construction projects
11 incurred on or after January 1, 2003, in accordance with G.S. 115C-546.2(d), and (iii) for
12 classroom teachers. A county may authorize the use of these funds for classroom teachers only
13 upon the request of the local board of education. Funds used for classroom teachers shall
14 supplement and not supplant existing local current expense funding for the public schools.

15 These funds shall not be included in the computation of "average per pupil allocation for
16 average daily membership" or "per pupil local current expense appropriation" under
17 G.S. 115C-238.29H."
18

19 **PART II. INFORMATION TECHNOLOGY**

20
21 **SECTION 2.1.** Section 6.7(b) of S.L. 2009-451, as amended by Section 6.8 of S.L.
22 2010-31, reads as rewritten:

23 **"SECTION 6.7(b)** Enterprise Projects. – The State Chief Information Officer shall consult
24 the respective State agency chief information officers to identify specific State agency
25 requirements prior to the initiation of any enterprise project or contract. State agency
26 requirements shall be incorporated into any enterprise agreement signed by the State Chief
27 Information Officer. Enterprise projects shall not exceed the participating State agencies' ability
28 to financially support the contracts.

29 The State Chief Information Officer shall ensure that enterprise project costs are allocated
30 to participating agencies in an equitable manner and shall not enter into any information
31 technology contracts without obtaining written agreements from participating State agencies
32 regarding apportionment of funding. State agencies agreeing to participate in a contract shall:

- 33 (1) Ensure that sufficient funds are budgeted to support their agreed shares of
34 enterprise agreements throughout the life of the contract.
35 (2) Transfer the agreed-upon funds to the Office of Information Technology
36 Services in sufficient time for the Office of Information Technology
37 Services to meet contract requirements.
38 (3) ~~Ensure that enterprise project costs are allocated to participating agencies in~~
39 ~~an equitable manner."~~

40
41 **SECTION 2.2.** Section 6.7(f) of S.L. 2009-451, as amended by Section 6.8 of S.L.
42 2010-31, reads as rewritten:

43 **"SECTION 6.7(f)** The Office of Information Technology Procurement shall assist State
44 agencies in identifying the ~~least expensive source~~ most cost-effective source and the least
45 expensive source for the purchase of IT goods and services and shall ensure that agencies
46 receive every available discount when purchasing IT goods and services."
47

48 **SECTION 2.3.** S.L. 2010-31 is amended by adding a new section to read:

49 **"CONTINUING PILOT PROGRAM TO ALLOW PUBLIC-PRIVATE**
50 **PARTNERSHIPS TO MEET DEPARTMENT OF REVENUE TECHNOLOGY**
51 **NEEDS**

1 **SECTION 6.13.** Section 6.20 of S.L. 2009-451 reads as rewritten:

2 **"SECTION 6.20.(a)** To speed the implementation of the Tax Information Management
3 System (TIMS) and the additional components of the Planning and Design Project (PDP)
4 ~~during the 2009-2011 fiscal biennium, through June 30, 2015,~~ the Secretary of the Department
5 of Revenue may enter into public-private arrangements where (i) the funding of projects under
6 the arrangement comes from revenue generated by the project and (ii) the project is related to
7 the implementation of TIMS and additional components of the PDP. As used in this section, the
8 "additional components of the PDP" are Enterprise Data Warehouse, Management Reporting
9 and Decision Analytics, Customer Relationship Management, Enterprise Case Management,
10 and E-Services. All such arrangements shall terminate June 30, 2015.

11 Work under a public-private arrangement may be contracted by requests for proposals,
12 modifications to existing contracts, and purchases using existing contract vehicles.

13 The Secretary of Revenue shall establish a measurement process to determine the increased
14 revenue attributable to the public-private arrangements. To accomplish this, the Secretary shall
15 consult subject matter experts outside the Department of Revenue, both within State
16 government and from private industry. The measurement process shall include:

- 17 (1) Calculation of a revenue baseline against which the increased revenue
18 attributable to the project is measured;
- 19 (2) Periodic evaluation to determine if the baseline needs to be modified based
20 on significant measurable changes in the economic environment; and
- 21 (3) Monthly calculation of increased revenue attributable to contracts executed
22 under this program.

23 Of funds generated from collections above the baseline established by subdivision (1) of
24 this subsection, in both the General and Highway Funds, up to forty-one million dollars
25 (\$41,000,000) may be authorized by the Office of State Budget and Management (i) for the
26 purchases related to the implementation of TIMS and the additional components of the PDP,
27 including payment for services from non-State entities ~~and (ii) toward internal State costs~~
28 ~~related to the implementation of TIMS and PDP components.~~ entities. Any internal costs must
29 be appropriated by the General Assembly. The total of any funds expended during the
30 2009-2011 biennium for implementation of TIMS and the additional PDP components shall not
31 exceed the sum of forty-one million dollars (\$41,000,000).

32 If the Department of Revenue finds that it cannot generate additional benefits totaling
33 forty-one million dollars (\$41,000,000) ~~in the 2009-2011 biennium, through June 30, 2015, or~~
34 ~~that total costs exceed the total available appropriations and earned benefits, then~~ the
35 Department shall do all of the following: (i) immediately notify the Chairs of the House of
36 Representatives and Senate Appropriations Committees and Fiscal Research Division, (ii)
37 identify any obligations to vendors, (iii) identify options for meeting obligations to vendors,
38 and (iv) provide costs associated with each option. The Department shall ensure that this
39 notification is made in sufficient time to allow the General Assembly to properly evaluate the
40 options presented.

41 **"SECTION 6.20.(b)** Notwithstanding G.S. 114-2.3, the Department of Revenue shall
42 engage the services of private counsel with the pertinent information technology and computer
43 law expertise to review requests for proposals, and to negotiate and review contracts associated
44 with TIMS and the additional components of the Planning and Design Project (PDP)
45 (Enterprise Data Warehouse, Management Reporting and Decision Analytics, Customer
46 Relationship Management, Enterprise Case Management, and E-Services).

47 **"SECTION 6.20.(c)** There is established within the Department of Revenue the Oversight
48 Committee for reviewing and approving the benefits measurement methodology and
49 calculation process. The Oversight Committee shall review and approve in writing all contracts
50 contracts, including change orders, amendments to contracts, and addendums to contracts,
51 before they are executed under this section. This shall include (i) details of each public-private

1 contract, (ii) the benefits from each contract, and (iii) a comprehensive forecast of the benefits
2 of using public-private agreements to implement TIMS and the additional PDP components,
3 including the measurement process established for the Secretary of Revenue. The Oversight
4 Committee shall approve all of the fund transfers for this project. Within five days of entering
5 into a contract, the Department shall provide copies of each contract and all associated
6 information to the Joint Legislative Oversight Committee on Information Technology, the
7 Chairs of the House of Representatives and Senate Committees on Appropriations, and the
8 Fiscal Research Division.

9 The members of the Committee shall include the following:

- 10 (1) The State Budget Director;
- 11 (2) The Secretary of the Department of Revenue;
- 12 (3) The State Chief Information Officer;
- 13 (4) Two persons appointed by the Governor;
- 14 (5) One member of the general public having expertise in information
15 technology appointed by the General Assembly upon the recommendation of
16 the Speaker of the House of Representatives; and
- 17 (6) One member of the general public having expertise in economic and revenue
18 forecasting appointed by the General Assembly upon recommendation of the
19 President Pro Tempore of the Senate.

20 The State Budget Director shall serve as chair of the Committee. The Committee shall set
21 its meeting schedule and adopt its rules of operation by majority vote. A majority of the
22 members constitutes a quorum. Vacancies shall be filled by the appointing authority.
23 Administrative support staff shall be provided by the Department of Revenue. Members of the
24 Committee shall receive reimbursements for subsistence and travel expenses as provided by
25 Chapter 138 of the General Statutes. The Committee shall terminate on ~~June 30, 2011~~ June 30,
26 2015.

27 The Department shall provide copies of the minutes of each meeting and all associated
28 information to the Joint Legislative Oversight Committee on Information Technology, the
29 Chairs of the House of Representatives and Senate Committees on Appropriations, and the
30 Fiscal Research Division.

31 "**SECTION 6.20.(d)** ~~Beginning October 1, 2009~~ August 1, 2010, and quarterly thereafter,
32 the Department of Revenue shall submit detailed written reports to the Chairs of the House of
33 Representatives and Senate Committees on Appropriation, to the Joint Legislative Oversight
34 Committee on Information Technology, and to the Fiscal Research Division of the Legislative
35 Services Office. The report shall include (i) details of each public-private contract, (ii) the
36 benefits from each contract, (iii) a comprehensive forecast of the benefits of using
37 public-private agreements to implement TIMS and the additional PDP components, including
38 cost savings and the acceleration of the project timeline, (iv) and any issues associated with the
39 operation of the public-private partnership. Within 60 days of implementing the public-private
40 partnership, the Department of Revenue shall provide to the Chairs of the House of
41 Representatives and Senate Appropriations Committees, and Fiscal Research Division, a
42 schedule for vendor payments that identifies sources and amounts of funding anticipated as a
43 result of the project's implementation.

44 "**SECTION 6.20.(e)** In addition to the oversight provided by the Oversight Committee
45 established in subsection (c) of this section, the TIMS project shall be subject to existing
46 Information Technology project oversight ~~legislation, including, but not limited to,~~
47 G.S. 147-33.72C and G.S. 147-33.72E. legislation and the TIMS project management shall
48 comply with all statutory requirements and other requirements established by the State Chief
49 Information Officer and the Office of State Budget and Management for information
50 technology projects. The State Chief Information Officer and the Office of State Budget and
51 Management shall immediately report any failure to do so to the Joint Legislative Oversight

1 Committee on Information Technology, the Chairs of the House of Representatives and Senate
2 Committees on Appropriations, and the Fiscal Research Division."

3
4 **PART III. EDUCATION**

5
6 **SECTION 3.1.** Section 7.24(h) of S.L. 2010-31 reads as rewritten:

7 "SECTION 7.24.(h) Beginning with the 2010-2011 school year, courses provided in (i)
8 general education, except for mathematics, science, and technology, (ii) physical education, and
9 (iii) college success skills courses offered to high school students shall no longer generate State
10 funding through budget ~~FTE-FTE~~ or receive reimbursements from the Department of Public
11 Instruction. If an institute of higher education offers these courses to high school students, the
12 colleges may charge an amount sufficient to cover the costs of the courses.

13 This subsection does not apply to courses provided to students of Early and Middle College
14 High ~~Schools~~.Schools, as established under Part 9 of Article 16 of Chapter 115C of the General
15 Statutes."

16
17 **SECTION 3.2.** Nothing in Section 7.17 of S.L. 2010-31 shall be construed to
18 invalidate any budget resolution or budget amendment approved by a local board of education
19 regarding the appropriation or transfer of revenue to any other fund that was approved for use
20 by the North Carolina Department of Public Instruction and the Local Government
21 Commission.

22
23 **SECTION 3.2A.** Section 7.4(b) of S.L. 2010-31 reads as rewritten:

24 "SECTION 7.4.(b) ~~The State Board shall use only funds~~ provided through the North
25 Carolina Virtual Public Schools Allotment Formula ~~to fund~~ shall be the only source of State
26 funds available to the State Board for the purposes of funding NCVPS."

27
28 **SECTION 3.3.** Section 9.14(c) of S.L. 2009-451, as rewritten by Section 9.9 of
29 S.L. 2010-31, reads as rewritten:

30 "SECTION 9.14.(c) The North Carolina Utilities Commission is directed to facilitate and
31 expedite wind energy pilot projects developed pursuant to this act that come within its
32 jurisdiction to the extent allowed by law and consistent with State statute. A wind turbine
33 constructed pursuant to this section shall be exempt from the requirements of G.S. 62-110.1.
34 For such wind turbines owned by a public utility, upon an application by the public utility
35 seeking a rider to recover the costs of such project, the Utilities Commission shall establish an
36 annual rider for the public utility to recover the just and reasonable costs, including the utility's
37 cost of debt and equity, of such project upon completion. Should the project development and
38 construction of the demonstration wind turbines be unreasonably delayed beyond the date set
39 forth in subsection (a) of this section for reasons outside the control of the public utility, all just
40 and reasonable costs incurred by the public utility during project development and construction
41 shall nonetheless be recoverable through an annual rider under this subsection, provided that
42 the public utility shall bear the burden of proving by a preponderance of the evidence that the
43 reasons for the delay were beyond its control and its execution of the project was reasonable
44 and prudent. Should the demonstration wind turbines be abandoned prior to completion, the
45 capital costs and AFUDC related to the project, less any salvage value received, shall
46 nonetheless be ~~recoverable under this Article, recoverable,~~ provided that the utility shall bear
47 the burden of proving by a preponderance of the evidence that the decision to abandon
48 construction of the project was prudent."

49
50 **SECTION 3.4.(a)** Section 9.19 of S.L. 2009-451, as rewritten by Section 9.13 of
51 S.L. 2010-31, reads as rewritten:

1 "SECTION 9.19. The management flexibility reduction for The University of North
2 Carolina shall not be allocated by the Board of Governors to the constituent institutions and
3 affiliated entities using an across-the-board method but in a manner that recognizes the
4 importance of the academic mission and differences among The University of North Carolina
5 entities. Before taking reductions in instructional budgets, the Board of Governors and the
6 campuses of the constituent institutions shall consider reducing budgets for senior and middle
7 management personnel, centers and institutes, low enrollment degree programs, speaker series,
8 and nonacademic activities. The Board of Governors and the campuses of the constituent
9 institutions also shall review the institutional trust funds and the special funds held by or on
10 behalf of The University of North Carolina and its constituent institutions to determine whether
11 there are monies available in those funds that can be used to assist with operating costs before
12 taking reductions in instructional budgets. In addition, the campuses of the constituent
13 institutions also shall require their faculty to have a teaching workload equal to the national
14 average in their Carnegie classification. Budget reductions shall not be considered in funding
15 available for need-based financial aid.

16 Notwithstanding any other provision of law, ~~for the 2010-2011 fiscal year only,~~ the
17 constituent institutions may, with the approval of the President of The University of North
18 Carolina, increase tuition by up to seven hundred fifty dollars (\$750.00) ~~per academic year.~~
19 (\$750.00), and may implement the increase over the 2010-2011 and 2011-2012 academic years.
20 This increase shall be in addition to other increases authorized for the ~~fiscal year 2010-2011~~
21 and 2011-2012 fiscal years. At least twenty percent (20%) of these funds shall be used to
22 provide need-based financial aid to students. The remaining balance of these funds ~~shall be~~
23 used only to offset the institutions' management flexibility reductions funds:

- 24 (1) Shall be used to offset the institutions' management flexibility reductions.
- 25 (2) May, if it is necessary to implement an additional one percent (1%)
26 management flexibility reduction pursuant to Section 2.3 of this act to
27 backfill enhanced FMAP funds, also be used to offset the additional one
28 percent (1%) management flexibility reduction and to meet reversion
29 requirements."

30 SECTION 3.5. S.L. 2010-31 is amended by adding a new section to read:

31 "UNC/FUNDS TO COMPLETE NC EAST PROJECT

32 SECTION 9.26A. Of the funds appropriated by this act to the Board of Governors
33 of The University of North Carolina and allocated to East Carolina University for the
34 2010-2011 fiscal year, the sum of thirty-three thousand eight hundred fifty dollars (\$33,850)
35 shall be used to complete the North Carolina East Project. The North Carolina East Project is a
36 project conducted jointly by the UNC Program on Public Life and North Carolina's Eastern
37 Region partnership. The purpose of the project is: (i) to consider economic development
38 opportunities in Eastern North Carolina from a metropolitan perspective rather than a
39 traditional rural perspective, and (ii) to determine what steps the region should take to attract
40 and retain young professionals. The costs to complete the project include the following:

- 41 (1) Printing, postage, and related expenses.
- 42 (2) Report design and map-making.
- 43 (3) Support for multiple listening sessions, meetings with key decision makers,
44 and consultations.
- 45 (4) Support for collaboration with faculty members and graduate students at
46 East Carolina University.
- 47 (5) Support for faculty and professional non-faculty research and engagement at
48 UNC-Chapel Hill.
- 49 (6) Support to enable two graduate students from UNC-Chapel Hill to be
50 employed as summer interns by the project.
- 51 (7) Travel and related expenses."

1
2 **PART IV. HEALTH AND HUMAN SERVICES**
3

4 **SECTION 4.1.** The last sentence in Section 10.17 of S.L. 2010-31 reads as
5 rewritten:

6 "Any equipment that the Department of Health and Human Services (Department)
7 determines cannot be used by the Department and is not included in the transfer shall revert to
8 the Department of Administration, Division of Surplus Property."
9

10 **SECTION 4.2.** Section 10.36(a) of S.L. 2010-31 reads as rewritten:

11 "**SECTION 10.36.(a)** ~~The Starting October 1, 2010, the~~ Department of Health and Human
12 Services, Division of Medical Assistance, shall require that, prior to the delivery of selected
13 enhanced mental health services in the Medicaid program, as determined by the Department, an
14 independent assessment be conducted that meets all of the following criteria:

- 15 (1) An initial assessment or a continuing need reassessment is performed by an
16 independent assessment entity ~~(IAE)~~ that is not the provider of the services
17 in question.
18 (2) ~~The IAE authorizes independent assessment entity recommends~~ the type and
19 amount of service to be provided based on the specific health condition and
20 needs of the intended recipient of the service."
21

22 **SECTION 4.3.** Section 10.5A of S.L. 2010-31 reads as rewritten:

23 **"REPORT ON DHHS POSITION ELIMINATIONS**

24 **SECTION 10.5A.** The Secretary of the Department of Health and Human Services
25 may achieve savings ~~from position eliminations~~ within the Divisions under the supervision of
26 the Secretary by reducing a greater or lesser number of positions than prescribed for the
27 Department in the Joint Conference Committee Report on the Continuation, Expansion and
28 Capital Budgets for the 2010-2011 fiscal year. The Secretary shall report on the number of
29 positions eliminated in the budget for the 2010-2011 fiscal year. The report shall include the
30 total number of positions, including positions filled and vacant positions, and savings generated
31 through salary and fringe benefits and any severance paid out. The Secretary shall submit the
32 report to the House of Representatives Appropriations Subcommittee on Health and Human
33 Services, the Senate Appropriations Committee on Health and Human Services, and the Fiscal
34 Research Division on or before March 1, 2011."
35

36 **SECTION 4.5.** Section 10.29A(c) of S.L. 2009-451, as enacted by Section
37 10.13(a) of S.L. 2010-31, reads as rewritten:

38 "**SECTION 10.29A.(c)** The General Assembly finds that health insurers licensed to
39 practice in this State currently provide reimbursement for the full series of standard
40 immunizations recommended by the federal Centers for Disease Control and Prevention (CDC)
41 and the American Academy of Family Physicians and required by the North Carolina
42 Immunization Program. The covered immunizations include all of the following:

- 43 (1) Diphtheria, Pertussis, Tetanus Toxoid (DPT).
44 (2) Polio.
45 (3) Measles, Mumps, Rubella (MMR).
46 (4) Influenza.
47 (5) Pneumococcal vaccine.
48 (6) Human Papilloma virus (HPV).
49 (7) Haemophilus Influenzae Type b (Hib) vaccine.
50 (8) Hepatitis B.
51 (9) Meningococcal vaccine.

- 1 (10) Varicella.
 2 (11) Rotavirus.
 3 (12) Hepatitis A.
 4 (13) Tetanus, Diphtheria, Pertussis (Tdap).

5 The General Assembly also finds that, consistent with G.S. 130A-153, physicians and local
 6 health departments currently administer the required immunizations listed in subdivisions (1)
 7 through ~~(11)~~(13) of this subsection, which are supplied by the federal government at no cost
 8 through the Vaccine For Children (VFC) program, to uninsured and underinsured children with
 9 incomes below two hundred percent (200%) of the federal poverty level. Therefore, the
 10 General Assembly eliminates the State appropriation for the purchase of childhood vaccines for
 11 which health care providers, including local health departments, should be billing health
 12 insurers."

13
 14 **SECTION 4.6.** Section 10.58(d) of S.L. 2009-451, as rewritten by Section 10.22(a)
 15 of S.L. 2010-31, reads as rewritten:

16 "**SECTION 10.58.(d)** Services and Payment Bases. – The Department shall spend funds
 17 appropriated for Medicaid services in accordance with the following schedule of services and
 18 payment bases. All services and payments are subject to the language at the end of this
 19 subsection. Unless otherwise provided, services and payment bases will be as prescribed in the
 20 State Plan as established by the Department of Health and Human Services and may be
 21 changed with the approval of the Director of the Budget.

22 ...

- 23 (19) Medicare crossover claims. – The Department shall apply Medicaid medical
 24 policy to Medicare and Medicare Advantage claims for dually eligible
 25 recipients. The Department shall pay an amount up to the actual coinsurance
 26 or deductible or both, in accordance with the State Plan, as approved by the
 27 Department of Health and Human Services. The Department may disregard
 28 application of this policy in cases where application of the policy would
 29 adversely affect patient care.

30 ...

- 31 (30) Experimental or trial procedures. – Coverage is limited to procedures that
 32 are recognized or approved by a federal scientific or regulatory agency such
 33 as the Food and Drug Administration or the National Institutes of Health
 34 (NIH).

35"

36
 37 **SECTION 4.7.** Section 10.37 of S.L. 2010-31 is amended by adding the following
 38 new subsections to read:

39 "**SECTION 10.37.(s1)** The Department of Health and Human Services, Division of Social
 40 Services, shall demonstrate qualifying conditions and apply for grants available through the
 41 Emergency Contingency Fund for State Temporary Assistance for Needy Families (TANF)
 42 Programs for the 2010-2011 federal fiscal year.

43 "**SECTION 10.37.(s2)** Notwithstanding Sections 2.3, 5.4, 6.7, and 10.37(c) of this act, the
 44 Office of State Budget and Management shall use grants received under this section to
 45 maximize General Fund availability for the 2010-2011 fiscal year. In addition, not more than
 46 twenty million dollars (\$20,000,000) may be used to implement a temporary, statewide
 47 subsidized employment program for the purpose of creating transitional employment
 48 opportunities for the chronically unemployed.

49 Prior to implementing the program, the Department shall develop a plan that identifies, at a
 50 minimum, each of the following:

- 51 (1) Participant eligibility requirements.

1 (2) The maximum duration of the subsidized employment period.

2 (3) Financial match requirements for third-party partners.

3 (4) Average estimated wages and benefits per participant.

4 (5) The projected number of participants to be employed through the program.

5 The Department shall report the plan to the Joint Legislative Commission on Governmental
6 Operations Subcommittee on Education/Health and Human Services, the House of
7 Representatives Appropriations Subcommittee on Health and Human Services, the Senate
8 Appropriations Committees on Health and Human Services, and the Fiscal Research Division
9 no later than November 1, 2010.

10 "SECTION 10.37.(s3) The Department shall evaluate the program upon its completion,
11 including in its evaluation the following:

12 (1) The number of participants and employers, by industry sector;

13 (2) The median wage paid per participant;

14 (3) The average duration of the subsidized work period; and

15 (4) The rate of continued employment with the participating employer upon
16 completion of the subsidized work period.

17 The Department shall report its findings to the Joint Legislative Commission on Governmental
18 Operations Subcommittee on Education/Health and Human Services, the House of
19 Representatives Appropriations Subcommittee on Health and Human Services, the Senate
20 Appropriations Committees on Health and Human Services, and the Fiscal Research Division
21 no later than December 1, 2011.

22 "SECTION 10.37.(s4) TANF Emergency Contingency Fund grants received during the
23 2010-2011 fiscal year shall not be committed for expenditure in the subsequent fiscal year.
24 Nothing in this subsection shall preclude the carryforward of funds for purposes in this
25 section."

26
27 **SECTION 4.8.** S.L. 2003-178, as amended by Section 10.27 of S.L. 2006-66,
28 Section 1.1(a)(5) of S.L. 2007-504, Section 3 of S.L. 2009-340, and Section 1 of Senate Bill
29 1309 of the 2010 Regular Session of the 2009 General Assembly, is amended by deleting the
30 language "masters level certified clinical addictions specialist" wherever it appears and
31 substituting "masters level licensed clinical addictions specialist" and by deleting the language
32 "North Carolina Substance Abuse Professional Certification Board" and substituting "North
33 Carolina Substance Abuse Professional Practice Board".

34 35 **PART V. NATURAL AND ECONOMIC RESOURCES**

36
37 **SECTION 5.1.** Section 13.8(b) of S.L. 2010-31 reads as rewritten:

38 "SECTION 13.8.(b) This section becomes effective July 1, 2010-2010, and applies to fees
39 assessed on or after that date. However, the Department of Environment and Natural Resources
40 shall not collect the fees established pursuant to this section until on or after July 14, 2010."

41
42 **SECTION 5.2.(a)** G.S. 130A-309.123(a), as rewritten by Section 13.10(b) of S.L.
43 2010-31, reads as rewritten:

44 "§ 130A-309.123. Substitution of paper bags restricted.

45 (a) A retailer subject to G.S. 130A-309.122 may substitute paper bags for the plastic
46 bags banned by that section, but only if all of the following conditions are met:

47 (1) The paper bag is a recycled paper bag.

48 (2) The retailer offers a cash refund to any customer who uses the customer's
49 own reusable bags instead of the bags provided by the retailer. The amount
50 of the refund shall be equal to ~~or greater than~~ the cost to the retailer of
51 providing a recycled paper bag, multiplied by the number of reusable bags

1 filled with the goods purchased by the customer. For purposes of this
2 subdivision, 'cash refund' includes a credit against the cost of goods
3 purchased."

4 **SECTION 5.2.(b)** This section becomes effective October 1, 2010.

5
6 **SECTION 5.3.** Notwithstanding G.S. 130A-294.1, there is appropriated from the
7 nonreverting hazardous waste fund established in G.S. 130A-298 (Budget Code 24300-2387)
8 the sum of two hundred fifty thousand dollars (\$250,000) for the 2010-2011 fiscal year. These
9 funds shall be used to:

- 10 (1) Provide implementation and oversight of activities involving actions
11 necessary to respond to inactive hazardous substance or waste disposal sites;
12 and
13 (2) Provide compliance and prevention activities within the solid waste program
14 to ensure hazardous waste is not disposed in solid waste management
15 facilities.

16 17 **PART VI. JUSTICE AND PUBLIC SAFETY**

18
19 **SECTION 6.1.** Section 15.5(c) of S.L. 2010-31 reads as rewritten:

20 "**SECTION 15.5.(c)** ~~This Subsection (b) of this section~~ becomes effective October 1,
21 2010, and applies to costs or fees assessed or collected on or after that date. Subsection (a) of
22 this section becomes effective October 1, 2010, and applies to costs or fees assessed or
23 collected on or after that date, except that in misdemeanor or infraction cases disposed of on or
24 after that date by written appearance, waiver of trial or hearing, and plea of guilt or admission
25 of responsibility pursuant to G.S. 7A-180(4) or G.S. 7A-273(2), in which the citation or other
26 criminal process was issued before that date, the cost or fee shall be the lesser of those specified
27 in G.S. 7A-304(a), as amended by subsection (a) of this section, or those specified in the notice
28 portion of the defendant's or respondent's copy of the citation or other criminal process, if any
29 costs or fees are specified in that notice."

30
31 **SECTION 6.2.** Section 18.6 of S.L. 2009-451 reads as rewritten:

32 **"ELIMINATE SUPPORT OUR STUDENTS PROGRAM**

33 **SECTION 18.6.** Part 5A of Article 3 of Chapter 143B of the General Statutes is
34 repealed. Notwithstanding the provisions of G.S. 143-341, or any other law to the contrary, any
35 equipment or vehicles that were bought by a nonprofit organization under a grant issued to the
36 nonprofit organization, from the grants funds provided by the Support Our Students program,
37 shall remain the sole property of the local nonprofit organization for the continued use of the
38 equipment or vehicle under the same conditions required by the grant when it was awarded by
39 the Support Our Students program."

40
41 **SECTION 6.3.** Section 19.4(b) of S.L. 2010-31 reads as rewritten:

42 "**SECTION 19.4.(b)** This section becomes effective October 1, 2010, and applies to fees
43 assessed or collected persons ordered to perform community service on or after that date."

44
45 **SECTION 6.4.** S.L. 2010-31 is amended by adding a new section to read:

46 **"ALIGN STATUTORY STAFFING NUMBERS TO BUDGET REDUCTION** 47 **ACTIONS**

48 "**SECTION 15.14.** Notwithstanding any other provision of law relating to the number of
49 positions in the Judicial Department, during the 2009-2011 biennium, the Administrative
50 Office of the Courts may reduce positions in the Judicial Department to comply with budget
51 reductions taken by action of the General Assembly for that Department. The Administrative

1 Office of the Courts shall report to the Joint Legislative Commission on Governmental
2 Operations, to the Fiscal Research Division of the General Assembly, and to the Revisor of
3 Statutes, on any reductions taken that affect statutory staffing numbers in Chapter 7A of the
4 General Statutes."
5

6 PART VII. GENERAL GOVERNMENT 7

8 **SECTION 7.1.** S.L. 2010-31 is amended by adding a new section to read:

9 **"EXTEND HEALTH INSURANCE POOL PILOT PROJECT START DATE**

10 **SECTION 24.4.** Section 1 of S.L. 2009-568 reads as rewritten:

11 **"SECTION 1.** Notwithstanding any other provision of law to the contrary, a single health
12 insurance demonstration project (Demonstration Project) for both large and small employers
13 may be established in the State. The Demonstration Project, the goal of which is to reduce the
14 number of uninsured North Carolinians and to reduce the cost of health insurance for all
15 purchasers of health insurance in the Demonstration Project area, shall begin offering coverage
16 not later than ~~December 1, 2010~~, July 1, 2011, and may continue through December 31, 2014.
17 Entities that are eligible under subdivisions (b)(1) or (b)(1a) of G.S. 58-51-80, subsection (e) of
18 G.S. 58-65-60, or subsection (a) of G.S. 58-67-85, to issue a policy of group health insurance
19 are eligible to be the Demonstration Project Sponsor. The Demonstration Project authorized
20 under this act shall comply with the following:

21"
22

23 PART VIII. TRANSPORTATION 24

25 **SECTION 8.1.** Section 28.3(b) of S.L. 2010-31 reads as rewritten:

26 **"SECTION 28.3(b)** The Program Evaluation Division of the General Assembly shall
27 conduct a comprehensive program and financial review of the North Carolina Global TransPark
28 Authority. The program review shall examine the Authority's operations and evaluate the
29 effectiveness of the Authority in meeting its mission and goals. The financial review shall study
30 the cost-effectiveness of all State funds appropriated to the Authority to date, examine potential
31 efficiency savings, study the long-term operating needs of the Authority, examine the
32 Authority's current business practices, and make recommendations for it to become financially
33 self-sustaining and to fully repay the Escheat Fund. The Division shall prepare a report of the
34 findings and recommendations of the study and submit it to the Joint Legislative Program
35 Evaluation Oversight Committee no later than ~~March 1, 2011~~.May 1, 2011."
36

37 **SECTION 8.2.** Section 28.7(b) of S.L. 2010-31 reads as rewritten:

38 **"SECTION 28.7(b)** The Department of Transportation shall develop selection criteria
39 under G.S. 136-188, as enacted by this act, and shall report to the Joint Legislative
40 Transportation Oversight Committee on its development of the selection criteria. A preliminary
41 report on the selection criteria for projects is due to the Joint Legislative Transportation
42 Oversight Committee by October 1, 2010. A final report is due to the Joint Legislative
43 Transportation Oversight Committee by December 15, 2010. When developing the project
44 criteria and selection process, the Department shall give preferential consideration to projects
45 qualified to receive State grants from the Congestion Relief and Intermodal Transportation 21st
46 Century Fund under Article 19 of Chapter 136 of the General Statutes. When developing the
47 project criteria and selection process, the Department shall involve the public and other
48 stakeholders, including, but not limited to, the ~~North Carolina Association of Municipal~~
49 ~~Planning Organizations~~,North Carolina Association of Metropolitan Planning Organizations,
50 the North Carolina Association of Rural Planning Organizations, the North Carolina League of

1 Municipalities, the North Carolina Association of County Commissioners, the North Carolina
2 Metropolitan Mayors Coalition, and the North Carolina Council of Regional Governments."

3
4 **PART IX. SALARIES AND BENEFITS**

5
6 **SECTION 9.1.(a)** Section 29.4(b) of S.L. 2010-31 reads as rewritten:

7 "**SECTION 29.4.(b)** The President of The University of North Carolina may implement
8 furloughs of university employees or delegate furlough authority to a chancellor of a
9 constituent institution to offset the ~~UNC Management Flexibility Reduction~~ institution. Savings
10 realized as a result of a furlough shall be used in accordance with the policies adopted pursuant
11 to subdivision (f)(5) of this section."

12 **SECTION 9.1.(b)** Section 29.4(f) of S.L. 2010-31 reads as rewritten:

13 "**SECTION 29.4.(f)** As soon as practicable, and no more than 30 calendar days from the
14 effective date of this section, the Board of Governors of The University of North Carolina shall
15 adopt policies for the implementation of this section to remain in effect until the expiration of
16 this section. These policies shall be applied by the President and the constituent institutions in
17 implementing a furlough of university employees. These policies shall provide, at a minimum,
18 that:

- 19 (1) The President may establish a salary threshold below which university
20 employees shall not be subject to furlough. In no event may any full-time
21 university employee, prorated for any part-time employee, earning an annual
22 salary of thirty-two thousand dollars (\$32,000) or less be subject to furlough.
- 23 (2) The scheduling of any furlough period shall be at the discretion of the
24 President or the chancellor of the constituent institution when delegated.
- 25 (3) Paid leave shall not be used to offset all or any portion of a furlough.
- 26 (4) If a holiday falls during the mandatory furlough period, the university
27 employee must be paid for the holiday.
- 28 (5) All savings realized as a result of a ~~furlough shall be used to offset the~~
29 ~~Management Flexibility Reduction for The University of North~~
30 ~~Carolina furlough:~~
- 31 a. Shall be used to offset the Management Flexibility Reduction for The
32 University of North Carolina.
- 33 b. May, if it is necessary to implement an additional one percent (1%)
34 Management Flexibility Reduction pursuant to Section 2.3 of this act
35 to backfill enhanced FMAP funds, also be used to offset the
36 additional 1% Management Flexibility Reduction and to meet
37 reversion requirements."

38
39 **SECTION 9.2.** Section 26.1A of S.L. 2009-451, as amended by S.L. 2009-575 and
40 by Section 29.7(c) of S.L. 2010-31, reads as rewritten:

41 "**SECTION 26.1A.(a)** The salaries of those officers and employees, whose salaries for the
42 2008-2009 fiscal year were set or increased in Sections 26.1, 26.2, 26.3, 26.4, 26.5, 26.6, 26.7,
43 26.8, 26.9, 26.10, 26.11, 26.11A, 26.12, 26.12D, 26.13, 26.14, 26.18, and 26.19 of Session Law
44 2008-107, and in effect on June 30, 2009, or the last date in pay status during the 2008-2009
45 fiscal year if earlier, shall remain in effect and shall not increase for the 2009-2010 and
46 2010-2011 fiscal years, except:

- 47 (1) As provided for by Section 29.20A of S.L. 2005-276.
- 48 (2) For Community College faculty as otherwise provided in Section 8.1 of this
49 act.
- 50 (3) For University of North Carolina (i) ~~faculty as otherwise provided by using~~
51 funds from the Faculty Recruiting and Retention Fund, the Distinguished

1 Professors Endowment Fund, or the University Cancer Research Fund and
2 (ii) faculty, nonfaculty, and other employee retention—adjustments funded
3 from non-state funding sources.

4 (3a) For Judicial Department employees for local supplementation as authorized
5 under G.S. 7A-300.1.

6 (4) Salaries may be increased for reallocations or promotions, in-range
7 adjustments for job change, career progression adjustments for demonstrated
8 competencies, or any other adjustment related to an increase in job duties or
9 responsibilities, none of which are subject to the salary freeze otherwise
10 provided by this subsection. All other salary increases are prohibited."
11

12 **SECTION 9.3.** Section 26.14D of S.L. 2009-451 reads as rewritten:

13 **"REDUCTION IN FORCE/EXTEND STATE EMPLOYEE PRIORITY RIGHTS**

14 **SECTION 26.14D.** ~~For the 2009 2011 fiscal biennium, the~~The priority
15 consideration afforded to State employees pursuant to G.S. 126-7.1(c1) shall remain in effect
16 for an additional 12-month ~~period.~~ period for those employees who receive notification, on or
17 after May 1, 2009, but on or before June 30, 2011, of a prospective separation of employment
18 by reduction in force provided the employee was subsequently separated by a reduction in
19 force."
20

21 **PART X. TAX CHANGES**

22 **SECTION 10.2.** Section 31.6.(g) of S.L. 2010-31 reads as rewritten:

23 **"SECTION 31.6(g)** This ~~act-section~~ becomes effective January 1, 2011, and applies to
24 gross receipts derived from the rental of an accommodation that a consumer occupies or has the
25 right to occupy on or after that date."
26

27 **PART XI. COMMITTEE REPORT**

28
29 **SECTION 11.3.** Notwithstanding Page G-9, Item 52, of the Joint Conference
30 Committee Report on the Continuation, Expansion and Capital Budgets dated June 28, 2010,
31 Maternal Care Coordinators (MCC) and Children Services Coordinators (CSC) personnel are
32 required to have a bachelor's degree or be a licensed registered nurse.
33

34 **SECTION 11.4.** Notwithstanding Page G-9, Item 54, of the Joint Conference
35 Committee Report on the Continuation, Expansion and Capital Budgets dated June 28, 2010,
36 except for reimbursement for multi-vitamin prescriptions for pregnant women, Medicaid
37 coverage of prescriptions for vitamins and minerals is eliminated.
38

39 **SECTION 11.5.** Notwithstanding Page G-10, Item 63, of the Joint Conference
40 Committee Report on the Continuation, Expansion and Capital Budgets dated June 28, 2010,
41 the Department may generate the required savings through bulk purchasing of incontinence
42 supplies by selecting one or more providers through a competitive bidding process.
43

44 **SECTION 11.7.** Notwithstanding Page H-11, Item 57, of the Joint Conference
45 Committee Report on the Continuation, Expansion and Capital Budgets dated June 28, 2010,
46 the General Fund appropriation for the Division of Aquariums of the Department of
47 Environment and Natural Resources is reduced on a recurring basis by the sum of seven
48 hundred fourteen thousand two hundred ninety-seven thousand dollars (\$714,297) and replaced
49 with funds obtained by increasing rental fees at the Aquariums and by using gate admission fee
50 receipts budgeted in the North Carolina Aquariums Special Fund as follows:

1 (1) The Division shall use the increased rental fees and the gate admission fee
2 receipts to replace the General Fund appropriation for special activities and
3 events of the Division and for continuing and supporting three positions
4 within the Division that support special activities and events.

5 (2) The Division shall use gate admission fee receipts to replace the General
6 Fund appropriation for the daily operations of the Division.
7

8 **SECTION 11.8.** Notwithstanding Page H-11, Item 58, of the Joint Conference
9 Committee Report on the Continuation, Expansion and Capital Budgets dated June 28, 2010,
10 when reducing its fleet of aircraft by not less than 10 aircraft, the Division of Forest Resources
11 of the Department of Environment and Natural Resources shall, for those aircraft that are
12 federal surplus aircraft, return the aircraft to the federal government and, for those aircraft that
13 are owned by the State, sell the aircraft.
14

15 **SECTION 11.9.** Notwithstanding Page I-1, Item 7, of the Joint Conference
16 Committee Report on the Continuation, Expansion and Capital Budgets dated June 28, 2010,
17 the pass-through appropriation reduction affects funds appropriated to the North Carolina State
18 Bar, not the North Carolina Bar Association.
19

20 **SECTION 11.10.** Notwithstanding Page I-7, Item 25, of the Joint Conference
21 Committee Report on the Continuation, Expansion and Capital Budgets dated June 28, 2010,
22 no vacant positions are eliminated in the Department of Juvenile Justice and Delinquency
23 Prevention, and the amount of the management flexibility reserve established in that
24 Department by S.L. 2010-31 is a reduction of three million eight hundred seventy-two thousand
25 one hundred seventy-one dollars (\$3,872,171).
26

27 **SECTION 11.11.** Notwithstanding Page J-8, Item 29, of the Joint Conference
28 Committee Report on the Continuation, Expansion and Capital Budgets dated June 28, 2010, of
29 the funds appropriated to the State Ethics Commission, the sum of one hundred eighty-one
30 thousand sixty-one dollars (\$181,061) in recurring funds and two hundred seventeen thousand
31 eight hundred fifty dollars (\$217,850) in nonrecurring funds shall be used for one Attorney II
32 and one Paralegal III position and operating expenses to develop an online system for the filing
33 of Statements of Economic Interest (SEIs), an online education program, all information
34 technology related to online education and online filing of SEIs, and legal research tools.
35

36 If House Bill 961, 2010 Regular Session of the 2009 General Assembly, or Senate
37 Bill 716, 2010 Regular Session of the 2009 General Assembly, or substantially similar
38 government ethics and campaign reform legislation becomes law, then the sum of ninety-one
39 thousand five hundred forty-one dollars (\$91,541) in recurring funds and two thousand two
40 hundred fifty dollars (\$2,250) in nonrecurring funds shall be used in accordance with that act to
41 fund two Paralegal III positions and provide operating expenses to respond to customer service
42 queries regarding State ethics law compliance and any additional ethics rules or standards
43 implemented by the Governor.
44

45 **SECTION 11.12.** Notwithstanding Page J-9, Item 32, of the Joint Conference
46 Committee Report on the Continuation, Expansion and Capital Budgets dated June 28, 2010,
47 the budget reduction for the Department of Administration includes the elimination of seven
48 vacant positions and three-fourths of accountant position #65009979.
49

50 **SECTION 11.13.** Notwithstanding Page J-13, Item 42, of the Joint Conference
51 Committee Report on the Continuation, Expansion and Capital Budgets dated June 28, 2010,
the funds appropriated includes the sum of one hundred thousand dollars (\$100,000) in

1 nonrecurring funds for the Freedom Monument Project, Inc., and seventy-five thousand dollars
2 (\$75,000) in nonrecurring funds to support the three monuments on Capitol grounds.
3

4 **SECTION 11.14.** Notwithstanding Page J-14, Item 48, of the Joint Conference
5 Committee Report on the Continuation, Expansion and Capital Budgets dated June 28, 2010,
6 the sum of one hundred thousand dollars (\$100,000) in nonrecurring funds shall be used for the
7 Capitol Foundation and the sum of seventy-five thousand dollars (\$75,000) in nonrecurring
8 funds to support the three monuments in Capitol Square shall be eliminated.
9

10 **SECTION 11.15.** Notwithstanding Page J-15, Item 52, of the Joint Conference
11 Committee Report on the Continuation, Expansion and Capital Budgets dated June 28, 2010,
12 the budget reduction eliminates salaries and benefits of the following new positions: an
13 Administrative Officer III; Art Handler; and Processing Assistant III and reduces various
14 expenditure accounts; it does not eliminate the three FTEs for these positions.
15

16 **SECTION 11.16.** Notwithstanding Page J-16, Item 54, of the Joint Conference
17 Committee Report on the Continuation, Expansion and Capital Budgets dated June 28, 2010,
18 the budget reduction eliminates salaries and benefits of one filled position – W/A Processing
19 Assistant IV, 1.50 vacant positions – Library Clerk III and Processing Assistant III, transfers
20 Library Technician position to receipt-support, and reduces various expenditure accounts.
21

22 **SECTION 11.17.** Notwithstanding Page J-36, Item 95, of the Joint Conference
23 Committee Report on the Continuation, Expansion and Capital Budgets dated June 28, 2010,
24 the budget reduction for the Department of Secretary of State includes (i) the salary and
25 benefits for a Processing Assistant IV position and the FTE for that position (ii) the salary and
26 benefits for a Notary Investigator position but not the FTE for that position and (iii) other
27 budget reductions.
28

29 **SECTION 11.18.** Notwithstanding the Joint Conference Committee Report on the
30 Continuation, Expansion and Capital Budgets dated June 28, 2010, there is appropriated from
31 the General Fund to the State Board of Elections the sum of twenty-eight thousand nine
32 hundred eighty-two dollars (\$28,982) for the 2010-2011 fiscal year. These funds and other
33 expansion funds appropriated in this act for government ethics and campaign reform legislation
34 shall be used to provide one hundred thousand dollars (\$100,000) in recurring funds for one
35 Attorney position and three hundred fifty thousand dollars (\$350,000) in nonrecurring funds for
36 software development.
37

38 **SECTION 11.19.** Notwithstanding Page J-38, Item 101, of the Joint Conference
39 Committee Report on the Continuation, Expansion and Capital Budgets dated June 28, 2010,
40 the State Board of Elections may retain the positions referred to in that item and shall fund
41 them with Maintenance of Effort funds that qualify the Board to receive federal HAVA funds.
42

43 **SECTION 11.20.(a)** Notwithstanding Page K-4, Item 17, of the Joint Conference
44 Committee Report on the Continuation, Expansion and Capital Budgets dated June 28, 2010,
45 the annual recurring transfer from the Highway Fund to the Global TransPark Authority shall
46 not be reduced.

47 **SECTION 11.20.(b)** Notwithstanding Page K-3, Item 9, of the Joint Conference
48 Committee Report on the Continuation, Expansion and Capital Budgets dated June 28, 2010,
49 the reduction to the General Maintenance Reserve for the State's highway infrastructure shall
50 be further reduced by three hundred twenty thousand dollars (\$320,000).
51

1 **SECTION 11.21.** Section 32.2(a) of S.L. 2010-31 reads as rewritten:
2 **"SECTION 32.2(a)** ~~The~~With the exception of Pages N-1 and N-2, the Joint Conference
3 Committee Report on the Continuation, Expansion, and Capital Budgets dated June 28, 2010,
4 which was distributed in the Senate and the House of Representatives and used to explain this
5 act, shall indicate action by the General Assembly on this act and shall therefore be used to
6 construe this act, as provided in the State Budget Act, Chapter 143C of the General Statutes, as
7 appropriate, and for these purposes shall be considered a part of this act and as such shall be
8 printed as a part of the Session Laws."
9

10 **PART XII. EFFECTIVE DATE**

11 **SECTION 12.1.** Except as otherwise provided, this act becomes effective July 1,
12 2010.
13