

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 200
Committee Substitute Favorable 4/26/11

Short Title: Appropriations Act of 2011.

(Public)

Sponsors:

Referred to:

March 2, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE REVENUE MODIFICATIONS TO SUPPORT BASE BUDGET
3 APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS,
4 INSTITUTIONS, AND AGENCIES.

5 The General Assembly of North Carolina enacts:

6
7 **PARTS I-XXIX: RESERVED**

8
9 **PART XXX: CAPITAL PROJECTS**

10
11 **UNC NON-GENERAL FUND CAPITAL PROJECTS**

12 **SECTION 30.7.(a)** The purpose of this section is (i) to authorize the planning or
13 construction by certain constituent institutions of The University of North Carolina of the
14 capital improvements projects listed in this section for the respective institutions and (ii) to
15 authorize the financing of these projects with funds available to the institutions from gifts,
16 grants, receipts, self-liquidating indebtedness, Medicare reimbursements for education costs,
17 hospital receipts from patient care, or other funds, or any combination of these funds, but not
18 including funds received for tuition or appropriated from the General Fund of the State.

19 **SECTION 30.7.(b)** The capital improvements projects, and their respective costs,
20 authorized by this section to be constructed and financed as provided in subsection (a) of this
21 section, including by revenue bonds, by special obligation bonds as authorized in subsection (e)
22 of this section, or by both, are as follows:

23
24 **Appalachian State University**

25 Winkler Residence Hall Renovation \$ 11,805,000

26
27 **East Carolina University**

28 Athletic Facilities Expansion and Improvement – Phase 4
29 Auxiliary Practice Gymnasium 15,000,000

30
31 **Fayetteville State University**

32 Rudolph Jones Student Center Expansion and Renovation 23,289,021

33
34 **North Carolina A&T State University**

35 New Health Center 10,000,000

36
37 **North Carolina Central University**



1	Chidley Residence Hall Expansion and Renovation	41,193,000
2		
3	North Carolina State University	
4	Centennial Campus Housing Complex	129,000,000
5	Lee Residence Hall and Sullivan Residence Hall	6,000,000
6		
7	The University of North Carolina at Chapel Hill	
8	Carolina Inn Renovation – Phase 2	9,000,000
9	Woollen Gymnasium Renovation – Phase 2	2,650,000
10		
11	The University of North Carolina at Charlotte	
12	New Residence Hall – Phase X	31,045,802
13	New Residence Hall – Phase XI	40,837,005
14	Residence Dining Hall Replacement	29,176,738
15	Parking Deck J	27,418,000
16		
17	The University of North Carolina at Greensboro	
18	Student Recreation Center	91,000,000
19	Tower Village II Residence Hall Acquisition	34,500,000
20	Campus Police Building	10,030,000
21	Village Parking Deck	10,877,000
22		
23	The University of North Carolina at Pembroke	
24	Student Health Services Comprehensive Renovation and Addition	3,950,000
25		
26	Western Carolina University	
27	Walker Residence Hall Expansion and Renovation	17,289,000

29 **SECTION 30.7.(c)** The capital improvements projects, and their respective costs,
30 authorized by this section to be planned and financed as provided in subsection (a) of this
31 section, including by revenue bonds, by special obligation bonds as authorized in subsection (e)
32 of this section, or by both, are as follows:

33		
34	The University of North Carolina at Chapel Hill	
35	Mary Ellen Jones Renovation – Phase 1	\$ 4,000,000
36	Research Building at Carolina North	6,000,000
37		
38	The University of North Carolina at Charlotte	
39	New Residence Hall – Phase XII	3,840,741
40	Cedar, Hickory, and Sycamore Residence Halls Renovation	750,000

41

42 **SECTION 30.7.(d)** At the request of the Board of Governors of The University of
43 North Carolina and upon determining that it is in the best interest of the State to do so, the
44 Director of the Budget may authorize an increase or decrease in the cost of, or a change in the
45 method of, funding the projects authorized by this section. In determining whether to authorize
46 a change in cost or funding, the Director of the Budget may consult with the Joint Legislative
47 Commission on Governmental Operations.

48 **SECTION 30.7.(e)** Pursuant to G.S. 116D-26, the Board of Governors may issue,
49 subject to the approval of the Director of the Budget, at one time or from time to time, special
50 obligation bonds of the Board of Governors for the purpose of paying all or any part of the cost
51 of acquiring, constructing, or providing for the projects authorized by subsections (b) and (c) of

1 this section. The maximum principal amount of bonds to be issued shall not exceed the
2 specified project costs in subsections (b) and (c) of this section plus five percent (5%) of such
3 amount to pay issuance expenses, fund reserve funds, pay capitalized interest, and pay other
4 related additional costs, plus any increase in the specific project costs authorized by the
5 Director of the Budget pursuant to subsection (d) of this section.

6 **SECTION 30.7.(f)** This section is effective when it becomes law.
7

8 **PART XXXI: FEES**

9

10 **EDUCATION/DRIVER EDUCATION REFORM**

11 **SECTION 31.1.(a)** Subsections (a), (b), and (b1) of G.S. 20-88.1 are recodified as
12 subsections (a), (d), and (e), respectively, of a new section G.S. 115C-215.1, in Article 14 of
13 Chapter 115C of the General Statutes to be entitled "Administration of driver education
14 program by the Department of Public Instruction."

15 **SECTION 31.1.(b)** G.S. 20-11(b) reads as rewritten:

16 "(b) Level 1. – A person who is at least 15 years old but younger than 18 years old may
17 obtain a limited learner's permit if the person meets all of the following requirements:

18 (1) Passes a course of driver education prescribed in ~~G.S. 20-88.1~~
19 G.S. 115C-215.1 or a course of driver instruction at a licensed commercial
20 driver training school.

21 (2) Passes a written test administered by the Division.

22 (3) Has a driving eligibility certificate or a high school diploma or its
23 equivalent."

24 **SECTION 31.1.(c)** G.S. 20-88.1, as amended by subsection (a) of this section,
25 reads as rewritten:

26 "**§ 20-88.1. Driver education.**

27 (a) through (b1) Recodified.

28 (c) ~~All expenses~~ Expenses incurred by the State in carrying out the provisions of ~~this~~
29 ~~section~~ the driver education program administered by the Department of Public Instruction in
30 accordance with G.S. 115C-215.1 shall be paid out of the Highway ~~Fund~~. Fund based on an
31 annual appropriation by the General Assembly.

32 (d) The Division shall prepare a driver license handbook that explains the traffic laws of
33 the State and shall periodically revise the handbook to reflect changes in these laws. At the
34 request of the Department of ~~Education~~, Public Instruction, the Division shall provide free
35 copies of the handbook to that Department for use in the program of driver education offered at
36 public high schools."

37 **SECTION 31.1.(d)** G.S. 20-322(b) reads as rewritten:

38 "(b) Regulations adopted by the Commissioner shall state the requirements for a school
39 license, including requirements concerning location, equipment, courses of instruction,
40 instructors, financial statements, schedule of fees and charges, character and reputation of the
41 operators, insurance, bond or other security in such sum and with such provisions as the
42 Commissioner deems necessary to protect adequately the interests of the public, and such other
43 matters as the Commissioner may prescribe. A driver education course offered to prepare an
44 individual for a limited learner's permit or another provisional license must meet the
45 requirements set in ~~G.S. 20-88.1~~ G.S. 115C-215.1 for the program of driver education offered
46 in the public schools."

47 **SECTION 31.1.(e)** G.S. 115C-215 is repealed.

48 **SECTION 31.1.(f)** G.S. 115C-215.1, as enacted by subsection (a) of this section,
49 reads as rewritten:

50 "**§ 115C-215.1. Administration of driver education program by the Department of Public**
51 **Instruction.**

1 (a) In accordance with criteria and standards approved by the State Board of Education,
2 the State Superintendent of Public Instruction shall organize and administer a standardized
3 program of driver education to be offered at the public high schools of this State for all
4 physically and mentally qualified persons who (i) are older than 14 years and six months, (ii)
5 are approved by the principal of the school, pursuant to rules adopted by the State Board of
6 Education, (iii) are enrolled in a public or private high school within the ~~State~~, State or are
7 receiving instruction through a home school as provided in Part 3 of Article 39 of Chapter
8 115C of the General Statutes, and (iv) have not previously enrolled in the program. The State
9 Board of Education shall use for such purpose all funds appropriated to it for said purpose, and
10 may use all other funds that become available for its use for said purpose.

11 (b) The driver education program established pursuant to this section must include the
12 following:

- 13 (1) Instruction on the rights and privileges of the handicapped and the signs and
14 symbols used to assist the handicapped relative to motor vehicles, including
15 the "international symbol of accessibility" and other symbols and devices as
16 provided in Article 2A of ~~this Chapter~~. Chapter 20 of the General Statutes.
- 17 (2) At least six hours of instruction on the offense of driving while impaired and
18 related subjects.
- 19 (3) At least six hours of actual driving experience. To the extent practicable, this
20 experience may include at least one hour of instruction on the techniques of
21 defensive driving.
- 22 (4) At least one hour of motorcycle safety awareness training.

23 (c) The State Board of Education shall establish and implement a strategic plan for the
24 driver education program. At a minimum, the strategic plan shall consist of goals and
25 performance indicators, including the number of program participants as compared to the
26 number of persons projected to be eligible to participate in the program, the implementation of
27 a standard curriculum for the program, expenditures for the program, and the success rate of
28 program participants in receiving a drivers license as reported by the Division of Motor
29 Vehicles. The strategic plan shall also outline specific roles and duties of an advisory
30 committee consisting of employees of the Division of Motor Vehicles and the Department of
31 Public Instruction and other stakeholders in driver education.

32 (d) The State Board of Education shall adopt a salary range for driver education
33 instructors who are public school employees and who do not hold teacher certificates.

34 Driver education instructors who are public school employees and who hold teacher
35 certificates shall be paid on the teacher salary schedule. A day of employment for driver
36 education instructors who hold teacher certificates shall be the same number of hours required
37 of all regular classroom teachers as established by the local board of education.

38 (e) The State Board of Education shall adopt rules to permit local boards of education
39 to enter contracts with public or private entities to provide a program of driver education at
40 public high schools. All driver education instructors shall meet the requirements established by
41 the State Board of Education; provided, however, driver education instructors shall not be
42 required to hold teacher certificates."

43 **SECTION 31.1.(g)** G.S. 115C-216 reads as rewritten:

44 "**§ 115C-216. Boards of education required to provide courses in operation of motor**
45 **vehicles.**

46 (a) Course of Training and Instruction Required in Public High Schools. – ~~The State~~
47 ~~Board of Education and local~~ Local boards of education ~~are required to provide as a part of the~~
48 ~~program of the public high schools in this State a course of training and instruction in the~~
49 ~~operation of motor vehicles, in accordance with G.S. 20-88.1.~~ shall offer noncredit driver
50 education courses in high schools using the standardized curriculum provided by the
51 Department of Public Instruction.

1 (b) Inclusion of Expense in Budget. – The local boards of education of every local
2 school administrative unit are hereby authorized to shall include as an item of instructional
3 service and as a part of the current expense fund of the budget of the several high schools under
4 their supervision, the expense necessary to install and maintain such a course of training and
5 instructing eligible persons in such schools in the operation of motor vehicles. to offer the
6 driver education course.

7 (c) to (f) Repealed by Session Laws 1991, c. 689, s. 32(c).

8 (g) Fee for Instruction. – The local boards of education may charge each student
9 participating in driver education a fee of up to seventy-five dollars (\$75.00) to offset the costs
10 of providing the training and instruction."

11 12 EDUCATION/STATE BOARD AUTHORITY TO ESTABLISH GED TESTING FEES

13 SECTION 31.2. G.S. 115D-5(s) reads as rewritten:

14 "(s) The State Board of Community Colleges may establish, retain and budget fees
15 charged to students taking the General Education Development (GED) ~~test.~~ test, including fees
16 for retesting. Fees collected for this purpose shall be used only to (i) offset the costs of the GED
17 test, including the cost of scoring the test, (ii) offset the costs of printing GED certificates, and
18 (iii) meet federal and State reporting requirements related to the test."

19 20 EDUCATION/NORTH CAROLINA VIRTUAL PUBLIC SCHOOLS ALLOTMENT 21 FORMULA

22 SECTION 31.3.(a) The State Board of Education shall implement an allotment
23 formula for the North Carolina Virtual Public Schools (NCVPS) beginning with the 2011-2012
24 school year. In accordance with Section 7.16 of S.L. 2006-66, the allotment formula shall
25 create a sustainable source of funding that increases commensurate with student enrollment and
26 recognizes "the extent to which projected enrollment in e-learning courses affects funding
27 required for other allotments that are based on average daily membership."

28 SECTION 31.3.(b) The State Board shall use only funds provided through the
29 North Carolina Virtual Public Schools Allotment Formula to fund NCVPS.

30 SECTION 31.3.(c) The Department of Public Instruction shall take the following
31 steps to implement the North Carolina Virtual Public Schools Allotment Formula:

- 32 (1) Project NCVPS student enrollment by semester and year-long course types
33 for each local school administrative unit and charter school.
- 34 (2) Establish a per course fee for each course type.
- 35 (3) Multiply the projected NCVPS student enrollment by semester and
36 year-long course for each local school administrative unit and charter school
37 type by the per course fees to determine the total NCVPS cost for each local
38 school administrative unit and charter school.
- 39 (4) Transfer a dollar amount equal to the local school administrative unit's or
40 charter school's total NCVPS cost to NCVPS. For local school
41 administrative units, funds shall be transferred from the classroom teacher
42 allotment to NCVPS. For charter schools, the allotment of State funds will
43 be reduced and transferred to NCVPS.

44 SECTION 31.3.(d) NCVPS shall use the funds transferred to it to provide the
45 NCVPS program at no cost to all students in North Carolina who are enrolled in North
46 Carolina's public schools, Department of Defense schools, and schools operated by the Bureau
47 of Indian Affairs.

48 SECTION 31.3.(e) NCVPS shall provide only high school courses and shall not
49 provide any courses in physical education.

50 SECTION 31.3.(f) The State Board shall establish a separate per student fee
51 structure for out-of-state students, private school students, and home-schooled students. For the

1 2011-2012 school year, NCVPS shall provide specific instructions on its Web site, describing
2 the steps required for such students to enroll in NCVPS courses and all applicable fees.

3 Beginning with the 2012-2013 school year, NCVPS shall provide an online process
4 by which such students can enroll in NCVPS courses online.

5 **SECTION 31.3.(g)** The Board shall direct NCVPS to develop a plan to generate
6 revenue from the sale of courses to out-of-state educational entities. NCVPS shall submit its
7 plan to the Board by September 15, 2011.

8 **SECTION 31.3.(h)** The Director of NCVPS shall continue to ensure that:

9 (1) Course quality standards are established and met.

10 (2) All e-learning opportunities offered by State-funded entities, other than
11 charter schools, to public school students are consolidated under the North
12 Carolina Virtual Public School program, eliminating course duplication.

13 (3) All courses offered through NCVPS are aligned to the North Carolina
14 Standard Course of Study.

15 **SECTION 31.3.(i)** Funds for the administration of NCVPS shall be capped at a
16 maximum of fifteen percent (15%) per year of the funds transferred to NCVPS.
17

18 **NER/COMMERCE/SET REGULATORY FEE FOR UTILITIES COMMISSION**

19 **SECTION 31.4.(a)** The percentage rate to be used in calculating the public utility
20 regulatory fee under G.S. 62-302(b)(2) is twelve-hundredths of one percent (0.12%) for each
21 public utility's North Carolina jurisdictional revenues earned during each quarter that begins on
22 or after July 1, 2011.

23 **SECTION 31.4.(b)** The electric membership corporation regulatory fee imposed
24 under G.S. 62-302(b1) for the 2011-2012 fiscal year is two hundred thousand dollars
25 (\$200,000).

26 **SECTION 31.4.(c)** This section becomes effective July 1, 2011.
27

28 **NER/AGRICULTURE/INCREASE FEES FOR PET SHOPS, AUCTIONS, KENNELS, 29 AND DEALERS**

30 **SECTION 31.5.(a)** G.S. 19A-27 reads as rewritten:

31 **"§ 19A-27. License required for operation of pet shop.**

32 No person shall operate a pet shop unless a license to operate such establishment shall have
33 been granted by the Director. Application for such license shall be made in the manner
34 provided by the Director. The license shall be for the fiscal year and the license fee shall be
35 ~~fifty dollars (\$50.00)~~ seventy-five dollars (\$75.00) for each license period or part thereof
36 beginning with the first day of the fiscal year."

37 **SECTION 31.5.(b)** G.S. 19A-28 reads as rewritten:

38 **"§ 19A-28. License required for public auction or boarding kennel.**

39 No person shall operate a public auction or a boarding kennel unless a license to operate
40 such establishment shall have been granted by the Director. Application for such license shall
41 be made in the manner provided by the Director. The license period shall be the fiscal year and
42 the license fee shall be ~~fifty dollars (\$50.00)~~ seventy-five dollars (\$75.00) for each license
43 period or part thereof beginning with the first day of the fiscal year."

44 **SECTION 31.5.(c)** G.S. 19A-29 reads as rewritten:

45 **"§ 19A-29. License required for dealer.**

46 No person shall be a dealer unless a license to deal shall have been granted by the Director
47 to such person. Application for such license shall be in the manner provided by the Director.
48 The license period shall be the fiscal year and the license fee shall be ~~fifty dollars~~
49 ~~(\$50.00)~~ seventy-five dollars (\$75.00) for each license period or part thereof, beginning with the
50 first day of the fiscal year."
51

1 **NER/AGRICULTURE/REPEAL BOARD OF AGRICULTURE REVIEW OF FEE**
2 **SCHEDULES**

3 **SECTION 31.6.** G.S. 106-6.1(b) is repealed.
4

5 **NER/AGRICULTURE/FEEES FOR OUT-OF-STATE SOIL TESTS AND EXPEDITED**
6 **SOIL TESTS**

7 **SECTION 31.7.** G.S. 106-22 reads as rewritten:

8 **"§ 106-22. Joint duties of Commissioner and Board.**

9 The Commissioner of Agriculture, by and with the consent and advice of the Board of
10 Agriculture shall:

11 ...

12 (17) Agronomic Testing. – Provide agronomic testing services and charge
13 reasonable fees for plant ~~analysis and analysis~~, nematode ~~testing-testing~~,
14 out-of-state soil testing, and expedited soil testing. The Board shall charge at
15 least four dollars (\$4.00) for plant ~~analysis and analysis~~, at least two dollars
16 (\$2.00) for nematode ~~testing-testing~~, at least five dollars (\$5.00) for
17 out-of-state soil testing, and at least one hundred dollars (\$100.00) for
18 expedited soil testing."
19

20 **NER/AGRICULTURE/TECHNICAL CORRECTIONS REGARDING COMMERCIAL**
21 **FERTILIZER INSPECTION FEE AND PESTICIDE TECHNICIAN**
22 **IDENTIFICATION CARD RENEWAL FEE**

23 **SECTION 31.8.(a)** G.S. 106-671(b) reads as rewritten:

24 "(b) Reporting System. – Each manufacturer, importer, jobber, firm, corporation or
25 person who distributes commercial fertilizers in this State shall make application to the
26 Commissioner for a permit to report the tonnage of commercial fertilizer sold and shall pay to
27 the North Carolina Department of Agriculture and Consumer Services an inspection fee of
28 ~~twenty five cents (25¢)~~ fifty cents (50¢) per ton. The Commissioner is authorized to require
29 each such distributor to keep such records as may be necessary to indicate accurately the
30 tonnage of commercial fertilizers sold in the State, and as are satisfactory to the Commissioner.
31 Such records shall be available to the Commissioner, or his duly authorized representative, at
32 any and all reasonable hours for the purpose of making such examination as is necessary to
33 verify the tonnage statement and the inspection fees paid. Each registrant shall report monthly
34 the tonnage sold to non-registrants on forms furnished by the Commissioner. Such reports shall
35 be made and inspection fees shall be due and payable monthly on the fifteenth of each month
36 covering the tonnage and kind of commercial fertilizers sold during the past month. If the
37 report is not filed and the inspection fee paid by the last day of the month it is due, the amount
38 due shall bear a penalty of ten percent (10%), which shall be added to the inspection fee due. If
39 the report is not filed and the inspection fee paid within 60 days of the date due, or if the report
40 or tonnage be false, the Commissioner may revoke the permit."

41 **SECTION 31.8.(b)** G.S. 106-65.31(b1) reads as rewritten:

42 "(b1) Registration. – Within 75 days after the hiring of an employee who is either an
43 estimator, salesman, serviceman, or solicitor, the licensee shall apply to the Division for the
44 issuance of an identification card for such employee. The application must be accompanied by
45 a fee of forty dollars (\$40.00) for each card. The card shall be issued in the name of the
46 employee and shall bear the name of the employing licensee, the employer's license number
47 and phases, the name and address of the employer's business, and such other information as the
48 Committee may specify. The identification card shall be carried by the employee on his person
49 at all times while performing any phase of structural pest control work. The card must be
50 displayed upon demand by the Commissioner, the Committee, the Division, or any
51 representative thereof, or the person for whom any phase of structural pest control work is

1 being performed. A registered technician's identification card must be renewed annually on or
2 before June 30 by payment of a renewal fee of ~~twenty five dollars (\$25.00)~~ forty dollars
3 (\$40.00). If a card is lost or destroyed the licensee may secure a duplicate for a fee of five
4 dollars (\$5.00). The licensee shall notify the Division of the termination or change in status of
5 any registered technician. All identification cards expire when a license expires."
6

7 **NER/AGRICULTURE/INCREASE AGRICULTURAL LIMING MATERIALS**
8 **TONNAGE FEES**

9 **SECTION 31.9.** G.S. 106-92.8 reads as rewritten:

10 **"§ 106-92.8. Tonnage fees: reporting system.**

11 For the purpose of defraying expenses connected with the registration, inspection and
12 analysis of the materials coming under this Article, each manufacturer or registrant shall pay to
13 the Department of Agriculture and Consumer Services tonnage fees in addition to registration
14 fees as follows: for agricultural liming material, ~~ten cents (10¢)~~ fifty cents (50¢) per ton; for
15 landplaster, ~~ten cents (10¢)~~ fifty cents (50¢) per ton; excepting that these fees shall not apply to
16 materials which are sold to fertilizer manufacturers for the sole purpose for use in the
17 manufacture of fertilizer or to materials when sold in packages of 10 pounds or less.

18 Any manufacturer, importer, jobber, firm, corporation or person who distributes materials
19 coming under this Article in this State shall make application for a permit to report the
20 materials sold and pay the tonnage fees as set forth in this section.

21 The Commissioner of Agriculture shall grant such permits on the following conditions: The
22 applicant's agreement that he will keep such records as may be necessary to indicate accurately
23 the tonnage of liming materials, etc., sold in the State and his agreement for the Commissioner
24 or this authorized representative to examine such records to verify the tonnage statement. The
25 registrant shall report quarterly and pay the applicable tonnage fees quarterly, on or before the
26 tenth day of October, January, April, and July of each year. The report and payment shall cover
27 the tonnage of liming materials, etc., sold during the preceding quarter. The report shall be on
28 forms furnished by the Commissioner. If the report is not filed and the tonnage fees paid by the
29 last day of the month in which it is due, or if the report be false, the amount due shall bear a
30 penalty of ten percent (10%) which shall be added to the tonnage fees due. If the report is not
31 filed and the tonnage fees paid within 60 days of the date due, or if the report or tonnage be
32 false, the Commissioner may revoke the permit and cancel the registration."
33

34 **NER/AGRICULTURE/INCREASE ANTIFREEZE DISTRIBUTION REGISTRATION**
35 **FEE**

36 **SECTION 31.10.** G.S. 106-579.4 reads as rewritten:

37 **"§ 106-579.4. Registrations.**

38 On or before the first day of July of each year, and before any antifreeze may be distributed
39 for the permit year beginning July 1, the manufacturer, packager, or person whose name
40 appears on the label shall make application to the Commissioner on forms provided by the
41 latter for registration for each brand of antifreeze which he desires to distribute. The application
42 shall be accompanied by specimens or facsimiles of labeling for all container sizes to be
43 distributed, when requested by the Commissioner; a license and inspection fee of ~~two hundred~~
44 ~~fifty dollars (\$250.00)~~ five hundred dollars (\$500.00) for each brand of antifreeze and a
45 properly labeled sample of the antifreeze shall also be submitted at this time. The
46 Commissioner may inspect, test, or analyze the antifreeze and review the labeling. If the
47 antifreeze is not adulterated or misbranded, if it meets the standards established and
48 promulgated by the Board, and if the said antifreeze is not such a type or kind that is in
49 violation of this Article, the Commissioner shall thereafter issue a written license or permit
50 authorizing the sale of such antifreeze in this State for the fiscal year in which the license or
51 inspection fee is paid. If the antifreeze is adulterated or misbranded, if it fails to meet standards

1 promulgated by the Board, or is in violation of this Article or regulations thereunder, the
2 Commissioner shall refuse to register the antifreeze, and he shall return the application to the
3 applicant, stating how the antifreeze or labeling is not in conformity. If the Commissioner shall,
4 at a later date, find that a properly registered antifreeze product has been materially altered or
5 adulterated, or a change has been made in the name, brand or trademark under which the
6 antifreeze is sold, or that it violates the provisions of this Article, or that it violates regulations,
7 definitions or standards duly promulgated by the Board, he shall notify the applicant that the
8 license authorizing sale of the antifreeze is canceled. No antifreeze license shall be canceled
9 unless the registrant shall have been given an opportunity to be heard before the Commissioner
10 or his duly designated agent and to modify his application in order to comply with the
11 requirements of this Article and regulations, definitions, and standards promulgated by the
12 Board. All fees received by the Commissioner shall be placed in the Department of Agriculture
13 and Consumer Services fund for the purpose of supporting the antifreeze enforcement and
14 testing program."

15
16 **NER/ENVIRONMENT/REDUCE PORTION OF CERTIFICATE OF TITLE FEES**
17 **CREDITED TO MERCURY SWITCH REMOVAL ACCOUNT**

18 **SECTION 31.11.** G.S. 20-85(a1) reads as rewritten:

19 "(a1) One dollar (\$1.00) of the fee imposed for any transaction assessed a fee under
20 subdivision (a)(1), (a)(2), (a)(3), (a)(7), (a)(8), or (a)(9) of this section shall be credited to the
21 North Carolina Highway Fund. The Division shall use the fees derived from transactions with
22 the Division for technology improvements. The Division shall use the fees derived from
23 transactions with commission contract agents for the payment of compensation to commission
24 contract agents. An additional ~~one dollar (\$1.00)~~ fifty cents (50¢) of the fee imposed for any
25 transaction assessed a fee under subdivision (a)(1) of this section shall be credited to the
26 Mercury Switch Removal Account in the Department of Environment and Natural Resources."

27
28 **NER/ENVIRONMENT/DIVERT SCRAP TIRE TAX PROCEEDS TO GENERAL**
29 **FUND**

30 **SECTION 31.12.** Notwithstanding the provisions of G.S. 105-187.19(b), effective
31 for taxes levied during the 2011-2012 fiscal year, the Secretary of Revenue shall credit to the
32 General Fund the net tax proceeds that G.S. 105-187.19(b) directs the Secretary to credit to the
33 Scrap Tire Disposal Account.

34
35 **NER/ENVIRONMENT/DIVERT WHITE GOODS TAX PROCEEDS TO GENERAL**
36 **FUND**

37 **SECTION 31.13.** Notwithstanding the provisions of G.S. 105-187.24, effective for
38 taxes levied during the 2011-2012 fiscal year, the Secretary of Revenue shall credit to the
39 General Fund the net tax proceeds that G.S. 105-187.24 directs the Secretary to credit to the
40 White Goods Management Account.

41
42 **NER/ENVIRONMENT/STUDY FOOD AND LODGING FEES AND THEIR**
43 **DISTRIBUTION BETWEEN THE STATE PROGRAM AND THE LOCALS**
44 **PROGRAMS**

45 **SECTION 31.14.** The Fiscal Research Division of the North Carolina General
46 Assembly must study the administration and financing of the State's food, lodging, and
47 institution sanitation programs and rules. The Fiscal Research Division must report its findings
48 to the chairs of the NER Appropriations Subcommittee and the Finance Committee on or
49 before May 1, 2012. The study must include both of the following:

- 50 (1) The fee amount necessary to cover the cost of the State program and the
51 actual operating costs of the local health departments.

- 1 (2) The most efficient manner to set, collect, and remit the fee between the State
2 and local health departments.
3

4 **NER/ENVIRONMENT/ADDITIONAL USES OF HAZARDOUS WASTE FEES**

5 **SECTION 31.15.** G.S. 130A-294.1(b) reads as rewritten:

6 "(b) Funds collected pursuant to this section shall be used for personnel and other
7 resources necessary to:

- 8 (1) Provide a high level of technical assistance and waste minimization effort
9 for the hazardous waste management program;
10 (2) Provide timely review of permit applications;
11 (3) Insure that permit decisions are made on a sound technical basis and that
12 permit decisions incorporate all conditions necessary to accomplish the
13 purposes of this Part;
14 (4) Improve monitoring and compliance of the hazardous waste management
15 program;
16 (5) Increase the frequency of inspections;
17 (6) Provide chemical, biological, toxicological, and analytical support for the
18 hazardous waste management program; and
19 (7) Provide resources for emergency response to imminent hazards associated
20 with the hazardous waste management program.
21 (8) Implement and provide oversight of necessary response activities involving
22 inactive hazardous substance or waste disposal sites.
23 (9) Provide compliance and prevention activities within the solid waste program
24 to ensure that hazardous waste is not disposed in solid waste management
25 facilities.
26

27 **NER/LABOR/REPEAL STATUTE REQUIRING BIENNIAL REVIEW OF FEES BY**
28 **DEPARTMENT**

29 **SECTION 31.16.** G.S. 95-14.1 is repealed.
30

31 **NER/NATURAL RESOURCES/DIVERT PORTION OF DEED STAMP TAX**
32 **REVENUE SOURCE FOR NATURAL HERITAGE TRUST FUND**

33 **SECTION 31.17.** Notwithstanding the provisions of G.S. 105-228.30(b) and
34 G.S. 113-77.9, effective for taxes levied during the 2011-2012 fiscal year, the Secretary of
35 Revenue shall credit the sum of eight million dollars (\$8,000,000) to the General Fund of the
36 net tax proceeds that G.S. 105-228.30(b) directs the Secretary to credit to the Natural Heritage
37 Trust Fund.
38

39 **NER/NATURAL RESOURCES/PARKS AND RECREATION TRUST FUND;**
40 **ALLOCATION OF DEED STAMP TAX PROCEEDS CREDITED TO FUND**

41 **SECTION 31.18.(a)** Notwithstanding the provisions of G.S. 113-44.15(b),
42 effective for taxes levied during the 2011-2012 fiscal year, the net tax proceeds that are credited
43 to the Parks and Recreation Trust Fund by the Secretary of Revenue pursuant to
44 G.S. 105-228.30(b) shall be allocated as follows:

- 45 (1) Six million dollars (\$6,000,000) shall be used for the operating expenses of
46 the Division of Parks and Recreation of the Department of Environment and
47 Natural Resources;
48 (2) Up to eight million dollars (\$8,000,000) shall be used for the State Parks
49 System for capital projects, repairs and renovations of park facilities, land
50 acquisition, and to retire debt incurred for these purposes under Article 9 of
51 Chapter 142 of the General Statutes;

- 1 (3) Up to four million two hundred thirty thousand dollars (\$4,230,000) shall be
2 used for grants to local government units consistent with the match and other
3 requirements set forth in G.S. 113-44.14(b)(2); and
4 (4) Up to seven hundred five thousand dollars (\$705,000) shall be used for the
5 Coastal and Estuarine Water Beach Access Program.

6 **SECTION 31.18.(b)** Any funds that become available to the Parks and Recreation
7 Trust Fund during the 2011-2012 fiscal year that are in excess of the funds allocated under
8 subsection (a) of this section shall be used as provided in G.S. 113-44.15(b).
9

10 **NER/NATURAL RESOURCES/DIVERT PORTION OF DEED STAMP TAX**
11 **REVENUE SOURCE FOR PARKS AND RECREATION TRUST FUND**

12 **SECTION 31.19.** Notwithstanding the provisions of G.S. 105-228.30(b) and
13 G.S. 113-44.15, effective for taxes levied during the 2011-2012 fiscal year, the Secretary of
14 Revenue shall credit the sum of eight million four hundred thirty-five thousand dollars
15 (\$8,435,000) to the General Fund of the net tax proceeds that G.S. 105-228.30(b) directs the
16 Secretary to credit to the Parks and Recreation Trust Fund.
17

18 **NER/NATURAL RESOURCES/NEW FUNDING SOURCE FOR WILDLIFE**
19 **RESOURCE COMMISSION OPERATING BUDGET**

20 **SECTION 31.20.(a)** G.S. 105-164.44B is repealed.

21 **SECTION 31.20.(b)** The Office of State Budget and Management, the State
22 Controller, and the Wildlife Resources Commission shall jointly effectuate, beginning with the
23 Wildlife Resources Commission's operating budget for the 2011-2012 fiscal year, the transition
24 from the Wildlife Resources Commission receiving sales tax proceeds to fund its operating
25 budget to the Wildlife Resources Commission receiving an appropriation of eighteen million
26 five hundred thousand dollars (\$18,500,000) from the General Fund to fund its operating
27 budget.
28

29 **NER/NATURAL RESOURCES/REPEAL DENR REVIEW OF FEE SCHEDULES**

30 **SECTION 31.21.** G.S. 143B-279.2(4) is repealed.
31

32 **NER/NATURAL RESOURCES/NO NEW FEES FOR PARKING IN STATE PARKS**

33 **SECTION 31.22.** Notwithstanding any provision to the contrary, the funds
34 appropriated to the Department of Environment and Natural Resources for State Parks for the
35 2011-2012 fiscal year and for the 2012-2013 fiscal year shall not be reduced or replaced with
36 fees for parking at State Parks, unless these fees were charged prior to the 2011-2012 fiscal
37 year. No fees shall be charged and no fees shall be collected for parking in a State Park during
38 the 2011-2012 fiscal year and for the 2012-2013 fiscal year, unless these fees were charged
39 prior to the 2011-2012 fiscal year.
40

41 **JPS/AOC/INCREASE CERTAIN COURT COSTS**

42 **SECTION 31.23.(a)** G.S. 7A-304(a)(4) reads as rewritten:

43 "(a) In every criminal case in the superior or district court, wherein the defendant is
44 convicted, or enters a plea of guilty or nolo contendere, or when costs are assessed against the
45 prosecuting witness, the following costs shall be assessed and collected, except that when the
46 judgment imposes an active prison sentence, costs shall be assessed and collected only when
47 the judgment specifically so provides, and that no costs may be assessed when a case is
48 dismissed.
49

- 50 (4) For support of the General Court of Justice, the sum of one hundred
51 twenty-four dollars and fifty cents (~~(\$100.50)~~(\$124.50) in the district court,

1 including cases before a magistrate, and the sum of one hundred ~~two~~
2 ~~fifty-four~~ dollars and fifty cents ~~(\$102.50)~~(\$154.50) in the superior court, to
3 be remitted to the State Treasurer. For a person convicted of a felony in
4 superior court who has made a first appearance in district court, both the
5 district court and superior court fees shall be assessed. The State Treasurer
6 shall remit the sum of ~~two dollars and five cents (\$2.05)~~one dollar (\$1.00) of
7 each fee collected under this subdivision to the North Carolina State Bar for
8 the provision of services described in G.S. 7A-474.4, and ninety-five cents
9 (\$.95) of each fee collected under this subdivision to the North Carolina
10 State Bar for the provision of services described in G.S. 7A-474.19."

11 **SECTION 31.23.(b)** G.S. 7A-305 reads as rewritten:

12 **"§ 7A-305. Costs in civil actions.**

13 (a) In every civil action in the superior or district court, except for actions brought
14 under Chapter 50B of the General Statutes, shall be assessed:

15 ...

16 (2) For support of the General Court of Justice, the sum of one hundred
17 ~~twenty-five~~eighty dollars ~~(\$125.00)~~(\$180.00) in the superior court, except
18 that if a case is assigned to a special superior court judge as a complex
19 business case under G.S. 7A-45.3, an additional one thousand dollars
20 (\$1,000) shall be paid upon its assignment, and the sum of ~~eighty-one~~
21 ~~hundred thirty~~ dollars ~~(\$80.00)~~(\$130.00) in the district court except that if
22 the case is assigned to a magistrate the sum shall be ~~fifty-five~~eighty dollars
23 ~~(\$55.00)~~(\$80.00). Sums collected under this subdivision shall be remitted to
24 the State Treasurer. The State Treasurer shall remit the sum of ~~two dollars~~
25 ~~and five cents (\$2.05)~~one dollar (\$1.00) of each fee collected under this
26 subdivision to the North Carolina State Bar for the provision of services
27 described in G.S. 7A-474.4, and ninety-five cents (\$.95) of each fee
28 collected under this subdivision to the North Carolina State Bar for the
29 provision of services described in G.S. 7A-474.19.

30 ...

31 (a5) In every civil action in the superior or district court wherein a party files a pleading
32 containing a counterclaim or cross-claim, except for counterclaim and cross-claim actions
33 brought under Chapter 50B of the General Statutes for which costs are assessed pursuant to
34 subsection (a1) of this section, the following shall be assessed:

35 (1) For the use of the courtroom and related judicial facilities, the sum of twelve
36 dollars (\$12.00) in cases heard before a magistrate, and the sum of sixteen
37 dollars (\$16.00) in district and superior court, to be remitted to the
38 municipality providing the facilities in which the judgment is rendered. If a
39 municipality does not provide the facilities in which the judgment is
40 rendered, the sum is to be remitted to the county in which the judgment is
41 rendered. Funds derived from the facilities' fees shall be used in the same
42 manner, for the same purposes, and subject to the same restrictions as
43 facilities' fees assessed in criminal actions.

44 (2) For the upgrade, maintenance, and operation of the judicial and county
45 courthouse phone systems, the sum of four dollars (\$4.00), to be credited to
46 the Court Information Technology Fund.

47 (3) For support of the General Court of Justice, the sum of one hundred eighty
48 dollars (\$180.00) in the superior court, except that if a case is assigned to a
49 special superior court judge as a complex business case under G.S. 7A-45.3,
50 an additional one thousand dollars (\$1,000) shall be paid upon its
51 assignment, and the sum of one hundred thirty dollars (\$130.00) in the

1 district court, except that if the case is assigned to a magistrate, the sum shall
 2 be eighty dollars (\$80.00). Sums collected under this subdivision shall be
 3 remitted to the State Treasurer. The State Treasurer shall remit the sum of
 4 one dollar (\$1.00) of each fee collected under this subdivision to the North
 5 Carolina State Bar for the provision of services described in G.S. 7A-474.4,
 6 and ninety-five cents (\$.95) of each fee collected under this subdivision to
 7 the North Carolina State Bar for the provision of services described in
 8 G.S. 7A-474.19.

9 ...
 10 (f) For the support of the General Court of Justice, the sum of twenty dollars (\$20.00)
 11 shall accompany any motion not listed in G.S. 7A-308 that is filed with the clerk."

12 **SECTION 31.23.(c)** G.S. 7A-306 reads as rewritten:

13 "**§ 7A-306. Costs in special proceedings.**

14 (a) In every special proceeding in the superior court, the following costs shall be
 15 assessed:

16 ...
 17 (2) For support of the General Court of Justice the sum of ~~seventy-five~~one
 18 hundred six dollars ~~(\$75.00)~~(\$106.00). In addition, in proceedings involving
 19 land, except boundary disputes, if the fair market value of the land involved
 20 is over one hundred dollars (\$100.00), there shall be an additional sum of
 21 thirty cents (30¢) per one hundred dollars (\$100.00) of value, or major
 22 fraction thereof, not to exceed a maximum additional sum of two hundred
 23 dollars (\$200.00). Fair market value is determined by the sale price if there
 24 is a sale, the appraiser's valuation if there is no sale, or the appraised value
 25 from the property tax records if there is neither a sale nor an appraiser's
 26 valuation. Sums collected under this subdivision shall be remitted to the
 27 State Treasurer. The State Treasurer shall remit the sum of ~~two dollars and~~
 28 ~~five cents (\$2.05)~~one dollar (\$1.00) of each ~~seventy-five dollar (\$75.00)~~one
 29 hundred six-dollar (\$106.00) General Court of Justice fee collected under
 30 this subdivision to the North Carolina State Bar for the provision of services
 31 described in G.S. 7A-474.4.

32 ...
 33 (g) For the support of the General Court of Justice, the sum of twenty dollars (\$20.00)
 34 shall accompany any motion not listed in G.S. 7A-308 that is filed with the clerk."

35 **SECTION 31.23.(d)** G.S. 7A-307(a) reads as rewritten:

36 (a) In the administration of the estates of decedents, minors, incompetents, of missing
 37 persons, and of trusts under wills and under powers of attorney, in trust proceedings under
 38 G.S. 36C-2-203, and in collections of personal property by affidavit, the following costs shall
 39 be assessed:

40 ...
 41 (2) For support of the General Court of Justice, the sum of ~~seventy-five~~one
 42 hundred six dollars ~~(\$75.00)~~(\$106.00), plus an additional forty cents (40¢)
 43 per one hundred dollars (\$100.00), or major fraction thereof, of the gross
 44 estate, not to exceed six thousand dollars (\$6,000). Gross estate shall include
 45 the fair market value of all personalty when received, and all proceeds from
 46 the sale of realty coming into the hands of the fiduciary, but shall not include
 47 the value of realty. In collections of personal property by affidavit, the fee
 48 based on the gross estate shall be computed from the information in the final
 49 affidavit of collection made pursuant to G.S. 28A-25-3 and shall be paid
 50 when that affidavit is filed. In all other cases, this fee shall be computed
 51 from the information reported in the inventory and shall be paid when the

inventory is filed with the clerk. If additional gross estate, including income, comes into the hands of the fiduciary after the filing of the inventory, the fee for such additional value shall be assessed and paid upon the filing of any account or report disclosing such additional value. For each filing the minimum fee shall be fifteen dollars (\$15.00). Sums collected under this subdivision shall be remitted to the State Treasurer. The State Treasurer shall remit the sum of ~~two dollars and five cents (\$2.05)~~ one dollar (\$1.00) of each ~~seventy five dollar (\$75.00)~~ one hundred six-dollar (\$106.00) General Court of Justice fee collected under this subdivision to the North Carolina State Bar for the provision of services described in G.S. 7A-474.4.

...

(4) For the support of the General Court of Justice, the sum of twenty dollars (\$20.00) shall accompany any motion not listed in G.S. 7A-308 that is filed with the clerk."

SECTION 31.23.(e) G.S. 7A-308(a) reads as rewritten:

"(a) The following miscellaneous fees and commissions shall be collected by the clerk of superior court and remitted to the State for the support of the General Court of Justice:

(1) Foreclosure under power of sale in deed of trust or mortgage.....~~\$150.00~~\$300.00

If the property is sold under the power of sale, an additional amount will be charged, determined by the following formula: forty-five cents (.45) per one hundred dollars (\$100.00), or major fraction thereof, of the final sale price. If the amount determined by the formula is less than ten dollars (\$10.00), a minimum ten dollar (\$10.00) fee will be collected. If the amount determined by the formula is more than five hundred dollars (\$500.00), a maximum five hundred-dollar (\$500.00) fee will be collected.

...

(21) In civil matters, all alias and pluries summons issued and all endorsements issued on an original summons \$15.00."

SECTION 31.23.(f) G.S. 7A-34.1 is repealed.

JPS/AOC/COMMUNITY MEDIATION CENTERS/WORTHLESS CHECK PROGRAMS

SECTION 31.24.(a) G.S. 14-107.2 is amended by adding a new subsection to read:

"(b1) A community mediation center may establish and charge fees for its services in the collection of worthless checks as part of a program established under this section and may assist the Administrative Office of the Courts and district attorneys in the establishment of worthless check programs in any districts in which worthless check programs have not been established."

SECTION 31.24.(b) G.S. 71-38.5(a) reads as rewritten:

"(a) The General Assembly finds that it is in the public interest to encourage the establishment of community mediation centers, also known as dispute settlement centers or dispute resolution centers, to support the work of these centers in facilitating communication, understanding, reconciliation, and settlement of conflicts in communities, courts, and schools, and to promote the widest possible use of these centers by the courts and law enforcement officials across the State. A center may establish and charge fees for its services."

SECTION 31.24.(c) G.S. 7A-38.6(a) reads as rewritten:

"(a) All community mediation centers ~~currently receiving State funds~~ shall report annually to the Mediation Network of North Carolina on the program's funding and activities, including:

(1) Types of dispute settlement services provided;

- (2) Clients receiving each type of dispute settlement service;
- (3) Number and type of referrals received, cases actually mediated (identified by docket number), cases resolved in mediation, and total clients served in the cases mediated;
- (4) Total program funding and funding sources;
- (5) Itemization of the use of funds, including operating expenses and personnel;
- (6) Itemization of the use of State funds appropriated to the center;
- (7) Level of volunteer activity; and
- (8) Identification of future service demands and budget requirements.

(a1) The Mediation Network of North Carolina shall compile and summarize the information provided pursuant to ~~this subsection~~ subsection (a) of this section and shall provide the information to the Chairs of the House of Representatives and Senate Appropriations Committees and the Chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety by February 1 of each year.

The Mediation Network of North Carolina shall also submit a copy of its report to the Administrative Office of the Courts. The receipt and review of this report by the Administrative Office of the Courts shall satisfy any program monitoring, evaluation, and contracting requirements imposed on the Administrative Office of the Courts by Part 3 of Article 6 of Chapter 143C of the General Statutes and any rules adopted under that Part."

SECTION 31.24.(d) G.S. 7A-38.7 reads as rewritten:

"§ 7A-38.7. **Dispute resolution fee for cases resolved in mediation.**

(a) In each criminal case filed in the General Court of Justice that is resolved through referral to a community mediation center, a dispute resolution fee shall be assessed in the sum of sixty dollars (\$60.00) per mediation ~~for the support of the General Court of Justice to support the services provided by the community mediation centers and the Mediation Network of North Carolina.~~ Fees assessed under this section shall be paid to the clerk of superior court in the county where the case was filed and remitted by the clerk to the ~~State Treasurer.~~ Mediation Network of North Carolina. The Mediation Network may retain up to three dollars (\$3.00) of this amount as an allowance for its administrative expenses. The Mediation Network must remit the remainder of this amount to the community mediation center that mediated the case.

(b) Before providing the district attorney with a dismissal form, the community mediation center shall require proof that the defendant has paid the dispute resolution fee as required by subsection (a) of this section and shall attach the receipt to the dismissal form."

JPS/AOC/INCREASE INTERSTATE COMPACT FEE

SECTION 31.25. G.S. 148-65.7(a) reads as rewritten:

"(a) Persons convicted in this State who make a request for transfer to another state pursuant to the compact shall pay a transfer application of ~~one~~ two hundred fifty dollars ~~(\$150.00)~~ (\$250.00) for each transfer application submitted. The transfer application fee shall be paid to the Compact Commissioner upon submission of the transfer application. The Commissioner or the Commissioner's designee may waive the application fee if either the Commissioner or the Commissioner's designee finds that payment of the fee will constitute an undue economic burden on the offender.

All fees collected pursuant to this section shall be deposited in the Interstate Compact Fund and shall be used only to support administration of the Interstate Compact.

The Interstate Compact Fund is established within the Department of Correction as a nonreverting, interest-bearing special revenue account. Accordingly, revenue in the Fund at the end of a fiscal year does not revert, and interest and other investment income earned by the Fund shall be credited to it. All moneys collected by the Department of Correction pursuant to this subsection shall be remitted to the State Treasurer to be deposited and held in this Fund.

1 Moneys in the Fund shall be used to supplement funds otherwise available to the Department of
2 Correction for the administration of the Interstate Compact."
3

4 **JPS/AOC/CONTINGENT COURT COST INCREASES FOR COUNTIES**

5 **SECTION 31.26.(a)** If House Bill 642 or other substantially similar legislation that
6 requires a misdemeanor with a period of confinement of six months or less to serve the period
7 in a local confinement facility becomes law, then G.S. 7A-304(a)(2) reads as rewritten:

8 "(a) In every criminal case in the superior or district court, wherein the defendant is
9 convicted, or enters a plea of guilty or nolo contendere, or when costs are assessed against the
10 prosecuting witness, the following costs shall be assessed and collected, except that when the
11 judgment imposes an active prison sentence, costs shall be assessed and collected only when
12 the judgment specifically so provides, and that no costs may be assessed when a case is
13 dismissed.

14 ...

15 (2) For the use of the courtroom and related judicial facilities, the sum of ~~twelve~~
16 thirty dollars (~~(\$12.00)~~(\$30.00) in the district court, including cases before a
17 magistrate, and the sum of thirty dollars (\$30.00) in superior court, to be
18 remitted to the county in which the judgment is rendered. In all cases where
19 the judgment is rendered in facilities provided by a municipality, the
20 facilities fee shall be paid to the municipality. Funds derived from the
21 facilities fees shall be used exclusively by the county or municipality for
22 providing, maintaining, and constructing adequate courtroom and related
23 judicial facilities, including: adequate space and furniture for judges, district
24 attorneys, public defenders and other personnel of the Office of Indigent
25 Defense Services, magistrates, juries, and other court related personnel;
26 office space, furniture and vaults for the clerk; jail and juvenile detention
27 facilities; free parking for jurors; and a law library (including books) if one
28 has heretofore been established or if the governing body hereafter decides to
29 establish one. In the event the funds derived from the facilities fees exceed
30 what is needed for these purposes, the county or municipality may use any or
31 all of the excess to retire outstanding indebtedness incurred in the
32 construction of the facilities, or to reimburse the county or municipality for
33 funds expended in constructing or renovating the facilities (without incurring
34 any indebtedness) within a period of two years before or after the date a
35 district court is established in such county, or to supplement the operations
36 of the General Court of Justice in the county.

37"

38 **SECTION 31.26.(b)** If House Bill 642 or other substantially similar legislation that
39 requires a misdemeanor with a period of confinement of six months or less to serve the period
40 in a local confinement facility becomes law, then G.S. 7A-304(a) is amended by adding a new
41 subdivision to read:

42 "(a) In every criminal case in the superior or district court, wherein the defendant is
43 convicted, or enters a plea of guilty or nolo contendere, or when costs are assessed against the
44 prosecuting witness, the following costs shall be assessed and collected, except that when the
45 judgment imposes an active prison sentence, costs shall be assessed and collected only when
46 the judgment specifically so provides, and that no costs may be assessed when a case is
47 dismissed.

48 ...

49 (4b) To provide for contractual services to reduce county jail populations, the
50 sum of fifty dollars (\$50.00) for all offenses arising under Chapter 20 of the

1 General Statutes and resulting in a conviction of an improper equipment
2 offense, to be remitted to the Department of Correction."

3 **SECTION 31.26.(c)** If House Bill 642 or other substantially similar legislation that
4 requires a misdemeanor with a period of confinement of six months or less to serve the period
5 in a local confinement facility becomes law, then G.S. 7A-311(a) reads as rewritten:

6 "(a) In a civil action or special proceeding, except for actions brought under Chapter 50B
7 of the General Statutes, the following fees and commissions shall be assessed, collected, and
8 remitted to the county:

- 9 (1) a. For each item of civil process served, including summons,
10 subpoenas, notices, motions, orders, writs and pleadings, the sum of
11 ~~fifteen~~ thirty dollars ~~(\$15.00)~~ (\$30.00). When two or more items of
12 civil process are served simultaneously on one party, only one
13 ~~fifteen dollar~~ thirty-dollar ~~(\$15.00)~~ (\$30.00) fee shall be charged.

14 "

15 **SECTION 31.26.(d)** If House Bill 642 or other substantially similar legislation that
16 requires a misdemeanor with a period of confinement of six months or less to serve the period
17 in a local confinement facility becomes law, then G.S. 7A-313 reads as rewritten:

18 **"§ 7A-313. Uniform jail fees.**

19 Persons who are lawfully confined in jail awaiting trial shall be liable to the county or
20 municipality maintaining the jail in the sum of ~~five~~ ten dollars ~~(\$5.00)~~ (\$10.00) for each 24
21 hours' confinement, or fraction thereof, except that a person so confined shall not be liable for
22 this fee if the case or proceeding against him is dismissed, or if acquitted, or if judgment is
23 arrested, or if probable cause is not found, or if the grand jury fails to return a true bill.

24 Persons who are ordered to pay jail fees pursuant to a probationary sentence shall be liable
25 to the county or municipality maintaining the jail at the same per diem rate paid by the
26 Department of Correction to local jails for maintaining a prisoner, as set by the General
27 Assembly in its appropriations acts."

28 **SECTION 31.26.(e)** If House Bill 642 or other substantially similar legislation that
29 requires a misdemeanor with a period of confinement of six months or less to serve the period
30 in a local confinement facility becomes law, then G.S. 153A-225(a) reads as rewritten:

31 "(a) Each unit that operates a local confinement facility shall develop a plan for
32 providing medical care for prisoners in the facility. The plan

- 33 (1) Shall be designed to protect the health and welfare of the prisoners and to
34 avoid the spread of contagious disease;
35 (2) Shall provide for medical supervision of prisoners and emergency medical
36 care for prisoners to the extent necessary for their health and welfare;
37 (3) Shall provide for the detection, examination and treatment of prisoners who
38 are infected with tuberculosis or venereal diseases.

39 The unit shall develop the plan in consultation with appropriate local officials and
40 organizations, including the sheriff, the county physician, the local or district health director,
41 and the local medical society. The plan must be approved by the local or district health director
42 after consultation with the area mental health, developmental disabilities, and substance abuse
43 authority, if it is adequate to protect the health and welfare of the prisoners. Upon a
44 determination that the plan is adequate to protect the health and welfare of the prisoners, the
45 plan must be adopted by the governing body.

46 As a part of its plan, each unit may establish fees of not more than ~~ten dollars~~ (\$10.00)
47 twenty dollars (\$20.00) per incident for the provision of nonemergency medical care to
48 prisoners. In establishing fees pursuant to this section, each unit shall establish a procedure for
49 waiving fees for indigent prisoners."

50
51 **GENGOV/INS/SET INSURANCE REGULATORY CHARGE**

1 **SECTION 31.27.(a)** The percentage rate to be used in calculating the insurance
2 regulatory charge under G.S. 58-6-25 is six percent (6%) for the 2011 calendar year.

3 **SECTION 31.27.(b)** This section is effective when it becomes law.
4

5 **IT/INFORMATION TECHNOLOGY FUND/AVAILABILITY**

6 **SECTION 31.28.(a)** The availability used to support appropriations made in this
7 act from the Information Technology Fund established in G.S. 147-33.72H is as follows:

	FY 2011-2012	FY 2012-2013
10 Appropriation from General Fund	\$4,458,142	\$6,158,142
11 Interest	\$ 100,000	\$ 100,000
12 IT Fund Balance June 30	\$2,454,934	\$1,227,467
14 Total Funds Available	\$7,013,076	\$7,485,609

16 Appropriations are made from the Information Technology Fund for the 2011-2013 fiscal
17 biennium as follows:

	FY 2011-2012	FY 2012-2013
20 Information Technology Operations		
21 Center for Geographic Information and Analysis	\$ 599,347	\$ 599,347
22 Enterprise Security Risk Management	\$1,064,148	\$1,064,148
23 Enterprise Project Management Office	\$1,673,285	\$1,673,285
24 Architecture and Engineering	\$ 648,000	\$ 648,000
25 Criminal Justice Information Network	\$ 166,422	\$ 166,422
26 Statewide IT Procurement	\$0	\$0
27 ITS Overhead Reduction	(\$91,486)	(\$91,486)
28 Subtotal Information Technology Operations	\$4,059,716	\$4,059,716
29 Information Technology Projects		
30 State Portal	\$0	\$0
31 IT Consolidation	\$1,320,893	\$ 820,893
32 Transfer to OSC for Data Integration	\$ 100,000	\$ 100,000
33 Subtotal Information Technology Projects	\$1,420,893	\$ 920,893
34 Data Integration License Funding Transfer to State Agencies	\$ 200,000	\$2,400,000
35 Position Transfer to Office of State Budget and Management	\$ 105,000	\$ 105,000
36 Total	\$5,785,609	\$7,485,609

38 **SECTION 31.28.(b)** Statewide information technology procurement shall be
39 funded through a fee charged to agencies using their services. The Office of the State Chief
40 Information Officer shall provide a fee schedule to allow cost recovery to the Office of State
41 Budget and Management.

42 **SECTION 31.28.(c)** By September 1 of each year, data integration funding in the
43 Information Technology Fund for that State fiscal year shall be transferred to State agencies in
44 proportion to their use of data integration licenses at that point in time. The State Chief
45 Information Officer shall report to the Joint Legislative Oversight Committee on Information
46 Technology Operations and the Fiscal Research Division by September 2 of each year on the
47 status of the transfer.

48 Any licensing requirements after the 2011-2013 fiscal biennium shall be the
49 responsibility of the participating agency. The State Chief Information Officer shall notify
50 affected agencies of this requirement by September 1, 2011. The State Chief Information
51 Officer shall ensure that agencies choosing to participate after that date are notified prior to

1 agreeing to participate in the data integration license agreement. The State Chief Information
2 Officer shall report to the Joint Legislative Oversight Committee on Information Technology
3 Operations and the Fiscal Research Division by September 2, 2011, on agency notification of
4 their responsibility to fund any data integration license requirements after the 2011-2013 fiscal
5 biennium.

6 **SECTION 31.28.(d)** This section is effective when it becomes law.
7

8 **TRANSPORTATION/DIVISION OF MOTOR VEHICLES BULK DATA**

9 **SECTION 31.29.(a)** G.S. 20-43.1 is amended by adding a new subsection to read:

10 **"§ 20-43.1. Disclosure of personal information in motor vehicle records.**

11 (a) The Division shall disclose personal information contained in motor vehicle records
12 in accordance with the federal Driver's Privacy Protection Act of 1994, as amended, 18 U.S.C.
13 §§ 2721, et seq.

14 (b) As authorized in 18 U.S.C. § 2721, the Division shall not disclose personal
15 information for the purposes specified in 18 U.S.C. § 2721(b)(11).

16 (c) The Division shall not disclose personal information for the purposes specified in 18
17 U.S.C. § 2721(b)(12) unless the Division receives prior written permission from the person
18 about whom the information is requested.

19 (d) As authorized in 18 U.S.C. § 2721, the Division may disclose personal information
20 to federally designated organ procurement organizations and eye banks operating in this State
21 for the purpose of identifying individuals who have indicated an intent to be an organ donor.
22 Personal information authorized under this subsection is limited to the individual's first, middle,
23 and last name, date of birth, address, sex, county of residence, and drivers license number.
24 Employees of the Division who provide access to or disclosure of information in good-faith
25 compliance with this subsection are not liable in damages for access to or disclosure of the
26 information.

27 (e) As authorized in 18 U.S.C. § 2721, the Division may also provide copies of partial
28 crash report data collected pursuant to G.S. 20-166.1, partial driver license data kept pursuant
29 to G.S. 20-26(a), and partial vehicle registration application data collected pursuant to
30 G.S. 20-52 in bulk form to persons, private companies, or other entities, for uses other than
31 official, upon payment of a fee of three cents (3¢) per individual record. The Division shall not
32 furnish such data except upon execution by the recipient of a written agreement to comply with
33 the Driver's Privacy Protection Act of 1994, as amended, 18 U.S.C. §§ 2721, et seq. The
34 information released to persons, private companies, or other entities, for uses other than
35 official, pursuant to this subsection, shall not be a public record pursuant to Chapter 132 of the
36 General Statutes."
37

38 **TRANSPORTATION/FERRY DIVISION TOLLING ON ALL ROUTES**

39 **SECTION 31.30.(a)** Effective April 1, 2012, G.S. 136-82 reads as rewritten:

40 **"§ 136-82. Department of Transportation to establish and maintain ferries.**

41 The Department of Transportation is vested with authority to provide for the establishment
42 and maintenance of ferries connecting the parts of the State highway system, whenever in its
43 discretion the public good may so require, and to prescribe and collect such tolls therefor as
44 may, in the discretion of the Department of Transportation, be expedient. All ferry routes shall
45 be tolled in an amount established by the Board of Transportation.

46 To accomplish the purpose of this section said Department of Transportation is authorized
47 to acquire, own, lease, charter or otherwise control all necessary vessels, boats, terminals or
48 other facilities required for the proper operation of such ferries or to enter into contracts with
49 persons, firms or corporations for the operation thereof and to pay therefor such reasonable
50 sums as may in the opinion of said Department of Transportation represent the fair value of the
51 public service rendered.

1 The Department of Transportation, notwithstanding any other provision of law, may
2 operate, or contract for the operation of, concessions on the ferries and at ferry facilities to
3 provide to passengers on the ferries food, drink, and other refreshments, personal comfort
4 items, and souvenirs publicizing the ferry system."

5 **SECTION 31.30.(b)** The Board of Transportation shall toll all ferry routes no later
6 than the effective date of subsection (a) of this section, but is encouraged to begin tolling on all
7 routes before that date. In establishing tolls for ferry routes under G.S. 136-82, as amended by
8 this section, the Board of Transportation shall consider the needs of commuters and other
9 frequent passengers.

10
11 **PART XXXI-A: EFFECTIVE DATE**

12
13 **SECTION 31A.1.** Unless otherwise provided herein, this act becomes effective
14 July 1, 2011.