

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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4

SENATE BILL 1309

Appropriations Committee Substitute Adopted With Amendments 1,2,&3 8/2/89

Appropriations Senate Committee Substitute #2 Adopted

With Amendment #1 8/3/89

House Committee Substitute Favorable 8/11/89

Short Title: Budget Reconciliation Act.

(Public)

Sponsors:

Referred to:

May 17, 1989

A BILL TO BE ENTITLED

AN ACT TO MAKE MISCELLANEOUS CHANGES TO THE STATE BUDGET FOR THE 1989-90 FISCAL YEAR AND FOR PAST FISCAL YEARS.

The General Assembly of North Carolina enacts:

Section 1. From the funds appropriated to the Office of State Budget and Management in Section 4 of Chapter 754 of the 1989 Session Laws, the Capital Improvement Appropriations Act of 1989, to the Reserve for Repairs and Renovations, \$1,697,160 is allocated as follows:

1989-90

DEPARTMENT OF AGRICULTURE

Division of Marketing - Grant-in-aid for a poultry marketing sales promotion. \$ 25,000

State Aid

DEPARTMENT OF HUMAN RESOURCES

Division of Aging - Equal grants to the four regional Alzheimer's Chapters located in Charlotte, Winston-Salem, Raleigh, and Asheville. 75,000

State Aid

Western Carolina Center

- 1 a. To construct an addition to the wheelchair shop. 105,160
2 Capital Improvements
- 3 b. To construct a roof over the outdoor recreation center. 20,000
4 Capital Improvements
- 5 c. To replace the air conditioning cooling towers. Funds will match an
6 Exxon grant dollar-for-dollar. 200,000
7 Capital Improvements

8 **OFFICE OF STATE BUDGET AND MANAGEMENT**

- 9 1. Autism Foundation of N.C. Inc., for development of a permanent year-
10 round camp and conference center for autistic adults and children.
11 250,000
12 State Aid
- 13 2. Fairgrounds Rural Fire Department, Inc., in Wake County to match
14 funds for construction of a new building to be used to continue fire
15 protection to State-owned properties. 140,000
16 State Aid
- 17 3. Autistic Society of North Carolina - To continue grant for operations
18 and stipends for the autistic children's and adults' camp. 262,000
19 State Aid
- 20 4. Grant to the Lineberger Cancer Research Center for planning of
21 facility addition. 400,000
22

23 **UNIVERSITY OF NORTH CAROLINA - BOARD OF GOVERNORS**

- 24 1. University of North Carolina at Asheville - Renovations and/or
25 addition to the Kellogg Center. 220,000
26 Capital Improvements
27

28

29 **TOTAL ALLOCATIONS \$1,697,160.**

30

31 Requested by: Representative Diamont

32 **—BUDGET ACTS CORRECTIONS**

33 Sec. 2. (a) Funds in the amount of \$150,000 appropriated in Section 4 of
34 Chapter 754 of the 1989 Session Laws, the Capital Improvement Appropriations Act of
35 1989, to the Department of Transportation for the 1989-90 fiscal year for the Vietnam
36 Veterans Memorial Park - Establishment of Park on Interstate 85, contingent upon a
37 match of \$1 non-State for each \$2 of State funds, are transferred to the Office of State
38 Budget and Management and shall be used for the same purpose.

39 (b) Subsection (a) of Section 122 of Chapter 752 of the 1989 Session Laws, the
40 Expansion Budget Appropriations Act of 1989, reads as rewritten:

41 "(a) Social Services Block Grant funds appropriated for fiscal year 1989-90 and
42 included in ~~Section 6~~ Section 7 of this act shall be allocated as follows:

| | |
|--|----------|
| 43 Swain County Cherokee Boys Club, Inc. | \$30,000 |
| 44 Caldwell County Health Department | 30,000 |

| | | |
|----|---|--------|
| 1 | Robeson County Health Department | 30,000 |
| 2 | Harnett County Health Department | 40,000 |
| 3 | Buncombe County Health Department | 40,000 |
| 4 | Carteret County Community Action, Inc. | 40,000 |
| 5 | Davidson County Health Department | 40,000 |
| 6 | Greene County Health Care, Inc. | 40,000 |
| 7 | Bertie County Health Department | 40,000 |
| 8 | Scotland County Health Department | 40,000 |
| 9 | Macon County Programs for Progress | 55,000 |
| 10 | Mecklenburg County N.C. Coalition on Adolescent | |
| 11 | Pregnancy 20,000." | |

12
13 (c) Section 12 of Chapter 754 of the 1989 Session Laws, the Capital
14 Improvement Appropriations Act of 1989, reads as rewritten:

15 "Requested by: Senator Royall, Representative Diamont

16 ~~—NEWBOLT WHITE-NEWBOLD-WHITE HOUSE/STATE LAND~~

17 Sec. 12. Land purchased from funds appropriated in this act for land
18 acquisition for the historic ~~Newbolt White~~ Newbold-White House in Perquimans
19 County shall be deeded to the State."

20

21 Requested by: Representative Diamont

22 ~~—GENERAL ASSEMBLY EXPENSES~~

23 Sec. 3. There is appropriated from the General Fund to the General
24 Assembly the sum of \$1,000,000 for the 1989-90 fiscal year to be used to support
25 expenses associated with the extended term of the 1989 General Assembly and other
26 expenses.

27

28 Requested by: Representative Diamont

29 ~~—COMPREHENSIVE SOLID WASTE MANAGEMENT PROGRAM FUNDS~~

30 Sec. 4. There is appropriated from the General Fund to the Department of
31 Human Resources the sum of \$300,000 for the 1989-90 fiscal year for the establishment
32 of the Solid Waste Management Trust Fund.

33

34 Requested by: Representative Michaux

35 ~~—AUDITOR DEPARTMENT COLLATOR~~

36 Sec. 5. Of the funds appropriated to the Department of State Auditor in
37 Chapter 752 of the 1989 Session Laws, the Expansion Budget Appropriations Act of
38 1989, for the 1989-90 fiscal year for data processing services, up to the sum of \$27,000
39 may be used to purchase a new department collator.

40

41 Requested by: Representative Diamont

42 ~~—UNC PROJECTS ADJUSTMENT~~

43 Sec. 6. (a) Section 3 of Chapter 752 of the 1989 Session Laws, the Expansion
44 Budget Appropriations Act of 1989, reads as rewritten:

"Sec. 3. Appropriations from the General Fund of the State for the operations and maintenance of the State departments, institutions, and agencies, and for other purposes as enumerated, except for aid to certain governmental and nongovernmental units, are made for the biennium ending June 30, 1991, according to the following schedule:

| <u>Current Operations - General Fund</u> | <u>1989-90</u> | <u>1990-91</u> |
|--|----------------|----------------|
| General Assembly | \$ 866,327 | \$ 467,455 |
| Department of Secretary of State | 259,101 | 276,222 |
| Department of State Auditor | 359,005 | 336,295 |
| Department of State Treasurer | 431,100 | 579,754 |
| Department of Public Education | 73,868,503 | 180,381,325 |
| Department of Justice | 1,984,288 | 2,185,905 |
| Department of Insurance | 168,216 | 265,311 |
| Department of Administration | 1,490,445 | 1,486,068 |
| Department of Agriculture | 1,402,836 | 1,918,637 |
| Department of Labor | 1,194,639 | 791,867 |
| Department of Natural Resources and Community Development | 2,603,610 | 2,913,581 |
| Department of Human Resources | | |
| 01. DHR-Administration and Support Program | 200,000 | 50,000 |
| 02. Division of Health Service | 1,226,625 | 1,322,210 |
| 03. Social Services | 3,440,420 | 6,750,543 |
| 04. Medical Assistance | 7,154,259 | 15,330,389 |
| 05. Division of Services for the Blind | 26,970 | 53,940 |
| 06. Cherry Hospital | 1,065,376 | 1,420,502 |
| 07. Division of Facility Services | 535,086 | 394,483 |
| 08. Division of Vocational Rehabilitation | - | 677,754 |
| Total Department of | | |

| | | | |
|----|-----------------------------------|---|--|
| 1 | Human Resources | 13,648,736 | 25,999,821 |
| 2 | | | |
| 3 | Department of Correction | 9,326,508 | 24,322,698 |
| 4 | | | |
| 5 | Department of Commerce | (790,569) | (3,278,951) |
| 6 | | | |
| 7 | Department of Revenue | 5,091,431 | 3,047,331 |
| 8 | | | |
| 9 | Department of Cultural Resources | 209,987 | 198,253 |
| 10 | | | |
| 11 | Department of Crime Control and | | |
| 12 | Public Safety | 1,470,045 | 1,389,453 |
| 13 | | | |
| 14 | University of North Carolina- | | |
| 15 | Board of Governors | | |
| 16 | 01. University Operations- | | |
| 17 | Lump Sum (105,791) | 7,638,328 | |
| 18 | 02. Related Educational | | |
| 19 | Programs | 2,015,000 | 3,340,000 |
| 20 | <u>02A. Agricultural Programs</u> | <u>500,000</u> | <u>500,000</u> |
| 21 | 03. N.C. State University | (370,000) | (316,000) |
| 22 | 04. UNC - Chapel Hill | | |
| 23 | a. Health Affairs | (164,280) | (164,280) |
| 24 | b. Academic Affairs | (205,720) | (205,720) |
| 25 | 05. University of North Carolina | | |
| 26 | Hospitals at Chapel Hill | (250,000) | (250,000) |
| 27 | 06. North Carolina School of | | |
| 28 | Science and Mathematics | 201,000 | 302,000 |
| 29 | Total University of North | | |
| 30 | Carolina | 1,120,209 <u>1,620,209</u> | 10,344,328 <u>10,844,328</u> |
| 31 | | | |
| 32 | Department of Community Colleges | 13,336,189 | 11,131,540 |
| 33 | | | |
| 34 | Reserve for Employee Health Plan | 30,000,000 | 40,000,000 |
| 35 | | | |
| 36 | Reserve for State Employees and | | |
| 37 | Teachers Salary Increases | 292,300,000 | 611,900,000 |
| 38 | | | |
| 39 | GRAND TOTAL CURRENT OPERATIONS- | | |
| 40 | GENERAL FUND | \$ 450,340,606 <u>\$ 450,840,606</u> | \$ 916,656,893 <u>\$ 917,156,893</u> ". |
| 41 | | | |

42 (b) Section 11 of Chapter 752 of the 1989 Session Laws, the Capital
43 Improvement Appropriations Act of 1989, reads as rewritten:
44 "Requested by: Senator Royall, Representative Diamont

1 —UNC CONSTRUCTION FUNDS/RESTRICTED RESERVE

2 Sec. 11. Of the funds appropriated to the Board of Governors of The
3 University of North Carolina for construction, the following amounts are to be placed in
4 a restricted reserve:

- 5 (1) North Carolina State University
6 Engineering Graduate Research Center \$6,000,000
7
- 8 (2) University of North Carolina - Chapel Hill
9 (a) School of Business 6,500,000
10 (b) Social Work Building 4,140,500
11
- 12 (3) East Carolina University -
13 Joyner Library 6,000,000
14
- 15 (4) University of North Carolina at Asheville
16 Conference Center
17 ~~\$26,640,500~~ \$24,640,500
18

19 None of these funds shall be obligated during fiscal year 1989-90, and, shall be held in
20 reserve until the General Assembly appropriates the additional construction needs for
21 these ~~projects~~—projects, except that the full appropriation for the University of North
22 Carolina at Asheville Conference Center may be contracted, with the stipulation that no
23 more than \$2,000,000 shall be available for contract payments during the 1989-90 fiscal
24 year."

25 (c) Funds appropriated in Section 4 of Chapter 754 of the 1989 Session Laws, the
26 Capital Improvement Appropriations Act of 1989, to the Board of Governors of The
27 University of North Carolina for East Carolina University for the Center for Regional
28 Advancement are not subject to any match requirement from non-State sources,
29 provided no part of the facility is a sports arena.
30

31 Requested by: Senator Royall

32 —UNIVERSITY OF NORTH CAROLINA PHYSICAL PLANT BUDGETED
33 OVERHEAD RECEIPTS

34 Sec. 7. Budgeted overhead receipts related to the thirty percent (30%)
35 transfers for support of physical plant operations for the University of North Carolina at
36 Chapel Hill, Academic Affairs, for the 1989-90 and 1990-91 fiscal years, as reflected in
37 Section 3 of Chapter 500 of the 1989 Session Laws, shall be increased by one hundred
38 seventy-seven thousand three hundred forty-five dollars (\$177,345) and the General
39 Fund appropriations for the 1989-90 and 1990-91 fiscal years shall be decreased by like
40 amounts. Budgeted overhead receipts related to the thirty percent (30%) transfers for
41 support of physical plant operations for the University of North Carolina at Chapel Hill,
42 Health Affairs, for the 1989-90 and 1990-91 fiscal years as reflected in Chapter 500 of
43 the 1989 Session Laws shall be increased by one hundred forty-one thousand six

1 hundred twenty-one dollars (\$141,621) and the General Fund appropriations for the
2 1989-90 and 1990-91 fiscal years shall be decreased by like amounts.

3 The appropriations for the University of North Carolina at Chapel Hill,
4 Health Affairs, from the General Fund for the 1989-90 and 1990-91 fiscal years shall be
5 increased by three hundred eighteen thousand nine hundred sixty-six dollars (\$318,966)
6 for a Reserve for the Greensboro Regional TEACCH (Treatment and Education of
7 Autistic and other Communications Handicapped Children and Adults) Center. This
8 reserve shall be available for continuing operations of the Regional TEACCH Center
9 which serves the Greensboro, High Point, and Winston-Salem area.

10

11 Requested by: Senator Basnight

12 ---HYDE COUNTY COMMUNICATIONS BUILDING

13 Sec. 8. The funds appropriated in Chapter 1086 of the 1987 Session Laws
14 (1988 Session), for the Hyde County Sheriff's Department for construction of a
15 communications tower on Ocracoke Island may also be used to construct a
16 communications building.

17

18 Requested by: Representative Church

19 ---DEPARTMENT OF TRANSPORTATION RULES ON TRUCKS

20 Sec. 9. The Department of Transportation shall adopt rules pursuant to
21 Chapter 150B regarding the provisions of G.S. 20-115.1 by December 1, 1989.

22

23 Requested by: Senators Johnson of Wake and Royall

24 ---REGIONAL PUBLIC TRANSPORTATION AUTHORITY FUNDING

25 Sec. 10. A Regional Public Transportation Authority created pursuant to
26 Article 26 of Chapter 160A of the General Statutes may, in addition to all other powers
27 granted by G.S. 160A-610, and in furtherance of G.S. 160A-613, apply for a grant from
28 the Department of Transportation to be funded from the funds for public transportation
29 received from the North Carolina Highway Trust Fund if those funds are available. The
30 Department of Transportation may allocate to a regional public transportation authority
31 any funds appropriated for public transportation.

32

33 Requested by: Representative J. Crawford

34 ---BRAILLE TEXTBOOKS

35 Sec. 11. The State Board of Education may use funds appropriated to the
36 Department of Public Education for textbooks for the 1989-91 fiscal biennium to
37 acquire Braille textbooks.

38

39 Requested by: Senator Sherron

40 ---DEPARTMENT OF TRANSPORTATION TO REPAIR AND MAINTAIN THE
41 STATE PARKS ROAD SYSTEM

42 Sec. 12. (a) G.S. 136-44.2 reads as rewritten:

43 "**§ 136-44.2. Budget and appropriations.**

1 The Director of the Budget shall include in the '~~Budget~~ Current Operations
2 Appropriations Bill' an enumeration of the purposes or objects of the proposed
3 expenditures for each of the construction and maintenance programs for that budget
4 period for the State primary, secondary, ~~and-urban,~~ and State parks road systems. The
5 State primary system shall include all portions of the State highway system located
6 outside municipal corporate limits which are designated by N.C., U.S. or Interstate
7 numbers. The State secondary system shall include all of the State highway system
8 located outside municipal corporate limits that is not a part of the State primary system.
9 The State urban system shall include all portions of the State highway system located
10 within municipal corporate limits. The State parks system shall include all State parks
11 roads which are not also part of the State highway system.

12 All construction and maintenance programs for which appropriations are requested
13 shall be enumerated separately in the budget. Programs that are entirely State funded
14 shall be listed separately from those programs involving the use of federal-aid funds.
15 Proposed appropriations of State matching funds for each of the federal-aid construction
16 programs shall be enumerated separately as well as the federal-aid funds anticipated for
17 each program in order that the total construction requirements for each program may be
18 provided for in the budget. Also, proposed State matching funds for the highway
19 planning and research program shall be included separately along with the anticipated
20 federal-aid funds for that purpose.

21 Other program categories for which appropriations are requested, such as, but not
22 limited to, maintenance, channelization and traffic control, bridge maintenance, public
23 service and access road construction, and ferry operations shall be enumerated in the
24 budget.

25 The Department of Transportation shall have all powers necessary to comply fully
26 with provisions of present and future federal-aid acts. No federally eligible construction
27 project may be funded entirely with State funds unless the Department of Transportation
28 has first consulted with the Joint Legislative Commission on Governmental Operations.
29 For purposes of this section, 'federally eligible construction project' means any
30 construction project except secondary road projects developed pursuant to G.S. 136-
31 44.7 and 136-44.8 eligible for federal funds under any federal-aid act, whether or not
32 federal funds are actually available.

33 The '~~Budget~~ Current Operations Appropriations Bill' shall also contain the proposed
34 appropriations of State funds for use in each county for maintenance and construction of
35 secondary roads, to be allocated in accordance with G.S. 136-44.5 and 136-44.6. State
36 funds appropriated for secondary roads shall not be transferred nor used except for the
37 construction and maintenance of secondary roads in the county for which they are
38 allocated pursuant to G.S. 136-44.5 and 136-44.6.

39 In the event receipts and increments to the State Highway Fund shall be more than
40 the appropriations made for the preceding fiscal year, such excesses shall be allocated
41 by the Director of the Budget to the Department of Transportation for school and
42 industrial access roads and unforeseen happenings or state of affairs requiring prompt
43 action, with fifty percent (50%) of the balance to be allocated to the State secondary

1 roads program on the basis of need as determined by the Department of Transportation
2 and the remaining fifty percent (50%) to be allocated in accordance with G.S. 136-44.5.

3 The Department of Transportation may provide for costs incurred or accrued for
4 traffic control measures to be taken by the Department at major events which involve a
5 high degree of traffic concentration on State highways, and which cannot be funded
6 from regular budgeted items. This authorization applies only to events which are
7 expected to generate 30,000 vehicles or more per day."

8 (b) G.S. 136-44.12 reads as rewritten:

9 "**§ 136-44.12. ~~Construction and maintenance~~ Maintenance of roads in areas**
10 **administered by the Division of State Parks and Recreation.**

11 The Department of Transportation ~~is authorized to shall~~ construct and maintain all
12 roads which are not part of the State Highway System, leading into and located within
13 the boundaries of all areas administered by the Division of ~~State Parks and Recreation~~
14 of the Department of Environment, Health, and Natural Resources ~~and Community~~
15 ~~Development.~~

16 All such roads shall be planned, designed, and ~~engineered and constructed~~ through
17 joint action between the Department of Transportation and the Division of ~~State Parks~~
18 and Recreation of the Department of Environment, Health, and Natural Resources ~~and~~
19 ~~Community Development.~~ This joint action shall encompass all accepted park planning
20 and design principles. Particular concern shall be given to traffic counts and vehicle
21 weight, minimal cutting into or through any natural and scenic areas, width of
22 shoulders, the cutting of natural growth along roadways, and the reduction of any
23 potential use of roads for any purpose other than by park users. All State park roads
24 shall conform to the standards regarding width and other roadway specifications as
25 agreed upon by the Division of ~~State Parks and Recreation~~ of the Department of ~~Natural~~
26 ~~Resources and Community Development~~ Environment, Health, and Natural Resources
27 and the Department of Transportation.

28 The State park road systems may be closed to the public in accordance with
29 approved park practices that control the use of State areas so as to protect these areas
30 from overuse and abuse and provide for functional use of the park areas, or for any
31 other purpose considered in the best interest of the public by the Division of ~~State Parks~~
32 and Recreation of the Department of Environment, Health, and Natural Resources ~~and~~
33 ~~Community Development.~~

34 Nothing herein shall be construed to include the transfer to the Department of
35 Transportation the powers now vested in the Division of ~~State Parks and Recreation~~ of
36 the Department of Environment, Health, and Natural Resources ~~and Community~~
37 ~~Development~~ relating to the patrol and safeguarding of State parks or parkway roads."

38 (c) This section shall become effective July 1, 1990.

39
40 Requested by: Senator Parnell

41 ---CLEAN WATER REVOLVING LOAN AND GRANT FUND APPLICANTS

42 Sec. 13. G.S. 159G-3(2) reads as rewritten:

43 "(2) 'Applicant' means a local government unit that applies for a revolving
44 loan or grant under the provisions of this Chapter. In addition, a local

1 government may provide funds to a nonprofit agency which is
2 currently under contract and authorized to provide wastewater
3 treatment or water supply services to that unit of local government."
4

5 Requested by: Senator Murphy

6 —P.B. RAIFORD REGIONAL AIRPORT IN DUPLIN COUNTY

7 Sec. 14. Section 165 of Chapter 1086 of the 1987 Session Laws reads as
8 rewritten:

9 "Sec. 165. Of the funds appropriated for State Aid to Airports in G.S. 136-16.4 for
10 fiscal year 1988-89, the sum of twenty-five thousand dollars (\$25,000) shall be
11 allocated to Duplin County for ~~drainage~~ capital improvements at the P.B. Raiford
12 Regional Airport."
13

14 Requested by: Senator Marvin

15 —PLAN FOR IMPLEMENTATION OF EDUCATIONAL PROGRAMS FOR
16 CERTAIN HANDICAPPED CHILDREN

17 Sec. 15. (a) During the 1989-90 school year, the Department of Public
18 Education shall plan the implementation of educational programs for handicapped
19 children between the ages of three and five as provided by Title II of Public Law 99-
20 457. The planning activities shall include:

- 21 (1) Identifying the number of handicapped children between the ages of
22 three and five currently residing in the State;
- 23 (2) Identifying facilities in which services can be provided to these
24 children;
- 25 (3) Estimating the number of qualified persons available to provide
26 services to these children; and
- 27 (4) Developing rules and a budget for implementing the educational
28 programs for handicapped children between the ages of three and five
29 as provided by Title II of Public Law 99-457.

30 (b) The Department shall report to the General Assembly describing its
31 planning activities, including proposed rules and a detailed budget request, no later than
32 May 1, 1990.

33 (c) The Department of Human Resources, local school systems, local health
34 departments, and local social services agencies shall provide the Department of Public
35 Education with any assistance it requests in conducting its planning activities and
36 preparing its report to the General Assembly.
37

38 Requested by: Representative R. Hunter

39 —DOMESTIC VIOLENCE GRANTS/LUMP SUM PAYMENTS

40 Sec. 16. Funds appropriated to the Department of Administration, Council on
41 the Status of Women, for fiscal years 1989-90 and 1990-91 for domestic violence
42 centers shall be paid to the programs in lump sums as soon as possible after the
43 programs qualify for grants.
44

1 Requested by: Senator Goldston

2 ---DEPARTMENT OF TRANSPORTATION EXEMPTION FROM LIMITATION
3 ON NUMBER OF STATE EMPLOYEES

4 Sec. 17. The limitation on the number of State employees contained in G.S.
5 143-10.2 shall not apply to the Department of Transportation with respect to additional
6 employees in administrative positions and to the Division of Highways with respect to
7 operational and field positions when those administrative, operational, and field
8 positions are needed to plan, design, and construct the specific projects funded by the
9 North Carolina Highway Trust Fund.

10

11 Requested by: Representative Barnes

12 ---MINIMUM STATE EMPLOYEE SALARIES

13 Sec. 18. (a) The minimum monthly salary for all full-time, permanent
14 employees of State agencies, departments, institutions, boards, and commissions whose
15 salaries are set in accordance with the provisions of the State Personnel Act and whose
16 salaries are supported by the State's General Fund and Highway Fund shall be one
17 thousand dollars (\$1,000) for fiscal year 1989-90 and for fiscal year 1990-91. State
18 agencies, departments, institutions, boards, and commissions shall use funds from the
19 General Fund Salary Adjustment Fund and the Highway Fund Salary Adjustment Fund
20 for the 1989-91 biennium as contained in Chapter 500 of the 1989 Session Laws to fund
21 the provisions of this subsection. State agencies, departments, institutions, boards, and
22 commissions supported from receipts and their full-time, permanent employees are also
23 covered by the provisions of this subsection to the extent that such receipts are available
24 to be expended in accordance with the provisions of this subsection. This subsection
25 shall not be applicable to full-time, permanent employees of institutions of The
26 University of North Carolina.

27 (b) The minimum monthly salary for all full-time, permanent employees of
28 institutions of The University of North Carolina whose salaries are set in accordance
29 with the provisions of the State Personnel Act and whose salaries are supported from the
30 State's General Fund shall be one thousand dollars (\$1,000) for fiscal year 1989-90 and
31 for fiscal year 1990-91. Institutions of The University of North Carolina shall use funds
32 appropriated from the General Fund for 1989-91 salary increases based upon job
33 performance to fund the provisions of this subsection before the remainder of such
34 appropriations is distributed to employees upon the basis of job performance. Full-time,
35 permanent employees of these institutions whose salaries are supported from receipts
36 are also covered by the provisions of this subsection to the extent that such receipts are
37 available to be expended in accordance with the provisions of this subsection.

38

39 Requested by: Senator Goldston

40 ---NORTH CAROLINA HIGHWAY TRUST FUND CASH BALANCES

41 Sec. 19. Cash balances not required for construction payments in the North
42 Carolina Highway Trust Fund may be advanced to the Highway Fund Equipment Fund
43 to the extent required to acquire the appropriate equipment for force account
44 construction of the Secondary Roads component of the North Carolina Highway Trust

1 Fund construction schedule and plans. Advances under this section shall not exceed the
2 requirements beyond the first three years and rental rates shall be established to provide
3 for the repayment during the construction schedule.

4

5 Requested by: Senator Goldston

6 ---DEPARTMENT OF TRANSPORTATION FUND CODE STRUCTURE
7 REORGANIZATION

8 Sec. 20. During the 1989-90 fiscal year the Department of Transportation
9 may reorganize the Fund Code Structure within and between Departmental
10 Administration (Budget Code 84210), the Division of Highway Operations
11 Administration (Budget Code 84220), and Construction and Maintenance Encumbrance
12 Accounts (Budget Code 84230) in order to provide an efficient means of
13 accommodating the additional requirements resulting from the North Carolina Highway
14 Trust Fund. All changes including staff positions shall be approved by the Director of
15 the Budget and reported quarterly to the Joint Legislative Commission on Governmental
16 Operations.

17

18 Requested by: Representative Huffman

19 ---MOBILE PLAN RESPONSE PROJECT

20 Sec. 21. Of the funds appropriated to the Department of Justice, the sum of
21 \$147,357 for the 1989-90 fiscal year may be used to provide continued support for staff
22 in the Environmental Protection Section to provide legal services for the Mobile Plan
23 Response Project.

24

25

26 Requested by: Senator Goldston

27 ---EXECUTIVE BUDGET ACT APPLIES TO NORTH CAROLINA HIGHWAY
28 TRUST FUND

29 Sec. 22. Notwithstanding the establishment of the North Carolina Highway
30 Trust Fund as an entity, since various components of that Fund are coordinated with
31 programs of the Highway Fund, all projects funded shall be subject to the provisions of
32 the Executive Budget Act (Article 1 of Chapter 143 of the General Statutes) with
33 respect to allotments, obligations, encumbrances, and expenditures with appropriate
34 reporting to the Director of the Budget in the same manner as currently employed for
35 the Highway Fund and the Highway Bond Fund.

36

37 Requested by: Representative McLaughlin

38 ---CASH FLOW - HIGHWAY TRUST FUND APPROPRIATION

39 Sec. 23. The General Assembly authorizes and certifies anticipated revenues
40 of the North Carolina Highway Trust Fund as follows:

41 For fiscal year 1991-92 \$734,800,000

42 For fiscal year 1992-93 \$756,700,000.

43

44 Requested by: Senator Plyler

1 —ANSON COUNTY AIRPORT FUNDS REALLOCATION

2 Sec. 24. (a) Section 7 of Chapter 1101 of the 1987 Session Laws reads as
3 rewritten:

4 "Sec. 7. Of the funds appropriated for State Aid to Airports in G.S. 136-16.4 for
5 fiscal year 1988-89, the sum of fifty-eight thousand dollars (\$58,000) shall be allocated
6 to the Anson County Airport for runway maintenance, ~~and airport construction, and~~
7 other airport capital improvements."

8 (b) This section shall become effective July 1, 1988.

9

10 Requested by: Senator Basnight

11 —CIVIL AIR PATROL HEADQUARTERS BUILDING FUNDS

12 Sec. 25. Notwithstanding any other provision of law, of the funds
13 appropriated pursuant to G.S. 136-16.4 for aviation purposes, the sum of \$100,000 shall
14 be used for the 1989-90 fiscal year for the construction by the North Carolina Wing of
15 the Civil Air Patrol, Inc., of a new headquarters and training facility. No less than
16 ninety percent (90%) of these funds shall be used for capital improvements, and the
17 remaining ten percent (10%) may be used for furnishings. In order to receive these
18 funds, the North Carolina Wing of the Civil Air Patrol, Inc., shall match the funds on a
19 dollar-for-dollar basis.

20

21 Requested by: Senator Royall

22 —EXPAND PURPOSES CERTAIN RECEIPTS MAY BE USED FOR ON THE
23 BUTNER LANDS

24 Sec. 26. G.S. 146-30 reads as rewritten:

25 "**§ 146-30. Application of net proceeds.**

26 The net proceeds of any disposition made in accordance with this Subchapter shall
27 be handled in accordance with the following priority: First, in accordance with the
28 provisions of any trust or other instrument of title whereby title to such real property
29 was heretofore acquired or is hereafter acquired; second, as provided by any other act of
30 the General Assembly; third, the net proceeds shall be deposited with the State
31 Treasurer. Provided, however, nothing herein shall be construed as prohibiting the
32 disposition of any State lands by exchange for other lands, but if the appraised value in
33 fee simple of any property involved in the exchange is at least twenty-five thousand
34 dollars (\$25,000), then such exchange may not be made without consultation with the
35 Joint Legislative Commission on Governmental Operations.

36 For the purposes of this Subchapter, the term 'net proceeds' means the gross amount
37 received from the sale, lease, rental, or other disposition of any State lands, less

38 (1) Such expenses incurred incident to that sale, lease, rental, or other
39 disposition as may be allowed under rules and regulations adopted by
40 the Governor and approved by the Council of State;

41 (2) Amounts paid pursuant to G.S. 105-296.1, if any; and

42 (3) A service charge to be paid into the State Land Fund.

43 The amount or rate of such service charge shall be fixed by rules and regulations
44 adopted by the Governor and approved by the Council of State, but as to any particular

1 sale, lease, rental, or other disposition, it shall not exceed ten percent (10%) of the gross
2 amount received from such sale, lease, rental, or other disposition. Notwithstanding any
3 other provision of this Subchapter, the net proceeds derived from the sale of land or
4 products of land owned by or under the supervision and control of the Wildlife
5 Resources Commission, or acquired or purchased with funds of that Commission, shall
6 be paid into the Wildlife Resources Fund. Provided, however, the net proceeds derived
7 from the sale of land or timber from land owned by or under the supervision and control
8 of the Department of Agriculture shall be deposited with the State Treasurer in a capital
9 improvement account to the credit of the Department of Agriculture, to be used for such
10 specific capital improvement projects or other purposes as are provided by transfer of
11 funds from those accounts in the Current Operations Appropriations Act. Provided
12 further, the net proceeds derived from the sale of park land owned by or under the
13 supervision and control of the Department of Environment, Health, and Natural
14 Resources and Community Development shall be deposited with the State Treasurer in a
15 capital improvement account to the credit of the Department of Administration to be
16 used for the purpose of park land acquisition as provided by transfer of funds from those
17 accounts in the Current Operations Appropriations Act. In the Current Operations
18 Appropriations Act, line items for purchase of park and agricultural lands will be
19 established for use by the Departments of Administration and Agriculture. The use of
20 such funds for any specific capital improvement project or land acquisition is subject to
21 approval by the Director of the Budget. No other use may be made of funds in these line
22 items without approval by the General Assembly except for incidental expenses related
23 to the project or land acquisition. Additionally with the approval of the Director of the
24 Budget, either Department may request funds from the Contingency and Emergency
25 Fund when the necessity of prompt purchase of available land can be demonstrated and
26 funds in the capital improvement accounts are insufficient. Provided further, the net
27 proceeds derived from the sale of any portion of the land in or around the
28 unincorporated area known as Butner on or after July 1, 1980, shall be deposited with
29 the State Treasurer in a capital improvement account to the credit of the Hospital to
30 provide water and sewers and to bring those streets in the unincorporated area known as
31 Butner not on the State highway system up to standards adequate for acceptance on the
32 system, according to a plan adopted by the Department of Administration, and the
33 Office of State Budget and Management, with the approval of the Board of County
34 Commissioners of Granville County and County, to build industrial access roads to
35 industries on the Butner ~~lands~~ lands, to construct new city streets on the Butner lands,
36 extend water and sewer service on the Butner lands, and repair storm drains on the
37 Butner lands."

38

39 Requested by: Senator Marvin

40 —SIMPLIFY CLERKS OF SUPERIOR COURT SALARY SCHEDULE

41 Sec. 27. (a) G.S. 7A-101(a) reads as rewritten:

42 "(a)The clerk of superior court is a full-time employee of the State and shall receive
43 an annual salary, payable in equal monthly installments, based on the population of the
44 county, as determined by the population projections of the Office of State Budget and

1 Management for the year preceding the first year of each biennial budget, according to
2 the following schedule:

| 3 <u>Population</u> | <u>Annual Salary</u> | <u>1989-90</u> | <u>1990-91</u> |
|---------------------------------|----------------------|----------------|----------------|
| 4 Less than 30,000- | \$36,288 | | |
| 5 30,000-0 to 99,999 | 41,748 | 44,256 | 46,920 |
| 6 100,000 to 199,999 | 47,184 | 50,016 | 53,028 |
| 7 200,000 and above | 53,832 | 57,072 | 60,504 |

8

9 When a county changes from one population group to another, the salary of the clerk
10 shall be changed to the salary appropriate for the new population group on July 1 of the
11 first year of each biennial budget, except that the salary of an incumbent clerk shall not
12 be decreased by any change in population group during his continuance in office."

13 (b) From funds appropriated to the Judicial Department in the certified budget for
14 the 1989-91 biennium, the Administrative Officer of the Courts may use up to three
15 hundred thirty-two thousand six hundred twenty-five dollars (\$332,625) in fiscal year
16 1989-90 and up to three hundred thirty-three thousand eight hundred eighty-two dollars
17 (\$333,882) in fiscal year 1990-91 to meet the additional current operating expenses
18 necessary to increase the salaries and benefits of clerks of superior court in counties
19 with a population of less than 30,000 as required by subsection (a) of this section.

20

21 Requested by: Representative Redwine

22 ~~—WASTE STREAM ANALYSIS~~

23 Sec. 28. Section 34 of the Capital Improvement Appropriations Act of 1989
24 reads as rewritten:

25 "Requested by: Representatives Hackney, Redwine

26 ~~—SOLID WASTE MANAGEMENT TRUST FUND/~~WASTE STREAM ANALYSIS

27 Sec. 34. Of the funds allocated from the Special Reserve for Oil Overcharge
28 Funds to the North Carolina Housing Trust Fund in Section 2 of Chapter 841 of the
29 1987 Session Laws, the sum of \$500,000 shall be reallocated to the Department of
30 Commerce for the 1989-90 fiscal year to be used for a waste stream analysis by the
31 Department of Human Resources. ~~These funds shall be matched on a one to one basis~~
32 ~~by private entities by April 30, 1990.~~ These funds shall be used to conduct 'waste
33 stream' research in North Carolina counties. This research shall be contracted out by the
34 Secretary of the Department of Human Resources on a competitive bid basis to an
35 organization or firm that responds successfully to a 'request for proposals' (RFP) issued
36 at the direction and approval of the Secretary of the Department of Human Resources.
37 The RFP shall be issued by the Secretary and awarded no later than December 31, 1989.
38 The RFP shall contain provisions for quarterly progress reports to be issued by the
39 contractor to the Secretary, who shall also make provisions for distributing reports to
40 private entities participating in the matching grants provision. Reports to the
41 appropriate committees of the General Assembly shall be determined by the President
42 Pro Tempore of the Senate and the Speaker of the House of Representatives.

43 ~~A final report shall be issued to the Secretary of the Department of Human Resources~~
44 ~~and the General Assembly at the convening of the Regular Session 1991.~~ These funds

1 shall be matched on a one-to-one basis by private entities by April 30, 1990. The
2 Secretary shall appoint a special advisory panel, composed of representatives from local
3 units of government and organizations participating in the matching grants program, to
4 comment on contractors' ~~response~~ responses to the RFP. Panel members from local
5 units of government shall be appointed so as to ensure that all regions of the State are
6 equally represented. The Secretary, however, shall have final responsibility for
7 awarding the contract.

8 ~~The RFP shall contain provisions for quarterly progress reports to be issued by the~~
9 ~~contractor to the Secretary, who shall also make provisions for distributing reports to~~
10 ~~private entities participating in the matching grants provision. Reports to the~~
11 ~~appropriate committees of the General Assembly shall be determined by the President~~
12 ~~Pro Tempore of the Senate and the Speaker of the House of Representatives.~~

13 ~~The~~ At a minimum, the waste stream analysis research study, ~~at a minimum,~~ shall
14 include scientific and statistically significant sampling of solid waste material in each of
15 North Carolina's 120 landfills; or, ~~it shall be determined to the study shall contain~~
16 sufficient statistically reliable data to project, at a ~~sixty percent (60%)~~ an eighty percent
17 (80%) confidence level, the content and volume of ~~any~~ all existing North Carolina
18 ~~landfill~~ landfills or other properly permitted solid waste disposal ~~facility.~~ facilities.
19 Based on these specific findings, additional written outcomes of this waste stream
20 analysis shall be the following:

21 (1) Recommended solid waste disposal policies, appropriate for regions or
22 local governments, ~~units of government,~~ that are considered
23 practicable, as well as 'state-of-the-art'; that evaluate the financial
24 impact and energy avoidance of recycling and alternative methods of
25 solid waste disposal, including incineration and waste-to-energy
26 options; that are consistent with contractor's findings; that contain
27 specific procedures for monitoring market demand for recyclable
28 goods; that identify potential domestic and foreign markets; that
29 propose collection, storage, and transportation strategies, for ~~both~~
30 single-county and multi-county regions, and for multi-county and
31 single-county collection, recycling, treatment, and disposal; and that
32 identify all relevant operating costs, capital costs, and revenues derived
33 through the sale of recycled waste stream components and energy,
34 related to their implementation;

35 (2) A recommended solid waste management plan, based upon the
36 policies recommended in subdivision (1) of this section, for the State
37 of North Carolina, or regions therein, including policies the State may
38 consider to provide incentives for recycling facilities to locate in North
39 Carolina; that suggest future strategies the State might consider to
40 ~~insure~~ ensure that its investments produce measurable reductions in
41 solid waste, offer economic alternatives to traditional landfills, and
42 provide increased technical assistance to ~~cities and counties;~~ regions,
43 counties, and cities;

1 (3) The plan, as recommended, shall contain a year-by-year determination
2 of all relevant operating and capital costs, and propose recommended
3 appropriations and/or financing mechanisms needed for the number of
4 years required for its full implementation;

5 (4) Finally, the plan shall contain a specific evaluation component which
6 shall describe criteria for measuring progress and results against the
7 plan, and which shall be understood clearly by the general public.

8 The North Carolina Housing Finance Agency shall transfer the funds reallocated by this
9 subsection to the Department of ~~Human Resources~~ Commerce no later than September
10 1, 1989.

11 The Department of Commerce shall submit comprehensive annual reports to the
12 General Assembly by May 5, 1990, and January 31, 1991, which detail the use of all
13 funds received in the Stripper Well Litigation that were used or expended by State
14 agencies. Any State department or agency that has received oil overcharge funds shall
15 provide all information requested by the Department of Commerce for the purpose of
16 preparing this report. A final report of the waste stream analysis shall be issued by the
17 contractor to the Secretary of the Department of Human Resources and the General
18 Assembly at the convening of the Regular Session 1991."

19
20 Requested by: Senator Ward

21 —ALLOCATION OF BASIC EDUCATION PROGRAM ENHANCEMENT
22 TEACHERS

23 Sec. 29. No school unit shall receive from funds appropriated in the
24 continuation budget fewer Basic Education Program Enhancement Teachers in 1989-90
25 than it received in 1988-89.

26
27 Requested by: Representative Diamont

28 —CELEBRATION '91 ACTIVITIES

29 Sec. 30. The Department of Commerce may continue for the 1989-91
30 biennium the development and implementation of Celebration '91 activities, a series of
31 activities and events which are scheduled to occur across the State in 1991 to
32 demonstrate local history and heritage.

33
34 Requested by: Senator Plyler

35 —MOTOR FUELS TAX COLLECTION COSTS

36 Sec. 31. Section 17 of Chapter 652 of the 1989 Session Laws reads as
37 rewritten:

38 "Sec. 17. All sums collected on kerosene and motor fuel pursuant to ~~G.S. 119-18~~
39 ~~that are not G.S. 119-18, other than funds~~ allotted by the Office of State Budget and
40 Management to administer and enforce the provisions of Chapter 119 and funds retained
41 by the Department of Revenue for the cost of collection of taxes under Subchapter V of
42 Chapter 105 of the General Statutes shall be credited to the Commercial Leaking
43 Petroleum Underground Storage Tank Cleanup Fund and the Noncommercial Leaking
44 Underground Petroleum Storage Tank Cleanup Fund as certified on a monthly basis as

1 follows: one-half (½) shall be credited to the Commercial Fund and one-half (½) shall
2 be credited to the Noncommercial Fund unless the balance in the Commercial Fund
3 exceeds fifteen million dollars (\$15,000,000), and in that event, all such funds shall be
4 credited to the Noncommercial Fund until the balance of the Commercial Fund falls
5 below five million dollars (\$5,000,000), at which time credits to the Commercial Fund
6 shall resume.

7 Notwithstanding any other provisions of law, any funds collected pursuant to G.S.
8 119-18 that are currently being credited to the General Fund shall remain in that Fund."

9
10 Requested by: Senator Basnight

11 ---GATES COUNTY WASTEWATER SYSTEM FUNDS

12 Sec. 32. (a) Of the funds appropriated in Section 4 of the Capital Improvement
13 Appropriations Act of 1989 to the Department of Natural Resources and Community
14 Development for the Division of Coastal Management, \$100,000 is redesignated to the
15 Gates County Board of Education - to bring the High School's wastewater system into
16 compliance with State and federal wastewater regulations.

17 (b) Section 23 of Chapter 754 of the 1989 Session Laws, the Capital
18 Improvement Appropriations Act of 1989, reads as rewritten:

19 "Requested by: Representatives Holmes, G. Wilson

20 ---MASONBORO ISLAND AND BUXTON WOODS FUNDS/USE

21 Sec. 33. ~~Funds appropriated for the purchase of land at Masonboro Island~~
22 ~~and for the purchase of land at Buxton Woods shall be used only for those purposes.~~
23 that purpose. Notwithstanding any other provision of law, these funds may not be used
24 to purchase any other land or for any other purpose."
25

26 Requested by: Representative McLaughlin

27 ---TAX PROCEEDS CREDITED TO HIGHWAY TRUST FUND

28 Sec. 34. G.S. 105-173 as enacted by Chapter 692 of the 1989 Session Laws
29 reads as rewritten:

30 "**§ 105-173. Disposition of tax proceeds.**

31 Taxes collected under this Article at the rate of eight percent (8%) shall be ~~deposited~~
32 ~~in-credited~~ to the General Fund. Taxes collected under this Article at the rate of three
33 percent (3%) shall be ~~deposited in-credited~~ to the North Carolina Highway Trust Fund.
34 In each fiscal year the State Treasurer shall transfer the sum of one hundred seventy
35 million dollars (\$170,000,000) of the taxes deposited in the Trust Fund to the General
36 Fund by transferring one-fourth of this amount at the end of each quarter in the fiscal
37 year."
38

39 Requested by: Representative H. Hunter

40 ---USE OF FUNDS FOR EASTERN DETOXIFICATION PROGRAMS

41 Sec. 35. The Department of Human Resources may use up to \$695,000 for
42 the 1989-90 fiscal year from over-realized receipts, Block Grant carry-forward monies,
43 prior year receipts or other funds available to the Department for the established

1 detoxification programs in the Eastern region during the period of study required by the
2 General Assembly to develop an Alcohol Rehabilitation Center Plan.

3

4 Requested by: Senator Royall

5 ~~—~~EFFECTIVE DATE

6 Sec. 36. This act shall become effective July 1, 1989.