

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 5

Short Title: Restructure Budget Process.

(Public)

Sponsors: Senators Goldston; Blackmon, Carpenter, Forrester, and Smith.

Referred to: State Personnel and State Government.

January 31, 1991

A BILL TO BE ENTITLED

AN ACT TO RESTRUCTURE THE BUDGET PROCESS SO AS TO ASSURE MORE STABLE BUDGETING, BY PROVIDING FOR USE OF THE PRIOR CALENDAR YEAR'S COLLECTIONS AS THE REVENUE ESTIMATES, LIMITING USE OF REVERSIONS TO ONE-TIME EXPENDITURES, PROVIDING FOR ANNUAL BUDGETS, AND STREAMLINING THE LEGISLATIVE PROCESS AS A RESULT.

The General Assembly of North Carolina enacts:

PART 1. STATUTORY CHANGES

—REVENUE ESTIMATES/ANNUAL BUDGET

Section 1. The Executive Budget Act, Article 1 of Chapter 143 of the General Statutes, is amended by adding the following new sections:

"§ 143-2.1. Collections for prior calendar year to be revenue estimates for next fiscal year.

(a) In preparing the budget for a fiscal year, the Governor shall use as the State funds revenue estimate for the General, Highway, and Wildlife Funds no more than the total State funds received for the calendar year ending December 31 immediately prior to the fiscal year, with the following changes only:

(1) If any revenue decreases were effective for only part of that calendar year, an annualized total of the impact of such decreases;

(2) If the budget proposes any revenue reductions to be effective during the fiscal year, the total estimated amount of such reductions during the fiscal year;

- 1 (3) Any one-time revenues in the prior calendar year shall not be included
2 in the estimates; and
- 3 (4) If the budget proposes any revenue increases due to increases in taxes
4 or fees to be enacted, or new taxes or fees to be enacted, an estimate of
5 collections of such increased or new taxes or fees may be made, but
6 the revenue estimate for that fiscal year may not exceed seventy-five
7 percent (75%) of those estimated collections.
- 8 (b) In enacting the budget for a fiscal year, the General Assembly shall use as the
9 revenue estimate no more than the total State funds received for the calendar year
10 ending December 31 immediately prior to the fiscal year, with the following changes
11 only:
- 12 (1) If any revenue decreases were effective for only part of that calendar
13 year, an annualized total of the impact of such decreases;
- 14 (2) If the budget proposes or assumes any revenue reductions to be
15 effective during the fiscal year, the total estimated amount of such
16 reductions during the fiscal year;
- 17 (3) Any one-time revenues in the prior calendar year shall not be included
18 in the estimates; and
- 19 (4) If the budget proposes any revenue increases due to increases in taxes
20 or fees to be enacted, or new taxes or fees to be enacted, an estimate of
21 collections of such increased or new taxes or fees may be made, but
22 the revenue estimate for that fiscal year may not exceed seventy-five
23 percent (75%) of the lower of an estimate made by the Fiscal Research
24 Division or an estimate made by the Office of Management and
25 Budget.
- 26 (c) If the budget estimates any reversions at the end of the fiscal year ending
27 immediately prior to the beginning of the fiscal year covered by the budget, those
28 reversions may be proposed only for capital projects, or other projects with a fiscal
29 impact only in that fiscal year.
- 30 (d) Revenue from borrowings in the prior calendar year shall not be included in
31 the estimates, unless expenditure of the funds is proposed during the fiscal year covered
32 by the proposed budget. Proposed revenue from borrowing in the proposed budget shall
33 only be included to the extent that appropriations against such borrowings are budgeted.
- 34 (e) If the General Assembly appropriates any credit balance in the State treasury
35 due to reversions at the end of the fiscal year ending immediately prior to the beginning
36 of the fiscal year covered by the budget, those reversions may be appropriated only for
37 capital projects, or other projects with a fiscal impact only in that fiscal year.
- 38 (f) The purpose of this section is to provide an estimate to be used in the budget
39 process, so that enactment of the budget need not wait until the end of the fiscal year.
40 This will enable shortening of the legislative session, as well as allowing State agencies
41 and local governments adequate time to implement the adopted budget.
42 **"§ 143-2.2. Annual budget.**

1 The Governor shall propose and the General Assembly shall enact a budget
2 covering one fiscal year only, that being the fiscal year commencing on July 1 of the
3 year of enactment of the bill."

4 —LIMIT LEGISLATIVE SESSION LENGTH

5 Sec. 2. G.S. 120-11.1 reads as rewritten:

6 "**§ 120-11.1. Time of meeting.**

7 The regular session of the Senate and House of Representatives shall be held
8 biennially beginning on the Wednesday after the second Monday in January next after
9 their election. The regular session shall adjourn in the odd-numbered year not later than
10 the last Friday in April, as provided by joint resolution, to reconvene in the next even-
11 numbered year on the first Monday in February, and shall adjourn **sine die** not later than
12 the last Friday in April, as provided by joint resolution; provided that in 1991 and
13 decennially thereafter, the General Assembly may continue in session in the odd-
14 numbered year beyond the last Friday in April, but only for the consideration of
15 redistricting of the Senate, the House of Representatives, the United States House of
16 Representatives, and units of local government, and for any changes in election laws
17 required by the redistricting."

18 Sec. 2.1. Effective upon convening of the 1993 Regular Session of the
19 General Assembly, G.S. 120-11.1 reads as rewritten:

20 "**§ 120-11.1. Time of meeting.**

21 The regular session of the Senate and House of Representatives shall be held
22 biennially beginning on the ~~third Wednesday after the second Monday in January~~ first
23 Monday in February next after their election. The regular session shall adjourn in the
24 odd-numbered year not later than the last Friday in April, as provided by joint
25 resolution, to reconvene in the next even-numbered year on the first Monday in
26 February, and shall adjourn **sine die** not later than the last Friday in April, as provided
27 by joint resolution; provided that in 1991 and decennially thereafter, the General
28 Assembly may continue in session in the odd-numbered year beyond the last Friday in
29 April, but only for the consideration of redistricting of the Senate, the House of
30 Representatives, the United States House of Representatives, and units of local
31 government, and for any changes in election laws required by the redistricting."

32 Sec. 3. G.S. 120-3.1(c) reads as rewritten:

33 "(c) When the General Assembly by joint action of the two houses adjourns to a
34 day certain, which day is more than three days after the date of adjournment, the period
35 between the date of adjournment and the date of reconvening shall for the purposes of
36 this section be deemed to be a period when the General Assembly is not in session, and
37 no member shall be entitled to subsistence and travel allowance during that period,
38 except under circumstances which would entitle him to subsistence and travel allowance
39 when the General Assembly is not in session. If the General Assembly remains in
40 session in any:

41 (1) Odd-numbered year after the date when G.S. 120-11.1 requires
42 adjournment until the even-numbered year; or

43 (2) Even-numbered year after the date when G.S. 120-11.1 requires
44 adjournment **sine die**.

1 the period until such adjournment or adjournment **sine die** shall for the purposes of this
2 section be deemed to be a period when the General Assembly is not in session, and no
3 member shall be entitled to subsistence and travel allowance during that period."

4 ---CONFORMING AMENDMENTS/EXECUTIVE BUDGET ACT

5 Sec. 4. G.S. 143-4.1 reads as rewritten:

6 "**§ 143-4.1. Biennial-Annual inspection.**

7 The Commission shall make ~~a biennial~~ an annual inspection of those physical
8 facilities of the State it deems necessary. The Governor may make ~~a biennial~~ an annual
9 inspection of those facilities of the State he deems necessary."

10 Sec. 5. G.S. 143-8 reads as rewritten:

11 "**§ 143-8. Reporting of legislative and judicial expenditures and financial needs.**

12 On or before the first day of September, ~~biennially, in the even-numbered years,~~ of each
13 year the Legislative Administrative Officer shall furnish the Director a detailed
14 statement of expenditures of the General Assembly for the current fiscal ~~biennium~~ year,
15 and an estimate of its financial needs, itemized in accordance with the budget
16 classification adopted by the Director and approved and certified by the President pro
17 tempore of the Senate and the Speaker of the House for ~~each year of the ensuing biennium~~
18 ~~beginning with the first day of July thereafter~~ the next fiscal year. The Administrative
19 Officer of the Courts shall furnish the Director a detailed statement of expenditures of
20 the judiciary, and for ~~each year of the current fiscal biennium~~ year an estimate of its
21 financial needs as provided by law, itemized in accordance with the budget
22 classification adopted by the Director and approved and certified by the Chief Justice
23 for ~~each year of the ensuing biennium, beginning with the first day of July thereafter~~ the next
24 fiscal year. The Director shall include these estimates and accompanying explanations
25 in the budget submitted with such recommendations as the Director may desire to make
26 in reference thereto."

27 Sec. 6. G.S. 143-11 reads as rewritten:

28 "**§ 143-11. Survey of departments.**

29 On or before the ~~fifteenth day of December~~ ~~biennially in the even-numbered years~~ first
30 day of February each year, the Director shall make a complete, careful survey of the
31 operation and management of all the departments, bureaus, divisions, officers, boards,
32 commissions, institutions, and agencies and undertakings of the State and all persons or
33 corporations who use or expend funds as hereinbefore defined, in the interest of
34 economy and efficiency, and a working knowledge upon which to base
35 recommendations to the General Assembly as to appropriations for maintenance and
36 special funds and capital expenditures for the succeeding ~~biennium~~ fiscal year. If the
37 Director and the Commission shall agree in their recommendations for the budget for
38 the next ~~biennial period~~ fiscal year, he shall prepare their report in the form of a proposed
39 budget, together with such comment and recommendations as they may deem proper to
40 make. If the Director and Commission shall not agree in substantial particulars, the
41 Director shall prepare the proposed budget based on his own conclusions and judgment,
42 and the Commission or any of its members retain the right to submit separately to the
43 General Assembly such statement of disagreement and the particulars thereof as
44 representing their views. The budget report shall contain a complete and itemized plan

1 of all proposed expenditures for each State department, bureau, board, division,
2 institution, commission, State agency or undertaking, person or corporation who receive
3 or may receive for use and expenditure any State funds as hereinbefore defined, in
4 accordance with the classification adopted by the State Controller, and of the estimated
5 revenues as provided by G.S. 143-2.1 and borrowings for ~~each year in the ensuing biennial~~
6 ~~period beginning with the first day of July thereafter~~ the next fiscal year. Opposite each item
7 of the proposed expenditures, the budget shall show in separate parallel columns the
8 amount expended for the last preceding ~~appropriation~~ fiscal year, for the current
9 ~~appropriation~~ fiscal year, and the increase or decrease. The budget shall clearly
10 differentiate between general fund expenditures for operating and maintenance, special
11 fund expenditures for any purpose, and proposed capital outlays.

12 The Director shall accompany the budget with:

- 13 (1) A budget message supporting his recommendations and outlining a
14 financial policy and program for the ensuing ~~biennium~~ fiscal year. The
15 message will include an explanation of increase or decrease over past
16 expenditures, a discussion of proposed changes in existing revenue
17 laws and proposed bond issues, their purpose, the amount, rate of
18 interest, term, the requirements to be attached to their issuance and the
19 effect such issues will have upon the redemption and annual interest
20 charges of the State debt.
- 21 (2) State Controller reports including:
 - 22 a. An itemized and complete financial statement for the State at
23 the close of the last preceding fiscal year ending June 30.
 - 24 b. A statement of special funds.
 - 25 c. A statement showing the itemized estimates of the condition of
26 the State treasury as of the beginning and end of ~~each of the next~~
27 ~~two appropriation years~~ fiscal year.
- 28 (3) A report on the fees charged by each State department, bureau,
29 division, board, commission, institution, and agency during the
30 previous fiscal year and the previous calendar year, the statutory or
31 regulatory authority for each fee, the amount of the fee, when the
32 amount of the fee was last changed, the number of times the fee was
33 collected during the prior fiscal year and the previous calendar year,
34 and the total receipts from the fee during the prior fiscal year and the
35 previous calendar year.

36 It shall be a compliance with this section by each incoming Governor, at the first
37 session of the General Assembly in his term, to submit the budget report with the
38 message of the outgoing Governor, if he shall deem it proper to prepare such message,
39 together with any comments or recommendations thereon that he may see fit to make,
40 either at the time of the submission of the said report to the General Assembly, or at
41 such other time, or times, as he may elect and fix.

42 The function of the Advisory Budget Commission under this section applies only if
43 the Director of the Budget consults with the Commission in preparation of the budget."

44 Sec. 7. G.S. 143-12 reads as rewritten:

1 **"§ 143-12. Bills containing proposed appropriations.**

2 (a) The Director shall cause to be prepared and submitted to the General
3 Assembly the following bills:

4 (1) A bill containing all proposed current operations appropriations of the
5 budget for ~~each year in the ensuing biennium~~the ensuing fiscal year,
6 which shall be known as the 'Current Operations Appropriations Bill',
7 and a bill containing all proposed capital appropriations of the budget
8 for ~~each year in the ensuing biennium~~the ensuing fiscal year, which shall
9 be known as the 'Capital Improvement Appropriations Bill'.

10 (2) If necessary, a bill containing the Director of the Budget's views on
11 revenue for the ensuing ~~biennium~~fiscal year, which shall be known as
12 the 'Budget Revenue Bill', and shall provide an amount of revenue for
13 the ensuing ~~biennium~~fiscal year sufficient, in the opinion of the
14 Director and the Commission, to meet the appropriations contained in
15 the Current Operations Appropriations Bill and the Capital
16 Improvement Appropriations Bill.

17 (3) Repealed by Session Laws 1983 (Regular Session, 1984), c. 1034, s.
18 153.

19 (b) To the end that all expenses of the State may be brought and kept within the
20 budget, the Current Operations Appropriations Bill shall contain a specific sum as a
21 contingent or emergency appropriation, and shall allocate a specific portion of that sum
22 to a special reserve to be used solely for purposes as outlined in G.S. 143-23(a1)(3), (4),
23 and (5). The manner of the allocation of such contingent or emergency appropriation
24 shall be as follows: Any institution, department, commission, or other agency or activity
25 of the State, or other activity in which the State is interested, desiring an allotment out
26 of such contingent or emergency appropriation, shall upon forms prescribed and
27 furnished by the Director of the Budget, present such request in writing to the Director
28 of the Budget, with such information as he may require, and if the Director of the
29 Budget shall approve such request, in whole or in part, he shall forthwith present the
30 same to the Governor and Council of State, and upon their order only shall such
31 allotment be made. If the Director shall disapprove the request of such an allotment out
32 of the emergency or contingent appropriation, he shall transmit his refusal and his
33 reason therefor to the Governor and Council of State for their information.

34 Funds allocated from the contingent or emergency appropriation may be used only
35 for the purpose for which they were allocated and may not be reallocated for another
36 purpose by the Governor and the Council of State. If the funds are not spent or
37 encumbered for the purpose for which they were allocated by the end of the ~~fiscal~~
38 ~~biennium~~next fiscal year and if the Governor and the Council of State do not reallocate
39 them for that same purpose, the funds shall revert to the fund from which the contingent
40 or emergency appropriation was made. Also, if the funds are not needed for the purpose
41 for which they were allocated, the funds shall revert to the fund from which the
42 contingent or emergency appropriation was made.

43 (c) The Director of the Budget may, in preparation of the Appropriations and
44 Revenue Bills, seek the advice of the Advisory Budget Commission. If the Director and

1 the Commission shall not agree as to the Appropriations and Revenue Bills in
2 substantial particulars, the Director shall prepare the same, based on his conclusions and
3 judgment, and the Commission or any of its members retain the right to submit
4 separately to the General Assembly such statement of disagreement and the particulars
5 thereof as they shall find proper to submit as representing their own views."

6 Sec. 8. G.S. 143-12.1(d) reads as rewritten:

7 "(d) ~~The Office of State Budget and Management~~ Director of the Budget shall submit
8 to the General Assembly along with or as a part of the ~~biennial-annual~~ budget ~~(and along~~
9 ~~with or as a part of any second-year budget requests)~~ budgets for vending facilities operated
10 by General Fund, Highway Fund, and Wildlife Fund departments' and institutions'
11 operating budgets."

12 Sec. 9. G.S. 143-13 reads as rewritten:

13 **"§ 143-13. Printing copies of budget report and bills and rules for the introduction**
14 **of the same.**

15 The Director shall cause to be printed one thousand copies each of the budget report,
16 the Current Operations Appropriations Bill, Capital Improvement Appropriations Bill,
17 and the Budget Revenue Bill. The Governor shall present copies thereof to the General
18 Assembly, together with the ~~biennial-annual~~ message, except incoming Governors may,
19 at the first session of the General Assembly in their respective terms, submit the same
20 after the ~~biennial-annual~~ message has been presented to the General Assembly. The
21 Current Operations Appropriations Bill and the Capital Improvement Appropriations
22 Bill shall be introduced by the chairman of the committee on appropriations in each
23 house of the General Assembly, and the Budget Revenue Bill shall be introduced by the
24 chairmen of the finance committees in each branch of the General Assembly: ~~Provided,~~
25 ~~that for the years in which the Governor is elected, other than when a Governor is elected for a~~
26 ~~second successive term the Director shall deliver the budget report and the Current Operations~~
27 ~~Appropriations Bill and the Capital Improvement Appropriations Bill and the Budget Revenue~~
28 ~~Bill to the Governor elect, on or before the fifteenth day of December, and the said budget~~
29 ~~report, Appropriations, and Revenue Bills, shall be presented by the Governor to the General~~
30 ~~Assembly with such recommendations in the way of amendments, or other modifications,~~
31 ~~together with such criticism as he may determine.~~ The provisions herein contained as to the
32 introduction of the bills mentioned in this section shall be considered and treated as a
33 rule of procedure in the Senate and House of Representatives until otherwise expressly
34 provided for by a rule in either, or both, of said branches of the General Assembly."

35 Sec. 10. G.S. 143-18.1 reads as rewritten:

36 **"§ 143-18.1. Decrease of projects within capital improvement appropriations;**
37 **requesting authorization of capital projects not specifically provided for.**

38 (a) Upon the request of the administration of a State agency or institution, the
39 Director of the Budget may decrease the scope of a capital improvement project. Prior
40 to taking any action under this subsection, the Director of the Budget may consult with
41 the Advisory Budget Commission.

42 (b) Upon the request of the administration of a State agency or institution, the
43 Director of the Budget may when, in his opinion, it is in the best interest of the State to
44 do so, increase the cost of a capital improvement project within the appropriation made
45 to that State agency or institution within the capital improvement appropriation to that

1 agency or institution for that ~~biennium~~ fiscal year, provided that the project may not be
2 increased in scope under the authority of this subsection. Prior to taking any action
3 under this subsection, the Director of the Budget may consult with the Advisory Budget
4 Commission.

5 (c) Upon the request of the administration of any State agency or institution, the
6 Director of the Budget may accept funds by gift or grant for the construction of a capital
7 improvement project not specifically provided for or authorized by the General
8 Assembly. These funds shall be placed in a special reserve account to be held by the
9 State Treasurer until the end of the ~~biennium~~ fiscal year in which the account was
10 established or until the capital improvement project is authorized by the Director of the
11 Budget, whichever occurs first. These funds shall be invested and the interest thereon
12 shall be added to the reserve. If the project is not authorized by the end of ~~that~~
13 ~~biennium~~ the next fiscal year, the State Treasurer shall pay the funds accumulated in the
14 special reserve account to the grantor or donor. Upon the establishment of a special
15 reserve account under this section, the Director of the Budget shall notify the Speaker of
16 the House and President of the Senate of the receipt of the funds and the existence of the
17 reserve account. Upon the request of the administration of any State agency or
18 institution, the Governor may authorize the construction of a capital improvement
19 project not specifically authorized by the General Assembly if such project is to be
20 funded by receipts, special funds, self-liquidating indebtedness, other funds, or any
21 combination of funds, but not including funds appropriated from the General Fund. All
22 expenditures under this authorization shall be handled in full compliance with the
23 provisions of the Executive Budget Act.

24 The agency shall support its request for such capital improvement project, or
25 projects, with the following information: the estimated annual operating costs for (i)
26 utilities; (ii) maintenance; (iii) repairs; (iv) additional personnel; (v) any and
27 all other expenses to the State resulting from the addition of this facility to the plant of
28 the institution. Prior to taking any action under this section to authorize a project, the
29 ~~Governor or the~~ Director of the Budget may consult with the Advisory Budget
30 Commission and the Capital Planning Commission."

31 Sec. 11. G.S. 143-25 reads as rewritten:

32 "**§ 143-25. Maintenance appropriations dependent upon adequacy of revenues to**
33 **support them.**

34 All maintenance appropriations now or hereafter made are hereby declared to be
35 maximum, conditional and proportionate appropriations, the purpose being to make the
36 appropriations payable in full in the amounts named herein if necessary and then only in
37 the event the aggregate revenues collected and available during ~~each the~~ fiscal year ~~of~~
38 ~~the biennium~~ for which such appropriations are made, are sufficient to pay all of the
39 appropriations in full; otherwise, the said appropriations shall be deemed to be payable
40 in such proportion as the total sum of all appropriations bears to the total amount of
41 revenue available in ~~each of the said~~ fiscal years ~~year~~. The Director of the Budget is
42 hereby given full power and authority to examine and survey the progress of the
43 collection of the revenue out of which such appropriations are to be made, and to
44 declare and determine the amounts that can be, during each quarter of ~~each of the~~ fiscal

1 years ~~of the biennium~~ properly allocated to each respective appropriation. In making such
 2 examination and survey, he shall receive estimates of the prospective collection of
 3 revenues from the Secretary of Revenue and every other revenue collecting agency of
 4 the State. The Director of the Budget may reduce all of said appropriations pro rata
 5 when necessary to prevent an overdraft or deficit to the fiscal ~~period~~ year for which such
 6 appropriations are made. The purpose and policy of this Article are to provide and
 7 insure that there shall be no overdraft or deficit in the general fund of the State at the
 8 end of the fiscal ~~period~~ year, growing out of appropriations for maintenance and the
 9 Director of the Budget is directed and required to so administer this Article as to prevent
 10 any such overdraft or deficit. Prior to taking any action under this section to reduce
 11 appropriations pro rata, the Governor may consult with the Advisory Budget
 12 Commission."

13 Sec. 12. G.S. 143-28.1(4) reads as rewritten:

14 "(4) Anticipation of Revenues. – In awarding State highway construction
 15 and maintenance contracts requiring payments beyond a
 16 biennium period consisting of two fiscal years, the first of which ends in
 17 an even number, the Director of the Budget may anticipate revenues as
 18 authorized and certified by the General Assembly, to continue contract
 19 payments for up to seventy-five percent (75%) of the revenues which
 20 are estimated for the ~~first~~ next fiscal year which ends in an even
 21 number of the succeeding biennium and which are not required for other
 22 budget items. Up to fifty percent (50%) of the revenues not required
 23 for other budget items may be anticipated for the second and
 24 subsequent fiscal years' contract payments."

25 —OTHER CONFORMING AMENDMENTS

26 Sec. 13. G.S. 7A-101 reads as rewritten:

27 "**§ 7A-101. Compensation.**

28 (a) The clerk of superior court is a full-time employee of the State and shall receive
 29 an annual salary, payable in equal monthly installments, based on the population of the
 30 county, as determined by the population projections of the Office of State Budget and
 31 Management for the year preceding the ~~first year of each biennial budget~~ fiscal year in
 32 which the salary is being paid, according to the following schedule:

Population	Annual Salary	
	<u>1989-90</u>	<u>1990-91</u>
Less than 99,999	\$ 44,256	46,920
100,000 to 199,999	50,016	53,028
200,000 and above	57,072	60,504

38 When a county changes from one population group to another, the salary of the clerk
 39 shall be changed to the salary appropriate for the new population group on July 1 of the
 40 ~~first year of each biennial budget~~ next fiscal year, except that the salary of an incumbent
 41 clerk shall not be decreased by any change in population group during his continuance
 42 in office.

43 (b) The clerk shall receive no fees or commission by virtue of his office. The
 44 salary set forth in this section is the clerk's sole official compensation, but if, on June

1 30, 1975, the salary of a particular clerk, by reason of previous but no longer authorized
2 merit increments, is higher than that set forth in the table, that higher salary shall not be
3 reduced during his continuance in office.

4 (c) In lieu of merit and other increment raises paid to regular State employees, a
5 clerk of superior court shall receive as longevity pay an amount equal to four and eight-
6 tenths percent (4.8%) of the annual salary set forth in the ~~Budget Appropriation—Current~~
7 Operations Appropriations Act payable monthly after five years of service, nine and six-
8 tenths percent (9.6%) after 10 years of service, fourteen and four-tenths percent (14.4%)
9 after 15 years of service, and nineteen and two-tenths percent (19.2%) after 20 years of
10 service. Service shall mean service in the elective position of clerk of superior court, as
11 an assistant clerk of court and as a supervisor of clerks of superior court with the
12 Administrative Office of the Courts and shall not include service as a deputy or acting
13 clerk. Service shall also mean service as a justice or judge of the General Court of
14 Justice or as a district attorney.”

15 Sec. 14. G.S. 7A-467(a) reads as rewritten:

16 "(a) Each public defender is entitled to such assistant public defenders and
17 investigators, full-time or part-time, as may be authorized by the Administrative Office
18 of the Courts. Assistants and investigators are appointed by the public defender and
19 serve at his pleasure. Compensation of assistants shall be as provided in the ~~biennial~~
20 Current Operations Appropriations Act. The Administrative Officer of the Courts shall
21 fix the compensation of each investigator. Assistants and investigators shall perform
22 such duties as may be assigned by the public defender."

23 Sec. 15. G.S. 17E-10(a) reads as rewritten:

24 "(a) The Commission may accept for any of its purposes and functions under this
25 Chapter any and all donations, both real and personal, and grants of money from any
26 governmental unit or public agency, or from any institution, person, firm or corporation,
27 and may receive, utilize and dispose of same. Any arrangement pursuant to this section
28 shall be detailed in a ~~biennial~~ annual report of the Commission to the General
29 Assembly. Such report shall include the identity of the donor, the nature of the
30 transaction, and the conditions, if any. Any money received by the Commission
31 pursuant to this section shall be deposited in the State Treasury to the account of the
32 Commission."

33 Sec. 16. G.S. 58-31-5 reads as rewritten:

34 **"§ 58-31-5. Appropriations; fund to pay administrative expenses.**

35 Upon the expiration of the existing fire insurance policies on said properties and in
36 making appropriations for any ~~biennium~~ fiscal year after the next ~~biennium~~ fiscal year, the
37 Commissioner of Insurance shall file with the Department of Administration his
38 estimate of the appropriations which will be necessary in order to set up and maintain an
39 adequate reserve to provide a fund sufficient to protect the State, its departments,
40 institutions, and agencies from loss or damage to any of said properties up to fifty per
41 centum (50%) of the value thereof. Appropriations made for the creating of such fire
42 insurance reserves against property of the Department of Agriculture, or the Department
43 of Transportation or any special operating fund shall be charged against the funds of
44 such departments.

1 The State Property Fire Insurance Fund is authorized and empowered to pay all the
2 administrative expenses occasioned by the administration of Article 31 of Chapter 58 of
3 the General Statutes."

4 Sec. 17. G.S. 58-31-45 reads as rewritten:

5 **"§ 58-31-45. Report required of Commissioner.**

6 The Commissioner of Insurance must annually submit to the Governor and General
7 Assembly a full report of his official action under this Article, with such
8 recommendations as commend themselves to him, ~~and it shall be embodied in or attached~~
9 ~~to his biennial report to the General Assembly."~~

10 Sec. 18. G.S. 66-58(f) reads as rewritten:

11 "(f) Notwithstanding the provisions of ~~G.S. 66-58(a)~~ subsection (a) of this section,
12 the operation by the Department of Correction of facilities for the manufacture of any
13 product or the providing of any service pursuant to G.S. 148-70 not regulated by the
14 provisions of subsection (c) hereof, shall be subject to the prior approval of the
15 Governor, with ~~biennial~~ annual review by the General Assembly, at the beginning of
16 each fiscal year ~~commencing after October 1, 1975.~~ The Department of Correction shall
17 file with the Director of the Budget quarterly reports detailing prison enterprise
18 operations in such a format as shall be required by the Director of the Budget."

19 Sec. 19. G.S. 94-2 reads as rewritten:

20 **"§ 94-2. Apprenticeship Council.**

21 The Commissioner of Labor shall appoint an Apprenticeship Council composed of
22 four representatives each from employer and employee organizations respectively and
23 three representatives from the public at large. One State official designated by the
24 Department of Public Instruction and one State official designated by the Department of
25 Community Colleges shall be a member ex officio of said council, without vote. The
26 terms of office of the members of the Apprenticeship Council first appointed by the
27 Commissioner of Labor shall expire as designated by the Commissioner at the time of
28 making the appointment: two representatives each of employers and employees, being
29 appointed for one year and one representative of the public at large being appointed for
30 two years; and one representative each of employers, employees, and the public at large
31 being appointed for a term of three years. Any member appointed to fill a vacancy
32 occurring prior to the expiration of the term of his predecessor shall be appointed for the
33 remainder of said term. Each member of the Council not otherwise compensated by
34 public moneys, shall be reimbursed for transportation and shall receive such per diem
35 compensation as is provided generally for boards and commissions ~~under the biennial~~
36 ~~maintenance appropriation acts by law~~ for each day spent in attendance at meetings of the
37 Apprenticeship Council. The Commissioner of Labor shall annually appoint one
38 member of the Council to act as its chairman.

39 The Apprenticeship Council shall meet at the call of the Commissioner of Labor and
40 shall aid him in formulating policies for the effective administration of this Chapter.
41 Subject to the approval of the Commissioner, the Apprenticeship Council shall establish
42 standards for apprentice agreement which in no case shall be lower than those
43 prescribed by this Chapter, shall issue such rules and regulations as may be necessary to
44 carry out the intent and purposes of said Chapter, and shall perform such other functions

1 as the Commissioner may direct. Not less than once a year the Apprenticeship Council
2 shall make a report through the Commissioner of Labor of its activities and findings to
3 the legislature and to the public."

4 Sec. 20. G.S. 96-4(a) reads as rewritten:

5 "(a) Duties and Powers of Commission. – It shall be the duty of the Commission
6 to administer this Chapter. The Commission shall meet at least once in each 60 days and
7 may hold special meetings at any time at the call of the chairman or any three members
8 of the Commission, and the Commission shall have power and authority to adopt,
9 amend, or rescind such rules and regulations, to employ such persons, make such
10 expenditures, require such reports, make such investigations, and take such other action
11 as it deems necessary or suitable in the administration of this Chapter. Such rules and
12 regulations shall be effective upon publication in the manner, not inconsistent with the
13 provisions of this Chapter, which the Commission shall prescribe. The Commission
14 shall determine its own organization and methods of procedure in accordance with the
15 provisions of this Chapter, and shall have an official seal which shall be judicially
16 noticed. The chairman of said Commission shall, except as otherwise provided by the
17 Commission, be vested with all authority of the Commission, including the authority to
18 conduct hearings and make decisions and determinations, when the Commission is not
19 in session and shall execute all orders, rules and regulations established by said
20 Commission. Not later than November 20 ~~preceding the meeting of the General~~
21 ~~Assembly of each year~~, the Commission shall submit to the Governor a report covering
22 the administration and operation of this Chapter during the preceding ~~biennium~~fiscal
23 year, and shall make such recommendation for amendments to this Chapter as the
24 Commission deems proper. Such report shall include a balance sheet of the moneys in
25 the fund in which there shall be provided, if possible, a reserve against the liability in
26 future years to pay benefits in excess of the then current contributions, which reserve
27 shall be set up by the Commission in accordance with accepted actuarial principles on
28 the basis of statistics of employment, business activity, and other relevant factors for the
29 longest possible period. Whenever the Commission believes that a change in
30 contribution or benefit rates will become necessary to protect the solvency of the fund,
31 it shall promptly so inform the Governor and the legislature, and make
32 recommendations with respect thereto."

33 Sec. 21. G.S. 105-1 reads as rewritten:

34 **"§ 105-1. Title and purpose of Subchapter.**

35 The title of this Subchapter shall be "The Revenue Act."The purpose of this
36 Subchapter shall be to raise and provide revenue for the necessary uses and purposes of
37 the government and State of North Carolina during the next ~~biennium~~fiscal year and
38 each ~~biennium~~fiscal year thereafter, and the provisions of this Subchapter shall be and
39 remain in full force and effect until changed by law. It is the policy of this State that as
40 many State taxes as possible be structured so that they are deductible for federal income
41 tax purposes under the Internal Revenue Code."

42 Sec. 22. G.S. 112-29 reads as rewritten:

43 **"§ 112-29. Limit and distribution of appropriation.**

1 The State Auditor is authorized, empowered and directed to apportion, distribute and
2 divide the money appropriated by the State for pensions, and to issue warrants to the
3 several pensioners pro rata in their respective grades: Provided, ~~that if the money~~
4 ~~appropriated by the General Assembly for the Confederate soldiers, widows and servants is~~
5 ~~more than enough to pay them the amounts mentioned in this Chapter, or if for any other cause,~~
6 ~~after paying the Confederate soldiers, widows and servants the amount stipulated in their~~
7 ~~respective grades as set out in this Chapter, there should be an excess of the money~~
8 ~~appropriated for the first year, then the balance in the fund so appropriated for the first year~~
9 ~~shall revert and supplement the fund appropriated for the second year of the biennium:~~
10 ~~Provided, further, that if any moneys herein appropriated for the purposes aforesaid shall~~
11 ~~not be needed to pay the Confederate soldiers, widows and servants the amounts~~
12 ~~stipulated in their respective grades, then such moneys shall be paid by the State Board~~
13 ~~of Pensions into the treasury and become a part of the general fund appropriated by the~~
14 ~~State for other purposes: Provided, that no greater amount shall be paid out under this~~
15 ~~Chapter than is appropriated under the General Appropriation Maintenance Current~~
16 ~~Operations Appropriations Act.~~"

17 Sec. 23. G.S. 113-54 reads as rewritten:

18 "**§ 113-54. Duties of forest rangers; payment of expenses by State and counties.**

19 Forest rangers shall have charge of measures for controlling forest fires, protection
20 of forests from pests and diseases, and the development and improvement of the forests
21 for maximum production of forest products; shall post along highways and in other
22 conspicuous places copies of the forest fire laws and warnings against fires, which shall
23 be supplied by the Secretary; shall patrol and man lookout towers and other points
24 during dry and dangerous seasons under the direction of the Secretary, and shall
25 perform such other acts and duties as shall be considered necessary by the Secretary in
26 the protection, development and improvement of the forested area of each of the
27 counties within the State. No county may be held liable for any part of the expenses
28 thus incurred unless specifically authorized by the board of county commissioners under
29 prior written agreement with the Secretary; appropriations for meeting the county's
30 share of such expenses so authorized by the board of county commissioners shall be
31 provided annually in the county budget. For each county in which financial
32 participation by the county is authorized, the Secretary shall keep or cause to be kept an
33 itemized account of all expenses thus incurred and shall send such accounts periodically
34 to the board of county commissioners of said county; upon approval by the board of the
35 correctness of such accounts, the county commissioners shall issue or cause to be issued
36 a warrant on the county treasury for the payment of the county's share of such
37 expenditures, said payment to be made within one month after receipt of such statement
38 from the Secretary. Appropriations made by a county for the purposes set out in
39 Articles 4, 4A, 4C and 6A of this Chapter in the cooperative forest protection,
40 development and improvement work are not to replace State and federal funds which
41 may be available to the Secretary for the work in said county, but are to serve as a
42 supplement thereto. The funds appropriated to the Department in the ~~biennial budget~~
43 ~~appropriation act~~ Current Operations Appropriations Act for the purposes set out in
44 Articles 4, 4A, 4C and 6A of this Chapter shall not be expended in a county unless that

1 county shall contribute at least twenty-five percent (25%) of the total cost of the forestry
2 program."

3 Sec. 24. G.S. 113-77.8(c) reads as rewritten:

4 "(c) The Trustees shall receive the per diem allowed for other members of boards
5 and commissions of the State as fixed ~~in the Biennial Appropriations Act~~ by law, and, in
6 addition, the Trustees shall receive subsistence and travel expenses as fixed by statute
7 for such purposes. Travel and subsistence expenses shall be allowed while going to or
8 from any place of meeting or when on official business. Per diem payments shall
9 include necessary time spent in traveling to and from their places of residence to any
10 meeting place or while traveling on official business. Per diem, subsistence, and travel
11 expenses of the Trustees shall be paid from the Fund."

12 Sec. 25. G.S. 113A-164.4(7) reads as rewritten:

13 "(7) Submit to the Governor and the General Assembly a ~~biennial~~ annual
14 report on or before February 15, ~~1987~~, and on or before February 15 of
15 ~~subsequent odd-numbered years~~ of each year describing the activities of
16 the past ~~biennium~~ fiscal year and plans for the coming ~~biennium~~ fiscal
17 year, and detailing specific recommendations for action that the
18 Secretary deems necessary for the improvement of the Program."

19 Sec. 26. G.S. 115C-249(h) reads as rewritten:

20 "(h) Appropriations made in the ~~biennial Budget Appropriation~~ Current Operations
21 Appropriations Act for the purchase of public school buses shall be permanent
22 appropriations, and unexpended portions of those appropriations shall not revert to the
23 General Fund at the end of the ~~biennium~~ fiscal year for which appropriated. Any
24 unexpended portion of those appropriations shall at the end of each fiscal year be
25 transferred to a reserve account and shall be held, together with any other funds
26 appropriated for the purpose, for the purchase of public school buses."

27 Sec. 27. G.S. 120-32(11) reads as rewritten:

28 "(11) To specify the uses within the General Assembly budget of funds
29 appropriated to the General Assembly which remain available for
30 expenditure after the end of the ~~biennial fiscal period~~ fiscal year, and to
31 revert funds under G.S. 143-18."

32 Sec. 28. G.S. 121-12.2 reads as rewritten:

33 "**§ 121-12.2. Procedures for preparing budget requests and expending**
34 **appropriations for grants-in-aid.**

35 Requests for funding may be submitted by these organizations to the Department of
36 Cultural Resources. If received by any other department of State government except the
37 General Assembly they shall be forwarded to the Department of Cultural Resources. All
38 such requests shall be subjected to the process described in G.S. 121-12.1 and included
39 in the Department's ~~biennial~~ annual budget request submitted in compliance with the
40 Executive Budget Act.

41 The Department of Cultural Resources shall notify on a timely basis and in
42 appropriate detail all those recipients of continuing appropriations as grants-in-aid of the
43 requirements for submission of requests for appropriations for the ensuing fiscal period.

1 The Secretary of Cultural Resources is empowered and directed, in discharging the
2 responsibilities herein assigned, to make regular and timely reviews, studies and
3 recommendations concerning the operations and needs of these organizations for State
4 funds, and to request from the applicants for grants and the recipients of grants through
5 the Department, operating statements, audit reports and other information deemed
6 appropriate."

7 Sec. 29. G.S. 125-2(2) reads as rewritten:

8 "(2) To make to the Governor ~~a biennial~~an annual report of its activities
9 and needs, including recommendations for improving its services to
10 the State, to be transmitted by the Governor to the General Assembly."

11 Sec. 30. G.S. 126-79 reads as rewritten:

12 **"§ 126-79. Report required.**

13 The State Personnel Commission shall require ~~a biennial~~an annual report of each
14 State division, department, agency, instrumentality or authority on the status of the
15 Work Options Program. The State Personnel Commission shall in turn make ~~a biennial~~
16 an annual report to the General Assembly on the status of the Work Options Program,
17 including any increase in the use of job sharing, flexible work hours and any other
18 approved work option for State employees."

19 Sec. 31. G.S. 127A-169 reads as rewritten:

20 **"§ 127A-169. Unexpended portion of State appropriation.**

21 The unexpended portion of any appropriation from the general fund of the State for
22 the purposes set out in this Article, remaining at the end of any ~~biennium~~fiscal year, shall
23 not revert to the general fund of the State, but shall constitute part of a permanent fund
24 to be expended from time to time in the manner and for the purposes set out in this
25 Article."

26 Sec. 32. G.S. 130B-19(i) reads as rewritten:

27 "(i) No grant funds shall be used for litigation expenses. Each site designation
28 review committee shall properly account for all funds. Unexpended funds shall revert
29 to the Board, and at the end of the ~~biennium~~fiscal year shall revert to the General Fund."

30 Sec. 33. G.S. 135-8(f)(2)a. reads as rewritten:

31 "a. Upon the basis of each actuarial valuation provided herein there
32 shall be prepared ~~biennially~~annually and certified to the
33 Department of Administration a statement of the total amount
34 necessary for the ensuing ~~biennium~~fiscal year to the pension
35 accumulation and expense funds, as provided under subsections
36 (d) and (f) of this section, and these funds shall be handled and
37 disbursed in accordance with ~~Chapter 100, Public Laws of 1929,~~
38 ~~and amendments thereto (G.S. 143-1 et seq.), known as the~~
39 Executive Budget Act."

40 Sec. 34. G.S. 135-26 reads as rewritten:

41 **"§ 135-26. Studies and reports.**

42 The State agency shall make studies concerning the problem of old age and
43 survivors insurance protection for employees of the State and local governments and
44 their instrumentalities and concerning the operation of agreements made and plans

1 approved under this Article and shall submit a report to the legislature at the beginning
2 of each regular session, and at the reconvening of the regular session in the even-
3 numbered year, covering the administration and operation of this Article during the
4 preceding ~~biennium~~ fiscal year, including such recommendations for amendments to this
5 Article as it considers proper."

6 Sec. 35. G.S. 136-18(25) reads as rewritten:

7 "(25) The Department of Transportation is hereby authorized and directed to
8 design, construct, repair, and maintain paved streets and roads upon
9 the campus of each of the State's institutions of higher education, at
10 State-owned hospitals for the treatment of tuberculosis, State-owned
11 orthopedic hospitals, juvenile correction centers, mental health
12 hospitals and retarded centers, schools for the deaf, and schools for the
13 blind, when such construction, maintenance, or repairs have been
14 authorized by the General Assembly in the appropriations bills enacted
15 by the General Assembly. Cost for such construction, maintenance,
16 and repairs shall be borne by the Highway Fund. Upon the General
17 Assembly authorizing the construction, repair, or maintenance of a
18 paved road or drive upon any of the above-mentioned institutions, the
19 Department of Transportation shall give such project priority to insure
20 that it shall be accomplished as soon as feasible, at the minimum cost
21 to the State, and in any event during the ~~biennium~~ fiscal year for which
22 the authorization shall have been given by the General Assembly, or if
23 that fiscal year ends in an even number, by the end of the next fiscal
24 year."

25 Sec. 36. G.S. 136-41.1(a) reads as rewritten:

26 "(a) There is annually appropriated out of the State Highway Fund a sum equal to
27 the net amount after refunds that was produced during the ~~fiscal~~ previous calendar year
28 by a one and three-fourths cents (1 3/4¢) tax on each gallon of motor fuel as taxed by
29 G.S. 105-434 and 105-435, to be allocated in cash on or before ~~October~~ August 1 of each
30 year to the cities and towns of the State in accordance with this section. In addition, as
31 provided in G.S. 136-176(b)(3), revenue is allocated and appropriated from the
32 Highway Trust Fund to the cities and towns of this State to be used for the same
33 purposes and distributed in the same manner as the revenue appropriated to them under
34 this section from the Highway Fund. Like the appropriation from the Highway Fund,
35 the appropriation from the Highway Trust Fund shall be based on revenue collected
36 during the fiscal year preceding the date the distribution is made.

37 Seventy-five percent (75%) of the funds appropriated for cities and towns shall be
38 distributed among the several eligible municipalities of the State in the percentage
39 proportion that the population of each eligible municipality bears to the total population
40 of all eligible municipalities according to the most recent annual estimates of population
41 as certified to the Secretary of Revenue by the State Budget Officer. This annual
42 estimation of population shall include increases in the population within the
43 municipalities caused by annexations accomplished through July 1 of the calendar year
44 in which these funds are distributed. Twenty-five percent (25%) of said fund shall be

1 distributed among the several eligible municipalities of the State in the percentage
2 proportion that the mileage of public streets in each eligible municipality which does
3 not form a part of the State highway system bears to the total mileage of the public
4 streets in all eligible municipalities which do not constitute a part of the State highway
5 system.

6 It shall be the duty of the mayor of each municipality to report to the Department of
7 Transportation such information as it may request for its guidance in determining the
8 eligibility of each municipality to receive funds under this section and in determining
9 the amount of allocation to which each is entitled. Upon failure of any municipality to
10 make such report within the time prescribed by the Department of Transportation, the
11 Department of Transportation may disregard such defaulting unit in making said
12 allotment.

13 The funds to be allocated under this section shall be paid in cash to the various
14 eligible municipalities on or before October 1 of each year. Provided that eligible
15 municipalities are authorized within the discretion of their governing bodies to enter
16 into contracts for the purpose of maintenance, repair, construction, reconstruction,
17 widening, or improving streets of such municipalities at any time after January 1 of any
18 calendar year in total amounts not to exceed ninety percent (90%) of the amount
19 received by such municipality during the preceding fiscal year, in anticipation of the
20 receipt of funds under this section during the next fiscal year, to be paid for out of such
21 funds when received.

22 The Department of Transportation may withhold each year an amount not to exceed
23 one percent (1%) of the total amount appropriated for distribution under this section for
24 the purpose of correcting errors in allocations: Provided, that the amount so withheld
25 and not used for correcting errors will be carried over and added to the amount to be
26 allocated for the following year.

27 The word 'street' as used in this section is hereby defined as any public road
28 maintained by a municipality and open to use by the general public, and having an
29 average width of not less than 16 feet. In order to obtain the necessary information to
30 distribute the funds herein allocated, the Department of Transportation may require that
31 each municipality eligible to receive funds under this section submit to it a statement,
32 certified by a registered engineer or surveyor of the total number of miles of streets in
33 such municipality. The Department of Transportation may in its discretion require the
34 certification of mileage on a ~~biennial~~ an annual basis."

35 Sec. 37. G.S. 136-176(d) reads as rewritten:

36 "(d) A contract may be let for projects funded from the Trust Fund in anticipation
37 of revenues pursuant to the cash-flow provisions of G.S. 143-28.1 only for the ~~biennium~~
38 two fiscal years following the year in which the contract is let."

39 Sec. 38. G.S. 140-5.14(10) reads as rewritten:

40 "(10) To make a ~~biennial~~ an annual report to the Governor and the General
41 Assembly on the activities of the Board of Trustees and of the North
42 Carolina Museum of Art;".

43 Sec. 39. G.S. 143-283.7 reads as rewritten:

44 "**§ 143-283.7. Funds, expenses and gifts; reports.**

1 There is hereby created in the State treasury a special revolving fund to be known as
2 'Employment of the Handicapped Revolving Fund.' The fund shall consist of all
3 moneys received by the Department of Administration, or in behalf of the Department
4 from the United States, any federal or State agency or institution, gifts, contributions,
5 donations and bequests, but not excluding any other source of revenue for the purpose
6 of promoting the employment and rehabilitation of handicapped citizens of North
7 Carolina. The Department of Administration may use said revolving fund to pay the
8 salaries and general expenses of the administrative office, personnel, materials, supplies,
9 equipment, travel; provide awards, citations, scholarships, but not excluding other
10 purposes for the promoting of the employment and rehabilitation of handicapped
11 citizens. All expenditures from said fund shall be subject to the provisions of the
12 Executive Budget Act.

13 Any moneys remaining in said revolving fund at the end of any fiscal year ~~or~~
14 ~~biennium~~ shall not revert to the general fund or any other fund but shall continue to
15 remain in said revolving fund to be expended for the purposes of this Article.

16 The Department of Administration shall accept, hold in trust, and authorize the use
17 of any grant or devise of land, or any donation or bequests of money or other personal
18 property made to the Department, so long as the terms of the grant, donation, bequest or
19 will are carried out. The Department of Administration may invest and reinvest any
20 funds and money, lease, or sell any real or personal property, and invest the proceeds for
21 the purpose of promoting the employment and rehabilitation of the handicapped unless
22 prohibited by the terms of the grant, donation, bequest, gift, or will. If, due to
23 circumstances, the requests of the person or persons, making the grant, donation,
24 bequest, gift, or will cannot be carried out, the Department of Administration shall have
25 the authority to use the remainder thereof for the purpose of this Article. Said funds
26 shall be deposited in the revolving fund to carry out the provisions of this Article. Such
27 gifts, donations, bequests, or grants shall be exempt for tax purposes. The Department
28 shall report annually to the Governor all moneys and properties received and expended
29 by virtue of this section.

30 All funds and properties in the hands of the Governor's Executive Committee on
31 July 1, 1973, shall be transferred to the Department of Administration for use in
32 furtherance of the purposes of this Article."

33 Sec. 40. G.S. 143-355(b)(14) reads as rewritten:

34 "(14) Include in the ~~biennial~~-annual budget the cost of performing the
35 additional functions indicated above."

36 Sec. 41. G.S. 143-406 reads as rewritten:

37 **"§ 143-406. Duties of Department of Cultural Resources.**

38 The Department of Cultural Resources shall take action to carry out the following
39 purposes as funds and staff permit:

- 40 (1) Study, collect, maintain, and otherwise disseminate factual data and
41 pertinent information relative to the arts;
- 42 (2) Assist local organizations and the community at large with needs,
43 resources and opportunities in the arts;

- 1 (3) Serve as an agency through which various public and nonpublic
 2 organizations concerned with the arts can exchange information,
 3 coordinate programs and stimulate joint endeavors;
 4 (4) Identify research needs, encourage research and assist in obtaining
 5 funds for research;
 6 (5) Assist in bringing the highest obtainable quality in the arts to the State;
 7 promote the maximum opportunity for the people to experience, enjoy,
 8 and profit from those arts.

9 The Department of Cultural Resources shall, in addition to such other
 10 recommendations, studies and plans as it may submit from time to time, submit a
 11 ~~biennial~~an annual report of progress to the Governor, and thus, to the General
 12 Assembly."

13 Sec. 42. G.S. 143B-279.5 reads as rewritten:

14 "**§ 143B-279.5. ~~Biennial~~ Annual State of the Environment Report.**

15 The Secretary of the Department of Environment, Health, and Natural Resources
 16 shall report on the state of the environment to the General Assembly and the
 17 Environmental Review Commission no later than 1 January of each ~~odd-numbered~~-year
 18 ~~beginning 1 January 1991~~. The report shall include:

- 19 (1) An identification and analysis of current environmental protection
 20 issues and problems within or affecting the State and its people;
 21 (2) Trends in the quality and use of North Carolina's air and water
 22 resources;
 23 (3) An inventory of areas of the State where air or water pollution is in
 24 evidence or may occur during the upcoming biennium;
 25 (4) Current efforts and resources allocated by the Department to correct
 26 identified pollution problems and an estimate, if necessary, of
 27 additional resources needed to study, identify, and implement solutions
 28 to solve potential problems;
 29 (5) Departmental goals and strategies to protect the natural resources of
 30 the State;
 31 (6) Any information requested by the General Assembly or the
 32 Environmental Review Commission;
 33 (7) Suggested legislation, if necessary; and
 34 (8) Any other information on the state of the environment the Secretary
 35 considers appropriate.

36 Other State agencies involved in protecting the State's natural resources and
 37 environment shall cooperate with the Department of Environment, Health, and Natural
 38 Resources in preparing this report."

39 Sec. 43. G.S. 143B-299(c) reads as rewritten:

40 "(c) Compensation. – The members of the Commission shall receive the usual and
 41 customary per diem allowed for the other members of boards and commissions of the
 42 State ~~and as fixed in the Biennial Appropriation Act~~ by law, and, in addition, the members
 43 of the Commission shall receive subsistence and travel expenses according to the
 44 prevailing State practice and as allowed and fixed by statute for such purposes, which

1 said travel expenses shall also be allowed while going to or from any place of meeting
2 or when on official business for the Commission. The per diem payments made to each
3 member of the Commission shall include necessary time spent in traveling to and from
4 their places of residence within the State to any place of meeting or while traveling on
5 official business for the Commission."

6 Sec. 44. G.S. 143B-426.21(b)(3) reads as rewritten:

7 "(3) To develop a comprehensive plan, covering the current fiscal year and
8 the following ~~biennium~~ three fiscal years, for the acquisition and use of
9 information technology resources in the affected departments, which
10 shall be updated annually and shall be submitted to the General
11 Assembly on the first day of each regular session, and in the even-
12 numbered year on the first day of reconvening of the regular session."

13 Sec. 45. G.S. 147-11(c) reads as rewritten:

14 "(c) In addition to the foregoing allowance, the actual expenses of the Governor
15 while traveling outside the State on business incident to his office shall be paid by a
16 warrant drawn on the State Treasurer. Whenever a person who is not a State official or
17 employee is designated by the Governor to represent the Governor's office, such person
18 shall be paid actual travel expenses incurred in the performance of such duty; provided
19 that the payment of such travel expense shall conform to the provisions of ~~the biennial~~
20 ~~appropriation act~~ law in effect at the time the payment is made."

21 Sec. 46. G.S. 147-68(d) reads as rewritten:

22 "(d) The Treasurer shall report to the General Assembly, Governor and Advisory
23 Budget Commission annually ~~and to the General Assembly at the beginning of each biennial~~
24 ~~session~~ the exact balance in the treasury to the credit of the State, with a summary of the
25 receipts and payments of the treasury during the preceding fiscal year, and so far as
26 practicable an account of the same down to the termination of the current calendar
27 year."

28 Sec. 47. This act becomes effective for budgets beginning with the budget
29 for fiscal year 1991-92, except that Sections 2 and 3 of this act become effective upon
30 convening of the 1991 Regular Session of the General Assembly, Section 2.1 of this act
31 becomes effective upon the convening of the 1993 Regular Session of the General
32 Assembly, and except that if this act in changing any biennial report to an annual report
33 would cause the failure to receive information concerning a year, then one final biennial
34 report shall be made. Although the Governor may have proposed a budget for the fiscal
35 biennium 1991-93 and did not follow the proposed provisions of G.S. 143-2.1 and G.S.
36 143-2.2, the General Assembly shall be covered by those sections in preparation of a
37 budget for the fiscal year 1991-92.