

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

H

1

HOUSE BILL 499

Short Title: Drug Ed. School Fees.

(Public)

Sponsors: Representatives Hensley, B. Miller, Kuczmarski (co-sponsors); Flaherty, McLawhorn, and Stamey.

Referred to: Finance.

March 24, 1993

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE FEES FOR ENROLLING IN AN ACCREDITED
DRUG EDUCATION SCHOOL.

The General Assembly of North Carolina enacts:

Section 1. G.S. 90-96.01(a) reads as rewritten:

"(a) The Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services shall establish standards and guidelines for the curriculum and operation of local drug education programs. The Department of Human Resources shall oversee the development of a statewide system of schools and shall insure that schools are available in all localities of the State as soon as is practicable.

(1) A fee of ~~one hundred dollars (\$100.00)~~ one hundred fifty dollars (\$150.00) shall be paid by all persons enrolling in an accredited drug education school established pursuant to this section. That fee must be paid to an official designated for that purpose and at a time and place specified by the area mental health, developmental disabilities, and substance abuse authority providing the course of instruction in which the person is enrolled. If the clerk of court in the county in which the person is convicted agrees to collect the fees, the clerk shall collect all fees for persons convicted in that county. The clerk shall pay the fees collected to the area mental health, developmental disabilities, and substance abuse authority for the catchment area where the clerk is located regardless of the location where the defendant attends the drug education school and that authority shall distribute the funds in

1 accordance with the rules and regulations of the Department. The fee
2 must be paid in full within two weeks of the date the person is
3 convicted and before he attends any classes, unless the court, upon a
4 showing of reasonable hardship, allows the person additional time to
5 pay the fee or allows him to begin the course of instruction without
6 paying the fee. If the person enrolling in the school demonstrates to the
7 satisfaction of the court that ordered him to enroll in the school that he
8 is unable to pay and his inability to pay is not willful, the court may
9 excuse him from paying the fee. Parents or guardians of persons
10 attending drug education school shall be allowed to audit the drug
11 education school along with their children or wards at no extra
12 expense.

13 (2) The Department of Human Resources shall have the authority to
14 approve programs to be implemented by area mental health,
15 developmental disabilities, and substance abuse authorities. Area
16 mental health, developmental disabilities, and substance abuse
17 authorities may subcontract for the delivery of drug education program
18 services. The Department shall have the authority to approve budgets
19 and contracts with public and private governmental and
20 nongovernmental bodies for the operation of such schools.

21 (3) Fees collected under this section and retained by the area mental
22 health, developmental disabilities, and substance abuse authority shall
23 be placed in a nonreverting fund. That fund must be used, as
24 necessary, for the operation, evaluation and administration of the drug
25 educational schools; excess funds may only be used to fund other drug
26 or alcohol programs. The area mental health, developmental
27 disabilities, and substance abuse authority shall remit five percent
28 (5%) of each fee collected to the Department of Human Resources on
29 a monthly basis. Fees received by the Department as required by this
30 section may only be used in supporting, evaluating, and administering
31 drug education schools, and any excess funds will revert to the General
32 Fund.

33 (4) All fees collected by any area mental health, developmental
34 disabilities, and substance abuse authority under the authority of this
35 section may not be used in any manner to match other State funds or
36 be included in any computation for State formula-funded allocations."

37 Sec. 2. This act becomes effective July 1, 1993, and applies to fees due and
38 payable on or after that date.