

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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**SENATE BILL 841
House Committee Substitute Favorable 11/15/01
Third Edition Engrossed 11/16/01**

Short Title: Appropriations/Modifications & Other Changes.

(Public)

Sponsors:

Referred to:

April 4, 2001

A BILL TO BE ENTITLED

1 AN ACT AUTHORIZING THE USE OF CERTAIN PROCEEDS FOR CAPITAL
2 EXPENDITURES AT THE DOBBS YOUTH DEVELOPMENT CENTER;
3 APPROPRIATING FUNDS FOR PHOTONICS AND OPTOELECTRONICS
4 RESEARCH, FOR SICKLE CELL SYNDROME MEDICAL CARE, FOR
5 OPTIONAL CIRCUMCISION PROCEDURES FOR MEDICAID ELIGIBLE
6 NEWBORNS, FOR NECESSARY CHILD CARE FOR NEEDY FAMILIES, FOR
7 THE ADVANCE HEALTH CARE DIRECTIVE REGISTRY, AND FOR
8 SPECIALTY FOODS MARKETING; TRANSFERRING FUNDS FOR
9 FLOODPLAIN MAPPING; INDICATING THE GENERAL ASSEMBLY'S
10 INTENT TO APPROPRIATE FUNDS TO THE TEACHERS' AND STATE
11 EMPLOYEES' RETIREMENT SYSTEM; ADDING THE SECRETARY OF
12 REVENUE AS AN EX OFFICIO MEMBER OF THE ECONOMIC
13 DEVELOPMENT BOARD; STUDYING ADVERTISING IN PUBLICATIONS OF
14 THE DIVISION OF MOTOR VEHICLES; AND RELATING TO CRIMINAL
15 JUSTICE PARTNERSHIP GRANT FUNDS, AUTHORIZATION FOR INDIAN
16 GAMING COMPACT, GENERAL ASSEMBLY PUBLICATIONS,
17 COMMUNITY COLLEGES GENERIC FEES, LIMITED DURATION LICENSES,
18 DISPOSITION OF CERTAIN TAX PROCEEDS, DELINQUENT TAX
19 PAYMENTS, HUMAN SERVICES REPORTING, DRUG COSTS UNDER
20 MEDICAID, ACCESS TO PHARMACEUTICAL COMPANY PRESCRIPTION
21 DRUG PROGRAMS, STATE HEALTH PLAN CO-PAYMENTS, STATE
22 EMPLOYEE MILITARY AND EMERGENCY SERVICE LEAVE,
23 COMMUNITY COLLEGES OPTIONAL RETIREMENT, CULTURAL
24 RESOURCES DIGITAL ARCHIVES, AND ELECTRONIC PROCUREMENT.
25

26 The General Assembly of North Carolina enacts:

27 **PART I. JUSTICE AND PUBLIC SAFETY**

28 **– DOBBS CENTER**

1 **SECTION 1.** Notwithstanding Chapter 146 of the General Statutes and any
2 other provision of law, the net proceeds derived from the sale of right-of-ways and
3 associated easements from the Department of Juvenile Justice and Delinquency
4 Prevention to the Department of Transportation in the amount of one hundred
5 seventy-two thousand fifty dollars (\$172,050) shall be deposited with the State
6 Treasurer in a capital improvement and repair and renovation account to the credit of
7 the Department of Juvenile Justice and Delinquency Prevention. The Department shall
8 use the funds to construct a maintenance and storage facility at Dobbs Youth
9 Development Center.

10
11 **– CRIMINAL JUSTICE PARTNERSHIP**

12 **SECTION 2.** Subsection (b) of Section 25.16 of S.L. 2001-424 reads as
13 rewritten:

14 "**SECTION 25.16.(b)** Notwithstanding the provisions of ~~G.S. 143B-273.5~~, the sum
15 of one million dollars (\$1,000,000) of the unexpended cash balance of the State-County
16 Criminal Justice Partnership Account shall revert to the General Fund on June 30, 2002,
17 and the sum of one million dollars (\$1,000,000) of the unexpended cash balance of the
18 State-County Criminal Justice Partnership Account shall revert to the General Fund on
19 June 30, 2003. G.S. 143B-273.15 specifying that grants to participating counties are for
20 the full fiscal year and that unobligated funds are returned to the State-County Criminal
21 Justice Partnership Account at the end of the grant period, the Department of Correction
22 may reallocate unspent or unclaimed funds distributed to counties participating in the
23 State-County Criminal Justice Partnership Program in an effort to maintain the level of
24 services realized in previous fiscal years."

25
26 **PART II. EDUCATION**

27 **SECTION 3.** Reserved.

28
29 **– PHOTONICS/OPTOELECTRONICS FUNDS**

30 **SECTION 4.** Of the funds appropriated in S.L. 2001-424 to the Board of
31 Governors of The University of North Carolina for genomics, bioinformatics,
32 optoelectronics, and photonics:

- 33 (1) The sum of three hundred fifty thousand dollars (\$350,000) for the
34 2001-2002 fiscal year and the sum of three hundred fifty thousand
35 dollars (\$350,000) for the 2002-2003 fiscal year shall be allocated to
36 fund the photonics research consortium.
- 37 (2) The sum of two hundred fifty thousand dollars (\$250,000) for the
38 2001-2002 fiscal year and the sum of two hundred fifty thousand
39 dollars (\$250,000) for the 2002-2003 fiscal year shall be allocated to
40 fund optoelectronics research.

41
42 **– CLARIFY COMMUNITY COLLEGE GENERIC FEE**

1 **SECTION 5.(a)** The State Board of Community Colleges may adopt
2 temporary rules clarifying the provisions of 23NCAC2(D).0201(c)(1) and (c)(2)
3 pertaining to the definition of generic fees and specific fees charged to students
4 attending community colleges.

5 **SECTION 5.(b)** This section becomes effective when this act becomes law
6 and expires six months after that date.

7
8 **PART III. TAX AND ECONOMIC DEVELOPMENT MATTERS**
9 **– ECONOMIC DEVELOPMENT BOARD MEMBERSHIP**

10 **SECTION 6.** G.S. 143B-434(b) reads as rewritten:

11 "(b) Membership. – The Economic Development Board shall consist of ~~36~~³⁷
12 members. The Secretary of Commerce shall serve ex officio as a member and as the
13 secretary of the Economic Development Board. The Secretary of Revenue shall serve as
14 an ex officio, nonvoting member. Four members of the House of Representatives
15 appointed by the Speaker of the House of Representatives, four members of the Senate
16 appointed by the President Pro Tempore of the Senate, the President of The University
17 of North Carolina, or designee, the President of the North Carolina Community College
18 System, or designee, the Secretary of State, and the President of the Senate (or the
19 designee of the President of the Senate), shall serve as members of the Board. The
20 Governor shall appoint the remaining 23 members of the Board, provided that effective
21 with the terms beginning July 1, 1997, one of those appointees shall be a representative
22 of a nonprofit organization involved in economic development and two of those
23 appointees shall be county economic development representatives. The Governor shall
24 designate a chair and a vice-chair from among the members of the Board. Appointments
25 to the Board made by the Governor for terms beginning July 1, 1997, and appointments
26 to the Board made by the Speaker of the House of Representatives and the President Pro
27 Tempore of the Senate for terms beginning July 9, 1993, should reflect the ethnic and
28 gender diversity of the State as nearly as practical.

29 The initial appointments to the Board shall be for terms beginning on July 9, 1993.
30 Of the initial appointments made by the Governor, the terms shall expire July 1, 1997.
31 Of the initial appointments made by the Speaker of the House of Representatives and by
32 the President Pro Tempore of the Senate two appointments of each shall be designated
33 to expire on July 1, 1995; the remaining terms shall expire July 1, 1997. Thereafter, all
34 appointments shall be for a term of four years.

35 The appointing officer shall make a replacement appointment to serve for the
36 unexpired term in the case of a vacancy.

37 The members of the Economic Development Board shall receive per diem and
38 necessary travel and subsistence expenses payable to members of State Boards and
39 agencies generally pursuant to G.S. 138-5 and ~~{G.S.}~~G.S. 138-6, as the case may be.
40 The members of the Economic Development Board who are members of the General
41 Assembly shall not receive per diem but shall receive necessary travel and subsistence
42 expenses at rates prescribed by G.S. 120-3.1."

1
2 **- DELINQUENT TAX ENFORCEMENT**

3 **SECTION 7.** As enacted by ratified House Bill 108, 2001 General
4 Assembly, G.S. 161-31(b) reads as rewritten:

5 "(b) Applicability. – This section applies only to Alleghany, Anson, Beaufort,
6 Bertie, Cabarrus, Camden, Carteret, Cherokee, Chowan, Cleveland, Currituck, Forsyth,
7 Gaston, Graham, Granville, Halifax, Harnett, Haywood, Iredell, Jackson, Lee, Madison,
8 Martin, Montgomery, Pasquotank, Perquimans, Person, Pitt, Rockingham, Rowan,
9 Stanly, Swain, Union, Vance, Warren, Washington, and Yadkin Counties."

10
11 **- DISPOSITION OF TAX PROCEEDS**

12 **SECTION 8.** G.S. 105-187.9, as amended by S.L. 2001-424, reads as
13 rewritten:

14 "**§ 105-187.9. Disposition of tax proceeds.**

15 (a) Distribution. – Taxes collected under this Article at the rate of eight percent
16 (8%) shall be credited to the General Fund. Taxes collected under this Article at the rate
17 of three percent (3%) shall be credited to the North Carolina Highway Trust Fund.

18 (b) Transfer. – In each fiscal year the State Treasurer shall transfer the amounts
19 provided below from the taxes deposited in the Trust Fund to the General Fund. The
20 transfer of funds authorized by this section may be made by transferring one-fourth of
21 the amount at the end of each quarter in the fiscal year or by transferring the full amount
22 annually on July 1 of each fiscal year, subject to the availability of revenue.

23 (1) The sum of one hundred seventy million dollars (\$170,000,000).

24 (2) In addition to the amount transferred under subdivision (1) of this
25 subsection, ~~In the 2001-2002 fiscal year,~~ the sum of one million seven
26 hundred thousand dollars ~~(\$1,700,000)-(\$1,700,000) shall be~~
27 transferred in the 2001-2002 fiscal year. The amount distributed under
28 this subdivision shall increase ~~In in the 2002-2003 fiscal year,~~ year to
29 the sum of two million four hundred thousand dollars (\$2,400,000). In
30 each fiscal year thereafter, the sum transferred under this subdivision
31 shall be the amount distributed in the previous fiscal year plus or
32 minus a percentage of this sum equal to the percentage by which tax
33 collections under this Article increased or decreased for the most
34 recent 12-month period for which data are available."
35

36 **PART IV. GENERAL ASSEMBLY**

37 **- JOURNAL PUBLICATION CHANGE**

38 **SECTION 9.(a)** G.S. 147-45 reads as rewritten:

39 "**§ 147-45. Distribution of copies of State publications.**

40 The Secretary of State shall, at the State's expense, as soon as possible after
41 publication, provide such number of copies of the Session Laws and Senate and House
42 Journals to federal, State, and local governmental officials, departments and agencies,
43 and to educational institutions of instruction and exchange use, as is set out in the table

~~below:~~ below. These publications shall be made available in hardbound and electronic format. Each agency or institution entitled to more than one copy in the table below shall receive only one of the copies in hardbound format with the remainder in electronic format, unless such agency or institution requests additional hardbound copies from the Secretary of State by August 1 of the calendar year. The Legislative Services Commission, in consultation with the Principal Clerks of the House of Representatives and Senate, shall determine each year the total number of bound volumes of each publication to be printed and the total number of the electronic copies of each publication to be produced.

Agency or Institution	Session Laws	Assembly Journals
Governor, Office of the	3 <u>2</u>	2
<u>Office of State Budget and Management</u>	<u>1</u>	<u>0</u>
Lieutenant Governor, Office of the	1	1
Secretary of State, Department of the	3	3
Auditor, Department of the State	3 <u>1</u>	1 <u>0</u>
Treasurer, Department of the State	3	1
Local Government Commission	2	0
State Board of Education	1	0
Department of Public Instruction	3 <u>2</u>	1
Controller	1	0
Technical Assistance Centers	1 ea.	0
Department of Community Colleges		
<u>Community Colleges System Office</u>	3 <u>1</u>	1
Justice, Department of		
Office of the Attorney General	25 <u>5</u>	3 <u>2</u>
Budget Bureau (Administration)	1	0
Property Control (Administration)	1	1
State Bureau of Investigation	1	0
Agriculture and Consumer Services, Department of	3 <u>1</u>	1
Labor, Department of	5 <u>4</u>	1
Insurance, Department of	5 <u>2</u>	1
Administration, Department of	1	1
Budget Bureau	2	1
Controller	1	0
Property Control	1	0
Purchase and Contract	2	0
Policy and Development	1	0
Veterans Affairs Commission	1	0
Environment and Natural Resources,		

1	Department of	6	0
2	Wildlife Resources Commission	2	0
3	Revenue, Department of	5	1
4	Health and Human Services, Department of	6 <u>1</u>	0
5	Mental Health, Developmental Disabilities,		
6	and Substance Abuse Services,		
7	Division of	1	0
8	Social Services, Division of	3	0
9	Facilities Facility Services, Division of	1	0
10	Hospitals and Institutions	1 ea.	0
11	Juvenile Justice and Delinquency		
12	Prevention, Department of	3	0
13	Transportation, Department of	1	0
14	Board of Transportation	3	0
15	Motor Vehicles, Division of	1	0
16	Commerce, Department of	1	0 <u>1</u>
17	Economic Development, Division of	2	0
18	State Ports Authority	1	0
19	Alcoholic Beverage Control Commission,		
20	North Carolina	2	0
21	Banking Commission	2 <u>1</u>	0
22	Utilities Commission	8 <u>3</u>	1
23	Industrial Commission	7 <u>1</u>	0
24	Labor Force Development Council	1	0
25	Milk Commission	5	0
26	Employment Security Commission	4	4
27	Correction, Department of	1	0
28	Department of Correction	2	0
29	<u>Post-Release Supervision and Parole Commission</u>	2 <u>1</u>	0
30	State Prison	4	0
31	Correctional Institutions	1 ea.	0
32	Cultural Resources, Department of	4 <u>0</u>	0
33	Archives and History, Division of	5 <u>3</u>	1
34	State Library	5	5
35	Publications Division	1	1
36	Crime Control and Public Safety, Department of	2 <u>1</u>	1
37	North Carolina Crime Commission	1	0
38	Adjutant General	2	0
39	Elections, State Board of	2 <u>1</u>	0
40	Office of Administrative Hearings	2 <u>1</u>	0
41	State Personnel Commission	1	0
42	Office of State Personnel	4	4

1	Legislative Branch		
2	State Senators	1 ea.	1 ea.
3	State Representatives	1 ea.	1 ea.
4	Principal Clerk – Senate	1	1
5	Principal Clerk – House	1	1
6	Reading Clerk – Senate	1	<u>1</u>
7	Reading Clerk – House	1	<u>1</u>
8	Sergeant at Arms – House	1	<u>1</u>
9	Sergeant at Arms – Senate	1	<u>1</u>
10	Enrolling Clerk	1	0
11	Engrossing Clerk	1	0
12	Indexer of the Laws	1	0
13	Legislative Building Library	<u>3575</u>	<u>157</u>
14	Judicial System		
15	Justices of the Supreme Court	1 ea.	1 ea.
16	Judges of the Court of Appeals	1 ea.	1 ea.
17	Judges of the Superior Court	1 ea.	0
18	Emergency and Special Judges of the		
19	Superior Court	1 ea.	0
20	District Court Judges	1 ea.	0
21	District Attorneys	1 ea.	0
22	Clerk of the Supreme Court	1	1
23	Clerk of the Court of Appeals	1	1
24	Administrative Office of the Courts	<u>43</u>	1
25	Supreme Court Library AS MANY AS REQUESTED	<u>16</u>	<u>3</u>
26	Colleges and Universities		
27	The University of North Carolina System		
28	Administrative Offices	3	0
29	University of North Carolina,		
30	Chapel Hill	65 <u>33</u>	25 <u>9</u>
31	University of North Carolina,		
32	Charlotte	<u>32</u>	1
33	University of North Carolina,		
34	Greensboro	<u>31</u>	1
35	University of North Carolina,		
36	Asheville	<u>21</u>	1
37	University of North Carolina,		
38	Wilmington	<u>21</u>	1
39	North Carolina State University,		
40	Raleigh	<u>51</u>	<u>31</u>
41	Appalachian State University	2	1
42	East Carolina University	<u>31</u>	<u>21</u>

1	Elizabeth City State University	2	1
2	Fayetteville State University	2 <u>1</u>	1
3	North Carolina Agricultural and		
4	Technical University	2	1
5	North Carolina Central University	5 <u>1</u>	5 <u>1</u>
6	Western Carolina University	2 <u>1</u>	1
7	University of North Carolina,		
8	Pembroke	2	1
9	Winston-Salem State University	2	1
10	North Carolina School of the Arts	1	1
11	Private Institutions		
12	Duke University	6 <u>4</u>	6 <u>3</u>
13	Davidson College	3 <u>1</u>	2 <u>1</u>
14	Wake Forest University	5	5
15	Lenoir Rhyne College	1	1
16	Elon College <u>University</u>	1	1
17	Guilford College	1	1
18	Campbell University	5 <u>2</u>	5 <u>2</u>
19	Wingate College <u>University</u>	1	1
20	Pfeiffer College	1	1
21	Barber Scotia College	1	1
22	Barton College	1	1
23	Brevard College	<u>1</u>	<u>1</u>
24	Shaw University	1	1
25	St. Augustine's College	1	1
26	Johnson C. Smith University	1	1
27	Belmont Abbey <u>College</u>	1	1
28	Bennett College	1	1
29	Catawba College	1	1
30	Gardner-Webb College <u>University</u>	1	1
31	Greensboro College	1	1
32	High Point University	1	1
33	Livingstone College	1	1
34	Mars Hill College	1	1
35	Meredith College	1	1
36	Methodist College	1	1
37	Montreat College	<u>1</u>	<u>1</u>
38	North Carolina Wesleyan College	1	1
39	Peace College	<u>1</u>	<u>0</u>
40	Queens College	1	1
41	Sacred Heart College	1	1
42	St. Andrews Presbyterian College	1	1

1	Salem College	1	1
2	Warren Wilson College	1	1
3	County and Local Officials		
4	Clerks of the Superior Court	1 ea.	1 ea.
5	Register of Deeds	1 ea.	1 ea. <u>0</u>
6	Federal, Out-of-State and Foreign		
7	Secretary to the President	1	0
8	Secretary of State	1	1
9	Secretary of Defense	1	0
10	Secretary of Agriculture	1	0
11	Secretary of the Interior	1	0
12	Secretary of Labor	1	1 <u>0</u>
13	Secretary of Commerce	1	1 <u>0</u>
14	Secretary of the Treasury	1	0
15	Secretary of Health, Education and		
16	Welfare <u>Health and Human Services</u>	1	0
17	Secretary of Housing and Urban		
18	Development	1	0
19	Secretary of Transportation	1	0
20	Attorney General	1	0
21	Postmaster General <u>United States Postal Service</u>	1	0
22	Bureau of Census	1	0
23	Bureau of Public Roads	1	0
24	Department of Justice	1	0
25	Department of Internal Revenue <u>Internal</u>		
26	<u>Revenue Service</u>	1	0
27	Veterans' Administration <u>Department of</u>		
28	<u>Veterans Affairs</u>	1	0
29	Farm Credit Administration	1	0
30	Securities and Exchange Commission	1	0
31	Social Security Board	1	0
32	Environmental Protection Agency	1	0
33	Library of Congress	8	2
34	Federal Judges resident in North		
35	Carolina	1 ea.	0
36	Federal District Attorneys resident in		
37	North Carolina	1 ea.	0
38	Marshal of the United States		
39	Supreme Court	1	0
40	Federal Clerks of Court resident in		
41	North Carolina	1 ea.	0
42	Supreme Court Library exchange list	1 ea.	0

1
2 One copy of the Session Laws shall be furnished the head of any department of State
3 government created in the future.

4 ~~State agencies, institutions, etc.,~~ Any State agency, department, institution,
5 commission, committee, board, division, bureau, officer or official not found in or
6 covered by this list may, upon written request from their respective department head to
7 the Secretary of State, and upon the discretion of the Secretary of State as to need, be
8 issued copies of the Session Laws on a permanent loan basis with the understanding that
9 should said copies be needed they will be recalled."

10 **SECTION 9.(b)** Each agency or institution entitled to receive more than one
11 copy of a hardbound volume of the Session Laws and House and Senate journal
12 publications for the year 2001 desiring additional hardbound copies of those
13 publications to which it is entitled shall so notify the Secretary of State not later than 30
14 days after this act becomes law; and each State Senator and State Representative is
15 entitled to receive the 2001 journal of a house only if he or she so requests in writing to
16 the principal clerk of that house no later than 30 days after this act becomes law.

17 **SECTION 9.(c)** G.S. 120-32 reads as rewritten:

18 "§ 120-32. **Commission duties.**

19 The Legislative Services Commission is hereby authorized to:

20 ...

- 21 (7) a. Provide for the indexing and printing of the session laws of
22 each regular, extra or special session of the General Assembly
23 and provide for the printing of the journal of each house of the
24 General Assembly,
25 b. Provide and supply to the Secretary of State such bound
26 volumes of the journals and session laws and of these
27 publications in electronic format as may be required by ~~him~~ the
28 Secretary of State to be distributed under the provisions of G.S.
29 147-45, 147-46.1 and 147-48."

30 **SECTION 9.(d)** G.S. 120-34(a) reads as rewritten:

31 "(a) The Legislative Services Commission shall publish all laws and joint
32 resolutions passed at each session of the General Assembly. Assembly and the
33 executive orders of the Governor issued since the adjournment of the prior session of
34 the General Assembly. The laws and joint resolutions shall be kept separate and indexed
35 separately. Each volume shall contain a certificate from the Secretary of State stating
36 that the volume was printed under the direction of the Legislative Services Commission
37 from ratified acts and ~~resolutions~~ resolutions and executive orders of the Governor on
38 file in the Office of the Secretary of State. The Commission may publish the Session
39 Laws and House and Senate Journals of extra and special sessions of the General
40 Assembly in the same volume or volumes as those of regular sessions of the General
41 Assembly. ~~In printing,~~ In printing the ratified acts and resolutions, the signatures of the
42 presiding officers and the Governor shall be omitted.

1 The enrolling clerk or the Legislative Services Office shall assign to each bill that
2 becomes law a number in the order the bill became law, and the laws shall be printed in
3 the Session Laws in that order. The number shall be preceded by the phrase "Session
4 Law" or the letters "S.L." followed by the calendar year it was ordered enrolled,
5 followed by a hyphen and the sequential law number. Laws of Extra Sessions shall so
6 indicate. In the case of any bill required to be presented to the Governor, and which
7 became law, the Session Laws shall carry, below the date of ratification, editorial notes
8 as to what time and what date the bill became law. In any case where the Governor has
9 returned a bill to the General Assembly with objections, those objections shall be
10 printed verbatim in the Session Laws, regardless of whether or not the bill became law
11 notwithstanding the objections."

12 **SECTION 9.(e)** The Legislative Research Commission shall study the issue
13 of further changes in agencies and institutions entitled to copies of State publications,
14 and shall report to the General Assembly in 2002 on its findings.

15
16 **PART V. HEALTH & HUMAN SERVICES**
17 **– COMPREHENSIVE SERVICES/FOSTER CARE**

18 **SECTION 10.** Section 21.60(g) of S.L. 2001-424 reads as rewritten:

19 "SECTION 21.60.(g) The Department of Health and Human Services, in
20 conjunction with the Department of Juvenile Justice and Delinquency Prevention, the
21 Department of Public Instruction, and other affected agencies, shall report on the
22 following Program information:

- 23 (1) The number and other demographic information of children served.
- 24 (2) The amount and source of funds expended to implement the Program.
- 25 (3) Information regarding the number of children screened, specific
26 placement of children including the placement of children in programs
27 or facilities outside of the child's home county, and treatment needs of
28 children served.
- 29 (4) The average length of stay in residential treatment, transition, and
30 return to home.
- 31 (5) The number of children diverted from institutions or other out-of-home
32 placements such as ~~training schools~~ foster care, ~~training schools~~, and
33 State psychiatric hospitals and a description of the services provided.
- 34 (6) Recommendations on other areas of the Program that need to be
35 improved.
- 36 (7) Other information relevant to successful implementation of the
37 Program."

38
39 **– DHHS DATE CHANGE**

40 **SECTION 11.** Section 21.66(d) of S.L. 2001-424 reads as rewritten:

41 "SECTION 21.66.(d) The Department shall submit a progress report on
42 implementation of this section not later than February 1, ~~2001~~, 2002, and a final report

1 not later than May 1, 2002, to the Senate Appropriations Committee on Health and
2 Human Services, the House of Representatives Appropriations Subcommittee on Health
3 and Human Services, and the Fiscal Research Division."
4

5 **– CIRCUMCISION FUNDS**

6 **SECTION 12.** Notwithstanding any other provision of law to the contrary,
7 from funds available in the General Fund, there is appropriated to the Department of
8 Health and Human Services, Division of Medical Assistance, the sum of two hundred
9 forty-six thousand, seven hundred sixty-two dollars (\$246,762) for the 2001-2002 fiscal
10 year and the sum of four hundred thousand dollars (\$400,000) for the 2002-2003 fiscal
11 year. These funds shall be used to provide optional circumcision procedures for
12 newborns eligible for Medicaid.
13

14 **– MEDICAID DRUG COSTS**

15 **SECTION 13.** Section 21.19(a)(5) of S.L. 2001-424 reads as rewritten:

16 "(5) Drugs – Drug costs as allowed by federal regulations plus a
17 professional services fee per month excluding refills for the same drug
18 or generic equivalent during the same month. Reimbursement shall be
19 available for up to six prescriptions per recipient, per month, including
20 refills. Payments for drugs are subject to the provisions of subsection
21 (h) of this section and to the provisions at the end of subsection (a) of
22 this section, or in accordance with the State Plan adopted by the
23 Department of Health and Human Services consistent with federal
24 reimbursement ~~regulations. regulations,~~ and shall be the lesser of the
25 following options: (i) ninety percent (90%) of the Average Wholesale
26 Price for prescription drugs plus the professional services fee, or (ii)
27 the Centers for Medicare and Medicaid Services Upper Limit plus the
28 professional services fee, or (iii) the Maximum Allowable Cost pricing
29 established by the Department of Health and Human Services plus the
30 professional services fee, or (iv) the provider's charge to the general
31 public. Payment of the professional services fee shall be made in
32 accordance with the State Plan adopted by the Department of Health
33 and Human Services, consistent with federal reimbursement
34 regulations. The professional services fee shall be five dollars and
35 sixty cents (\$5.60) per prescription for generic drugs and four dollars
36 (\$4.00) per prescription for brand name drugs. Adjustments to the
37 professional services fee shall be established by the General
38 Assembly."
39

40 **– COORDINATION OF ACCESS TO PHARMACEUTICAL COMPANY**
41 **PRESCRIPTION DRUG PROGRAMS**

42 **SECTION 14.** Section 21.6 of S.L. 2001-424 reads as rewritten:

1 "**SECTION 21.6.(a)** Of the funds appropriated in this act to the Department of
2 Health and Human Services, ~~Division of Public Health~~, the sum of two hundred
3 thousand dollars (\$200,000) for the 2001-2002 fiscal year and the sum of two hundred
4 thousand dollars (\$200,000) for the 2002-2003 fiscal year shall be used to initiate the
5 development of a system to assist eligible individuals in obtaining prescription drugs at
6 no cost or for a nominal fee through pharmaceutical company programs or initiatives.
7 programs. The system will be designed to minimize the efforts of patients and their
8 health care providers in securing needed drugs. The required patient and health care
9 provider data will be maintained and orders tracked in order to initiate timely reorders
10 of needed drugs to assure continuity of medication intake. Coordination of access shall
11 be provided through a central location that maintains documentation of an individual's
12 eligibility provided by the individual and prescription orders from the individual's
13 physician to facilitate the provision of no cost or nominal cost drugs under the
14 pharmaceutical company program. The coordination of access shall be implemented in a
15 way that encourages physician, patient, and pharmacy participation by reducing
16 time-consuming procedural requirements. The Department may contract with a private
17 nonprofit organization to ~~coordinate access~~ assist in the development of the system as
18 provided under this section.

19 **SECTION 21.6.(b)** The ~~coordination of access effort~~ development of the system
20 shall be jointly managed by the Office of Research, Demonstrations and Rural Health
21 Development and the Office of Pharmacy Services, Division of Public Health.
22 ~~under this section shall be consistent with other prescription drug assistance programs~~
23 ~~throughout the Department, including the AIDS Drug Assistance Program and the~~
24 ~~Prescription Drug Assistance Program, in identifying program participants.~~

25 **SECTION 21.6.(c)** The Department shall work with pharmaceutical companies in
26 obtaining access to company applications for assistance and making those applications
27 available to the general public. The Department shall ensure that pharmaceutical
28 company programs are registered with the Department and shall obtain the application
29 forms of each pharmaceutical program.

30 **SECTION 21.6.(d)** The Department shall report on the implementation of this
31 section on December 1, 2001, April 1, 2002, and October 1, 2002, to the Senate
32 Appropriations Committee on Health and Human Services, the House of
33 Representatives Appropriations Subcommittee on Health and Human Services, and the
34 Fiscal Research Division."
35

36 **PART VI. RETIREMENT & BENEFITS**

37 **- RETIREMENT PAYMENT**

38 **SECTION 15.** It is the intent of the General Assembly to appropriate funds
39 to make the contribution to the Teachers' and State Employees' Retirement System
40 ("System") that would have been made for the fiscal period beginning February 28,
41 2001, and ending June 30, 2001. Further, it is the intent of the General Assembly that
42 the payment be made with interest at rates determined by the General Assembly to be

1 consistent with the performance and earnings of the System. Subject to the availability
2 of funds, it is also the intent of the General Assembly to make the payment by
3 appropriations over a five-year period beginning July 1, 2003.

4
5 **– HEALTH PLAN CO-PAYMENT**

6 **SECTION 16.(a)** G.S. 135-40.8(c3), as enacted by Section 1(m) of S.L.
7 2001-253, reads as rewritten:

8 "(c3) Notwithstanding any other provision of this Article, the Plan does not pay for
9 the first fifteen dollars (\$15.00) of allowable charges for each home, office, or skilled
10 nursing facility visit under the provisions of G.S. 135-40.6(7)a. and b., G.S.
11 135-40.6(4), ~~G.S. 135-40.6(8)e.(IV therapy)~~, G.S. 135-40.6(8)i., j., k., n., r., and s., and
12 G.S. 135-40.5(e). The ~~copayment~~ co-payment assessed by this subsection shall be
13 assessed only once per person per provider per day and shall not apply to laboratory,
14 pathology, and radiology services. The exclusion made under this subsection shall not
15 count toward the deductible nor toward the maximum amount of coinsurance
16 out-of-pocket costs."

17 **SECTION 16.(b)** In accordance with G.S. 135-40.8(c3), enacted by Section
18 l(m) of Session Law 2001-253, the first fifteen dollars (\$15.00) of allowable charges not
19 paid by the Plan does not apply to cardiac rehabilitation benefits.

20
21 **– MILITARY LEAVE**

22 **SECTION 17.(a)** The caption for Article 9 of Chapter 127A reads as
23 rewritten: "Privilege of Organized Militia. State Militia and Reserve Components of the
24 United States Armed Forces."

25 **SECTION 17.(b)** G.S. 127A-116 reads as rewritten:

26 **"§ 127A-116. Leaves of absence for State officers and employees.**

27 The Governor or ~~his~~ the Governor's designee shall promulgate appropriate policy
28 and regulations relating to leaves of absence for short periods of military training and
29 for State or federal military duty or special emergency management service of all
30 officers and employees of the State and its political subdivisions, including officers and
31 employees of public educational facilities under the sponsorship of the State, without
32 loss of pay, time or efficiency rating."

33
34 **– OPTIONAL RETIREMENT PROGRAM/NCCCS**

35 **SECTION 18.** Section 32.24(c) of S.L. 2001-424 reads as rewritten:

36 **"SECTION 32.24.(c)** This section becomes effective ~~January 1, 2002.~~ January 1,
37 2003."

38
39 **PART VII. ENVIRONMENT & NATURAL RESOURCES**

40 **– FLOODPLAIN MAPPING**

41 **SECTION 19.** The Department of Crime Control and Public Safety shall
42 complete Phase 1 of the floodplain mapping for the Cape Fear River Basin by

1 December 30, 2002. The Department of Crime Control and Public Safety shall use
2 available federal funds to complete Phase 1 of the floodplain mapping for the Cape Fear
3 River Basin; however, if the federal funds are insufficient to complete Phase 1, then the
4 Department may use up to six million dollars (\$6,000,000) from the Reserve for
5 Disaster Relief (Budget Code 19930) to complete Phase 1 of the floodplain mapping.

6 The Department of Crime Control and Public Safety may use up to three
7 million dollars (\$3,000,000) from the Reserve for Disaster Relief (Budget Code 19930)
8 to initiate Phase 2 of the floodplain mapping for the Catawba River Basin and for the
9 Yadkin River Basin.

10 11 **PART VIII. GENERAL MATTERS**

12 **- TURF GRASS REVENUE REALLOCATIONS**

13 **SECTION 20.** If House Bill 688, 2001 General Assembly, is enacted, then
14 there is appropriated from the General Fund to the:

15 (1) Department of Health and Human Services, Division of Public Health,
16 the sum of four hundred sixty thousand dollars (\$460,000) for the
17 2001-2002 fiscal year for the Sickle Cell Syndrome Purchase of
18 Medical Care Program, and to the Department of Health and Human
19 Services, Division of Child Development, the sum of two million one
20 hundred thousand dollars (\$2,100,000) for the 2001-2002 fiscal year
21 and the sum of two million one hundred thousand dollars (\$2,100,000)
22 for the 2002-2003 fiscal year for child care voucher subsidy funds to
23 pay the cost of necessary child care for minor children of needy
24 families.

25 (2) Department of Agriculture and Consumer Services, Markets Division,
26 the sum of one hundred thousand dollars (\$100,000) for the 2001-2002
27 fiscal year for specialty foods marketing.

28 29 **- CULTURAL RESOURCES/DIGITAL ARCHIVES**

30 **SECTION 21.** Section 11.1 of S.L. 2001-424 reads as rewritten:

31 **"SECTION 11.1.** Of the funds appropriated to the Department of Cultural
32 Resources, the sum of fifty thousand dollars (\$50,000) shall be used to complete the
33 planning for the Information Technology Expansion ~~Project and the Information~~
34 ~~Resource Management Commission (IRMC) Project Certification. Project and to aid in~~
35 computerizing certain archival records in the State Archives so that the records will be
36 available to the public via the Internet. The Department shall not expend any additional
37 funds for information technology expansion prior to review of the IRMC Project
38 Certification by the Joint Select Committee on Information Technology. The results of
39 the IRMC Project Certification shall be presented to the Joint Select Committee on
40 Information Technology no later than March 1, 2002."

41 42 **- E-PROCUREMENT**

1 **SECTION 22.** G.S. 143-49(8), as enacted by Section 15.6(d) of S.L.
2 2001-424, reads as rewritten:

3 "(8) To establish and maintain a procurement card program for use by State
4 agencies, community colleges, constituent institutions of The
5 University of North Carolina, and local school administrative units.
6 The Secretary of Administration may adopt temporary rules for the
7 implementation and operation of the program in accordance with the
8 payment policies of the State Controller, after consultation with the
9 Office of Information Technology Services. These rules would include
10 the establishment of appropriate order limits that leverage the cost
11 savings and efficiencies of the procurement card program in
12 conjunction with the fullest possible use of the North Carolina
13 E-Procurement Service. ~~Procurement cards shall be utilized only
14 through the E-Procurement Service. North Carolina State University
15 and the University of North Carolina at Chapel Hill may use
16 procurement cards consistent with the rules adopted by the Secretary,
17 provided that the procurement cards have a purchase limit of two
18 hundred fifty dollars (\$250.00) per month. Prior to implementing the
19 program, the Secretary shall consult with the State Controller, the
20 UNC General Administration, the Community Colleges System
21 Office, the State Auditor, the Department of Public Instruction, and the
22 Office of Information Technology Services. The Secretary may
23 periodically adjust the order limit authorized in this section after
24 consulting with the State Controller, the UNC General Administration,
25 the Community Colleges System Office, the Department of Public
26 Instruction, and the Office of Information Technology Services."~~

27
28 **- CHEROKEE COMPACT**

29 **SECTION 23.(a)** G.S. 147-12 is amended by adding a new subdivision to
30 read:

31 "(14) To negotiate and enter into Tribal-State gaming compacts, and
32 amendments thereto, on behalf of the State consistent with State law
33 and the Indian Gaming Regulatory Act, Public Law 100-497, as
34 necessary to allow a federally recognized Indian tribe to operate
35 gaming activities in this State as permitted under federal law."

36 **SECTION 23.(b)** Chapter 71A of the General Statutes is amended by adding
37 a new section to read:

38 **"§ 71A-8. Authorization for federally recognized Indian tribes.**

39 In recognition of the governmental relationship between the State, federally
40 recognized Indian tribes and the United States, a federally recognized Indian tribe may
41 conduct games consistent with the Indian Gaming Regulatory Act, Public Law 100-497,
42 that are in accordance with a valid Tribal-State compact executed by the Governor

1 pursuant to G.S. 147-12(14) and approved by the U.S. Department of Interior under the
2 Indian Gaming Regulatory Act, and such games shall not be unlawful or against the
3 public policy of the State."

4
5 – **ADVANCE HEALTH CARE DIRECTIVE REGISTRY FUNDS**

6 **SECTION 24.(a)** There is appropriated from the General Fund to the
7 Department of Secretary of State the sum of seventy-five thousand dollars (\$75,000) for
8 the 2001-2002 fiscal year to fund the Advance Health Care Directive Registry
9 established under Article 21 of Chapter 130A of the General Statutes.

10 **SECTION 24.(b)** Section 8 of S.L. 2001-455 reads as rewritten:

11 "**SECTION 8.** Sections 1 through 6 of this act become effective ~~January 1, 2002.~~
12 May 1, 2002. The remainder of this act is effective when it becomes law."

13
14 – **DMV ADVERTISING**

15 **SECTION 25.** The Legislative Research Commission shall study the issue
16 of sale of advertising to be placed in official mailings or publications of the Division of
17 Motor Vehicles and shall report to the General Assembly in 2002.

18
19 – **DMV MAY ISSUE LICENSES OF LIMITED DURATION**

20 **SECTION 25.1.** G.S. 20-7(f) reads as rewritten:

21 "(f) Expiration and Temporary License. – The first drivers license the Division
22 issues to a person expires on the person's fourth or subsequent birthday that occurs after
23 the license is issued and on which the individual's age is evenly divisible by five, unless
24 this subsection sets a different expiration date. A first drivers license may be issued for a
25 shorter duration if the Division determines that a license of shorter duration should be
26 issued when the applicant holds a visa of limited duration issued by the United States
27 Department of State. The first drivers license the Division issues to a person who is at
28 least 17 years old but is less than 18 years old expires on the person's twentieth birthday.
29 The first drivers license the Division issues to a person who is at least 62 years old
30 expires on the person's birthday in the fifth year after the license is issued, whether or
31 not the person's age on that birthday is evenly divisible by five.

32 A drivers license that was issued by the Division and is renewed by the Division
33 expires five years after the expiration date of the license that is ~~renewed.~~ renewed unless
34 the Division determines that a license of shorter duration should be issued when the
35 applicant holds a visa of limited duration from the United States Department of State. A
36 person may apply to the Division to renew a license during the 180-day period before
37 the license expires. The Division may not accept an application for renewal made before
38 the 180-day period begins.

39 The Division may renew by mail a drivers license issued by the Division to a person
40 who meets any of the following descriptions:

- 41 (1) Is serving on active duty in the armed forces of the United States and
42 is stationed outside this State.

1 (2) Is a resident of this State and has been residing outside the State for at
2 least 30 continuous days.

3 When renewing a license by mail, the Division may waive the examination that
4 would otherwise be required for the renewal and may impose any conditions it finds
5 advisable. A license renewed by mail is a temporary license that expires 60 days after
6 the person to whom it is issued returns to this State."
7

8 **PART IX. EFFECTIVE DATES**

9 **SECTION 26.** Section 16 of this act becomes effective July 1, 2001.
10 Section 20 of this act becomes effective December 1, 2001. Section 23 of this act
11 becomes effective August 1, 1994, and applies to compacts and amendments thereto
12 executed on or after that date. The remainder of this act is effective when it becomes
13 law.