

May 17, 2010

S 1202. CAREER ACAD. AS COOP. INNOV. HIGH SCHOOL (=H 1700). Filed 5/17/10. TO EXPAND MODELS OF COOPERATIVE INNOVATIVE HIGH SCHOOL PROGRAMS TO INCLUDE FIVE-YEAR CAREER ACADEMIES WITHIN EXISTING SCHOOLS AND TO REQUIRE THAT CAREER ACADEMIES APPROVED AS COOPERATIVE INNOVATIVE HIGH SCHOOLS NOT RECEIVE A SEPARATE SCHOOL CODE AND THAT RECORDS BE MAINTAINED FOR STUDENTS ENROLLED IN THE CAREER ACADEMIES, AS RECOMMENDED BY THE JOINT LEGISLATIVE JOINING OUR BUSINESSES AND SCHOOLS (JOBS) STUDY COMMISSION. Identical to H 1700, filed 5/12/10.

Intro. by Swindell.

GS 115C

July 9, 2010

S 1202. BUDGET TECHNICAL CORRECTIONS (NEW). Filed 5/17/10. House committee substitute deletes all provisions of 1st edition and replaces with AN ACT TO MAKE TECHNICAL, CLARIFYING, AND OTHER MODIFICATIONS TO CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACTS.

PART I. GENERAL PROVISIONS.

Makes technical changes to the Education appropriations in Section 2.1 as follows: changes appropriation to University Institutional Programs to \$44,855,669 (was, \$40,303,905) and changes appropriation to UNC Financial Aid Private Colleges to \$4,488,129 (was \$63,635).

Clarifies that the distributions to the Scrap Tire Disposal Account made during 2010-11 will be credited to the General Fund in Section 2.2(d) and (e).

Amends Section 2.2(j) to decrease the amount transferred from the Brody School of Medicine to the Office of State Controller from \$2 million to \$1 million.

Adds new Section 2.2(k) to transfer \$1 million from the Contingency and Emergency Fund to the NC State Fair.

Adds new Section 2.2(l) to appropriate from the General Fund to the Office of State Budget and Management, Reserve for State Board of Elections Software Development, \$671,893 in recurring funds for 2010-11 for software development if ethics legislation is passed, as indicated.

Amends Section 2.3 to make a technical change to the list of measures to address potential loss of FMAP funds, and clarifies the measures further. Authorizes the Secretary of DHHS to reduce reimbursement rates if the Secretary feels that the state may not receive enhanced FMAP funds, in order to avoid a significant decrease in rates late in the fiscal year. Amends the list of entities to which the rate reduction will not apply. Encourages agencies to implement other efficiencies before dismissing employees; also provides that the reduction does not apply to Medicaid provider reimbursement rates. Makes additional technical and clarifying changes.

Amends Section 3.1 to change the appropriation in the *Maintenance* line item, Division of Highways to \$4,693,213 (was, \$4,373,213) and changes the appropriation to *Other State agencies and reserves* to \$36,181,964 (was, \$35,861,964).

Makes a clarifying change to Section 5.1(e).

PART II. INFORMATION TECHNOLOGY.

Amends Section 6.7(b) of 2009 Appropriation Act to clarify that the State Chief Information Officer will ensure that enterprise project costs are allocated to participating agencies in an equitable manner, as indicated. Amends Section 6.7(f) to clarify that the Office of Information Technology Procurement will assist state agencies to identify the *most cost-effective source* and the least expensive source for the purchase of IT goods and services.

Adds a new section to the 2010 Appropriations Act to amend Section 6.20 of the 2009 Appropriations Act as follows: Authorizes the Department of Revenue (Department) to enter into public-private arrangements, as indicated, through June 30, 2015, and makes conforming changes throughout the section. Also directs the Department to provide copies of each contract, within five days of entering into a contract, to specified parties. Instructs the Department to also provide copies of meeting minutes to specified entities. Makes additional technical and clarifying changes.

PART III. EDUCATION.

Makes clarifying change to Section 7.24(h), providing that the listed courses will no longer generate state funding through budget FTE *or receive reimbursements from the Department of Public Instruction*. Makes a clarifying change to the section's applicability.

Clarifies that nothing in Section 7.17 (uniform budget format) will be construed to invalidate any budget resolution or budget amendment approved by a local board of education regarding the appropriation or transfer of revenue to any other fund that was approved for use by the DPI and the Local Government Commission.

Amends Section 7.4(b) to clarify that funds provided through the NC Virtual Public Schools Allotment Formula will be the only source of state funds available to the state board to fund NCVPS.

Makes a technical change to Section 9.14(c) of the 2009 Appropriations Act.

Amends Section 9.19 of the 2009 Appropriations Act, as rewritten, to allow the University of North Carolina and constituent institutions to increase tuition by up to \$750 over the 2010-11 and 2011-12 academic years (was, 2010-11 only). Makes a conforming change. Clarifies that the remaining balance of the funds: (1) will be used to offset the institutions' management flexibility reductions, and (2) may also be used to offset the additional 1% management flexibility reduction and meet reversal requirements if necessary to implement an additional 1% to backfill enhanced FMAP funds.

Adds new section directing East Carolina University to use \$33,850 to complete the North Carolina East Project. Describes the project and lists project components.

PART IV. HEALTH AND HUMAN SERVICES

Section 10.17 of SL 2010-31 authorizes the Department of Health and Human Services (DHHS) to transfer state-owned equipment that is no longer needed as a result of the closure of its regional child support enforcement offices to a county government or to the Eastern Band of the Cherokee Indians (EBCI) for the purpose of facilitating the county government or the EBCI administration of the child support program. Clarifies that DHHS may also retain any surplus equipment resulting from the closure of its regional child support offices that is not transferred to a county government or EBCI.

Amends Section 10.36(a) of SL 2010-31 to clarify the provision by setting a starting date of October 1, 2010 for requiring independent assessments of DHHS selected enhanced mental health services in the Medicaid program. Provides that the independent assessment is to be conducted as determined by DHHS. Requires that the entity doing the assessment recommend the type and amount of service to be provided. Makes other technical changes.

Provides DHHS with additional flexibility regarding budget cuts instead of requiring DHHS to eliminate specified positions.

Corrects an internal reference to listed immunizations. Requires DHHS to apply Medicaid medical policy to Medicare and Medicare Advantage claims for recipients that are dually eligible.

Clarifies the definition of experimental or trial procedures.

Directs DHHS to demonstrate qualifying conditions and apply for grants available through the Emergency Contingency Fund for State Temporary Assistance for Needy Families (TANF) programs for the 2010-11 federal fiscal year. Clarifies how any additional TANF Emergency Contingency Funds are to be used.

Corrects a reference to a masters level licensed clinical addictions specialist and to the North Carolina Substance Abuse Professional Practice Board.

PART V. NATURAL AND ECONOMIC RESOURCES

Clarifies that the increase in hazardous waste fees applies to fees collected on or after July 1, 2010.

Clarifies the definition of what constitutes a cash refund for using reusable bags. Effective October 1, 2010.

Appropriates \$250,000 from the nonreverting hazardous waste fund established in GS 130A-298 for the 2010-11 fiscal year for activities related to hazardous waste oversight and compliance.

PART VI. JUSTICE AND PUBLIC SAFETY

Clarifies that the effective date for the fee increases for misdemeanors and infractions is October 1, 2010 and provides an exception for certain misdemeanor or infraction cases disposed of on or after that date in which the citation or other criminal process was issued before that date.

Clarifies that vehicles purchased by a nonprofit organization with Support Our Students grant funds remain the property of the organization.

Provides that the fee increase for the community service work program becomes effective October 1, 2010 and applies to persons ordered to perform community service on or after that date.

Allows the Administrative Office of the Courts (AOC) to reduce the number of positions in the Judicial Department during the 2009-11 biennium to meet their management flexibility reduction. Requires the AOC to report to the Joint Legislative Commission on Governmental Operations, to the Fiscal Research Division of the General Assembly, and to the Revisor of Statutes, on any reductions that affect statutory staffing numbers in GS Chapter 7A.

PART VII. GENERAL GOVERNMENT

Amends section 24.4 of SL 2009-568, Extend Health Insurance Pool Pilot Project Start Date, to require that the Demonstration Project begin offering coverage no later than July 1, 2011 (was, December 1, 2010).

PART VIII. TRANSPORTATION

Amends Section 28.3 to change the date by which the Program Evaluation Division must report on the program and financial review of the Global TransPark Authority from March 1, 2011, to May 1, 2011.

Amends Section 28.7 to correct the name of the NC Metropolitan Planning Organizations.

PART IX. SALARIES AND BENEFITS

Amends Section 29.4(b) to make a technical change to the provision concerning the use of savings realized due to UNC employee furloughs and also clarifies that the savings may be used to offset the management flexibility reduction and to meet reversion requirements, if it is necessary to implement an additional 1% management flexibility reduction according to Section 2.3 of the budget to backfill enhanced FMAP funds.

Amends Section 26.1A of SL 2009-451, as amended, to clarify the exception to the provision that salaries remain in effect and do not increase for specified employees, to except UNC faculty using funds from the University Cancer Research Fund, in addition to already listed funds, and faculty, nonfaculty, and other employee adjustments funded from non-state funding sources.

Amends Section 26.14D of SL 2009-451, Reduction in Force/Extend State Employee Priority Rights, to clarify that the priority consideration given to state employees under GS 126-7.1(c1) remain in effect for an additional 12 month period for those employees who receive notification, on or after May 1, 2009, but on or before June 30, 2011, of a prospective separation of employment by reduction in force provided the employee was subsequently separated by a reduction in force.

PART X. TAX CHANGES

Clarifies that the effective date in Section 36.1, Modernize Sales Tax on Accommodations, applies only to the section.

PART XI. COMMITTEE REPORT

Makes specified changes to the Joint Conference Committee Report on the Continuation, Expansion, and Capital Budgets dated June 28, 2010.

PART XII. EFFECTIVE DATE

Effective July 1, 2010.

July 9, 2010

S 1202. BUDGET TECHNICAL CORRECTIONS. Filed 5/17/10. House amendments make the following changes to 2nd edition.

Amendment #1 clarifies that University of North Carolina faculty using funds from the University Cancer Research Fund *in the case of faculty involved in cancer research supported by that Fund* will be excepted from the salary freeze provided in Section 26.1A of the 2009 Appropriations Act, as amended.

Amendment #2 adds clarifying language to Section 2.3(f) in the 2010 Appropriations Act.

Amendment #3 amends Section 2.3(i) in the 2010 Appropriations Act to provide that agencies *must* (was, are encouraged to) implement all administrative and operating efficiencies,

including the reduction of vacant positions which do not affect public safety or staffing ratios at state institutions, before dismissing employees.

July 10, 2010

S 1202. BUDGET TECHNICAL CORRECTIONS. Filed 5/17/10. Conference report recommends the following changes to 2nd edition to reconcile matters in controversy.

Recedes from Amendment #3, which amended Section 2.3(i) in the 2010 Appropriations Act to require agencies to implement all administrative and operating efficiencies, including the reduction of vacant positions which do not affect public safety or staffing ratios at state institutions, before dismissing employees.

July 28, 2010

SL 2010-123 (S 1202). BUDGET TECHNICAL CORRECTIONS. AN ACT TO MAKE TECHNICAL, CLARIFYING, AND OTHER MODIFICATIONS TO THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACTS. Summarized in *Daily Bulletin* 7/9/10 and 7/10/10. Enacted July 21, 2010. Effective July 1, 2010, except as otherwise provided.