

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

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**SENATE BILL 187
Transportation Committee Substitute Adopted 4/6/11
House Committee Substitute Favorable 6/27/12
Fourth Edition Engrossed 6/27/12**

Short Title: Modifications/2012 Appropriations Act.

(Public)

Sponsors:

Referred to:

March 3, 2011

A BILL TO BE ENTITLED

AN ACT TO MAKE TECHNICAL, CLARIFYING, AND OTHER MODIFICATIONS TO
THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS
APPROPRIATIONS ACTS.

The General Assembly of North Carolina enacts:

PART I. GENERAL PROVISIONS

SECTION 1.1. If House Bill 950, 2012 Regular Session becomes law, then the portion of Section 2.1 of that act relating to Education reads as rewritten:

"SECTION 2.1. Appropriations from the General Fund of the State for the maintenance of the State departments, institutions, and agencies, and for other purposes as enumerated, are adjusted for the fiscal year ending June 30, 2013, according to the schedule that follows. Amounts set out in parentheses are reductions from General Fund appropriations for the 2012-2013 fiscal year.

Current Operations – General Fund

2012-2013

EDUCATION

...

University of North Carolina – Board of Governors

Appalachian State University 573,876

East Carolina University

Academic Affairs 4,447,287

Health Affairs 0

Elizabeth City State University 0

Fayetteville State University 473,656

NC A&T State University 0

NC Central University 0

NC State University

Academic Affairs 3,346,252

Agricultural Research 0

Agricultural Extension 0

UNC-Asheville 0



1	UNC-Chapel Hill	
2	Academic Affairs	0
3	Health Affairs	<u>015,000,000</u>
4	AHEC	0
5	UNC-Charlotte	0
6	UNC-Greensboro	103,534
7	UNC-Pembroke	0
8	UNC-School of the Arts	0
9	UNC-Wilmington	434,038
10	Western Carolina University	0
11	Winston-Salem State University	0
12	General Administration	9,808,141
13	University Institution Programs	15,560,828
14	Related Educational Programs	(12,139,141)
15	UNC Financial Aid Private Colleges	4,500,000
16	NC School of Science & Math	0
17	UNC Hospitals	(3,000,000) (18,000,000)
18	Total University of North Carolina – Board of Governors	\$ 24,108,471

19

20"

21 **SECTION 1.2.** If House Bill 950, 2012 Regular Session of the General Assembly,
 22 becomes law, then that act is amended by adding a new section to read:

23 **"EXEMPTIONS FROM MANAGEMENT FLEXIBILITY REDUCTIONS**

24 **"SECTION 6.15.** Notwithstanding the provisions of Section 6.14 of this act and
 25 G.S. 143C-6-4, and unless otherwise specifically directed in this act or in S.L. 2011-145,
 26 additional funds appropriated for the 2012-2013 fiscal year to State agencies as defined by
 27 G.S. 143C-1-1(d)(24) shall not be used to offset management flexibility adjustments enacted in
 28 this act or in S.L. 2011-145."
 29

30 **PART II. EDUCATION**

31 **SECTION 2.1.** If House Bill 950, 2012 Regular Session of the General Assembly,
 32 becomes law, then that act is amended by adding a new section to read:

33 **"AUTHORITY TO ESTABLISH PERSONNEL POSITIONS TO ADMINISTER THE**
 34 **EXCELLENT PUBLIC SCHOOLS ACT**

35 **"SECTION 7A.11.** The Department of Public Instruction may establish 11 personnel
 36 positions to administer the provisions of Section 7A.1 of this act."
 37

38 **SECTION 2.2.** If House Bill 950, 2012 Regular Session of the General Assembly,
 becomes law, then that act is amended by adding a new section to read:

39 **"FUNDING FOR BOWLES CENTER FOR ALCOHOL STUDIES**

40 **"SECTION 9.16.** G.S. 20-7(i1) reads as rewritten:

41 "(i1) Restoration Fee. – Any person whose drivers license has been revoked pursuant to
 42 the provisions of this Chapter, other than G.S. 20-17(a)(2) shall pay a restoration fee of fifty
 43 dollars (\$50.00). A person whose drivers license has been revoked under G.S. 20-17(a)(2) shall
 44 pay a restoration fee of one hundred dollars (\$100.00). The fee shall be paid to the Division
 45 prior to the issuance to such person of a new drivers license or the restoration of the drivers
 46 license. The restoration fee shall be paid to the Division in addition to any and all fees which
 47 may be provided by law. This restoration fee shall not be required from any licensee whose
 48 license was revoked or voluntarily surrendered for medical or health reasons whether or not a
 49 medical evaluation was conducted pursuant to this Chapter. The fifty-dollar (\$50.00) fee, and
 50 the first fifty dollars (\$50.00) of the one-hundred-dollar (\$100.00) fee, shall be deposited in the
 51 Highway Fund. Twenty-five dollars (\$25.00) of the one-hundred-dollar (\$100.00) fee shall be

1 used to fund a statewide chemical alcohol testing program administered by the Forensic Tests
 2 for Alcohol Branch of the Chronic Disease and Injury Section of the Department of Health and
 3 Human Services. The remainder of the one-hundred-dollar (\$100.00) fee shall be deposited in
 4 the General Fund. The Office of State Budget and Management shall annually report to the
 5 General Assembly the amount of fees deposited in the General Fund and transferred to the
 6 Forensic Tests for Alcohol Branch of the Chronic Disease and Injury Section of the Department
 7 of Health and Human Services under this subsection.

8 ~~It is the intent of the General Assembly to annually appropriate~~ Effective with the
 9 2011-2012 fiscal year, from the funds deposited in the General Fund under this subsection the
 10 sum of five hundred thirty-seven thousand four hundred fifty-five dollars (\$537,455) shall be
 11 transferred to the Board of Governors of The University of North Carolina to be used for the
 12 operating expenses of the Bowles Center for Alcohol Studies at The University of North
 13 Carolina at Chapel Hill.""

14 **SECTION 2.3.** If House Bill 950, 2012 Regular Session of the General Assembly,
 15 becomes law, then that act is amended by adding a new section to read:

16 **"FUNDING FOR UNC MEDICAL SCHOOL**

17 **"SECTION 9.17.(a)** Notwithstanding any provision of law to the contrary, of the funds
 18 appropriated by this act for the 2012-2013 fiscal year to the Board of Governors of The
 19 University of North Carolina the sum of forty-four million eleven thousand eight hundred
 20 eighty-two dollars (\$44,011,882) in recurring funds, the recurring reduction of those funds in
 21 the amount of three million dollars (3,000,000), and the nonrecurring reduction of those funds
 22 in the amount of twenty-six million eleven thousand eight hundred eighty-two dollars
 23 (\$26,011,882) shall be transferred from the UNC Hospitals Budget Code 16095 to the UNC
 24 School of Medicine Budget Code 16021 and shall be used for medical education. The transfer
 25 of the appropriation of the sum of forty-four million eleven thousand eight hundred eighty-two
 26 dollars (\$44,011,882) in recurring funds and the transfer of the recurring reduction of those
 27 funds in the amount of three million dollars (3,000,000) shall be a permanent transfer of
 28 appropriation and reduction in funds from the UNC Hospitals Budget Code 16095 to the UNC
 29 School of Medicine Budget Code 16021 that shall be reflected in those budget codes for the
 30 2012-2013 fiscal year and in the continuation budgets for those budget codes for each
 31 subsequent fiscal year."

32 **SECTION 2.4.** If House Bill 950, 2012 Regular Session of the General Assembly,
 33 becomes law, then Section 7.18 of that act is repealed.

34
 35 **PART III. HEALTH AND HUMAN SERVICES**

36 **SECTION 3.1.(a)** If House Bill 950, 2012 Regular Session of the General
 37 Assembly, becomes law, then the portion of Section 10.25(a) of that act setting forth the
 38 allocation for County Departments of Social Services for Local Program Expenditures,
 39 Divisions of Social Services and Aging and Adult Services, under the Social Services Block
 40 Grant reads as rewritten:

41 **"SECTION 10.25.(a)** Appropriations from federal block grant funds are made for the
 42 fiscal year ending June 30, 2013, according to the following schedule:

43 ...

44 **SOCIAL SERVICES BLOCK GRANT**

45 Local Program Expenditures

46 Divisions of Social Services and Aging and Adult Services

01. County Departments of Social Services	\$ 32,249,206 <u>\$30,452,068</u>
(Transfer from TANF \$4,148,001)	

1 "
 2 **SECTION 3.1.(b)** If House Bill 950, 2012 Regular Session of the General
 3 Assembly, becomes law, then the portion of Section 10.25(a) of that act setting forth the
 4 allocation for Children's Health Services for Local Program Expenditures, Division of Public
 5 Health, under the Maternal and Child Health Block Grant reads as rewritten:

6 "**SECTION 10.25.(a)** Appropriations from federal block grant funds are made for the
 7 fiscal year ending June 30, 2013, according to the following schedule:

8 ...
 9 **MATERNAL AND CHILD HEALTH BLOCK GRANT**

10 Local Program Expenditures

11 Division of Public Health

12 01. Children's Health Services \$ 8,487,547\$ 8,569,465

13 "
 14 **SECTION 3.1.(c)** If House Bill 950, 2012 Regular Session of the General
 15 Assembly, becomes law, then the portion of Section 10.25(a) of that act setting forth the
 16 allocation for HIV/STD Prevention and Community Planning for Local Program Expenditures,
 17 Division of Public Health, under the Preventive Health Services Block Grant reads as rewritten:

18 "**SECTION 10.25.(a)** Appropriations from federal block grant funds are made for the
 19 fiscal year ending June 30, 2013, according to the following schedule:

20 ...
 21 **PREVENTIVE HEALTH SERVICES BLOCK GRANT**

22 Local Program Expenditures

23 Division of Public Health

24 01. HIV/STD Prevention and Community Planning
 25 (Transfer from Social Services Block Grant) 180,470

26 "
 27 **SECTION 3.1.(d)** If House Bill 950, 2012 Regular Session of the General
 28 Assembly, becomes law, then Section 10.25(l) of that act reads as rewritten:

29 "**SECTION 10.25.(l)** The sum of ~~thirty two million two hundred forty nine thousand two~~
 30 ~~hundred six dollars (\$32,249,206)~~thirty million four hundred fifty-two thousand sixty-eight
 31 dollars (\$30,452,068) appropriated in this section in the Social Services Block Grant to the
 32 Department of Health and Human Services, Division of Social Services, for the 2012-2013
 33 fiscal year shall be used for County Block Grants. The Division shall certify these funds in the
 34 appropriate State-level services based on prior year actual expenditures. The Division has the
 35 authority to realign the authorized budget for these funds among the State-level services based
 36 on current year actual expenditures."

37 **SECTION 3.1.(e)** If House Bill 950, 2012 Regular Session of the General
 38 Assembly, becomes law, then Section 10.25 of that act is amended by adding a new subsection
 39 to read:

40 "**SECTION 10.25.(r1)** The sum of two million seven hundred twenty-eight thousand
 41 dollars (\$2,728,000) appropriated in this section in the Social Services Block Grant for the
 42 2012-2013 fiscal year to the Department of Health and Human Services, Division of Social
 43 Services, shall be used for tobacco cessation and prevention. These funds are exempt from the
 44 provisions of 10A NCAC 71R .0201(3)."
 45

1 **SECTION 3.2.(a)** If House Bill 950, 2012 Regular Session of the General
2 Assembly, becomes law, then Section 10.4(a) of that act reads as rewritten:

3 **"SECTION 10.4.(a)** Of the funds appropriated to the Department of Health and Human
4 Services, Division of Child Development and Early Education, for the North Carolina
5 Partnership for Children, Inc., the sum of three million five hundred thousand dollars
6 (\$3,500,000) for the 2012-2013 fiscal year shall be used by the North Carolina Partnership for
7 Children, Inc., to develop and administer an early literacy initiative pilot program, to be known
8 as "Read NC," hire four North Carolina Partnership for Children, Inc., development officers,
9 and provide additional funds for rural ~~partnerships; provided, however, the Department shall~~
10 ~~not expend the funds appropriated in this section for the 2012-2013 fiscal year until January 1,~~
11 ~~2013, pending a determination by the Office of State Budget and Management that there is~~
12 ~~adequate funding for the Medicaid budget for the 2012-2013 fiscal year, as provided in Section~~
13 ~~10.9G of this act.~~partnerships. "Read NC" will focus on increasing the early literacy skills of
14 children who are most at risk for reading below grade level. The pilot program shall be
15 distributed geographically to ensure adequate representation of the diverse areas of the State."

16 **SECTION 3.2.(b)** If House Bill 950, 2012 Regular Session of the General
17 Assembly, becomes law, then Section 10.8(b) of S.L. 2011-145, as amended by Section 10.10
18 of that act, reads as rewritten:

19 **"SECTION 10.8.(b)** Of the funds appropriated in this act to the Department of Health and
20 Human Services, Division of Mental Health, Developmental Disabilities, and Substance Abuse
21 Services, the sum of twenty-nine million one hundred twenty-one thousand six hundred
22 forty-four dollars (\$29,121,644) for the 2011-2012 fiscal year and the sum of thirty-eight
23 million one hundred twenty-one thousand six hundred forty-four dollars (\$38,121,644) for the
24 2012-2013 fiscal year shall be allocated for the purchase of local inpatient psychiatric beds or
25 bed days; ~~provided, however, the Department shall not expend nine million dollars~~
26 ~~(\$9,000,000) of the funds appropriated in this section for the 2012-2013 fiscal year until~~
27 ~~January 1, 2013, pending a determination by the Office of State Budget and Management that~~
28 ~~there is adequate funding for the Medicaid budget for the 2012-2013 fiscal year, as provided in~~
29 ~~Section 10.9G of House Bill 950, 2012 Regular Session.~~days. In addition, at the discretion of
30 the Secretary of Health and Human Services, existing funds allocated to LMEs for
31 community-based mental health, developmental disabilities, and substance abuse services may
32 be used to purchase additional local inpatient psychiatric beds or bed days. These beds or bed
33 days shall be distributed across the State in LME catchment areas, including any catchment
34 areas served by managed care organizations, and according to need as determined by the
35 Department. The Department shall enter into contracts with the LMEs and community hospitals
36 for the management of these beds or bed days. The Department shall work to ensure that these
37 contracts are awarded equitably around all regions of the State. Local inpatient psychiatric beds
38 or bed days shall be managed and controlled by the LME, including the determination of which
39 local or State hospital the individual should be admitted to pursuant to an involuntary
40 commitment order. Funds shall not be allocated to LMEs but shall be held in a statewide
41 reserve at the Division of Mental Health, Developmental Disabilities, and Substance Abuse
42 Services to pay for services authorized by the LMEs and billed by the hospitals through the
43 LMEs. LMEs shall remit claims for payment to the Division within 15 working days of receipt
44 of a clean claim from the hospital and shall pay the hospital within 30 working days of receipt
45 of payment from the Division. If the Department determines (i) that an LME is not effectively
46 managing the beds or bed days for which it has responsibility, as evidenced by beds or bed days
47 in the local hospital not being utilized while demand for services at the State psychiatric
48 hospitals has not reduced, or (ii) the LME has failed to comply with the prompt payment
49 provisions of this subsection, the Department may contract with another LME to manage the
50 beds or bed days, or, notwithstanding any other provision of law to the contrary, may pay the
51 hospital directly. The Department shall develop reporting requirements for LMEs regarding the

1 utilization of the beds or bed days. Funds appropriated in this section for the purchase of local
2 inpatient psychiatric beds or bed days shall be used to purchase additional beds or bed days not
3 currently funded by or through LMEs and shall not be used to supplant other funds available or
4 otherwise appropriated for the purchase of psychiatric inpatient services under contract with
5 community hospitals, including beds or bed days being purchased through Hospital Utilization
6 Pilot funds appropriated in S.L. 2007-323. Not later than March 1, 2012, the Department shall
7 report to the House of Representatives Appropriations Subcommittee on Health and Human
8 Services, the Senate Appropriations Committee on Health and Human Services, the Joint
9 Legislative Oversight Committee on Mental Health, Developmental Disabilities, and Substance
10 Abuse Services, and the Fiscal Research Division on a uniform system for beds or bed days
11 purchased (i) with local funds, (ii) from existing State appropriations, (iii) under the Hospital
12 Utilization Pilot, and (iv) purchased using funds appropriated under this subsection."

13 **SECTION 3.2.(c)** If House Bill 950, 2012 Regular Session of the General
14 Assembly, becomes law, then Section 10.14(a)(5) of that act reads as rewritten:

15 "(5) Local health department ~~initiatives, provided, however, the Department shall~~
16 ~~not use these funds for local health department initiatives until January 1,~~
17 ~~2013, pending a determination by the Office of State Budget and~~
18 ~~Management (OSBM) that there is adequate funding for the Medicaid~~
19 ~~budget for the 2012-2013 fiscal year, as provided in Section 10.9G of this~~
20 ~~act. Upon a determination by OSBM that there is adequate funding for the~~
21 ~~Medicaid budget for the 2012-2013 fiscal year, local~~initiatives. Local
22 health departments shall use these funds only for local community health and
23 wellness initiatives to promote healthy behaviors, including, but not limited
24 to, tobacco cessation, improved nutrition, increased physical activity, disease
25 prevention, and school nurse positions. Funds received by local health
26 departments pursuant to this section shall not supplant existing funds for
27 local health and wellness programs or initiatives."

28 **SECTION 3.2.(d)** If House Bill 950, 2012 Regular Session of the General
29 Assembly, becomes law, then Section 10.9G of that act is repealed.

30 **SECTION 3.3.** If House Bill 950, 2012 Regular Session of the General Assembly,
31 becomes law, then Section 10.9A of that act reads as rewritten:

32 "**SECTION 10.9A.(a)** ~~The State Auditor shall conduct a performance audit of the North~~
33 ~~Carolina Medicaid Program and the Division of Medical Assistance operated within the~~
34 ~~Department of Health and Human Services. The audit shall examine the program's~~
35 ~~effectiveness; results of the program; the utilization of outside vendor contracts, including the~~
36 ~~number, cost, and duration of such contracts; fiscal controls and Medicaid forecasting; and~~
37 ~~compliance with requirements of the Centers for Medicare and Medicaid Services and the~~
38 ~~requirements of State law.~~audit the Department of Health and Human Services, Division of
39 Medical Assistance, and the State Medicaid Program operated within the Department. The
40 audit shall include the State Auditor's examination of at least all of the following:

- 41 (1) The administrative functions and responsibilities of permanent Division
42 staff.
- 43 (2) The administrative functions that are performed either partially or entirely
44 through contracts, cooperative agreements, Memorandums of Understanding
45 (MOUs) with external entities, such as independent contractors, private
46 vendors, universities, county governments, and other State or federal
47 agencies. To identify these administrative functions, the State Auditor shall
48 develop an inventory of all administrative contracts for purchased services,
49 including a brief description of the scope of work, cost, and the period of
50 performance for each contract.

- 1 (3) The amount of funds, staff, and other resources dedicated to the performance
2 of each administrative function of the Division.
- 3 (4) The timeliness and compliance with State and federal mandates when
4 carrying out the functions of the Division, including all of the following:
- 5 a. The production of accurate, multiyear projections of Medicaid
6 recipient participation, consumption of services, and costs.
- 7 b. The oversight of the Medicaid program to ensure that program
8 participation by Medicaid eligible recipients, consumption of
9 services, and expenditures are within the budget authorized by the
10 General Assembly for each fiscal year, including early detection of
11 expenditure trends that indicate potential budget shortfalls.
- 12 c. The timeliness of preparing and submitting Medicaid State Plan
13 amendments to obtain approval from the Centers for Medicare and
14 Medicaid Services to comply with State and federal laws and
15 regulations.
- 16 d. The collection, distribution, and maintenance of statistical data and
17 other information on the Medicaid eligible population, eligible
18 recipient participation, consumption of services, Medicaid patient
19 health outcomes, provider participation and related issues, and costs.
- 20 e. The timeliness of distribution and the presentation of complete and
21 accurate information with supportive documentation to the Secretary
22 of the Department of Health and Human Services, the Governor's
23 Office, and the General Assembly regarding funding needs and
24 policy issues.

25 **"SECTION 10.9A.(b)** The State Auditor shall give a preliminary report on the
26 ~~performance~~ audit required by this section to the Joint Legislative Commission on
27 Governmental Operations and to the Fiscal Research Division by November 1, 2012, and shall
28 complete the ~~performance~~ audit by February 1, 2013.

29 **"SECTION 10.9A.(c)** Of the funds appropriated to the Department of Health and Human
30 Services, Division of Medical Assistance, from the General Fund for the 2012-2013 fiscal year
31 to fund contracts, the Department shall transfer to the North Carolina Office of the State
32 Auditor the amount of funds necessary to complete the ~~performance~~ audit required by this
33 section."

34 **SECTION 3.4.** If House Bill 950, 2012 Regular Session of the General Assembly,
35 becomes law, then Section 10.11(a) of that act is amended by adding a new subdivision to read:

- 36 "(4) The impact of implementing the 1915(b)/(c) Medicaid waiver and other
37 mental health system reforms on public guardianship services, including at
38 least all of the following:
- 39 a. Guardianship roles, responsibilities, and procedures.
- 40 b. The effect on existing relationships between guardians and wards.
- 41 c. Recommended legislation to support the transition of public
42 guardianship services from the Division of Mental Health,
43 Developmental Disabilities, and Substance Abuse Services within the
44 Department of Health and Human Services to county departments of
45 social services."

46 **SECTION 3.5.** If House Bill 950, 2012 Regular Session of the General Assembly,
47 becomes law, then Section 10.9E(a) of that act reads as rewritten:

48 **"SECTION 10.9E.(a)** ~~The~~ By September 15, 2012, the Department of Health and Human
49 Services, Division of Medical Assistance, shall develop and submit to the Centers for Medicare
50 and Medicaid Services an application for a home- and community-based services program
51 under Medicaid State Plan 1915(i) authority for ~~elderly~~ individuals who (i) are typically served

1 in special care and memory care units that meet the criteria of the State-County Special
2 Assistance Program and (ii) have been diagnosed with a progressive, degenerative, irreversible
3 disease that attacks the brain and results in impaired memory, thinking, and behavior. The
4 home- and community-based services program developed by the Department pursuant to this
5 section shall focus on providing these ~~elderly~~ individuals with personal care services necessary
6 to ameliorate the effects of gradual memory loss, impaired judgment, disorientation, personality
7 change, difficulty in learning, and loss of language skills."

8 **SECTION 3.6.** If House Bill 950, 2012 Regular Session of the General Assembly,
9 becomes law, then Section 10.23A(f) of that act reads as rewritten:

10 "**SECTION 10.23A.(f)** Of the amount appropriated to the Fund established in subsection
11 (d) of this section, the sum of thirty-nine million seven hundred thousand dollars (\$39,700,000)
12 is designated for implementation of the State's plan to provide temporary, short-term assistance
13 only to adult care homes as they transition into the State's Transitions to Community Living
14 Initiative. These funds shall only be used for this purpose. The General Assembly recognizes
15 that while transformation of the system is being undertaken, adult care homes provide stable
16 and safe housing and care to many of North Carolina's frail and elderly population, and it is
17 necessary during this time of transition and transformation of the statewide system that the
18 industry remain able to provide such care.

19 Upon certification by the Department of Health and Human Services, in consultation with a
20 local adult care home resident discharge team, as defined in G.S. 131D-2.1(3a), that a resident
21 (i) who is no longer eligible to receive Medicaid reimbursable ~~assistance and assistance~~, (ii) for
22 whom a community placement has not yet been ~~arranged~~-arranged, and (iii) who cannot be
23 safely and timely discharged into the community, the Department may make a monthly
24 payment to the adult care home to support the facility's continuing provision of services to the
25 resident. The Department may make the monthly payment from the thirty-nine million seven
26 hundred thousand dollars (\$39,700,000) designated for implementation of the State's plan under
27 this subsection. The monthly payment provided by the Department to an adult care home
28 pursuant to this subsection shall not exceed six hundred ninety-four dollars (\$694) per month
29 per resident for a period not to exceed three months for each resident. At the expiration of this
30 three-month period, the monthly payment shall be reduced by twenty-five percent (25%) and
31 shall not exceed five hundred twenty dollars and fifty cents (\$520.50) per month per resident.
32 Upon implementation of the home-and community-based services program for elderly
33 individuals typically served in special care or memory care units, to be developed by the
34 Department under Medicaid State Plan 1915(i) authority pursuant to Section 10.9E of this act,
35 the Department shall terminate all monthly payments pursuant to this subsection for continuing
36 services provided to residents of special care or memory care units. The Department shall
37 terminate all monthly payments pursuant to this subsection on June 30, 2013. Notwithstanding
38 any other provision of this subsection, the Department is prohibited from making any monthly
39 payments under this subsection to an adult care home for services provided to any resident
40 during the pendency of an appeal by or on behalf of the resident under G.S. 108A-70.9A.

41 The Department of Health and Human Services shall administer these funds but may, as
42 needed, contract with a vendor for administration."
43

44 **PART IV. NATURAL AND ECONOMIC RESOURCES**

45 **SECTION 4.1.** If House Bill 950, 2012 Regular Session of the General Assembly,
46 becomes law, then notwithstanding any provision of law to the contrary, the sum of two
47 hundred eighty-two thousand four hundred twelve dollars (\$282,412) in recurring funds shall
48 be transferred from the Department of Environment and Natural Resources to the Department
49 of Health and Human Services to support Division of Environmental Health operations
50 associated with the Department of Environment and Natural Resources' Regional Offices.

1 **SECTION 4.2.** If House Bill 950, 2012 Regular Session of the General Assembly,
2 becomes law, then notwithstanding any provision of law to the contrary, 8.75 full-time
3 equivalents shall be transferred from the Department of Environment and Natural Resources to
4 the Department of Agriculture and Consumer Services for the restoration of Division of Soil
5 and Water Conservation employees associated with Department of Environment and Natural
6 Resources' Regional Offices.

7 **SECTION 4.3.** If House Bill 950, 2012 Regular Session of the General Assembly,
8 becomes law, then that act is amended by adding a new section to read:

9 **"SOIL AND WATER CONSERVATION CLARIFICATIONS**

10 **"SECTION 11.6.(a)** Of the funds appropriated in this act to the Soil and Water
11 Conservation Division of the Department of Agriculture and Community Services for the
12 Conservation Reserve Enhancement Program, the recurring sum of two hundred seventy-five
13 thousand dollars (\$275,000) designated for the Roanoke and Pasquotank River basins and for
14 the implementation of amended Conservation Reserve Enhancement Program agreements in
15 the Neuse, Tar-Pamlico, Chowan, and Jordan Lake basins may be used for operation and
16 implementation of the Conservation Reserve Enhancement Program in any of the State's river
17 basins eligible for the Conservation Reserve Enhancement Program.

18 **"SECTION 11.6.(b)** G.S. 139-4 reads as rewritten:

19 **"§ 139-4. Powers and duties of Soil and Water Conservation Commission generally.**

20 ...

21 (d) In addition to the duties and powers hereinafter conferred upon the Soil and Water
22 Conservation Commission, it shall have the following duties and powers:

23 ...

- 24 (12) To develop and approve best management practices for the Agriculture Cost
25 Share Program for Nonpoint Source Pollution Control and for use in ~~the~~
26 water quality protection and water use efficiency, availability, and storage
27 programs of the Department of Environment and Natural Resources and to
28 adopt rules that establish criteria governing approval of these best
29 management practices.

30 "

31 **"SECTION 11.6.(c)** Section 3.3 of S.L. 1999-329, as amended by Section 6 of S.L.
32 2001-254, Section 1.2 of S.L. 2002-176, Section 6.2 of S.L. 2003-340, and Section 12.7(b) of
33 S.L. 2005-276, reads as rewritten:

34 **"SECTION 3.3.** The Department of ~~Environment and Natural Resources, Agriculture and~~
35 Consumer Services, in consultation with both the Division of Water Quality of the Department
36 of Environment and Natural Resources and the Division of Soil and Water Conservation, shall
37 submit semiannual interim reports no later than 15 April and 15 October of each year beginning
38 15 October 1999 to the Environmental Review Commission, the Fiscal Research Division, and
39 the Appropriations Subcommittees on Natural and Economic Resources in both the Senate and
40 the House of Representatives. These reports shall indicate whether the pilot program has
41 increased the effectiveness of the annual inspections program or the response to complaints and
42 reported problems, specifically whether the pilot program had resulted in identifying violations
43 earlier, taking corrective actions earlier, increasing compliance with the animal waste
44 management plans and permit conditions, improving the time to respond to discharges,
45 complaints, and reported problems, improving communications between farmers and
46 Department employees, and any other consequences deemed pertinent by the Department.
47 These reports shall also compare the costs of conducting operations reviews and inspections
48 under the pilot program with the costs of conducting operations reviews and inspections
49 pursuant to G.S. 143-215.10D and G.S. 143-215.10F and the resources that would be required
50 to expand the pilot program to all counties.""

1 **SECTION 4.4.** If House Bill 950, 2012 Regular Session of the General Assembly,
2 becomes law, then that act is amended by adding a new section to read:

3 **"CLARIFY USE OF FUNDS FROM NATURAL HERITAGE TRUST FUND**

4 **"SECTION 12.10.** G.S. 113-77.9(c) reads as rewritten:

5 "(c) Other Purposes. – The Trustees may authorize expenditures from the Fund to pay
6 for the inventory of natural areas conducted under the Natural Heritage Program established
7 pursuant to the Nature Preserves Act, Article 9A of Chapter 113A of the General Statutes. The
8 Trustees may also authorize expenditures from the Fund to pay for conservation and protection
9 planning and for informational programs for owners of natural areas, as defined in
10 G.S. 113A-164.3. The Trustees shall authorize expenditures from the Fund not to exceed
11 seventy-five thousand dollars (\$75,000) to pay the cost of the Department of Agriculture and
12 Consumer Services to administer the Plant Conservation Program. The Trustees shall authorize
13 expenditures from the Fund not to exceed three hundred twenty-five thousand dollars
14 (\$325,000) to pay the cost of supporting staff in the Office of Conservation Planning and
15 Community Affairs of the Department of Environment and Natural ~~Resources~~.Resources for
16 activities in addition to those conducted in support of the purposes set forth in this section."

17 **SECTION 4.5.** If House Bill 950, 2012 Regular Session of the General Assembly,
18 becomes law, then Section 13.9A of that act is amended by adding a new subsection to read:

19 **"SECTION 13.9A.(c)** The Department of Commerce shall transfer to the Department of
20 Agriculture and Consumer Services position 60080945. This position shall be supported from
21 funds appropriated for the 2012-2013 fiscal year in this act to the Department of Agriculture
22 and Consumer Services for the North Carolina Wine and Grape Growers Council on a
23 nonrecurring basis."

24 **SECTION 4.6.** If House Bill 950, 2012 Regular Session of the General Assembly,
25 becomes law, then that act is amended by adding a new section to read:

26 **"BIOFUELS CENTER OF NORTH CAROLINA/TVA FUNDS**

27 **"SECTION 13.12AA.** Subsections (a) and (b) of Section 14.14 of S.L. 2011-145 are
28 repealed."
29

30 **PART V. GENERAL GOVERNMENT**

31 **SECTION 5.1.** If House Bill 950, 2012 Regular Session of the General Assembly,
32 becomes law, then that act is amended by adding a new Part to read:

33 **"PART XVIA. DEPARTMENT OF ADMINISTRATION**

34
35 **"NORTH CAROLINA STERILIZATION VICTIMS FOUNDATION FUNDING**

36 **"SECTION 16A.1.** Of the funds appropriated to the Department of Administration, the
37 sum of one hundred twenty-eight thousand six hundred eighteen dollars (\$128,618) for the
38 2012-2013 fiscal year shall be used for the continued operation of the North Carolina
39 Sterilization Victims Foundation on a nonrecurring basis."
40

41 **PART VI. TRANSPORTATION**

42 **SECTION 6.1.** If House Bill 950, 2012 Regular Session of the General Assembly,
43 becomes law, then that act is amended by adding a new section to read:

44 **"DEPARTMENT OF TRANSPORTATION RELOCATION OF MUNICIPAL**
45 **UTILITIES**

46 **"SECTION 24.22.** Article 2 of Chapter 136 of the General Statutes is amended by adding
47 a new section to read:

48 **"§ 136-27.3. Relocation of municipalities' utilities by Department; repayment by**
49 **municipalities.**

50 When requiring municipalities to relocate utilities under its power granted in
51 G.S. 136-18(10), the Department may enter into agreements with municipalities to provide that

1 the necessary engineering and utility construction be accomplished by the Department on a
2 reimbursement basis as follows:

3 (1) Reimbursement to the Department shall be due after completion of the work
4 and within 60 days after date of invoice.

5 (2) Interest shall be paid on any unpaid balance due at a variable rate of the
6 prime rate plus one percent (1%)."

7 **SECTION 6.2.** If House Bill 950, 2012 Regular Session, becomes law, then
8 Section 24.18(b) of that act reads as rewritten:

9 "**SECTION 24.18.(b)** ~~The Department of Transportation shall disregard Executive Order~~
10 ~~No. 116, or any other executive order pertaining to ferry tolls, and shall collect the tolls~~
11 ~~required by S.L. 2011-145 and this section, except for the Cherry Branch/Minnesott Beach~~
12 ~~route, for which the Department of Transportation shall not collect the increased tolls required~~
13 ~~by S.L. 2011-145 during fiscal year 2012-2013. Notwithstanding the clarifying amendment to~~
14 ~~G.S. 136-82 made by subsection (a) of this section and notwithstanding the increase in ferry~~
15 ~~toll revenue required by S.L. 2011-145, the Department of Transportation, Ferry Division, shall~~
16 ~~not collect the increased tolls required by S.L. 2011-145 during the 2012-2013 fiscal year.~~
17 ~~Notwithstanding any other provision of this act, the appropriation to the Department of~~
18 ~~Transportation, Ferry Division, provided elsewhere in this act is increased by the sum of two~~
19 ~~million five hundred thousand dollars (\$2,500,000), nonrecurring, and the amount provided~~
20 ~~elsewhere in this act for the Reserve for General Maintenance in the Highway Fund is~~
21 ~~decreased by the sum of two million five hundred thousand dollars (\$2,500,000),~~
22 ~~nonrecurring."~~

23 24 **PART VI-A. CAPITAL APPROPRIATIONS**

25 **SECTION 6A.1.(a)** If House Bill 950, 2012 Regular Session of the General
26 Assembly, becomes law, then Section 26.1 of that act is amended by adding a new subsection
27 to read:

28 "**SECTION 26.1.(b)** The General Assembly authorizes the Department of Public Safety to
29 complete the Greensboro Readiness Center Renovation and Expansion capital improvement
30 project and authorizes funding for the project in accordance with this subsection. The
31 Department of Public Safety may use up to one million three hundred seventy-three thousand
32 three hundred thirty dollars (\$1,373,330) of funds available that are authorized by Section 18.2
33 of S.L. 2011-145 to be used as State matching funds for this project. The remainder of the
34 project costs shall be paid from federal matching funds. The total project cost shall not exceed
35 the sum of five million four hundred eight-nine thousand eight hundred twenty dollars
36 (\$5,489,820)."

37 **SECTION 6A.1.(b)** If House Bill 950, 2012 Regular Session of the General
38 Assembly, becomes law, then Section 18.2 of S.L. 2011-145 reads as rewritten:

39 **"FEDERAL GRANT MATCHING FUNDS**

40 "**SECTION 18.2.** Notwithstanding the provisions of G.S. 143C-6-9, the Department of
41 Correction may use up to the sum of one million two hundred thousand dollars (\$1,200,000)
42 during the 2011-2012 fiscal year and up to the sum of ~~one million two hundred thousand~~
43 dollars ~~(\$1,200,000)~~two million five hundred seventy-three thousand three hundred thirty
44 dollars (\$2,573,330) during the 2012-2013 fiscal year from funds available to the Department
45 to provide the State match needed in order to receive federal grant funds. Prior to using funds
46 for this purpose, the Department shall report to the Chairs of the House of Representatives and
47 Senate Appropriations Subcommittees on Justice and Public Safety and the Joint Legislative
48 Commission on Governmental Operations on the grants to be matched using these funds."

49 50 **PART VII. EFFECTIVE DATE**

1 **SECTION 7.1.** Except as otherwise provided, this act becomes effective July 1,
2 2012.