

GENERAL ASSEMBLY OF NORTH CAROLINA  
1997 SESSION

S.L. 1997-256  
SENATE BILL 473

AN ACT TO AUTHORIZE THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT THE LEVEL IN EFFECT ON JUNE 30, 1997, AND TO EXTEND EXPIRING PROVISIONS OF LAW.

The General Assembly of North Carolina enacts:

**BUDGET CONTINUATION**

Section 1. The Director of the Budget may continue to allocate funds for expenditure for current operations by State departments, institutions, and agencies at a level not to exceed the level at which those operations were authorized by the General Assembly as of June 30, 1997. The Director of the Budget shall not allocate funds for any of the purposes set out in the base budget reductions contained in Senate Bill 352, 3rd edition, and Senate Bill 352, 5th edition, that are not in controversy.

To the extent necessary to implement this authorization, there is appropriated from the appropriate State funds and cash balances, federal receipts, and departmental receipts for the 1997-98 fiscal year, funds necessary to carry out this section.

This appropriation and this authorization to allocate and spend funds shall remain in effect until ratification of the Current Operations and Capital Improvements Appropriations Act of 1997, at which time that act shall become effective and shall govern appropriations and expenditures. Upon ratification of the Current Operations and Capital Improvements Appropriations Act of 1997, the Director of the Budget shall adjust allocations to give effect to that act from July 1, 1997.

Except as otherwise provided by this act, the limitations and directions for the 1996-97 fiscal year in Chapters 324 and 507 of the 1995 Session Laws and Chapter 18 of the Session Laws of the 1996 Second Extra Session remain in effect. Session laws that applied to appropriations to particular agencies or for particular purposes apply to the funds appropriated and authorized for expenditure under this section.

**EMPLOYEE SALARIES**

Section 2. The salary schedules and specific salaries established for fiscal year 1996-97 by or under Chapters 324 and 507 of the 1995 Session Laws and Chapter 18 of the Session Laws of the 1996 Second Extra Session for offices and positions shall remain in effect until the effective date of the Current Operations and Capital Improvements Appropriations Act of 1997.

Teachers and other employees shall not move up on these salary schedules or receive automatic, annual, performance, merit, or other increments until authorized by the General Assembly.

### **SALARY-RELATED CONTRIBUTIONS/EMPLOYERS**

Section 3. The State's employer contribution rates budgeted for retirement and related benefits for the 1997-98 fiscal year shall remain the same as they are on June 30, 1997.

### **CASH FLOW HIGHWAY FUND AND HIGHWAY TRUST FUND APPROPRIATIONS**

Section 4. The General Assembly authorizes and certifies anticipated revenues of the Highway Fund as follows:

FY 1999-2000	\$1,182.2 million
FY 2000-2001	\$1,211.2 million
FY 2001-2002	\$1,241.2 million
FY 2002-2003	\$1,271.9 million.

The General Assembly authorizes and certifies anticipated revenues of the Highway Trust Fund as follows:

FY 1999-2000	\$861.7 million
FY 2000-2001	\$891.0 million
FY 2001-2002	\$921.6 million
FY 2002-2003	\$953.3 million.

### **FUNDS SHALL NOT REVERT**

Section 5. If the provisions of Senate Bill 352, 3rd edition, Senate Bill 352, 5th edition, or both, direct that funds shall not revert, the funds shall not revert on June 30, 1997. Unless these funds are encumbered on or before June 30, 1997, these funds shall not be expended after June 30, 1997, except as provided by a statute that becomes effective after June 30, 1997. If no such statute is enacted prior to August 1, 1997, these funds shall revert to the appropriate fund on that date.

### **EXTEND SENTENCING COMMISSION**

Section 6. Section 8 of Chapter 1076 of the 1989 Session Laws, as amended by Chapters 812 and 816 of the 1991 Session Laws, Chapters 253, 321, and 591 of the 1993 Session Laws, and Chapter 236 of the 1995 Session Laws, reads as rewritten:

"Sec. 8. This act is effective upon ratification, and shall expire ~~July 1, 1997.~~ July 31, 1997."

### **EXTEND MORATORIUM ON FISHING LICENSES**

Section 7. Subsection (a) of Section 3 of Chapter 675 of the 1993 Session Laws, Regular Session 1994, as amended by subsection (a) of Section 26.5 of Chapter 507 of the 1995 Session Laws, reads as rewritten:

"(a) Except as provided in subsections (b), (c), (c1), or (c2) of this section, the Department shall not issue any new licenses for a period beginning July 1, 1994, and ending ~~June 30, 1997~~, July 31, 1997, under the following statutes:

- (1) G.S. 113-152. Vessel licenses.
- (2) G.S. 113-153.1. Crab license.
- (3) G.S. 113-154. Shellfish license
- (4) G.S. 113-154.1. Nonvessel endorsements to sell fish."

#### **AUTHORIZATION OF FICTITIOUS LICENSES AND REGISTRATION PLATES ON PUBLICLY OWNED MOTOR VEHICLES**

Section 8. Section 23(c) of Chapter 18 of the Session Laws of the 1996 Second Extra Session reads as rewritten:

"(c) Subsection (a) of this section expires ~~June 30, 1997~~, July 31, 1997."

#### **LOWER NEUSE RIVER BASIN ASSOCIATION FUNDS**

Section 9. Section 27.8(a) of Chapter 18 of the Session Laws of the 1996 Second Extra Session reads as rewritten:

"(a) Of the funds appropriated by this act to the Lower Neuse River Basin Association for the 1996-97 fiscal year, the sum of two million dollars (\$2,000,000) shall be allocated as grants to local government units in the Neuse River Basin to assist those local government units in fulfilling their obligations under the Neuse River Nutrient Sensitive Waters Management Strategy plan adopted by the Environmental Management Commission. The funds are contingent upon the adoption of the plan by the Environmental Management Commission. If the Environmental Management Commission fails to adopt the plan by ~~June 30, 1997~~, July 31, 1997, then the funds shall revert to the General Fund."

#### **BEAVER DAMAGE CONTROL FUNDS**

Section 10. Subsection (h) of Section 69 of Chapter 1044 of the 1991 Session Laws, as amended by Section 111 of Chapter 561 of the 1993 Session Laws, Section 27.3 of Chapter 769 of the 1993 Session Laws, Section 26.6 of Chapter 507 of the 1995 Session Laws, and Section 27.15(c) of Chapter 18 of the Session Laws of the 1996 Second Extra Session reads as rewritten:

"(h) Subsections (a) through (d) of this section expire ~~June 30, 1997~~, July 31, 1997."

#### **CHANGES IN THE EXECUTION OF THE BUDGET**

Section 11. The amendments to G.S. 143-27 that were enacted in Section 7.4(h)(2) of Chapter 18 of the Session Laws of the 1996 Second Extra Session shall become effective August 1, 1997.

#### **CORE SOUND/DESCRIPTION OF AREA A FOR SHELLFISH LEASE MORATORIUM**

Section 12. Section 3 of Chapter 547 of the 1995 Session Laws (1996 Regular Session) as amended by Section 1 of Chapter 633 of the 1995 Session Laws (1996 Regular Session) and as rewritten by Section 27.33 of Chapter 18 of the Session Laws of the 1996 Second Extra Session reads as rewritten:

"Sec. 3. Notwithstanding G.S. 113-202, a moratorium on new shellfish cultivation leases shall be imposed in the remaining area of Core Sound not described in Section 1 of this act. During the moratorium, a comprehensive study of the shellfish lease program shall be conducted. The moratorium established under this section covers that part of Core Sound bounded by a line beginning at a point on Cedar Island at 35°00'39"N - 76°17'48"W, thence 109°(M) to a point in Core Sound 35°00'00"N - 76°12'42"W, thence 229°(M) to Marker No. 37 located 0.9 miles off Bells Point at 34°43'30"N - 76°29'00"W, thence 207°(M) to the Cape Lookout Lighthouse at 34°37'24"N - 76°31'30"W, thence 12°(M) to a point at Marshallberg at 34°43'07"N - 76°31'12"W, thence following the shoreline in a northerly direction to the point of beginning except that the highway bridges at Salters Creek, Thorofare Bay, and the Rumley Bay ditch shall be considered shoreline. The moratorium shall expire ~~July 1, 1997~~ August 1, 1997."

#### **EFFECTIVE DATE**

Section 13. This act becomes effective July 1, 1997, except that Sections 5 through 10 of this act become effective June 30, 1997. This act expires August 1, 1997.

In the General Assembly read three times and ratified this the 30th day of June, 1997.

s/ Dennis A. Wicker  
President of the Senate

s/ Harold J. Brubaker  
Speaker of the House of Representatives

s/ James B. Hunt, Jr.  
Governor

Approved 8:15 p.m. this 30th day of June, 1997