

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001**

**SESSION LAW 2001-513  
HOUSE BILL 231**

**AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE APPROPRIATIONS  
ACT OF 2001 AND FOR OTHER PURPOSES.**

The General Assembly of North Carolina enacts:

**TECHNICAL CORRECTIONS TO THE HEALTH AND HUMAN SERVICES  
PROVISIONS.**

**SECTION 1.(a)** Section 5.1(t) of S.L. 2001-424 reads as rewritten:

**"SECTION 5.1.(t)** The sum of one million five hundred thousand dollars (\$1,500,000) appropriated in this section in the Mental Health Block Grant to the Department of Health and Human Services, Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, for the 2001-2002 fiscal ~~year and year~~, the sum of seven hundred thousand dollars (\$700,000) appropriated in this section in the Substance Abuse Prevention and Treatment Block Grant to the Department of Health and Human Services, Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, for the 2001-2002 fiscal ~~year~~year, and the sum of seven hundred fifty thousand dollars (\$750,000) appropriated in this section in the Social Services Block Grant to the Department of Health and Human Services, Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, for the 2001-2002 fiscal year shall be used to continue a Comprehensive Treatment Services Program in accordance with Section 21.60 of this act."

**SECTION 1.(b)** G.S. 143-26, as amended by Section 6.7 of S.L. 2001-424, reads as rewritten:

**"§ 143-26. Director to have discretion as to manner of paying annual appropriations.**

(a) Except as provided in subsection (b) of this section or as otherwise provided by State or federal law, it shall be discretionary with the Director of the Budget whether any annual appropriation shall be paid in monthly, quarterly or semiannual installments or in a single payment.

(b) Except as otherwise provided by State or federal law, an annual appropriation of one hundred thousand dollars (\$100,000) or less to or for the use of a nonprofit corporation shall be paid in a single annual payment. An annual appropriation of more than one hundred thousand dollars (\$100,000) to or for the use of a nonprofit corporation shall be paid in quarterly or monthly installments, in the discretion of the Director of the Budget."

**SECTION 1.(c)** The "Requested by" text of Section 5.1 of S.L. 2001-424 is rewritten to read:

"Requested by: Senators Martin of Guilford, Dannelly, Metcalf, Purcell, Wellons, Plyler, Odom, Lee; Representatives Earle, Nye, Baddour, Esposito, Easterling, Oldham, Redwine, Thompson".

**SECTION 1.(d)** The "Requested by" text of Section 21.58 of S.L. 2001-424 is rewritten to read:

"Requested by: Senators Martin of Guilford, Dannelly, Metcalf, Purcell, Wellons, Plyler, Odom, Lee; Representatives Earle, Nye, Baddour, Esposito, Insko, Alexander, Easterling, Oldham, Redwine, Thompson".

**SECTION 1.(e)** The MENTAL HEALTH SERVICES BLOCK GRANT section of Section 5.1 of S.L. 2001-424 is amended by deleting "Establish Child Residential Treatment Services Program" and substituting "Comprehensive Treatment Services Program".

**SECTION 1.(f)** The SUBSTANCE ABUSE PREVENTION AND TREATMENT BLOCK GRANT section of Section 5.1 of S.L. 2001-424 is amended by deleting "Child Residential Treatment Services Program" and substituting "Comprehensive Treatment Services Program".

**SECTION 1.(g)** The "Requested by" text of Section 21.76B of S.L. 2001-424 is rewritten to read:

"Requested by: Senators Martin of Guilford, Dannelly, Metcalf, Purcell, Wellons, Plyler, Odom, Lee; Representatives Earle, Nye, Baddour, Easterling, Oldham, Redwine, Thompson".

**SECTION 1.(h)** S.L. 2001-424 is amended by adding the following new section to read:

"Requested by: Senators Martin of Guilford, Plyler, Odom, Lee; Representatives Earle, Nye, Easterling, Oldham, Redwine, Thompson

**TECHNICAL CORRECTION TO POSITION NUMBERS FOR CERTAIN POSITION REDUCTIONS IN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**SECTION 6.21.** The following positions and position numbers for position reductions in the Department of Health and Human Services, as provided in the Joint Conference Committee Report on the Continuation, Expansion, and Capital Budgets, September 19, 2001, are amended as follows: In the Division of Central Administration, delete "4410-1420-1103-122" (Personnel Technician III) and substitute "4401-1420-1103-122"; and delete "Artist Illustrator II 4410-0106-0200-517" and substitute "Artist Illustrator III 4410-0106-0200-515"; and delete "4410-0106-0300-521" the second time it appears; and delete "Printing Equipment Operator II 4410-0106-0155-032" and substitute "Printing Equipment Operator III 4410-0106-0155-029"; and in the Division of Child Development, delete "4420-1123-0001-161" (Deputy Director) and substitute "4420-1110-0001-161"; and delete "4420-1117-0001-108" (Policy/Planning Con.) and substitute "4420-1172-0001-108"; and delete "4420-1141-0001-153" (SS Program Coordinator) and substitute "4420-1146-0001-153"; and delete "4420-1141-0001-1322" (SS Program Coordinator) and substitute "4420-1146-0001-322"; and delete "4420-1141-0001-1598" (CDC Program Specialist) and substitute "4420-1154-0001-598"; and in the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, delete "4460-0000-2000-814" (Primary Care Systems Associate) and substitute "4460-8010-2000-814"; and delete "4460-6020-2000-614" (Social Worker II) and substitute "4460-6020-0000-614"; and in the Division of Medical Assistance, delete "445-0000-0009-177" (Processing Assistant V) and substitute "4445-0000-0009-177"; and delete "4445-0000-006-420" (SS Program Administrator) and substitute "4445-0000-0006-420"; and delete "Comp. Consult. II 4445-0000-009-145" and substitute "App. Analyst Prog. I 4445-0000-0009-145"; and in the Division of Early Intervention and Education, delete "1132-5255-0032-449" (Audiologist) and substitute "4432-5255-0032-449"; and in the Division of Public Health, insert "4431-0000-0055-221" (Deputy Director)."

**SECTION 1.(i)** Section 21.56 of S.L. 2001-424 reads as rewritten:

**"SECTION 21.56.** To ensure uniformity in rates charged to area programs and funded with State-allocated resources, the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services of the Department of Health and Human Services may require a private agency that provides services under contract with two or more area programs, except for hospital services that have an established Medicaid rate, to complete an agency-wide uniform cost ~~finding in accordance with G.S.~~

~~122C 143.2(a) and G.S. 122C 147.2. finding.~~ The resulting cost shall be the maximum included for the private agency in the contracting area program's unit cost finding."

**SECTION 1.(j)** The heading to Section 21.24 of S.L. 2001-424 is rewritten to read:

**"MEDICAID COST-CONTAINMENT AND GROWTH REDUCTION".**

**SECTION 1.(k)** The heading to Section 21.53 of S.L. 2001-424 is rewritten to read:

**"CHILD SUPPORT PROGRAM/ENHANCED STANDARDS".**

**SECTION 1.(l)** The heading to Section 21.59 of S.L. 2001-424 is rewritten to read:

**"NONMEDICAID REIMBURSEMENT".**

**SECTION 1.(m)** Section 21.29(a) of S.L. 2001-424 is amended by deleting "June 30, 2001," and substituting "~~June 30, 2001,~~June 30, 2002,".

### **REVISIONS TO SPONSORS NAMES.**

**SECTION 2.** The "Requested by" texts for Sections 30.5, 31.5, 31.6, 31.7, 31.10, and 31.12 of S.L. 2001-424 are rewritten to read:

"Requested by: Senators Dalton, Lucas, Garrou, Plyler, Odom, Lee; Representatives Boyd-McIntyre, Rogers, Yongue, Easterling, Oldham, Redwine, Thompson".

**SECTION 3.** The "Requested by" text of Section 31.8 of S.L. 2001-424 is rewritten to read:

"Requested by: Senators Plyler, Odom, Lee; Representatives Easterling, Oldham, Redwine, Thompson".

### **OTHER TECHNICAL CORRECTIONS.**

**SECTION 4.** Section 14D.3 of S.L. 2001-424 reads as rewritten:

**"SECTION 14D.3.** The Department of Revenue may ~~used~~ use up to two hundred thirty thousand one hundred sixty dollars (\$230,160) in lapsed salary funds for the 2001-2002 fiscal year to hire temporary personnel to implement the change in the State sales tax rate effective October 16, 2001, as enacted by this act. In addition, the Department of Revenue may draw up to two hundred thirty thousand dollars (\$230,000) from collections under Article 5 of Chapter 105 of the General Statutes for the 2001-2002 fiscal year to pay for printing, mailing, and other one-time costs necessary to implement the changes in the State sales tax effective October 16, 2001, as enacted by this act."

**SECTION 5.** Section 24.11 of S.L. 2001-424 reads as rewritten:

**"SECTION 24.11.** Of the funds appropriated in this act for the 2001-2003 biennium, the Department of Juvenile Justice and Delinquency Prevention may use up to three hundred fifty-one thousand two hundred thirty-three dollars (\$351,233) each year of the biennium in available funds to increase the number of juveniles who can be served under the contract with Eckerd Wilderness Camp."

**SECTION 6.** Section 31.12(d) and Section 30.15A of S.L. 2001-424 are repealed.

**SECTION 7.** Section 30.5(i) of S.L. 2001-424, is amended by adding a quotation mark immediately before "d5".

**SECTION 8.** Section 6.11(d) of S.L. 2001-424 reads as rewritten:

**"SECTION 6.11.(d)** The Office of State Budget and Management shall report on the strategic plan developed pursuant to this section to the Chairs of the Senate and House of Representatives Appropriations Committees, the Chairs of the Senate and

House of Representatives Appropriations Subcommittees on Information Technology, the Joint Legislative Commission on Governmental Operations, and the Fiscal Research Division by ~~October 1, 2001~~ January 1, 2002."

**SECTION 9.** S.L. 2001-424 is amended by adding the following new section to read:

"Requested by: Senators Jordan, Ballance, Rand, Clodfelter, Plyler, Odom, Lee; Representatives Culpepper, Haire, Justus, Luebke, Easterling, Oldham, Redwine, Thompson

**POSITIONS FOR TRAFFIC LAW ENFORCEMENT STATISTICS**

**SECTION 23.12.** The Department of Justice may use funds appropriated to the Department for the 2001-2003 biennium to create up to three full-time permanent positions to implement the collection of traffic law enforcement information by certain local law enforcement agencies, as required under G.S. 114-10(2a) as amended by Section 23.7(a) of this act."

**DOBBS CENTER FUNDS**

**SECTION 10.** Notwithstanding Chapter 146 of the General Statutes and any other provision of law, the net proceeds derived from the sale of right-of-ways and associated easements from the Department of Juvenile Justice and Delinquency Prevention to the Department of Transportation in the amount of one hundred seventy-two thousand fifty dollars (\$172,050) shall be deposited with the State Treasurer in a capital improvement and repair and renovation account to the credit of the Department of Juvenile Justice and Delinquency Prevention. The Department shall use the funds to construct a maintenance and storage facility at Dobbs Youth Development Center.

**CRIMINAL JUSTICE PARTNERSHIP**

**SECTION 11.** Subsection (b) of Section 25.16 of S.L. 2001-424 reads as rewritten:

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

**CLARIFY COMMUNITY COLLEGE GENERIC FEE**

**SECTION 12.(a)** The State Board of Community Colleges may adopt temporary rules clarifying the provisions of 23NCAC2(D).0201(c)(1) and (c)(2) pertaining to the definition of generic fees and specific fees charged to students attending community colleges.

**SECTION 12.(b)** This section becomes effective when this act becomes law and expires six months after that date.

**ECONOMIC DEVELOPMENT BOARD MEMBERSHIP**

**SECTION 13.** G.S. 143B-434(b) reads as rewritten:

"(b) Membership. – The Economic Development Board shall consist of ~~36~~37 members. The Secretary of Commerce shall serve ex officio as a member and as the secretary of the Economic Development Board. The Secretary of Revenue shall serve as

an ex officio, nonvoting member. Four members of the House of Representatives appointed by the Speaker of the House of Representatives, four members of the Senate appointed by the President Pro Tempore of the Senate, the President of The University of North Carolina, or designee, the President of the North Carolina Community College System, or designee, the Secretary of State, and the President of the Senate (or the designee of the President of the Senate), shall serve as members of the Board. The Governor shall appoint the remaining 23 members of the Board, provided that effective with the terms beginning July 1, 1997, one of those appointees shall be a representative of a nonprofit organization involved in economic development and two of those appointees shall be county economic development representatives. The Governor shall designate a chair and a vice-chair from among the members of the Board. Appointments to the Board made by the Governor for terms beginning July 1, 1997, and appointments to the Board made by the Speaker of the House of Representatives and the President Pro Tempore of the Senate for terms beginning July 9, 1993, should reflect the ethnic and gender diversity of the State as nearly as practical.

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

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

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

## **DELINQUENT TAX ENFORCEMENT**

**SECTION 14.** As enacted by S.L. 2001-464, G.S. 161-31(b) reads as rewritten:

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

## **DISPOSITION OF TAX PROCEEDS**

**SECTION 15.** G.S. 105-187.9, as amended by S.L. 2001-424, reads as rewritten:

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

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

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

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

(2) In addition to the amount transferred under subdivision (1) of this subsection, ~~In the 2001-2002 fiscal year,~~ the sum of one million seven hundred thousand dollars ~~(\$1,700,000).~~(\$1,700,000) shall be

transferred in the 2001-2002 fiscal year. The amount distributed under this subdivision shall increase ~~in~~ in the 2002-2003 fiscal year, year to the sum of two million four hundred thousand dollars (\$2,400,000). In each fiscal year thereafter, the sum transferred under this subdivision shall be the amount distributed in the previous fiscal year plus or minus a percentage of this sum equal to the percentage by which tax collections under this Article increased or decreased for the most recent 12-month period for which data are available."

**JOURNAL PUBLICATION CHANGE**

**SECTION 16.(a)** G.S. 147-45 reads as rewritten:

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

The Secretary of State shall, at the State's expense, as soon as possible after publication, provide such number of copies of the Session Laws and Senate and House Journals to federal, State, and local governmental officials, departments and agencies, and to educational institutions of instruction and exchange use, as is set out in the table below: determined by the Legislative Services Commission in consultation with the Principal Clerks of the House of Representatives and the Senate. These publications shall be made available in hardbound and electronic format. Each agency or institution entitled to more than one copy shall receive only one of the copies in hardbound format with the remainder in electronic format, unless that 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 the 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.

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

Policy and Development	1	0
Veterans Affairs Commission	1	0
Environment and Natural Resources, Department of	6	0
Wildlife Resources Commission	2	0
Revenue, Department of	5	1
Health and Human Services, Department of	6	0
Mental Health, Developmental Disabilities, —and Substance Abuse Services, —Division of	1	0
Social Services, Division of	3	0
Facilities Services, Division of	1	0
Hospitals and Institutions	1 ea.	0
Juvenile Justice and Delinquency Prevention, Department of	3	0
Transportation, Department of	1	0
Board of Transportation	3	0
Motor Vehicles, Division of	1	0
Commerce, Department of	1	0
Economic Development, Division of	2	0
State Ports Authority	1	0
Alcoholic Beverage Control Commission, —North Carolina	2	0
Banking Commission	2	0
Utilities Commission	8	1
Industrial Commission	7	0
Labor Force Development Council	1	0
Milk Commission	5	0
Employment Security Commission	1	1
Correction, Department of	1	0
Department of Correction	2	0
Parole Commission	2	0
State Prison	1	0
Correctional Institutions	1 ea.	0
Cultural Resources, Department of	1	0
Archives and History, Division of	5	1
State Library	5	5
Publications Division	1	1
Crime Control and Public Safety, Department of	2	1
North Carolina Crime Commission	1	0
Adjutant General	2	0
Elections, State Board of	2	0
Office of Administrative Hearings	2	0
State Personnel Commission	1	0
Office of State Personnel	1	1
Legislative Branch		
State Senators	1 ea.	1 ea.
State Representatives	1 ea.	1 ea.
Principal Clerk—Senate	1	1
Principal Clerk—House	1	1
Reading Clerk—Senate	1	1
Reading Clerk—House	1	1
Sergeant at Arms—House	1	1
Sergeant at Arms—Senate	1	1
Enrolling Clerk	1	0

Engrossing Clerk	1	0
Indexer of the Laws	1	0
Legislative Building Library	35	15
<b>Judicial System</b>		
Justices of the Supreme Court	1 ea.	1 ea.
Judges of the Court of Appeals	1 ea.	1 ea.
Judges of the Superior Court	1 ea.	0
Emergency and Special Judges of the Superior Court	1 ea.	0
District Court Judges	1 ea.	0
District Attorneys	1 ea.	0
Clerk of the Supreme Court	1	1
Clerk of the Court of Appeals	1	1
Administrative Office of the Courts	4	1
Supreme Court Library	AS MANY AS REQUESTED	
<b>Colleges and Universities</b>		
The University of North Carolina System		
Administrative Offices	3	0
University of North Carolina, Chapel Hill	65	25
University of North Carolina, Charlotte	3	1
University of North Carolina, Greensboro	3	1
University of North Carolina, Asheville	2	1
University of North Carolina, Wilmington	2	1
North Carolina State University, Raleigh	5	3
Appalachian State University	2	1
East Carolina University	3	2
Elizabeth City State University	2	1
Fayetteville State University	2	1
North Carolina Agricultural and Technical University	2	1
North Carolina Central University	5	5
Western Carolina University	2	1
University of North Carolina, Pembroke	2	1
Winston-Salem State University	2	1
North Carolina School of the Arts	1	1
<b>Private Institutions</b>		
Duke University	6	6
Davidson College	3	2
Wake Forest University	5	5
Lenoir-Rhyne College	1	1
Elon College	1	1
Guilford College	1	1
Campbell University	5	5
Wingate College	1	1
Pfeiffer College	1	1
Barber-Scotia College	1	1
Barton College	1	1
Shaw University	1	1

St. Augustine's College	1	1
Johnson C. Smith University	1	1
Belmont Abbey College	1	1
Bennett College	1	1
Catawba College	1	1
Gardner Webb College	1	1
Greensboro College	1	1
High Point University	1	1
Livingstone College	1	1
Mars Hill College	1	1
Meredith College	1	1
Methodist College	1	1
North Carolina Wesleyan College	1	1
Queens College	1	1
Sacred Heart College	1	1
St. Andrews Presbyterian College	1	1
Salem College	1	1
Warren Wilson College	1	1
County and Local Officials		
Clerks of the Superior Court	1 ea.	1 ea.
Register of Deeds	1 ea.	1 ea.
Federal, Out of State and Foreign		
Secretary to the President	1	0
- Secretary of State	1	1
- Secretary of Defense	1	0
- Secretary of Agriculture	1	0
- Secretary of the Interior	1	0
- Secretary of Labor	1	1
- Secretary of Commerce	1	1
- Secretary of the Treasury	1	0
- Secretary of Health, Education and Welfare	1	0
Secretary of Housing and Urban Development	1	0
- Secretary of Transportation	1	0
- Attorney General	1	0
- Postmaster General	1	0
- Bureau of Census	1	0
- Bureau of Public Roads	1	0
- Department of Justice	1	0
- Department of Internal Revenue	1	0
- Veterans' Administration	1	0
- Farm Credit Administration	1	0
- Securities and Exchange Commission	1	0
- Social Security Board	1	0
- Environmental Protection Agency	1	0
- Library of Congress	8	2
- Federal Judges resident in North Carolina	1 ea.	0
- Federal District Attorneys resident in North Carolina	1 ea.	0
- Marshal of the United States Supreme Court	1	0
- Federal Clerks of Court resident in North Carolina	1 ea.	0

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

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

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

**SECTION 16.(c)** G.S. 120-32 reads as rewritten:

**"§ 120-32. Commission duties.**

The Legislative Services Commission is hereby authorized to:

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

**SECTION 16.(d)** G.S. 120-34(a) reads as rewritten:

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

The enrolling clerk or the Legislative Services Office shall assign to each bill that becomes law a number in the order the bill became law, and the laws shall be printed in the Session Laws in that order. The number shall be preceded by the phrase "Session Law" or the letters "S.L." followed by the calendar year it was ordered enrolled, followed by a hyphen and the sequential law number. Laws of Extra Sessions shall so indicate. In the case of any bill required to be presented to the Governor, and which became law, the Session Laws shall carry, below the date of ratification, editorial notes as to what time and what date the bill became law. In any case where the Governor has returned a bill to the General Assembly with objections, those objections shall be

printed verbatim in the Session Laws, regardless of whether or not the bill became law notwithstanding the objections."

**SECTION 16.(e)** The Legislative Research Commission shall study the issue of further changes in agencies and institutions entitled to copies of State publications, and shall report to the General Assembly in 2002 on its findings.

### **COMPREHENSIVE SERVICES/FOSTER CARE**

**SECTION 17.** Section 21.60(g) of S.L. 2001-424 reads as rewritten:

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

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

### **DHHS DATE CHANGE**

**SECTION 18.** Section 21.66(d) of S.L. 2001-424 reads as rewritten:

**"SECTION 21.66.(d)** The Department shall submit a progress report on implementation of this section not later than February 1, ~~2001, 2002,~~ and a final report not later than May 1, 2002, to the Senate Appropriations Committee on Health and Human Services, the House of Representatives Appropriations Subcommittee on Health and Human Services, and the Fiscal Research Division."

### **CIRCUMCISION FUNDS**

**SECTION 19.** Notwithstanding any other provision of law to the contrary, from funds available in the General Fund, there is appropriated to the Department of Health and Human Services, Division of Medical Assistance, the sum of two hundred forty-six thousand, seven hundred sixty-two dollars (\$246,762) for the 2001-2002 fiscal year and the sum of four hundred thousand dollars (\$400,000) for the 2002-2003 fiscal year. These funds shall be used to provide optional circumcision procedures for newborns eligible for Medicaid.

### **COORDINATION OF ACCESS TO PHARMACEUTICAL COMPANY PRESCRIPTION DRUG PROGRAMS**

**SECTION 20.** Section 21.6 of S.L. 2001-424 reads as rewritten:

**"SECTION 21.6.(a)** Of the funds appropriated in this act to the Department of Health and Human Services, ~~Division of Public Health,~~ the sum of two hundred thousand dollars (\$200,000) for the 2001-2002 fiscal year and the sum of two hundred thousand dollars (\$200,000) for the 2002-2003 fiscal year shall be used to initiate the development of a system to assist eligible individuals in obtaining prescription drugs at no cost ~~or for a nominal fee~~ through pharmaceutical company ~~programs or initiatives.~~ programs. The system will be designed to minimize the efforts of patients and their

health care providers in securing needed drugs. The required patient and health care provider data will be maintained and orders tracked in order to initiate timely reorders of needed drugs to assure continuity of medication intake. Coordination of access shall be provided through a central location that maintains documentation of an individual's eligibility provided by the individual and prescription orders from the individual's physician to facilitate the provision of no cost or nominal cost drugs under the pharmaceutical company program. The coordination of access shall be implemented in a way that encourages physician, patient, and pharmacy participation by reducing time-consuming procedural requirements. The Department may contract with a private nonprofit organization to coordinate access assist in the development of the system as provided under this section.

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

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

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

## **RETIREMENT PAYMENT**

**SECTION 21.** It is the intent of the General Assembly to appropriate funds to make the contribution to the Teachers' and State Employees' Retirement System ("System") that would have been made for the fiscal period beginning February 28, 2001, and ending June 30, 2001. Further, it is the intent of the General Assembly that the payment be made with interest at rates determined by the General Assembly to be consistent with the performance and earnings of the System. Subject to the availability of funds, it is also the intent of the General Assembly to make the payment by appropriations over a five-year period beginning July 1, 2003.

## **HEALTH PLAN CO-PAYMENT**

**SECTION 22.(a)** G.S. 135-40.8(c3), as enacted by Section 1(m) of S.L. 2001-253, reads as rewritten:

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

**SECTION 22.(b)** In accordance with G.S. 135-40.8(c3), enacted by Section 1(m) of Session Law 2001-253, the first fifteen dollars (\$15.00) of allowable charges not paid by the Plan does not apply to cardiac rehabilitation benefits.

## **MILITARY LEAVE**

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

**SECTION 23.(b)** G.S. 127A-116 reads as rewritten:  
**"§ 127A-116. Leaves of absence for State officers and employees.**

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

**SECTION 23.(c)** This section is effective September 1, 2001.

#### **OPTIONAL RETIREMENT PROGRAM/NCCCS**

**SECTION 24.** Section 32.24(c) of S.L. 2001-424 reads as rewritten:

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

#### **FLOODPLAIN MAPPING**

**SECTION 25.** The Department of Crime Control and Public Safety shall complete Phase 1 of the floodplain mapping for the Cape Fear River Basin by December 30, 2002. The Department of Crime Control and Public Safety shall use available federal funds to complete Phase 1 of the floodplain mapping for the Cape Fear River Basin; however, if the federal funds are insufficient to complete Phase 1, then the Department may use up to six million dollars (\$6,000,000) from the Reserve for Disaster Relief (Budget Code 19930) to complete Phase 1 of the floodplain mapping.

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

#### **SICKLE CELL SYNDROME PURCHASE OF MEDICAL CARE FUNDS**

**SECTION 26.** There is appropriated from the General Fund to the Department of Health and Human Services, Division of Public Health, the sum of four hundred sixty thousand dollars (\$460,000) for the 2001-2002 fiscal year for the Sickie Cell Syndrome Purchase of Medical Care.

#### **CULTURAL RESOURCES/DIGITAL ARCHIVES**

**SECTION 27.** Section 11.1 of S.L. 2001-424 reads as rewritten:

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

#### **E-PROCUREMENT**

**SECTION 28.(a)** G.S. 143-48.3, as rewritten by Section 15.6(b) of S.L. 2001-424, reads as rewritten:

**"§ 143-48.3. Electronic procurement.**

(a) The Department of Administration and the Office of the State Controller, in conjunction with the Office of Information Technology Services (ITS), the Department of State Auditor, the Department of State Treasurer, the University of North Carolina General Administration, the Community Colleges System Office, and the Department of Public Instruction shall collaborate to develop electronic or digital procurement standards.

(b) The Department of Administration, in conjunction with the Office of the State Controller and the Office of Information Technology Services may, upon request, provide to all State agencies, universities, local school administrative units, and the community colleges, training in the use of the electronic procurement system.

(c) The Office of Information Technology Services shall act as an Application Service Provider for an electronic procurement system and shall establish, manage, and operate this electronic procurement system and shall establish, manage, and operate, through State ownership or commercial leasing, in accordance with the requirements and operating standards developed by the Department of Administration, the Office of the State Controller, and ITS.

(d) This section does not otherwise modify existing law relating to procurement between The University of North Carolina, UNC Health Care, local school administrative units, community colleges, and the Department of Administration.

(e) The Board of Governors of The University of North Carolina ~~may shall~~ exempt North Carolina State University and the University of North Carolina at Chapel Hill from the electronic procurement system authorized by this Article until May 1, 2003, ~~if the Board of Governors determines that each exemption is in the best interest of the respective constituent institutions, 2003.~~ Each exemption shall be subject to the Board of Governors' annual review and reconsideration. Exempted constituent institutions shall continue working with the North Carolina E-Procurement Service as that system evolves and shall ensure that their proposed procurement systems are compatible with the North Carolina E-Procurement Service so that they may take advantage of this service to the greatest degree possible. Before an exempted institution expands any electronic procurement system, that institution shall consult with the Joint Legislative Commission on Governmental Operations and the Joint Select Committee on Information Technology. By May 1, 2003, the General Assembly shall evaluate the efficacy of the State's electronic procurement system and the inclusion and participation of entities in the system.

(f) Any State entity, local school administrative unit, or community college operating a functional electronic procurement system established prior to September 1, 2001, may until May 1, 2003, continue to operate that system independently or may opt into the North Carolina E-Procurement Service. Each entity subject to this section shall notify the Information Resources Management Commission by January 1, 2002, and annually thereafter, of its intent to participate in the North Carolina E-Procurement Service."

**SECTION 28.(b)** G.S. 143-49(8), as enacted by Section 15.6(d) of S.L. 2001-424, reads as rewritten:

"(8) To establish and maintain a procurement card program for use by State agencies, community colleges, nonexempted constituent institutions of The University of North Carolina, and local school administrative units. The Secretary of Administration may adopt temporary rules for the implementation and operation of the program in accordance with the payment policies of the State Controller, after consultation with the Office of Information Technology Services. These rules would include the establishment of appropriate order limits that leverage the cost savings and efficiencies of the procurement card program in conjunction with the fullest possible use of the North Carolina E-Procurement Service. ~~Procurement cards shall be utilized only through the E-Procurement Service. North Carolina State University~~

~~and the University of North Carolina at Chapel Hill may use procurement cards consistent with the rules adopted by the Secretary, provided that the procurement cards have a purchase limit of two hundred fifty dollars (\$250.00) per month. Prior to implementing the program, the Secretary shall consult with the State Controller, the UNC General Administration, the Community Colleges System Office, the State Auditor, the Department of Public Instruction, a representative chosen by the local school administrative units, and the Office of Information Technology Services. The Secretary may periodically adjust the order limit authorized in this section after consulting with the State Controller, the UNC General Administration, the Community Colleges System Office, the Department of Public Instruction, and the Office of Information Technology Services."~~

### **CHEROKEE COMPACT**

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

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

**SECTION 29.(b)** Chapter 71A of the General Statutes is amended by adding a new section to read:

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

In recognition of the governmental relationship between the State, federally recognized Indian tribes and the United States, a federally recognized Indian tribe may conduct games consistent with the Indian Gaming Regulatory Act, Public Law 100-497, that are in accordance with a valid Tribal-State compact executed by the Governor pursuant to G.S. 147-12(14) and approved by the U.S. Department of Interior under the Indian Gaming Regulatory Act, and such games shall not be unlawful or against the public policy of the State if the State permits such gaming for any purpose by any person, organization, or entity."

**SECTION 29.(c)** This section is effective August 1, 1994, and applies to compacts and amendments thereto executed on or after that date.

### **ADVANCE HEALTH CARE DIRECTIVE REGISTRY FUNDS**

**SECTION 30.(a)** There is appropriated from the General Fund to the Department of Secretary of State the sum of seventy-five thousand dollars (\$75,000) for the 2001-2002 fiscal year to fund the Advance Health Care Directive Registry established under Article 21 of Chapter 130A of the General Statutes.

**SECTION 30.(b)** Section 8 of S.L. 2001-455 reads as rewritten:

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

### **DMV ADVERTISING**

**SECTION 31.** The Legislative Research Commission shall study the issue of sale of advertising to be placed in official mailings or publications of the Division of Motor Vehicles and shall report to the General Assembly in 2002. The Commissioner of Motor Vehicles shall not contract for the sale of advertising to be placed in official mailings or publications of the Division of Motor Vehicles until authorized by the General Assembly.

### **DMV MAY ISSUE LICENSES OF LIMITED DURATION**

**SECTION 32.(a)** G.S. 20-7(f) reads as rewritten:

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

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

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

- (1) Is serving on active duty in the armed forces of the United States and is stationed outside this State.
- (2) Is a resident of this State and has been residing outside the State for at least 30 continuous days.

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

**SECTION 32.(b)** This section is effective when it becomes law.

## **CASH ASSISTANCE PAYMENTS**

**SECTION 33.** Section 5.1 of S.L. 2001-424 is amended by adding a new subsection to read:

**"SECTION 5.1.(bb)** If the Department of Health and Human Services determines that sufficient funds are not available within the Work First Cash Assistance Program and the Cash Assistance Reserve to provide cash assistance payments to all eligible families in the 2001-2002 fiscal year, the Department may reduce the allocations under the TANF Block Grant in this section to non cash assistance programs and services in order to ensure that cash assistance payments to all eligible families continue throughout the 2001-2002 fiscal year."

## **EFFECTIVE DATE**

**SECTION 34.** Unless otherwise provided in this act, this act is effective July 1, 2001.

In the General Assembly read three times and ratified this the 6<sup>th</sup> day of December, 2001.

s/ Marc Basnight  
President Pro Tempore of the Senate

s/ James B. Black  
Speaker of the House of Representatives

s/ Michael F. Easley  
Governor

Approved 4:35 p.m. this 4<sup>th</sup> day of January, 2002