

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

**HOUSE BILL 383
RATIFIED BILL**

AN ACT TO PROTECT UNEMPLOYMENT BENEFITS AND PREVENT ANY SHUTDOWN OF STATE GOVERNMENT.

The General Assembly of North Carolina enacts:

EXTEND UNEMPLOYMENT INSURANCE BENEFITS

SECTION 1.(a) G.S. 96-12.01(a1)(4)c. is amended by adding a new sub-subsubdivision to read:

"3. This section applies as provided under the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (P.L. 111-312) as it existed on December 17, 2010, and is applicable to compensation for weeks of unemployment beginning after December 17, 2010, and ending on or before December 31, 2011, provided that:

I. The average rate of (i) insured unemployment, not seasonally adjusted, equaled or exceeded one hundred twenty percent (120%) of the average of such rates for the corresponding 13-week period ending in all of the preceding three calendar years and equaled or exceeded five percent (5%) or (ii) total unemployment, seasonally adjusted, as determined by the United States Secretary of Labor, for the period consisting of the most recent three months for which data for all states are published before the close of the week equals or exceeds six and one-half percent (6.5%); and

II. The average rate of total unemployment in this State, seasonally adjusted, as determined by the United States Secretary of Labor, for the three-month period referred to in this subsection, equals or exceeds one hundred ten percent (110%) of the average for any of the corresponding three-month periods ending in the three preceding calendar years."

SECTION 1.(b) G.S. 96-12.01(a1)(4)e. reads as rewritten:

"(4) There is an "on indicator" for this State for a week if the Commission determines, in accordance with the regulations of the United States Secretary of Labor, that for the period consisting of such week and the immediate preceding 12 weeks, the rate of insured unemployment (not seasonally adjusted) under this Chapter:

...
e. Total extended benefit amount.

1. The total extended benefit amount payment to any eligible individual with respect to the applicable benefit year shall be the least of the following amounts:

I. Fifty percent (50%) of the total amount of regular benefits which were payable to the individual under this Chapter in the individual's applicable benefit year;
or



- II. Thirteen times the individual's weekly benefit amount that was payable to the individual under this Chapter for a week of total unemployment in the applicable benefit year.
- 2. I. Effective with respect to weeks beginning in a high unemployment period, sub-subdivision e.1. of this subdivision shall be applied by substituting:
 - A. "Eighty percent (80%)" for "fifty percent (50%)" in sub-subdivision e.1.I., and
 - B. "Twenty" for "thirteen" in sub-subdivision e.1.II.
- II. For purposes of sub-subdivision 2.I., the term "high unemployment period" means any period during which an extended benefit period would be in effect if sub-subdivision c. of this subdivision were applied by substituting "eight percent (8%)" for six and one-half percent (6.5%)".
- 3. This subdivision applies as provided under the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (P.L. 111-312) as it existed on December 17, 2010, and is applicable to compensation for weeks of unemployment beginning after December 17, 2010, and ending on or before December 31, 2011, provided that:
 - I. The average rate of total unemployment, seasonally adjusted, as determined by the United States Secretary of Labor, for the period consisting of the most recent three months for which data for all states are published before the close of the week equals or exceeds eight percent (8%); and
 - II. The average rate of total unemployment in this State, seasonally adjusted, as determined by the United States Secretary of Labor, for the three-month period referred to in this subdivision equals or exceeds one hundred ten percent (110%) of the average for any of the corresponding three-month periods ending in the three preceding calendar years."

SECTION 1.(c) The intent of this section is to allow extended benefits to be paid as provided under the Federal Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 so long as the payment of the benefits does not hinder the State's ability to reduce the debt it owes the federal government to pay unemployment benefits. It is not the intent of this section to pay for the extended benefits with contributions paid by employers under Chapter 96 of the North Carolina General Statutes or with contributions paid by employers under the federal payroll tax that would otherwise be used to pay down the amount borrowed from the federal government by the State to pay unemployment benefits. Nothing in this section obligates the State to pay extended benefits provided by this section with contributions payable under Chapter 96 of the General Statutes or with any other State funds. This section is null and void if the payment of the benefits would divert federal payroll tax revenue payable by North Carolina employers that would otherwise be used to pay down the amount borrowed from the federal government by the State to pay unemployment benefits.

SECTION 1.(d) This section is effective when it becomes law and expires January 1, 2012.

AUTHORITY TO CONTINUE EXPENDITURES AT 87% OF THE 2011-2012 LEVEL OF THE GOVERNOR'S RECOMMENDED BASE BUDGET

SECTION 2.(a) The Director of the Budget may continue to allocate funds for expenditure for current operations by State departments at a level not to exceed eighty-seven percent (87%) of the amount in the Recommended Base Budget for the 2011-2012 fiscal year as specified in the Governor's Recommended Budget for the 2011-2013 fiscal biennium,

excluding the amounts set out for debt service requirements in that document; and funds are hereby appropriated for this purpose. To achieve these reductions:

- (1) The Director of the Budget shall continue funding for State departments in the same proportions as recommended in the Recommended Base Budget for the 2011-2012 fiscal year as specified in the Governor's Recommended Budget for the 2011-2013 fiscal biennium.
- (2) The Director of the Budget shall not use overrealized receipts, cash balances, or other funds to offset expenditures.

SECTION 2.(b) The legislative and judicial branches shall manage cuts in their respective budgets.

SECTION 2.(c) Except as otherwise provided by this act, the limitations and directions for the 2010-2011 fiscal year in S.L. 2009-451, as amended, and in S.L. 2010-31, as amended, that applied to appropriations to particular agencies or for particular purposes apply to the funds appropriated and authorized for expenditure under this section.

SECTION 2.(d) The appropriations and the authorizations to allocate and spend funds which are set out in this act shall remain in effect until the Current Operations and Capital Improvements Appropriations Act of 2011 becomes law, at which time that act shall become effective and shall govern appropriations and expenditures. When the Current Operations and Capital Improvements Appropriations Act of 2011 becomes law, the Director of the Budget shall adjust allocations to give effect to that act from July 1, 2011.

EMPLOYEE SALARIES

SECTION 3. The salary schedules and specific salaries established for the 2009-2011 fiscal biennium by or under S.L. 2009-451 and in effect on June 30, 2011, or the last day in pay status during the 2010-2011 fiscal year if earlier, for offices and positions, including positions in the UNC Health Care System, shall remain in effect and shall not be increased regardless of funding source of the increase or regardless of the exceptions established in Section 26.1A of S.L. 2009-451, as amended by S.L. 2009-575, Section 21; S.L. 2010-31, Section 29.7(c); and S.L. 2010-123, Section 9.2 until the date the Current Operations and Capital Improvements Appropriations Act of 2011 becomes law.

State employees subject to G.S. 7A-102(c), 7A-171.1, or 20-187.3 shall not move up on salary schedules or receive automatic increases, including automatic step increases, until authorized by the General Assembly.

Public school employees paid on the teacher salary schedule or the school-based administrator salary schedule and other employees shall not move up on salary schedules or receive automatic step increases, annual, performance, merit, or other increments until authorized by the General Assembly.

Nothing in this section prohibits a salary reduction when authorized by the Director of the Budget or other authorized official.

SALARY-RELATED CONTRIBUTIONS

SECTION 4.(a) If Senate Bill 265, 2011 Regular Session, becomes law, then Section 1.8(b) of that act reads as rewritten:

"SECTION 1.8.(b) Effective July 1, 2011, the State's employer contribution rates budgeted for retirement and related benefits as percentage of covered salaries for the 2011-2012 fiscal year are: (i) ~~ten and sixty-one hundredths percent (10.61%)~~ thirteen and sixty-two hundredths percent (13.62%) – Teachers and State Employees; (ii) ~~fifteen and sixty-one hundredths percent (15.61%)~~ eighteen and sixty-two hundredths percent (18.62%) – State Law Enforcement Officers; (iii) twelve and thirty-six hundredths percent (12.36%) – University Employees' Optional Retirement System; (iv) twelve and thirty-six hundredths percent (12.36%) – Community College Optional Retirement Program; (v) ~~twenty and eleven hundredths percent (20.11%)~~ thirty-one and fifty-four hundredths percent (31.54%) – Consolidated Judicial Retirement System; and (vi) five and zero hundredths percent (5.00%) – Legislative Retirement System. Each of the foregoing contribution rates includes five and zero hundredths percent (5.00%) for hospital and medical benefits. The rate for Teachers and State Employees, State Law Enforcement Officers, Community College Optional Retirement Program, and for the University Employees' Optional Retirement Program includes fifty-two hundredths percent (0.52%) for the Disability Income Plan. The rates for Teachers and State Employees and State Law Enforcement Officers include sixteen hundredths percent (0.16%)

for the Death Benefits Plan. The rate for State Law Enforcement Officers includes five percent (5%) for Supplemental Retirement Income."

SECTION 4.(b) Appropriations from the General Fund of the State for the maintenance and operation of State departments and for other purposes as enumerated are made for the fiscal year ending June 30, 2012, according to the following schedule:

Current Operations – General Fund	2011-2012
Department of State Treasurer	
Retirement for Fire and Rescue Squad Workers	5,800,000
Retirement for National Guard Pension Fund	263,000

RESERVES, ADJUSTMENTS, AND DEBT SERVICE

Reserve for Teachers' and State Employees' Retirement System Contributions	297,400,000
Reserve for Judicial Retirement System Contributions	7,900,000

SECTION 4.(c) Appropriations from the State Highway Fund for the maintenance and operation of the Department of Transportation and for other purposes as enumerated are made for the fiscal year ending June 30, 2012, according to the following schedule:

Current Operations – Highway Fund	2011-2012
Reserve for Teachers' and State Employees' Retirement System Contributions	13,600,000

STATE CONTROLLER SHALL NOT TRANSFER FUNDS ON JUNE 30

SECTION 5.(a) Notwithstanding G.S. 143C-4-3, for the 2010-2011 fiscal year only, funds shall not be reserved to the Repairs and Renovations Reserve Account, and the State Controller shall not transfer funds from the unreserved credit balance to the Repairs and Renovations Reserve Account on June 30, 2011.

SECTION 5.(b) Notwithstanding G.S. 143C-4-2, for the 2010-2011 fiscal year only, funds shall not be reserved to the Savings Reserve Account, and the State Controller shall not transfer funds from the unreserved credit balance to the Savings Reserve Account on June 30, 2011.

SECTION 5.(c) This section becomes effective June 30, 2011.

AUTHORIZATION TO ADDRESS MEDICAID LIABILITIES INCURRED IN THE 2009-2010 FISCAL YEAR

SECTION 6. Notwithstanding Chapter 143C of the General Statutes, of the funds in the unreserved credit balance on June 30, 2010, up to the sum of one hundred twenty-five million dollars (\$125,000,000) may be used to address Medicaid liabilities incurred in the 2009-2010 fiscal year, and funds are hereby appropriated for this purpose. The Director of the Budget shall report on the implementation of this section to the chairs of the Senate and House of Representatives Appropriations Committees and the Fiscal Research Division by October 1, 2011.

DEFER REPAYMENT OF GLOBAL TRANSPARK DEBT

SECTION 7. G.S. 147-69.2(b)(11), as amended by Section 7 of S.L. 2005-144, Section 2 of S.L. 2005-201, Section 28.17 of S.L. 2005-276, Section 27.7 of S.L. 2007-323, and Section 25.2 of S.L. 2009-451, reads as rewritten:

"(b) It shall be the duty of the State Treasurer to invest the cash of the funds enumerated in subsection (a) of this section in excess of the amount required to meet the current needs and demands on such funds, selecting from among the following:

...

- (11) With respect to assets of the Escheat Fund, obligations of the North Carolina Global TransPark Authority authorized by G.S. 63A-4(a)(22), not to exceed twenty-five million dollars (\$25,000,000), that have a final maturity not later than October 1, ~~2011~~, 2012. The obligations shall bear interest at the rate set by the State Treasurer. No commitment to purchase obligations may be made pursuant to this subdivision after September 1, 1993, and no obligations may be purchased after September 1, 1994. In the event of a loss to the Escheat Fund by reason of an investment made pursuant to this subdivision, it is the intention of the General Assembly to hold the Escheat Fund harmless from the loss by appropriating to the Escheat Fund funds equivalent to the loss.

If any part of the property owned by the North Carolina Global TransPark Authority now or in the future is divested, proceeds of the divestment shall be used to fulfill any unmet obligations on an investment made pursuant to this subdivision."

CERTAIN FUNDS SHALL NOT REVERT

SECTION 8.(a) If the provisions of S.L. 2009-451, as amended, or S.L. 2010-31, as amended, direct that funds appropriated for a purpose shall not revert on June 30, 2010, funds appropriated for that purpose for the 2010-2011 fiscal year shall not revert on June 30, 2011.

SECTION 8.(b) This section becomes effective June 30, 2011.

FUNDS FOR ENROLLMENT INCREASES

SECTION 9. Funds appropriated in this act may be used to fund increases in average daily membership in public schools and increases in enrollment in the North Carolina Community College System, The University of North Carolina, and private colleges and universities.

FUNDS FOR DEBT SERVICE REQUIREMENTS

SECTION 10. Funds appropriated in this act shall be used to fully fund State debt service requirements.

FUNDS FOR THE STATE HEALTH PLAN

SECTION 11. If Senate Bill 265, 2011 Regular Session, becomes law, then funds appropriated in that act shall be used only for the purposes set out in that act.

SAVINGS RESERVE ACCOUNT

SECTION 12. G.S. 143C-4-2(b) prohibits the Director of the Budget from using funds in the Savings Reserve Account unless the use has been approved by an act of the General Assembly. The Director of the Budget shall not use such funds for any purpose.

EFFECTIVE DATE

SECTION 13. Except as otherwise provided, this act becomes effective July 1, 2011, and expires the earlier of June 30, 2012, at 11:59 P.M. or the date the Current Operations and Capital Improvements Appropriations Act of 2011 becomes law.

In the General Assembly read three times and ratified this the 16th day of April, 2011.

Richard Y. Stevens
Presiding Officer of the Senate

Paul Stam
Presiding Officer of the House of Representatives

Beverly E. Perdue
Governor

Approved _____ .m. this _____ day of _____, 2011