

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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HOUSE BILL 200  
PROPOSED COMMITTEE SUBSTITUTE H200-CSMCx-5 [v.9]

4/25/2011 1:50:04 PM

Short Title: Appropriations Act of 2011.

(Public)

Sponsors:

Referred to:

March 2, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE REVENUE MODIFICATIONS TO SUPPORT BASE BUDGET  
3 APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS,  
4 INSTITUTIONS, AND AGENCIES.  
5 The General Assembly of North Carolina enacts:

6  
7 **PARTS I-XXIX: RESERVED**

8  
9 **PART XXX: CAPITAL PROJECTS**

10  
11 **UNC NON-GENERAL FUND CAPITAL PROJECTS**

12 **SECTION 30.7.(a)** The purpose of this section is (i) to authorize the planning or  
13 construction by certain constituent institutions of The University of North Carolina of the  
14 capital improvements projects listed in this section for the respective institutions and (ii) to  
15 authorize the financing of these projects with funds available to the institutions from gifts,  
16 grants, receipts, self-liquidating indebtedness, Medicare reimbursements for education costs,  
17 hospital receipts from patient care, or other funds, or any combination of these funds, but not  
18 including funds received for tuition or appropriated from the General Fund of the State.

19 **SECTION 30.7.(b)** The capital improvements projects, and their respective costs,  
20 authorized by this section to be constructed and financed as provided in subsection (a) of this  
21 section, including by revenue bonds, by special obligation bonds as authorized in subsection (e)  
22 of this section, or by both, are as follows:

23		
24	<b>Appalachian State University</b>	
25	Winkler Residence Hall Renovation	\$ 11,805,000
26		
27	<b>East Carolina University</b>	
28	Athletic Facilities Expansion and Improvement – Phase 4	
29	Auxiliary Practice Gymnasium	15,000,000
30		
31	<b>Fayetteville State University</b>	
32	Rudolph Jones Student Center Expansion and Renovation	23,289,021
33		
34	<b>North Carolina A&amp;T State University</b>	



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1	New Health Center	10,000,000
2		
3	<b>North Carolina Central University</b>	
4	Chidley Residence Hall Expansion and Renovation	41,193,000
5		
6	<b>North Carolina State University</b>	
7	Centennial Campus Housing Complex	129,000,000
8	Lee Residence Hall and Sullivan Residence Hall	6,000,000
9		
10	<b>The University of North Carolina at Chapel Hill</b>	
11	Carolina Inn Renovation – Phase 2	9,000,000
12	Woollen Gymnasium Renovation – Phase 2	2,650,000
13		
14	<b>The University of North Carolina at Charlotte</b>	
15	New Residence Hall – Phase X	31,045,802
16	New Residence Hall – Phase XI	40,837,005
17	Residence Dining Hall Replacement	29,176,738
18	Parking Deck J	27,418,000
19		
20	<b>The University of North Carolina at Greensboro</b>	
21	Student Recreation Center	91,000,000
22	Tower Village II Residence Hall Acquisition	34,500,000
23	Campus Police Building	10,030,000
24	Village Parking Deck	10,877,000
25		
26	<b>The University of North Carolina at Pembroke</b>	
27	Student Health Services Comprehensive Renovation and Addition	3,950,000
28		
29	<b>Western Carolina University</b>	
30	Walker Residence Hall Expansion and Renovation	17,289,000

31  
 32           **SECTION 30.7.(c)** The capital improvements projects, and their respective costs,  
 33 authorized by this section to be planned and financed as provided in subsection (a) of this  
 34 section, including by revenue bonds, by special obligation bonds as authorized in subsection (e)  
 35 of this section, or by both, are as follows:  
 36

37	<b>The University of North Carolina at Chapel Hill</b>	
38	Mary Ellen Jones Renovation – Phase 1	\$ 4,000,000
39	Research Building at Carolina North	6,000,000
40		
41	<b>The University of North Carolina at Charlotte</b>	
42	New Residence Hall – Phase XII	3,840,741
43	Cedar, Hickory, and Sycamore Residence Halls Renovation	750,000
44		

45           **SECTION 30.7.(d)** At the request of the Board of Governors of The University of  
 46 North Carolina and upon determining that it is in the best interest of the State to do so, the  
 47 Director of the Budget may authorize an increase or decrease in the cost of, or a change in the  
 48 method of, funding the projects authorized by this section. In determining whether to authorize  
 49 a change in cost or funding, the Director of the Budget may consult with the Joint Legislative  
 50 Commission on Governmental Operations.

1           **SECTION 30.7.(e)** Pursuant to G.S. 116D-26, the Board of Governors may issue,  
2 subject to the approval of the Director of the Budget, at one time or from time to time, special  
3 obligation bonds of the Board of Governors for the purpose of paying all or any part of the cost  
4 of acquiring, constructing, or providing for the projects authorized by subsections (b) and (c) of  
5 this section. The maximum principal amount of bonds to be issued shall not exceed the  
6 specified project costs in subsections (b) and (c) of this section plus five percent (5%) of such  
7 amount to pay issuance expenses, fund reserve funds, pay capitalized interest, and pay other  
8 related additional costs, plus any increase in the specific project costs authorized by the  
9 Director of the Budget pursuant to subsection (d) of this section.

10           **SECTION 30.7.(f)** This section is effective when it becomes law.

## 11 12 **PART XXXI: FEES**

### 13 14 **EDUCATION/DRIVER EDUCATION REFORM**

15           **SECTION 31.1.(a)** Subsections (a), (b), and (b1) of G.S. 20-88.1 are recodified as  
16 subsections (a), (d), and (e), respectively, of a new section G.S. 115C-215.1, in Article 14 of  
17 Chapter 115C of the General Statutes to be entitled "Administration of driver education  
18 program by the Department of Public Instruction."

19           **SECTION 31.1.(b)** G.S. 20-11(b) reads as rewritten:

20           "(b) Level 1. – A person who is at least 15 years old but younger than 18 years old may  
21 obtain a limited learner's permit if the person meets all of the following requirements:

- 22           (1) Passes a course of driver education prescribed in ~~G.S. 20-88.1~~  
23 G.S. 115C-215.1 or a course of driver instruction at a licensed commercial  
24 driver training school.  
25           (2) Passes a written test administered by the Division.  
26           (3) Has a driving eligibility certificate or a high school diploma or its  
27 equivalent."

28           **SECTION 31.1.(c)** G.S. 20-88.1, as amended by subsection (a) of this section,  
29 reads as rewritten:

30 **"§ 20-88.1. Driver education.**

31           (a) through (b1) Recodified.

32           (c) ~~All expenses~~ Expenses incurred by the State in carrying out the provisions of ~~this~~  
33 section the driver education program administered by the Department of Public Instruction in  
34 accordance with G.S. 115C-215.1 shall be paid out of the Highway ~~Fund.~~ Fund based on an  
35 annual appropriation by the General Assembly.

36           (d) The Division shall prepare a driver license handbook that explains the traffic laws of  
37 the State and shall periodically revise the handbook to reflect changes in these laws. At the  
38 request of the Department of ~~Education,~~ Public Instruction, the Division shall provide free  
39 copies of the handbook to that Department for use in the program of driver education offered at  
40 public high schools."

41           **SECTION 31.1.(d)** G.S. 20-322(b) reads as rewritten:

42           "(b) Regulations adopted by the Commissioner shall state the requirements for a school  
43 license, including requirements concerning location, equipment, courses of instruction,  
44 instructors, financial statements, schedule of fees and charges, character and reputation of the  
45 operators, insurance, bond or other security in such sum and with such provisions as the  
46 Commissioner deems necessary to protect adequately the interests of the public, and such other  
47 matters as the Commissioner may prescribe. A driver education course offered to prepare an  
48 individual for a limited learner's permit or another provisional license must meet the  
49 requirements set in ~~G.S. 20-88.1~~ G.S. 115C-215.1 for the program of driver education offered  
50 in the public schools."

51           **SECTION 31.1.(e)** G.S. 115C-215 is repealed.

1           **SECTION 31.1.(f)** G.S. 115C-215.1, as enacted by subsection (a) of this section,  
2 reads as rewritten:

3   "**§ 115C-215.1. Administration of driver education program by the Department of Public**  
4   **Instruction.**

5       (a) In accordance with criteria and standards approved by the State Board of Education,  
6 the State Superintendent of Public Instruction shall organize and administer a standardized  
7 program of driver education to be offered at the public high schools of this State for all  
8 physically and mentally qualified persons who (i) are older than 14 years and six months, (ii)  
9 are approved by the principal of the school, pursuant to rules adopted by the State Board of  
10 Education, (iii) are enrolled in a public or private high school within the State, State or are  
11 receiving instruction through a home school as provided in Part 3 of Article 39 of Chapter  
12 115C of the General Statutes, and (iv) have not previously enrolled in the program. The State  
13 Board of Education shall use for such purpose all funds appropriated to it for said purpose, and  
14 may use all other funds that become available for its use for said purpose.

15       **(b)** The driver education program established pursuant to this section must include the  
16 following:

- 17       (1) Instruction on the rights and privileges of the handicapped and the signs and  
18 symbols used to assist the handicapped relative to motor vehicles, including  
19 the "international symbol of accessibility" and other symbols and devices as  
20 provided in Article 2A of ~~this Chapter~~. Chapter 20 of the General Statutes.
- 21       (2) At least six hours of instruction on the offense of driving while impaired and  
22 related subjects.
- 23       (3) At least six hours of actual driving experience. To the extent practicable, this  
24 experience may include at least one hour of instruction on the techniques of  
25 defensive driving.
- 26       **(4)** At least one hour of motorcycle safety awareness training.

27       **(c)** The State Board of Education shall establish and implement a strategic plan for the  
28 driver education program. At a minimum, the strategic plan shall consist of goals and  
29 performance indicators, including the number of program participants as compared to the  
30 number of persons projected to be eligible to participate in the program, the implementation of  
31 a standard curriculum for the program, expenditures for the program, and the success rate of  
32 program participants in receiving a drivers license as reported by the Division of Motor  
33 Vehicles. The strategic plan shall also outline specific roles and duties of an advisory  
34 committee consisting of employees of the Division of Motor Vehicles and the Department of  
35 Public Instruction and other stakeholders in driver education.

36       (d) The State Board of Education shall adopt a salary range for driver education  
37 instructors who are public school employees and who do not hold teacher certificates.

38       Driver education instructors who are public school employees and who hold teacher  
39 certificates shall be paid on the teacher salary schedule. A day of employment for driver  
40 education instructors who hold teacher certificates shall be the same number of hours required  
41 of all regular classroom teachers as established by the local board of education.

42       (e) The State Board of Education shall adopt rules to permit local boards of education  
43 to enter contracts with public or private entities to provide a program of driver education at  
44 public high schools. All driver education instructors shall meet the requirements established by  
45 the State Board of Education; provided, however, driver education instructors shall not be  
46 required to hold teacher certificates."

47           **SECTION 31.1.(g)** G.S. 115C-216 reads as rewritten:

48   "**§ 115C-216. Boards of education required to provide courses in operation of motor**  
49   **vehicles.**

50       (a) Course of Training and Instruction Required in Public High Schools. – ~~The State~~  
51 ~~Board of Education and local~~ Local boards of education ~~are required to provide as a part of the~~

1 ~~program of the public high schools in this State a course of training and instruction in the~~  
2 ~~operation of motor vehicles, in accordance with G.S. 20-88.1. shall offer noncredit driver~~  
3 ~~education courses in high schools using the standardized curriculum provided by the~~  
4 ~~Department of Public Instruction.~~

5 (b) Inclusion of Expense in Budget. – The local boards of education ~~of every local~~  
6 ~~school administrative unit are hereby authorized to shall~~ include as an item of instructional  
7 service and as a part of the current expense fund of the budget of the ~~several~~ high schools under  
8 their supervision, the expense necessary ~~to install and maintain such a course of training and~~  
9 ~~instructing eligible persons in such schools in the operation of motor vehicles. to offer the~~  
10 ~~driver education course.~~

11 (c) to (f) Repealed by Session Laws 1991, c. 689, s. 32(c).

12 (g) Fee for Instruction. – The local boards of education may charge each student  
13 participating in driver education a fee of up to seventy-five dollars (\$75.00) to offset the costs  
14 of providing the training and instruction."

## 16 EDUCATION/STATE BOARD AUTHORITY TO ESTABLISH GED TESTING FEES

17 **SECTION 31.2.** G.S. 115D-5(s) reads as rewritten:

18 "(s) The State Board of Community Colleges may establish, retain and budget fees  
19 charged to students taking the General Education Development (GED) ~~test. test, including fees~~  
20 for retesting. Fees collected for this purpose shall be used only to (i) offset the costs of the GED  
21 test, including the cost of scoring the test, (ii) offset the costs of printing GED certificates, and  
22 (iii) meet federal and State reporting requirements related to the test."  
23

## 24 EDUCATION/NORTH CAROLINA VIRTUAL PUBLIC SCHOOLS ALLOTMENT 25 FORMULA

26 **SECTION 31.3.(a)** The State Board of Education shall implement an allotment  
27 formula for the North Carolina Virtual Public Schools (NCVPS) beginning with the 2011-2012  
28 school year. In accordance with Section 7.16 of S.L. 2006-66, the allotment formula shall  
29 create a sustainable source of funding that increases commensurate with student enrollment and  
30 recognizes "the extent to which projected enrollment in e-learning courses affects funding  
31 required for other allotments that are based on average daily membership."

32 **SECTION 31.3.(b)** The State Board shall use only funds provided through the  
33 North Carolina Virtual Public Schools Allotment Formula to fund NCVPS.

34 **SECTION 31.3.(c)** The Department of Public Instruction shall take the following  
35 steps to implement the North Carolina Virtual Public Schools Allotment Formula:

- 36 (1) Project NCVPS student enrollment by semester and year-long course types  
37 for each local school administrative unit and charter school.
- 38 (2) Establish a per course fee for each course type.
- 39 (3) Multiply the projected NCVPS student enrollment by semester and  
40 year-long course for each local school administrative unit and charter school  
41 type by the per course fees to determine the total NCVPS cost for each local  
42 school administrative unit and charter school.
- 43 (4) Transfer a dollar amount equal to the local school administrative unit's or  
44 charter school's total NCVPS cost to NCVPS. For local school  
45 administrative units, funds shall be transferred from the classroom teacher  
46 allotment to NCVPS. For charter schools, the allotment of State funds will  
47 be reduced and transferred to NCVPS.

48 **SECTION 31.3.(d)** NCVPS shall use the funds transferred to it to provide the  
49 NCVPS program at no cost to all students in North Carolina who are enrolled in North  
50 Carolina's public schools, Department of Defense schools, and schools operated by the Bureau  
51 of Indian Affairs.

1           **SECTION 31.3.(e)** NCVPS shall provide only high school courses and shall not  
2 provide any courses in physical education.

3           **SECTION 31.3.(f)** The State Board shall establish a separate per student fee  
4 structure for out-of-state students, private school students, and home-schooled students. For the  
5 2011-2012 school year, NCVPS shall provide specific instructions on its Web site, describing  
6 the steps required for such students to enroll in NCVPS courses and all applicable fees.

7           Beginning with the 2012-2013 school year, NCVPS shall provide an online process  
8 by which such students can enroll in NCVPS courses online.

9           **SECTION 31.3.(g)** The Board shall direct NCVPS to develop a plan to generate  
10 revenue from the sale of courses to out-of-state educational entities. NCVPS shall submit its  
11 plan to the Board by September 15, 2011.

12           **SECTION 31.3.(h)** The Director of NCVPS shall continue to ensure that:

13           (1) Course quality standards are established and met.

14           (2) All e-learning opportunities offered by State-funded entities, other than  
15 charter schools, to public school students are consolidated under the North  
16 Carolina Virtual Public School program, eliminating course duplication.

17           (3) All courses offered through NCVPS are aligned to the North Carolina  
18 Standard Course of Study.

19           **SECTION 31.3.(i)** Funds for the administration of NCVPS shall be capped at a  
20 maximum of fifteen percent (15%) per year of the funds transferred to NCVPS.

#### 21 **NER/COMMERCE/SET REGULATORY FEE FOR UTILITIES COMMISSION**

22           **SECTION 31.4.(a)** The percentage rate to be used in calculating the public utility  
23 regulatory fee under G.S. 62-302(b)(2) is twelve-hundredths of one percent (0.12%) for each  
24 public utility's North Carolina jurisdictional revenues earned during each quarter that begins on  
25 or after July 1, 2011.

26           **SECTION 31.4.(b)** The electric membership corporation regulatory fee imposed  
27 under G.S. 62-302(b1) for the 2011-2012 fiscal year is two hundred thousand dollars  
28 (\$200,000).

29           **SECTION 31.4.(c)** This section becomes effective July 1, 2011.

#### 30 **NER/AGRICULTURE/INCREASE FEES FOR PET SHOPS, AUCTIONS, KENNELS,** 31 **AND DEALERS**

32           **SECTION 31.5.(a)** G.S. 19A-27 reads as rewritten:

33           "**§ 19A-27. License required for operation of pet shop.**

34           No person shall operate a pet shop unless a license to operate such establishment shall have  
35 been granted by the Director. Application for such license shall be made in the manner  
36 provided by the Director. The license shall be for the fiscal year and the license fee shall be  
37 ~~fifty dollars (\$50.00)~~ seventy-five dollars (\$75.00) for each license period or part thereof  
38 beginning with the first day of the fiscal year."

39           **SECTION 31.5.(b)** G.S. 19A-28 reads as rewritten:

40           "**§ 19A-28. License required for public auction or boarding kennel.**

41           No person shall operate a public auction or a boarding kennel unless a license to operate  
42 such establishment shall have been granted by the Director. Application for such license shall  
43 be made in the manner provided by the Director. The license period shall be the fiscal year and  
44 the license fee shall be ~~fifty dollars (\$50.00)~~ seventy-five dollars (\$75.00) for each license  
45 period or part thereof beginning with the first day of the fiscal year."

46           **SECTION 31.5.(c)** G.S. 19A-29 reads as rewritten:

47           "**§ 19A-29. License required for dealer.**

48           No person shall be a dealer unless a license to deal shall have been granted by the Director  
49 to such person. Application for such license shall be in the manner provided by the Director.  
50  
51

1 The license period shall be the fiscal year and the license fee shall be ~~fifty dollars~~  
2 ~~(\$50.00)~~ seventy-five dollars (\$75.00) for each license period or part thereof, beginning with the  
3 first day of the fiscal year."  
4

5 **NER/AGRICULTURE/REPEAL BOARD OF AGRICULTURE REVIEW OF FEE**  
6 **SCHEDULES**

7 **SECTION 31.6.** G.S. 106-6.1(b) is repealed.  
8

9 **NER/AGRICULTURE/FEEES FOR OUT-OF-STATE SOIL TESTS AND EXPEDITED**  
10 **SOIL TESTS**

11 **SECTION 31.7.** G.S. 106-22 reads as rewritten:

12 **"§ 106-22. Joint duties of Commissioner and Board.**

13 The Commissioner of Agriculture, by and with the consent and advice of the Board of  
14 Agriculture shall:

15 ...

16 (17) Agronomic Testing. – Provide agronomic testing services and charge  
17 reasonable fees for plant ~~analysis and analysis,~~ nematode ~~testing-testing,~~  
18 ~~out-of-state soil testing, and expedited soil testing.~~ The Board shall charge at  
19 least four dollars (\$4.00) for plant ~~analysis and analysis,~~ at least two dollars  
20 (\$2.00) for nematode ~~testing-testing,~~ at least five dollars (\$5.00) for  
21 out-of-state soil testing, and at least one hundred dollars (\$100.00) for  
22 expedited soil testing."  
23

24 **NER/AGRICULTURE/TECHNICAL CORRECTIONS REGARDING COMMERCIAL**  
25 **FERTILIZER INSPECTION FEE AND PESTICIDE TECHNICIAN**  
26 **IDENTIFICATION CARD RENEWAL FEE**

27 **SECTION 31.8.(a)** G.S. 106-671(b) reads as rewritten:

28 "(b) Reporting System. – Each manufacturer, importer, jobber, firm, corporation or  
29 person who distributes commercial fertilizers in this State shall make application to the  
30 Commissioner for a permit to report the tonnage of commercial fertilizer sold and shall pay to  
31 the North Carolina Department of Agriculture and Consumer Services an inspection fee of  
32 ~~twenty-five cents (25¢)~~ fifty cents (50¢) per ton. The Commissioner is authorized to require  
33 each such distributor to keep such records as may be necessary to indicate accurately the  
34 tonnage of commercial fertilizers sold in the State, and as are satisfactory to the Commissioner.  
35 Such records shall be available to the Commissioner, or his duly authorized representative, at  
36 any and all reasonable hours for the purpose of making such examination as is necessary to  
37 verify the tonnage statement and the inspection fees paid. Each registrant shall report monthly  
38 the tonnage sold to non-registrants on forms furnished by the Commissioner. Such reports shall  
39 be made and inspection fees shall be due and payable monthly on the fifteenth of each month  
40 covering the tonnage and kind of commercial fertilizers sold during the past month. If the  
41 report is not filed and the inspection fee paid by the last day of the month it is due, the amount  
42 due shall bear a penalty of ten percent (10%), which shall be added to the inspection fee due. If  
43 the report is not filed and the inspection fee paid within 60 days of the date due, or if the report  
44 or tonnage be false, the Commissioner may revoke the permit."

45 **SECTION 31.8.(b)** G.S. 106-65.31(b1) reads as rewritten:

46 "(b1) Registration. – Within 75 days after the hiring of an employee who is either an  
47 estimator, salesman, serviceman, or solicitor, the licensee shall apply to the Division for the  
48 issuance of an identification card for such employee. The application must be accompanied by  
49 a fee of forty dollars (\$40.00) for each card. The card shall be issued in the name of the  
50 employee and shall bear the name of the employing licensee, the employer's license number  
51 and phases, the name and address of the employer's business, and such other information as the

1 Committee may specify. The identification card shall be carried by the employee on his person  
2 at all times while performing any phase of structural pest control work. The card must be  
3 displayed upon demand by the Commissioner, the Committee, the Division, or any  
4 representative thereof, or the person for whom any phase of structural pest control work is  
5 being performed. A registered technician's identification card must be renewed annually on or  
6 before June 30 by payment of a renewal fee of ~~twenty five dollars (\$25.00)~~forty dollars  
7 (\$40.00). If a card is lost or destroyed the licensee may secure a duplicate for a fee of five  
8 dollars (\$5.00). The licensee shall notify the Division of the termination or change in status of  
9 any registered technician. All identification cards expire when a license expires."

10  
11 **NER/AGRICULTURE/INCREASE AGRICULTURAL LIMING MATERIALS**  
12 **TONNAGE FEES**

13 **SECTION 31.9.** G.S. 106-92.8 reads as rewritten:

14 **"§ 106-92.8. Tonnage fees: reporting system.**

15 For the purpose of defraying expenses connected with the registration, inspection and  
16 analysis of the materials coming under this Article, each manufacturer or registrant shall pay to  
17 the Department of Agriculture and Consumer Services tonnage fees in addition to registration  
18 fees as follows: for agricultural liming material, ~~ten cents (10¢)~~fifty cents (50¢) per ton; for  
19 landplaster, ~~ten cents (10¢)~~fifty cents (50¢) per ton; excepting that these fees shall not apply to  
20 materials which are sold to fertilizer manufacturers for the sole purpose for use in the  
21 manufacture of fertilizer or to materials when sold in packages of 10 pounds or less.

22 Any manufacturer, importer, jobber, firm, corporation or person who distributes materials  
23 coming under this Article in this State shall make application for a permit to report the  
24 materials sold and pay the tonnage fees as set forth in this section.

25 The Commissioner of Agriculture shall grant such permits on the following conditions: The  
26 applicant's agreement that he will keep such records as may be necessary to indicate accurately  
27 the tonnage of liming materials, etc., sold in the State and his agreement for the Commissioner  
28 or this authorized representative to examine such records to verify the tonnage statement. The  
29 registrant shall report quarterly and pay the applicable tonnage fees quarterly, on or before the  
30 tenth day of October, January, April, and July of each year. The report and payment shall cover  
31 the tonnage of liming materials, etc., sold during the preceding quarter. The report shall be on  
32 forms furnished by the Commissioner. If the report is not filed and the tonnage fees paid by the  
33 last day of the month in which it is due, or if the report be false, the amount due shall bear a  
34 penalty of ten percent (10%) which shall be added to the tonnage fees due. If the report is not  
35 filed and the tonnage fees paid within 60 days of the date due, or if the report or tonnage be  
36 false, the Commissioner may revoke the permit and cancel the registration."

37  
38 **NER/AGRICULTURE/INCREASE ANTIFREEZE DISTRIBUTION REGISTRATION**  
39 **FEE**

40 **SECTION 31.10.** G.S. 106-579.4 reads as rewritten:

41 **"§ 106-579.4. Registrations.**

42 On or before the first day of July of each year, and before any antifreeze may be distributed  
43 for the permit year beginning July 1, the manufacturer, packager, or person whose name  
44 appears on the label shall make application to the Commissioner on forms provided by the  
45 latter for registration for each brand of antifreeze which he desires to distribute. The application  
46 shall be accompanied by specimens or facsimiles of labeling for all container sizes to be  
47 distributed, when requested by the Commissioner; a license and inspection fee of ~~two hundred~~  
48 ~~fifty dollars (\$250.00)~~five hundred dollars (\$500.00) for each brand of antifreeze and a  
49 properly labeled sample of the antifreeze shall also be submitted at this time. The  
50 Commissioner may inspect, test, or analyze the antifreeze and review the labeling. If the  
51 antifreeze is not adulterated or misbranded, if it meets the standards established and



1 promulgated by the Board, and if the said antifreeze is not such a type or kind that is in  
2 violation of this Article, the Commissioner shall thereafter issue a written license or permit  
3 authorizing the sale of such antifreeze in this State for the fiscal year in which the license or  
4 inspection fee is paid. If the antifreeze is adulterated or misbranded, if it fails to meet standards  
5 promulgated by the Board, or is in violation of this Article or regulations thereunder, the  
6 Commissioner shall refuse to register the antifreeze, and he shall return the application to the  
7 applicant, stating how the antifreeze or labeling is not in conformity. If the Commissioner shall,  
8 at a later date, find that a properly registered antifreeze product has been materially altered or  
9 adulterated, or a change has been made in the name, brand or trademark under which the  
10 antifreeze is sold, or that it violates the provisions of this Article, or that it violates regulations,  
11 definitions or standards duly promulgated by the Board, he shall notify the applicant that the  
12 license authorizing sale of the antifreeze is canceled. No antifreeze license shall be canceled  
13 unless the registrant shall have been given an opportunity to be heard before the Commissioner  
14 or his duly designated agent and to modify his application in order to comply with the  
15 requirements of this Article and regulations, definitions, and standards promulgated by the  
16 Board. All fees received by the Commissioner shall be placed in the Department of Agriculture  
17 and Consumer Services fund for the purpose of supporting the antifreeze enforcement and  
18 testing program."  
19

20 **NER/ENVIRONMENT/REDUCE PORTION OF CERTIFICATE OF TITLE FEES**  
21 **CREDITED TO MERCURY SWITCH REMOVAL ACCOUNT**

22 **SECTION 31.11.** G.S. 20-85(a1) reads as rewritten:

23 "(a1) One dollar (\$1.00) of the fee imposed for any transaction assessed a fee under  
24 subdivision (a)(1), (a)(2), (a)(3), (a)(7), (a)(8), or (a)(9) of this section shall be credited to the  
25 North Carolina Highway Fund. The Division shall use the fees derived from transactions with  
26 the Division for technology improvements. The Division shall use the fees derived from  
27 transactions with commission contract agents for the payment of compensation to commission  
28 contract agents. An additional ~~one dollar (\$1.00)~~ fifty cents (50¢) of the fee imposed for any  
29 transaction assessed a fee under subdivision (a)(1) of this section shall be credited to the  
30 Mercury Switch Removal Account in the Department of Environment and Natural Resources."  
31

32 **NER/ENVIRONMENT/DIVERT SCRAP TIRE TAX PROCEEDS TO GENERAL**  
33 **FUND**

34 **SECTION 31.12.** Notwithstanding the provisions of G.S. 105-187.19(b), effective  
35 for taxes levied during the 2011-2012 fiscal year, the Secretary of Revenue shall credit to the  
36 General Fund the net tax proceeds that G.S. 105-187.19(b) directs the Secretary to credit to the  
37 Scrap Tire Disposal Account.  
38

39 **NER/ENVIRONMENT/DIVERT WHITE GOODS TAX PROCEEDS TO GENERAL**  
40 **FUND**

41 **SECTION 31.13.** Notwithstanding the provisions of G.S. 105-187.24, effective for  
42 taxes levied during the 2011-2012 fiscal year, the Secretary of Revenue shall credit to the  
43 General Fund the net tax proceeds that G.S. 105-187.24 directs the Secretary to credit to the  
44 White Goods Management Account.  
45

46 **NER/ENVIRONMENT/LOCALS TO SET AND COLLECT FOOD AND LODGING**  
47 **FEES AND RETAIN LARGER LOCAL PORTION OF THESE FEES**

48 **SECTION 31.14.(a)** G.S. 130A-248(d) reads as rewritten:

49 "(d) ~~The Department shall charge each~~ Each establishment subject to this section, except  
50 nutrition programs for the elderly administered by the Division of Aging and Adult Services of  
51 the Department of Health and Human Services, establishments that prepare and sell meat food

1 products or poultry products, and public school cafeterias, shall be required to pay a fee of  
2 ~~seventy-five dollars (\$75.00) not to exceed two hundred fifty dollars (\$250.00)~~ for each permit  
3 issued. This fee shall be reassessed annually for permits that do not expire. A grocery store that  
4 elects to have separate inspections of its meat and seafood, delicatessen, produce, and bakery  
5 operations shall not be assessed a total fee of more than five hundred dollars (\$500.00) for a  
6 permit issued under this subsection. The Commission shall adopt rules to implement this  
7 subsection. Fees collected under this subsection shall be used for State and local food, lodging,  
8 and institution sanitation programs and activities. No more than ~~thirty-three and one-third~~  
9 percent (~~33 1/3%~~)ten percent (10%) of the fees collected under this subsection may be used to  
10 support State health programs and activities. The fees under this subsection shall be set and  
11 collected by the local health department or the consolidated human services board, whichever  
12 applies, and the local health department or the consolidated human services board, whichever  
13 applies, shall send that portion of the fees to support State health programs and activities to the  
14 Department of Health and Human Services."

15 **SECTION 31.14.(b)** G.S. 153A-77 is amended by adding a new subsection to  
16 read:

17 "(d1) The consolidated human services board shall set fees for local food and lodging  
18 permits consistent with the provisions of G.S. 130A-248(d)."

19 **SECTION 31.14.(c)** G.S. 130A-39 is amended by adding a new subsection to read:

20 "(h) A local board of health shall impose a fee for local food and lodging permits  
21 consistent with the provisions of G.S. 130A-248(d). When the local health department is a  
22 county health department, the county board of commissioners must approve any fee imposed  
23 under this subsection. When the local health department is a district health department, the  
24 county board of commissioners of each county within the district must approve any fee  
25 imposed under this subsection."

## 27 **NER/ENVIRONMENT/ADDITIONAL USES OF HAZARDOUS WASTE FEES**

28 **SECTION 31.15.** G.S. 130A-294.1(b) reads as rewritten:

29 "(b) Funds collected pursuant to this section shall be used for personnel and other  
30 resources necessary to:

- 31 (1) Provide a high level of technical assistance and waste minimization effort  
32 for the hazardous waste management program;
- 33 (2) Provide timely review of permit applications;
- 34 (3) Insure that permit decisions are made on a sound technical basis and that  
35 permit decisions incorporate all conditions necessary to accomplish the  
36 purposes of this Part;
- 37 (4) Improve monitoring and compliance of the hazardous waste management  
38 program;
- 39 (5) Increase the frequency of inspections;
- 40 (6) Provide chemical, biological, toxicological, and analytical support for the  
41 hazardous waste management program; and
- 42 (7) Provide resources for emergency response to imminent hazards associated  
43 with the hazardous waste management program.
- 44 (8) Implement and provide oversight of necessary response activities involving  
45 inactive hazardous substance or waste disposal sites.
- 46 (9) Provide compliance and prevention activities within the solid waste program  
47 to ensure that hazardous waste is not disposed in solid waste management  
48 facilities.

## 50 **NER/LABOR/REPEAL STATUTE REQUIRING BIENNIAL REVIEW OF FEES BY** 51 **DEPARTMENT**

1           **SECTION 31.16.** G.S. 95-14.1 is repealed.

2  
3           **NER/NATURAL RESOURCES/DIVERT PORTION OF DEED STAMP TAX**  
4           **REVENUE SOURCE FOR NATURAL HERITAGE TRUST FUND**

5           **SECTION 31.17.** Notwithstanding the provisions of G.S. 105-228.30(b) and  
6 G.S. 113-77.9, effective for taxes levied during the 2011-2012 fiscal year, the Secretary of  
7 Revenue shall credit the sum of eight million dollars (\$8,000,000) to the General Fund of the  
8 net tax proceeds that G.S. 105-228.30(b) directs the Secretary to credit to the Natural Heritage  
9 Trust Fund.

10  
11           **NER/NATURAL RESOURCES/PARKS AND RECREATION TRUST FUND;**  
12           **ALLOCATION OF DEED STAMP TAX PROCEEDS CREDITED TO FUND**

13           **SECTION 31.18.(a)** Notwithstanding the provisions of G.S. 113-44.15(b),  
14 effective for taxes levied during the 2011-2012 fiscal year, the net tax proceeds that are credited  
15 to the Parks and Recreation Trust Fund by the Secretary of Revenue pursuant to  
16 G.S. 105-228.30(b) shall be allocated as follows:

- 17           (1) Six million dollars (\$6,000,000) shall be used for the operating expenses of  
18 the Division of Parks and Recreation of the Department of Environment and  
19 Natural Resources;
- 20           (2) Up to eight million dollars (\$8,000,000) shall be used for the State Parks  
21 System for capital projects, repairs and renovations of park facilities, land  
22 acquisition, and to retire debt incurred for these purposes under Article 9 of  
23 Chapter 142 of the General Statutes;
- 24           (3) Up to four million two hundred thirty thousand dollars (\$4,230,000) shall be  
25 used for grants to local government units consistent with the match and other  
26 requirements set forth in G.S. 113-44.14(b)(2); and
- 27           (4) Up to seven hundred five thousand dollars (\$705,000) shall be used for the  
28 Coastal and Estuarine Water Beach Access Program.

29           **SECTION 31.18.(b)** Any funds that become available to the Parks and Recreation  
30 Trust Fund during the 2011-2012 fiscal year that are in excess of the funds allocated under  
31 subsection (a) of this section shall be used as provided in G.S. 113-44.15(b).

32  
33           **NER/NATURAL RESOURCES/DIVERT PORTION OF DEED STAMP TAX**  
34           **REVENUE SOURCE FOR PARKS AND RECREATION TRUST FUND**

35           **SECTION 31.19.** Notwithstanding the provisions of G.S. 105-228.30(b) and  
36 G.S. 113-44.15, effective for taxes levied during the 2011-2012 fiscal year, the Secretary of  
37 Revenue shall credit the sum of eight million four hundred thirty-five thousand dollars  
38 (\$8,435,000) to the General Fund of the net tax proceeds that G.S. 105-228.30(b) directs the  
39 Secretary to credit to the Parks and Recreation Trust Fund.

40  
41           **NER/NATURAL RESOURCES/NEW FUNDING SOURCE FOR WILDLIFE**  
42           **RESOURCE COMMISSION OPERATING BUDGET**

43           **SECTION 31.20.(a)** G.S. 105-164.44B is repealed.

44           **SECTION 31.20.(b)** The Office of State Budget and Management, the State  
45 Controller, and the Wildlife Resources Commission shall jointly effectuate, beginning with the  
46 Wildlife Resources Commission's operating budget for the 2011-2012 fiscal year, the transition  
47 from the Wildlife Resources Commission receiving sales tax proceeds to fund its operating  
48 budget to the Wildlife Resources Commission receiving an appropriation of eighteen million  
49 five hundred thousand dollars (\$18,500,000) from the General Fund to fund its operating  
50 budget.

**NER/NATURAL RESOURCES/REPEAL DENR REVIEW OF FEE SCHEDULES**

**SECTION 31.21.** G.S. 143B-279.2(4) is repealed.

**NER/NATURAL RESOURCES/NO NEW FEES FOR PARKING IN STATE PARKS**

**SECTION 31.22.** Notwithstanding any provision to the contrary, the funds appropriated to the Department of Environment and Natural Resources for State Parks for the 2011-2012 fiscal year and for the 2012-2013 fiscal year shall not be reduced or replaced with fees for parking at State Parks, unless these fees were charged prior to the 2011-2012 fiscal year. No fees shall be charged and no fees shall be collected for parking in a State Park during the 2011-2012 fiscal year and for the 2012-2013 fiscal year, unless these fees were charged prior to the 2011-2012 fiscal year.

**JPS/AOC/INCREASE CERTAIN COURT COSTS**

**SECTION 31.23.(a)** G.S. 7A-304(a)(4) reads as rewritten:

"(a) In every criminal case in the superior or district court, wherein the defendant is convicted, or enters a plea of guilty or nolo contendere, or when costs are assessed against the prosecuting witness, the following costs shall be assessed and collected, except that when the judgment imposes an active prison sentence, costs shall be assessed and collected only when the judgment specifically so provides, and that no costs may be assessed when a case is dismissed.

...

- (4) For support of the General Court of Justice, the sum of one hundred ~~twenty-four~~ twenty-five dollars and fifty cents ~~(\$100.50)~~(\$124.50) in the district court, including cases before a magistrate, and the sum of one hundred ~~two~~ twenty-five ~~fifty-four~~ eighty dollars and fifty cents ~~(\$102.50)~~(\$154.50) in the superior court, to be remitted to the State Treasurer. For a person convicted of a felony in superior court who has made a first appearance in district court, both the district court and superior court fees shall be assessed. The State Treasurer shall remit the sum of ~~two dollars and five cents (\$2.05)~~one dollar (\$1.00) of each fee collected under this subdivision to the North Carolina State Bar for the provision of services described in G.S. 7A-474.4, and ninety-five cents (\$.95) of each fee collected under this subdivision to the North Carolina State Bar for the provision of services described in G.S. 7A-474.19."

**SECTION 31.23.(b)** G.S. 7A-305 reads as rewritten:

**"§ 7A-305. Costs in civil actions.**

(a) In every civil action in the superior or district court, except for actions brought under Chapter 50B of the General Statutes, shall be assessed:

...

- (2) For support of the General Court of Justice, the sum of one hundred ~~twenty-five~~ eighty dollars ~~(\$125.00)~~(\$180.00) in the superior court, except that if a case is assigned to a special superior court judge as a complex business case under G.S. 7A-45.3, an additional one thousand dollars (\$1,000) shall be paid upon its assignment, and the sum of ~~eighty-one~~ eighty ~~hundred thirty~~ eighty dollars ~~(\$80.00)~~(\$130.00) in the district court except that if the case is assigned to a magistrate the sum shall be ~~fifty-five~~ eighty dollars ~~(\$55.00)~~(\$80.00). Sums collected under this subdivision shall be remitted to the State Treasurer. The State Treasurer shall remit the sum of ~~two dollars and five cents (\$2.05)~~one dollar (\$1.00) of each fee collected under this subdivision to the North Carolina State Bar for the provision of services described in G.S. 7A-474.4, and ninety-five cents (\$.95) of each fee

collected under this subdivision to the North Carolina State Bar for the provision of services described in G.S. 7A-474.19.

...

(a5) In every civil action in the superior or district court wherein a party files a pleading containing a counterclaim or cross-claim, except for counterclaim and cross-claim actions brought under Chapter 50B of the General Statutes for which costs are assessed pursuant to subsection (a1) of this section, the following shall be assessed:

(1) For the use of the courtroom and related judicial facilities, the sum of twelve dollars (\$12.00) in cases heard before a magistrate, and the sum of sixteen dollars (\$16.00) in district and superior court, to be remitted to the municipality providing the facilities in which the judgment is rendered. If a municipality does not provide the facilities in which the judgment is rendered, the sum is to be remitted to the county in which the judgment is rendered. Funds derived from the facilities' fees shall be used in the same manner, for the same purposes, and subject to the same restrictions as facilities' fees assessed in criminal actions.

(2) For the upgrade, maintenance, and operation of the judicial and county courthouse phone systems, the sum of four dollars (\$4.00), to be credited to the Court Information Technology Fund.

(3) For support of the General Court of Justice, the sum of one hundred eighty dollars (\$180.00) in the superior court, except that if a case is assigned to a special superior court judge as a complex business case under G.S. 7A-45.3, an additional one thousand dollars (\$1,000) shall be paid upon its assignment, and the sum of one hundred thirty dollars (\$130.00) in the district court, except that if the case is assigned to a magistrate, the sum shall be eighty dollars (\$80.00). Sums collected under this subdivision shall be remitted to the State Treasurer. The State Treasurer shall remit the sum of one dollar (\$1.00) of each fee collected under this subdivision to the North Carolina State Bar for the provision of services described in G.S. 7A-474.4, and ninety-five cents (\$.95) of each fee collected under this subdivision to the North Carolina State Bar for the provision of services described in G.S. 7A-474.19.

...

(f) For the support of the General Court of Justice, the sum of twenty dollars (\$20.00) shall accompany any motion not listed in G.S. 7A-308 that is filed with the clerk."

**SECTION 31.23.(c)** G.S. 7A-306 reads as rewritten:

**"§ 7A-306. Costs in special proceedings.**

(a) In every special proceeding in the superior court, the following costs shall be assessed:

...

(2) For support of the General Court of Justice the sum of ~~seventy five one hundred six~~ seventy five one hundred six dollars ~~(\$75.00)-(\$106.00)~~. In addition, in proceedings involving land, except boundary disputes, if the fair market value of the land involved is over one hundred dollars (\$100.00), there shall be an additional sum of thirty cents (30¢) per one hundred dollars (\$100.00) of value, or major fraction thereof, not to exceed a maximum additional sum of two hundred dollars (\$200.00). Fair market value is determined by the sale price if there is a sale, the appraiser's valuation if there is no sale, or the appraised value from the property tax records if there is neither a sale nor an appraiser's valuation. Sums collected under this subdivision shall be remitted to the State Treasurer. The State Treasurer shall remit the sum of ~~two dollars and~~

~~five cents (\$2.05)~~ one dollar (\$1.00) of each ~~seventy five dollar (\$75.00)~~ one hundred six dollar (\$106.00) General Court of Justice fee collected under this subdivision to the North Carolina State Bar for the provision of services described in G.S. 7A-474.4.

...  
(g) For the support of the General Court of Justice, the sum of twenty dollars (\$20.00) shall accompany any motion not listed in G.S. 7A-308 that is filed with the clerk."

**SECTION 31.23.(d)** G.S. 7A-307(a) reads as rewritten:

"(a) In the administration of the estates of decedents, minors, incompetents, of missing persons, and of trusts under wills and under powers of attorney, in trust proceedings under G.S. 36C-2-203, and in collections of personal property by affidavit, the following costs shall be assessed:

...  
(2) For support of the General Court of Justice, the sum of ~~seventy five~~ one hundred six dollars ~~(\$75.00), (\$106.00)~~, plus an additional forty cents (40¢) per one hundred dollars (\$100.00), or major fraction thereof, of the gross estate, not to exceed six thousand dollars (\$6,000). Gross estate shall include the fair market value of all personalty when received, and all proceeds from the sale of realty coming into the hands of the fiduciary, but shall not include the value of realty. In collections of personal property by affidavit, the fee based on the gross estate shall be computed from the information in the final affidavit of collection made pursuant to G.S. 28A-25-3 and shall be paid when that affidavit is filed. In all other cases, this fee shall be computed from the information reported in the inventory and shall be paid when the inventory is filed with the clerk. If additional gross estate, including income, comes into the hands of the fiduciary after the filing of the inventory, the fee for such additional value shall be assessed and paid upon the filing of any account or report disclosing such additional value. For each filing the minimum fee shall be fifteen dollars (\$15.00). Sums collected under this subdivision shall be remitted to the State Treasurer. The State Treasurer shall remit the sum of ~~two dollars and five cents (\$2.05)~~ one dollar (\$1.00) of each ~~seventy five dollar (\$75.00)~~ one hundred six dollar (\$106.00) General Court of Justice fee collected under this subdivision to the North Carolina State Bar for the provision of services described in G.S. 7A-474.4.

...  
(4) For the support of the General Court of Justice, the sum of twenty dollars (\$20.00) shall accompany any motion not listed in G.S. 7A-308 that is filed with the clerk."

**SECTION 31.23.(e)** G.S. 7A-308(a) reads as rewritten:

"(a) The following miscellaneous fees and commissions shall be collected by the clerk of superior court and remitted to the State for the support of the General Court of Justice:

(1) Foreclosure under power of sale in deed of trust or mortgage..... ~~\$150.00~~ \$300.00  
If the property is sold under the power of sale, an additional amount will be charged, determined by the following formula: forty-five cents (.45) per one hundred dollars (\$100.00), or major fraction thereof, of the final sale price. If the amount determined by the formula is less than ten dollars (\$10.00), a minimum ten dollar (\$10.00) fee will be collected. If the amount determined by the formula is more than five hundred dollars (\$500.00), a maximum five hundred-dollar (\$500.00) fee will be collected.

(21) In civil matters, all alias and pluries summons issued and all endorsements issued on an original summons ..... \$15.00."

SECTION 31.23.(f) G.S. 7A-34.1 is repealed.

**JPS/AOC/COMMUNITY MEDIATION CENTERS/WORTHLESS CHECK PROGRAMS**

SECTION 31.24.(a) G.S. 14-107.2 is amended by adding a new subsection to read:

"(b1) A community mediation center may establish and charge fees for its services in the collection of worthless checks as part of a program established under this section and may assist the Administrative Office of the Courts and district attorneys in the establishment of worthless check programs in any districts in which worthless check programs have not been established."

SECTION 31.24.(b) G.S. 7A-38.7 is amended by adding a new subsection to read:

"(a1) A community mediation center operating pursuant to this Article may establish and charge fees for its services."

**JPS/AOC/INCREASE INTERSTATE COMPACT FEE**

SECTION 31.25. G.S. 148-65.7(a) reads as rewritten:

"(a) Persons convicted in this State who make a request for transfer to another state pursuant to the compact shall pay a transfer application of ~~one-two~~ hundred fifty dollars ~~(\$150.00)~~(\$250.00) for each transfer application submitted. The transfer application fee shall be paid to the Compact Commissioner upon submission of the transfer application. The Commissioner or the Commissioner's designee may waive the application fee if either the Commissioner or the Commissioner's designee finds that payment of the fee will constitute an undue economic burden on the offender.

All fees collected pursuant to this section shall be deposited in the Interstate Compact Fund and shall be used only to support administration of the Interstate Compact.

The Interstate Compact Fund is established within the Department of Correction as a nonreverting, interest-bearing special revenue account. Accordingly, revenue in the Fund at the end of a fiscal year does not revert, and interest and other investment income earned by the Fund shall be credited to it. All moneys collected by the Department of Correction pursuant to this subsection shall be remitted to the State Treasurer to be deposited and held in this Fund. Moneys in the Fund shall be used to supplement funds otherwise available to the Department of Correction for the administration of the Interstate Compact."

**JPS/AOC/CONTINGENT COURT COST INCREASES FOR COUNTIES**

SECTION 31.26.(a) If House Bill 642 or other substantially similar legislation that requires a misdemeanor with a period of confinement of six months or less to serve the period in a local confinement facility becomes law, then G.S. 7A-304(a)(2) reads as rewritten:

"(a) In every criminal case in the superior or district court, wherein the defendant is convicted, or enters a plea of guilty or nolo contendere, or when costs are assessed against the prosecuting witness, the following costs shall be assessed and collected, except that when the judgment imposes an active prison sentence, costs shall be assessed and collected only when the judgment specifically so provides, and that no costs may be assessed when a case is dismissed.

...

(2) For the use of the courtroom and related judicial facilities, the sum of ~~twelve~~ thirty dollars ~~(\$12.00)~~(\$30.00) in the district court, including cases before a magistrate, and the sum of thirty dollars (\$30.00) in superior court, to be remitted to the county in which the judgment is rendered. In all cases where the judgment is rendered in facilities provided by a municipality, the

1 facilities fee shall be paid to the municipality. Funds derived from the  
2 facilities fees shall be used exclusively by the county or municipality for  
3 providing, maintaining, and constructing adequate courtroom and related  
4 judicial facilities, including: adequate space and furniture for judges, district  
5 attorneys, public defenders and other personnel of the Office of Indigent  
6 Defense Services, magistrates, juries, and other court related personnel;  
7 office space, furniture and vaults for the clerk; jail and juvenile detention  
8 facilities; free parking for jurors; and a law library (including books) if one  
9 has heretofore been established or if the governing body hereafter decides to  
10 establish one. In the event the funds derived from the facilities fees exceed  
11 what is needed for these purposes, the county or municipality may use any or  
12 all of the excess to retire outstanding indebtedness incurred in the  
13 construction of the facilities, or to reimburse the county or municipality for  
14 funds expended in constructing or renovating the facilities (without incurring  
15 any indebtedness) within a period of two years before or after the date a  
16 district court is established in such county, or to supplement the operations  
17 of the General Court of Justice in the county.

18 ...."

19 **SECTION 31.26.(b)** If House Bill 642 or other substantially similar legislation that  
20 requires a misdemeanor with a period of confinement of six months or less to serve the period  
21 in a local confinement facility becomes law, then G.S. 7A-304(a) is amended by adding a new  
22 subdivision to read:

23 "(a) In every criminal case in the superior or district court, wherein the defendant is  
24 convicted, or enters a plea of guilty or nolo contendere, or when costs are assessed against the  
25 prosecuting witness, the following costs shall be assessed and collected, except that when the  
26 judgment imposes an active prison sentence, costs shall be assessed and collected only when  
27 the judgment specifically so provides, and that no costs may be assessed when a case is  
28 dismissed.

29 ...

30 (4b) To provide for contractual services to reduce county jail populations, the  
31 sum of fifty dollars (\$50.00) for all offenses arising under Chapter 20 of the  
32 General Statutes and resulting in a conviction of an improper equipment  
33 offense, to be remitted to the Department of Correction."

34 **SECTION 31.26.(c)** If House Bill 642 or other substantially similar legislation that  
35 requires a misdemeanor with a period of confinement of six months or less to serve the period  
36 in a local confinement facility becomes law, then G.S. 7A-311(a) reads as rewritten:

37 "(a) In a civil action or special proceeding, except for actions brought under Chapter 50B  
38 of the General Statutes, the following fees and commissions shall be assessed, collected, and  
39 remitted to the county:

- 40 (1) a. For each item of civil process served, including summons,  
41 subpoenas, notices, motions, orders, writs and pleadings, the sum of  
42 ~~fifteen-thirty~~ dollars ~~(\$15.00)-(\$30.00)~~. When two or more items of  
43 civil process are served simultaneously on one party, only one  
44 ~~fifteen-dollar (\$15.00)thirty-dollar (\$30.00)~~ fee shall be charged.

45 ...."

46 **SECTION 31.26.(d)** If House Bill 642 or other substantially similar legislation that  
47 requires a misdemeanor with a period of confinement of six months or less to serve the period  
48 in a local confinement facility becomes law, then G.S. 7A-313 reads as rewritten:

49 "**§ 7A-313. Uniform jail fees.**

50 Persons who are lawfully confined in jail awaiting trial shall be liable to the county or  
51 municipality maintaining the jail in the sum of ~~five-ten~~ dollars ~~(\$5.00)-(\$10.00)~~ for each 24



1 hours' confinement, or fraction thereof, except that a person so confined shall not be liable for  
 2 this fee if the case or proceeding against him is dismissed, or if acquitted, or if judgment is  
 3 arrested, or if probable cause is not found, or if the grand jury fails to return a true bill.

4 Persons who are ordered to pay jail fees pursuant to a probationary sentence shall be liable  
 5 to the county or municipality maintaining the jail at the same per diem rate paid by the  
 6 Department of Correction to local jails for maintaining a prisoner, as set by the General  
 7 Assembly in its appropriations acts."

8 **SECTION 31.26.(e)** If House Bill 642 or other substantially similar legislation that  
 9 requires a misdemeanor with a period of confinement of six months or less to serve the period  
 10 in a local confinement facility becomes law, then G.S. 153A-225(a) reads as rewritten:

11 "(a) Each unit that operates a local confinement facility shall develop a plan for  
 12 providing medical care for prisoners in the facility. The plan

- 13 (1) Shall be designed to protect the health and welfare of the prisoners and to  
 14 avoid the spread of contagious disease;
- 15 (2) Shall provide for medical supervision of prisoners and emergency medical  
 16 care for prisoners to the extent necessary for their health and welfare;
- 17 (3) Shall provide for the detection, examination and treatment of prisoners who  
 18 are infected with tuberculosis or venereal diseases.

19 The unit shall develop the plan in consultation with appropriate local officials and  
 20 organizations, including the sheriff, the county physician, the local or district health director,  
 21 and the local medical society. The plan must be approved by the local or district health director  
 22 after consultation with the area mental health, developmental disabilities, and substance abuse  
 23 authority, if it is adequate to protect the health and welfare of the prisoners. Upon a  
 24 determination that the plan is adequate to protect the health and welfare of the prisoners, the  
 25 plan must be adopted by the governing body.

26 As a part of its plan, each unit may establish fees of not more than ~~ten dollars (\$10.00)~~  
 27 twenty dollars (\$20.00) per incident for the provision of nonemergency medical care to  
 28 prisoners. In establishing fees pursuant to this section, each unit shall establish a procedure for  
 29 waiving fees for indigent prisoners."  
 30

31 **GENGOV/INS/SET INSURANCE REGULATORY CHARGE**

32 **SECTION 31.27.(a)** The percentage rate to be used in calculating the insurance  
 33 regulatory charge under G.S. 58-6-25 is six percent (6%) for the 2011 calendar year.

34 **SECTION 31.27.(b)** This section is effective when it becomes law.  
 35

36 **IT/INFORMATION TECHNOLOGY FUND/AVAILABILITY**

37 **SECTION 31.28.(a)** The availability used to support appropriations made in this  
 38 act from the Information Technology Fund established in G.S. 147-33.72H is as follows:

	<b>FY 2011-2012</b>	<b>FY 2012-2013</b>
39		
40		
41	Appropriation from General Fund	\$4,458,142
42	Interest	\$ 100,000
43	IT Fund Balance June 30	\$2,454,934
44		
45	<b>Total Funds Available</b>	<b>\$7,013,076</b>
46		<b>\$7,485,609</b>

47 Appropriations are made from the Information Technology Fund for the 2011-2013 fiscal  
 48 biennium as follows:

49 **FY 2011-2012**      **FY 2012-2013**

50  
 51 Information Technology Operations

1	Center for Geographic Information and Analysis	\$ 599,347	\$ 599,347
2	Enterprise Security Risk Management	\$1,064,148	\$1,064,148
3	Enterprise Project Management Office	\$1,673,285	\$1,673,285
4	Architecture and Engineering	\$ 648,000	\$ 648,000
5	Criminal Justice Information Network	\$ 166,422	\$ 166,422
6	Statewide IT Procurement	\$0	\$0
7	ITS Overhead Reduction	(\$91,486)	(\$91,486)
8	Subtotal Information Technology Operations	\$4,059,716	\$4,059,716
9	Information Technology Projects		
10	State Portal	\$0	\$0
11	IT Consolidation	\$1,320,893	\$ 820,893
12	Transfer to OSC for Data Integration	\$ 100,000	\$ 100,000
13	Subtotal Information Technology Projects	\$1,420,893	\$ 920,893
14	Data Integration License Funding Transfer to State Agencies	\$ 200,000	\$2,400,000
15	Position Transfer to Office of State Budget and Management	\$ 105,000	\$ 105,000
16	<b>Total</b>	<b>\$5,785,609</b>	<b>\$7,485,609</b>

17  
18 **SECTION 31.28.(b)** Statewide information technology procurement shall be  
19 funded through a fee charged to agencies using their services. The Office of the State Chief  
20 Information Officer shall provide a fee schedule to allow cost recovery to the Office of State  
21 Budget and Management.

22 **SECTION 31.28.(c)** By September 1 of each year, data integration funding in the  
23 Information Technology Fund for that State fiscal year shall be transferred to State agencies in  
24 proportion to their use of data integration licenses at that point in time. The State Chief  
25 Information Officer shall report to the Joint Legislative Oversight Committee on Information  
26 Technology Operations and the Fiscal Research Division by September 2 of each year on the  
27 status of the transfer.

28 Any licensing requirements after the 2011-2013 fiscal biennium shall be the responsibility  
29 of the participating agency. The State Chief Information Officer shall notify affected agencies  
30 of this requirement by September 1, 2011. The State Chief Information Officer shall ensure that  
31 agencies choosing to participate after that date are notified prior to agreeing to participate in the  
32 data integration license agreement. The State Chief Information Officer shall report to the Joint  
33 Legislative Oversight Committee on Information Technology Operations and the Fiscal  
34 Research Division by September 2, 2011, on agency notification of their responsibility to fund  
35 any data integration license requirements after the 2011-2013 fiscal biennium.

36 **SECTION 31.28.(d)** This section is effective when it becomes law.  
37

### 38 **TRANSPORTATION/DIVISION OF MOTOR VEHICLES BULK DATA**

39 **SECTION 31.29.(a)** G.S. 20-43.1 is amended by adding a new subsection to read:  
40 **"§ 20-43.1. Disclosure of personal information in motor vehicle records.**

41 (a) The Division shall disclose personal information contained in motor vehicle records  
42 in accordance with the federal Driver's Privacy Protection Act of 1994, as amended, 18 U.S.C.  
43 §§ 2721, et seq.

44 (b) As authorized in 18 U.S.C. § 2721, the Division shall not disclose personal  
45 information for the purposes specified in 18 U.S.C. § 2721(b)(11).

46 (c) The Division shall not disclose personal information for the purposes specified in 18  
47 U.S.C. § 2721(b)(12) unless the Division receives prior written permission from the person  
48 about whom the information is requested.

49 (d) As authorized in 18 U.S.C. § 2721, the Division may disclose personal information  
50 to federally designated organ procurement organizations and eye banks operating in this State  
51 for the purpose of identifying individuals who have indicated an intent to be an organ donor.

1 Personal information authorized under this subsection is limited to the individual's first, middle,  
2 and last name, date of birth, address, sex, county of residence, and drivers license number.  
3 Employees of the Division who provide access to or disclosure of information in good-faith  
4 compliance with this subsection are not liable in damages for access to or disclosure of the  
5 information.

6 (e) As authorized in 18 U.S.C. § 2721, the Division may also provide copies of partial  
7 crash report data collected pursuant to G.S. 20-166.1, partial driver license data kept pursuant  
8 to G.S. 20-26(a), and partial vehicle registration application data collected pursuant to  
9 G.S. 20-52 in bulk form to persons, private companies, or other entities, for uses other than  
10 official, upon payment of a fee of three cents (3¢) per individual record. The Division shall not  
11 furnish such data except upon execution by the recipient of a written agreement to comply with  
12 the Driver's Privacy Protection Act of 1994, as amended, 18 U.S.C. §§ 2721, et seq. The  
13 information released to persons, private companies, or other entities, for uses other than  
14 official, pursuant to this subsection, shall not be a public record pursuant to Chapter 132 of the  
15 General Statutes."

## 18 TRANSPORTATION/FERRY DIVISION TOLLING ON ALL ROUTES

19 SECTION 31.30.(a) Effective April 1, 2012, G.S. 136-82 reads as rewritten:

20 "§ 136-82. Department of Transportation to establish and maintain ferries.

21 The Department of Transportation is vested with authority to provide for the establishment  
22 and maintenance of ferries connecting the parts of the State highway system, whenever in its  
23 discretion the public good may so require, and to prescribe and collect such tolls therefor as  
24 may, in the discretion of the Department of Transportation, be expedient. All ferry routes shall  
25 be tolled in an amount established by the Board of Transportation.

26 To accomplish the purpose of this section said Department of Transportation is authorized  
27 to acquire, own, lease, charter or otherwise control all necessary vessels, boats, terminals or  
28 other facilities required for the proper operation of such ferries or to enter into contracts with  
29 persons, firms or corporations for the operation thereof and to pay therefor such reasonable  
30 sums as may in the opinion of said Department of Transportation represent the fair value of the  
31 public service rendered.

32 The Department of Transportation, notwithstanding any other provision of law, may  
33 operate, or contract for the operation of, concessions on the ferries and at ferry facilities to  
34 provide to passengers on the ferries food, drink, and other refreshments, personal comfort  
35 items, and souvenirs publicizing the ferry system."

36 SECTION 31.30.(b) The Board of Transportation shall toll all ferry routes no later  
37 than the effective date of subsection (a) of this section, but is encouraged to begin tolling on all  
38 routes before that date. In establishing tolls for ferry routes under G.S. 136-82, as amended by  
39 this section, the Board of Transportation shall consider the needs of commuters and other  
40 frequent passengers.

## 42 PART XXXI-A: EFFECTIVE DATE

43  
44 SECTION 31A.1. Unless otherwise provided herein, this act becomes effective  
45 July 1, 2011.