



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 22

ADOPTED

AMENDMENT NO. 1  
(to be filled in by  
Principal Clerk)

H22-ALR-38 [v.3]

Page 1 of 7

Comm. Sub. [YES]  
Amends Title [NO]  
Second Edition

Date June 16, 2011

Senator Stevens

1 moves to amend the bill on page 7, line 22,  
2 by deleting "G.S. 116-30A" and substituting "G.S. 116-30.3A";

3  
4 and further moves to amend the bill on page 9, line 24, by rewriting that line to read:  
5 "**SECTION 11.(a)** Section 6A.1(d) of Session Law 2011-145 reads as rewritten:";

6  
7 and further moves to amend the bill on page 15, lines 15-16, by inserting the following between  
8 those lines:

9 "**SECTION 21A.** Section 10.5 of S.L. 2011-145 reads as rewritten:  
10 '**SECTION 10.5.(a)** The North Carolina Partnership for Children, Inc. shall not  
11 reduce the allocation for counties with less than 35,000 in population by more than twenty  
12 percent (20%) of their current allocation/State funding level.

13 **SECTION ~~10.5.(a)~~10.5.(a1)** Administrative costs shall be equivalent to, on an  
14 average statewide basis for all local partnerships, not more than eight percent (8%) of the total  
15 statewide allocation to all local partnerships. For purposes of this subsection, administrative  
16 costs shall include costs associated with partnership oversight, business and financial  
17 management, general accounting, human resources, budgeting, purchasing, contracting, and  
18 information systems management. The North Carolina Partnership for Children, Inc., shall  
19 develop a single statewide contract management system that incorporates features of the  
20 required standard fiscal accountability plan described in G.S. 143B-168.12(a)(4). All local  
21 partnerships shall be required to participate in the contract management system and shall be  
22 directed by the North Carolina Partnership for Children, Inc., to collaborate, to the fullest extent  
23 possible, with other local partnerships to increase efficiency and effectiveness.

24 ...  
25 **SECTION 10.5.(e)** The North Carolina Partnership for Children, Inc., and all local  
26 partnerships shall, in the aggregate, be required to match one hundred percent (100%) of the  
27 total amount budgeted for the program in each fiscal year of the biennium. Of the funds the  
28 North Carolina Partnership for Children, Inc., and the local partnerships are required to match,  
29 contributions of cash shall equal to at least ~~ten~~ seven percent (~~10%~~)(7%) and in-kind donated  
30 resources equal to no more than three percent (3%) for a total match requirement of ~~thirteen~~ ten  
31 percent (~~13%~~)(10%) for each fiscal year. The North Carolina Partnership for Children, Inc.,  
32 may carry forward any amount in excess of the required match for a fiscal year in order to meet  
33 the match requirement of the succeeding fiscal year. Only in-kind contributions that are



\* H 2 2 - A L R - 3 8 - V - 3 \*

NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 22

AMENDMENT NO.   1    
(to be filled in by  
Principal Clerk)

H22-ALR-38 [v.3]

Page 2 of 7

1 quantifiable shall be applied to the in-kind match requirement. Volunteer services may be  
2 treated as an in-kind contribution for the purpose of the match requirement of this subsection.  
3 Volunteer services that qualify as professional services shall be valued at the fair market value  
4 of those services. All other volunteer service hours shall be valued at the statewide average  
5 wage rate as calculated from data compiled by the Employment Security Commission in the  
6 Employment and Wages in North Carolina Annual Report for the most recent period for which  
7 data are available. Expenses, including both those paid by cash and in-kind contributions,  
8 incurred by other participating non-State entities contracting with the North Carolina  
9 Partnership for Children, Inc., or the local partnerships, also may be considered resources  
10 available to meet the required private match. In order to qualify to meet the required private  
11 match, the expenses shall:

- 12 (1) Be verifiable from the contractor's records.
- 13 (2) If in-kind, other than volunteer services, be quantifiable in accordance with  
14 generally accepted accounting principles for nonprofit organizations.
- 15 (3) Not include expenses funded by State funds.
- 16 (4) Be supplemental to and not supplant preexisting resources for related  
17 program activities.
- 18 (5) Be incurred as a direct result of the Early Childhood Initiatives Program and  
19 be necessary and reasonable for the proper and efficient accomplishment of  
20 the Program's objectives.
- 21 (6) Be otherwise allowable under federal or State law.
- 22 (7) Be required and described in the contractual agreements approved by the  
23 North Carolina Partnership for Children, Inc., or the local partnership.
- 24 (8) Be reported to the North Carolina Partnership for Children, Inc., or the local  
25 partnership by the contractor in the same manner as reimbursable expenses.

26 Failure to obtain a ~~thirteen-ten percent (13%)(10%)~~ match by June 30 of each fiscal  
27 year shall result in a dollar-for-dollar reduction in the appropriation for the Program for a  
28 subsequent fiscal year. The North Carolina Partnership for Children, Inc., shall be responsible  
29 for compiling information on the private cash and in-kind contributions into a report that is  
30 submitted to the Joint Legislative Commission on Governmental Operations in a format that  
31 allows verification by the Department of Revenue. The same match requirements shall apply to  
32 any expansion funds appropriated by the General Assembly.

33 ....";

34  
35 and further moves to amend the bill on page 16, lines 23-26, by rewriting the lines to read:

36 "SECTION 10.37.(a) The Department of Health and Human Services, Division of  
37 Medical Assistance, may take the following actions, notwithstanding any other provision of this  
38 act or other State law or rule to the contrary:

- 39 (1) In-Home Care provision. – In order to enhance in-home aide services to  
40 Medicaid recipients, the Department of Health and Human Services,  
41 Division of Medical Assistance, shall:
  - 42 a. No longer provide services under PCS and PCS-Plus ~~the later of~~  
43 ~~January 1, 2012, or~~ whenever CMS approves the elimination of the

NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 22

AMENDMENT NO.   1    
(to be filled in by  
Principal Clerk)

H22-ALR-38 [v.3]

Page 3 of 7

1 PCS and PCS-Plus programs and the implementation of the  
2 following two new services:

3 ...";

4  
5 and further moves to amend the bill on page 17, lines 20-21, by inserting the following between  
6 those lines:

7 "SECTION 26A. Section 10.49A of S.L. 2011-145 reads as rewritten:

8 **'HOME CARE AGENCY LICENSURE MORATORIUM IN-HOME AIDE SERVICES**

9 SECTION 10.49A. Beginning July 1, 2011, and for a period of three years  
10 thereafter, the Department of Health and Human Services shall not issue any licenses for home  
11 care agencies as defined in G.S. 131E-136(2) that intend to offer in-home aide services. The  
12 prohibition shall not restrict the Department from issuing licenses to certified home health  
13 agencies as defined in G.S. 131E-176(12) that intend to offer in-home aide services or to  
14 agencies that need a new license for an existing home care agency being acquired. The  
15 Secretary may at any time license a new home care agency in any area of the State if access to  
16 care becomes an issue during the time frame set forth above. Companion and Sitter services are  
17 exempt from this restriction. All completed applications that include the applicable fee received  
18 in the Division of Health Service Regulation prior to July 1, 2011, may be processed for  
19 licensure.";

20  
21 and further moves to amend the bill on page 21, lines 19-20, by inserting the following between  
22 those lines:

23 "SECTION 38.1.(a) Section 14.3A of S.L. 2011-145 is repealed.

24 SECTION 38.1.(b) Part 2J of Article 10 of Chapter 143B of the General Statutes,  
25 as repealed by Section 14.3B of S.L. 2011-145, is re-enacted.

26 SECTION 38.1.(c) G.S. 143B-437.91, as re-enacted by subsection (b) of this  
27 section, reads as rewritten:

28 **'§143B-437.91. North Carolina Wine and Grape Growers Council – Composition; terms;**  
29 **reimbursement.**

30 (a) The North Carolina Wine and Grape Growers Council shall consist of ~~11~~ 10  
31 members who shall be appointed by the Secretary of Commerce in the following manner: seven  
32 commercial grape growers; three winery operators; and one retailer of North Carolina grape  
33 products. For purposes of this Article, a commercial grape grower is one who has at least three  
34 acres of grapes or sells ten thousand dollars (\$10,000) worth of grapes annually. The Secretary  
35 shall appoint members for staggered four year terms. Members shall serve until their  
36 successors are appointed and qualified. Any member of the Council may be reappointed for  
37 additional terms. Any appointment to fill a vacancy on the Council shall be for the balance of  
38 the unexpired term. Any member of the Council may be removed by the Secretary for  
39 misfeasance, malfeasance, or nonfeasance.

40 (b) Members of the Council shall receive per diem and necessary travel and subsistence  
41 expenses in accordance with G.S. 138-5 from funds appropriated for the operation of the  
42 Council.

NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 22

AMENDMENT NO.   1    
(to be filled in by  
Principal Clerk)

H22-ALR-38 [v.3]

Page 4 of 7

1       ~~(e) All clerical and other services required by the Council may be provided by the~~  
2 ~~Department of Commerce.~~

3       ~~(d) The Secretary of Commerce shall appoint a chair who shall serve at the pleasure of~~  
4 ~~the Secretary.~~

5       ~~(e) The Council may select a secretary who need not be a member of the Council.~~

6       ~~(f) The Council shall meet when necessary as determined by the chair or upon written~~  
7 ~~request of a majority of the members.~~

8       ~~(g) A majority of the Council shall constitute a quorum for the transaction of business.~~  
9 Commerce as provided in this section. The members of the Council shall be divided into an  
10 advisory committee for the Vinifera Group and an advisory committee for the Muscadines  
11 Group for the purpose of performing the powers and duties prescribed in G.S. 143B-437.90 and  
12 for the purpose of promoting North Carolina wineries and tourism related to the wineries.

13       (b) Each advisory committee shall consist of five members, who shall be appointed by the  
14 Secretary of Commerce to serve two-year terms, which shall be staggered. The members  
15 appointed shall be chosen from among individuals who have education or experience in the  
16 wine industry or in the field of tourism. No member of an advisory committee may serve for  
17 more than two consecutive terms. Initial terms shall commence September 1, 2011.

18       (c) Each advisory committee shall meet at least twice each calendar year during which time  
19 each committee shall discuss issues related to the Council's powers and duties, including ways  
20 in which to promote and advertise North Carolina wineries and ways in which to improve, use,  
21 and distribute State maps showing winery locations. The Vinifera Group shall meet at the NC  
22 Shelton Badgett Viticulture Center at Surry Community College, and the Muscadines Group  
23 shall meet at Duplin Community College. After each meeting, each advisory committee shall  
24 report to the Secretary of Commerce with its recommendations. Notwithstanding any other  
25 provision of law, committee members shall receive no salary, per diem, subsistence, travel  
26 reimbursement, or other stipend or reimbursement as a result of serving on their respective  
27 committees.

28       (d) Each advisory committee shall elect from the membership of each committee a chair  
29 and vice-chair. Vacancies resulting from the resignation of a member or otherwise shall be  
30 filled in the same manner in which the original appointment was made, and the term shall be  
31 for the balance of the unexpired term. A majority of the members of each committee shall  
32 constitute a quorum for the transaction of business. The affirmative vote of a majority of the  
33 members present at meetings of each committee shall be necessary for action to be taken by the  
34 committee.'

35       **SECTION 38.1(d)** The terms of the current members of the North Carolina Wine  
36 and Grape Growers Council shall expire on June 30, 2011.

37       **SECTION 38.1(e)** Notwithstanding any provision of S.L. 2011-145 to the  
38 contrary:

- 39       (1) Position # 60080945 shall not be eliminated, but that position, including  
40 salary and benefits, shall be paid for with funds appropriated in this act for  
41 NC Wineries & Tourism.
- 42       (2) The sum of five hundred thousand dollars (\$500,000) in non-recurring funds  
43 for the 2011-2012 fiscal year that is appropriated in S.L. 2011-145 for NC

NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 22

AMENDMENT NO.   1    
(to be filled in by  
Principal Clerk)

H22-ALR-38 [v.3]

Page 5 of 7

1                   Wineries & Tourism shall be used to promote the Vinifera and Muscadine  
2                   wineries rather than being allocated to the Vinifera and Muscadine Groups.";

3  
4                   and further moves to amend the bill on page 21, lines 19-20, by inserting the following between  
5                   those lines:

6                   "SECTION 38.2. Notwithstanding any provision of S.L. 2011-145 to the contrary,  
7                   the sum of one hundred thousand dollars (\$100,000) in recurring funds for the 2011-2012 fiscal  
8                   year is appropriated to the Department of Commerce to allocate to the Appalachian Energy  
9                   Center at Appalachian State University." ;

10  
11                   and further moves to amend the bill on page 21, lines 43-44, by inserting the following between  
12                   those lines:

13                   "SECTION 40.1. S.L. 2011-145 is amended by adding a new section to read:

14                   **PROSECUTORIAL OFFICE STAFF**

15                   SECTION 15.23. Notwithstanding any other provision of this act, the  
16                   Administrative Office of the Courts shall reduce support staff in prosecutorial offices using a  
17                   blended ratio/workload model developed by their Office of Research and Planning. There is no  
18                   limit on the percentage reduction that any one prosecutorial office may take.";

19  
20                   and further moves to amend the bill on page 22, line 32, by inserting on that line a new section  
21                   to read:

22                   "SECTION 42.1. Section 18.10.(c) of S.L. 2011-145 is repealed.";

23  
24                   moves to amend the bill on page 25, lines 42-43, by inserting the following between those  
25                   lines:

26                   **"RESTORE POSITION AT FORT DOBBS**

27                   SECTION 21.5. Notwithstanding any other provision of S.L. 2011-145 or this act,  
28                   the Department of Cultural Resources shall use the funds appropriated to it to fully restore  
29                   Historic Sites Specialist II at Fort Dobbs, Position # 60083465."

30  
31                   and further moves to amend the bill on page 29, line 5, by deleting "around" and substituting  
32                   "based on";

33  
34                   and further moves to amend the bill on page 29, lines 6-7, by inserting the following between  
35                   those lines:

36                   "SECTION 58.1. S.L. 2011-145 is amended by adding a new section to read:

37                   **'DMV/DRIVER LICENSE SERVICES**

38                   SECTION 28.23F. Of funds appropriated to the Division of Motor Vehicles by  
39                   this act, the Division shall restore one day per week licensing services at a fixed office location  
40                   in the Town of Walnut Cove, Stokes County. The Division may utilize facilities or office space  
41                   donated to the Division for this purpose.";

42

NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 22

AMENDMENT NO. 1  
(to be filled in by  
Principal Clerk)

H22-ALR-38 [v.3]

Page 6 of 7

1 and further moves to amend the bill on page 30, lines 25-26, by deleting those lines and  
2 inserting the following:

3 "SECTION 59.(c) This section is effective when this act becomes law.";

4  
5 and further moves to amend the bill on page 32, lines 37-38, by inserting the following between  
6 those lines:

7 "SECTION 61A. Section 31.11A of Session Law 2011-145 is rewritten to read:

8 "SECTION 31.11A.(a) G.S. 130A-248(d) reads as rewritten:

9 "(d) The Department shall charge each establishment subject to this section, except  
10 nutrition programs for the elderly administered by the Division of Aging and Adult Services of  
11 the Department of Health and Human Services, establishments that prepare and sell meat food  
12 products or poultry products, and public school cafeterias, a fee of seventy-five dollars (\$75.00)  
13 for each permit issued. This fee shall be reassessed annually for permits that do not expire. The  
14 Commission shall adopt rules to implement this subsection. Fees collected under this  
15 subsection shall be used for State and local food, lodging, and institution sanitation programs  
16 and activities. No more than ~~thirty-three and one-third percent (33 1/3%)~~ten percent (10%) of  
17 the fees collected under this subsection may be used to support State health programs and  
18 activities."

19 SECTION 31.11A.(b) Notwithstanding any other provision of law, the four  
20 hundred thousand dollars (\$400,000) that is appropriated under this act for aid to counties for  
21 local food and lodging programs shall continue to be used for aid to counties for the 2011-2012  
22 fiscal year and shall be retained by the State beginning with the 2012-2013 fiscal year to pay  
23 for the costs to operate the State elements of the food and lodging program, which was  
24 transferred to the Department of Health and Human Services under this act.

25 SECTION 31.11A.(c) Subsection (a) of this section becomes effective July 1, 2012.";

26  
27 and further moves to amend the bill on page 33, line 10, by deleting the word "and" and  
28 substituting the word "or";

29  
30 and further moves to amend the bill on page 34, line 35, by inserting the following:

31 "SECTION 66.1. Section 31.23 of S.L. 2011-145 is amended by adding a new  
32 subsection to read:

33 "SECTION 31.23.(g) Notwithstanding any other provision of law, G.S. 7A-305(f) and  
34 G.S. 7A-308(a)(21), as enacted by this section, shall not apply to actions commenced or  
35 prosecuted pursuant to Article 9 of Chapter 110 of the General Statutes.";

36  
37  
38  
39  
40  
41  
42  
43

NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 22

AMENDMENT NO. 1  
(to be filled in by  
Principal Clerk)

H22-ALR-38 [v.3]

Page 7 of 7

1 and by adjusting the appropriate totals accordingly.

SIGNED   
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED 45-0 FAILED \_\_\_\_\_ TABLED \_\_\_\_\_

*Sarah Clapp*  
6.16.11

**ADOPTED**