

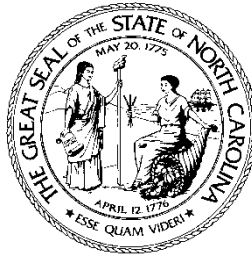
House Appropriations Subcommittee on General Government

Proposed Special Provisions for S402: Appropriations Act of 2013



June 7, 2013

GENERAL ASSEMBLY OF NORTH CAROLINA



SPECIAL PROVISIONS APPROPRIATIONS SUBCOMMITTEE ON GENERAL GOVERNMENT REPORT

JUNE 6, 2013

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GENERAL ASSEMBLY OF NORTH CAROLINA

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SPECIAL PROVISION



2013-CULRES-H1(S19.1)i

Department of Cultural Resources
Appropriations Subcommittee on General Government

Requested by: Representative

1 *CULTURAL RESOURCES TO FIND ALTERNATIVE FUNDING FOR STATE*
2 *HISTORIC SITES*

3 **SECTION 19.1.** In an effort to reduce funding of the State's 27 Historic Sites, the
4 Department of Cultural Resources shall find alternative funding sources to support these sites
5 by actively seeking support from the following: (i) the local governments where these Historic
6 Sites are located, (ii) the nonprofit groups associated with these Historic Sites, and (iii) other
7 private sources.

GENERAL ASSEMBLY OF NORTH CAROLINA

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SPECIAL PROVISION



2013-CULRES-H2(S19.3)i

Department of Cultural Resources
Appropriations Subcommittee on General Government

Requested by: Representative

*ALLOW MUSEUMS AND HISTORIC SITES TO GENERATE REVENUE FROM
VENDOR SERVICES*

SECTION 19.3.(a) Article 3 of Chapter 111 of the General Statutes is amended by adding a new section to read:

"§ 111-47.2. Food service at museums and historic sites operated by the Department of Cultural Resources.

Notwithstanding Article 3 of Chapter 111 of the General Statutes, the North Carolina Department of Cultural Resources may operate or contract for the operation of food or vending services at museums and historic sites operated by the Department. Notwithstanding G.S. 111-43, the net proceeds of revenue generated by food and vending services provided at museums and historic sites operated by the Department or a vendor with whom the Department has contracted shall be credited to the appropriate fund of the museum or historic site where the funds were generated and shall be used for the operation of that museum or historic site."

SECTION 19.3.(b) G.S. 111-47.2, as enacted by subsection (a) of this section, shall not be construed to alter any contract for food or vending services at any museum or historic site operated by the Department that is in force at the time this section becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2013

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SPECIAL PROVISION



2013-CULRES-H3A(S19.4)-P

Department of Cultural Resources
Appropriations Subcommittee on General Government

Requested by: Representative

***ALLOW EXEMPTION FOR HISTORIC SITES AND MUSEUMS ADMINISTERED BY
THE DEPARTMENT OF CULTURAL RESOURCES FROM THE PROHIBITION OF
THE SALE OF MERCHANDISE OR SERVICES BY GOVERNMENTAL UNITS***

SECTION 19.4. G.S. 66-58 reads as rewritten:

"§ 66-58. Sale of merchandise or services by governmental units.

(a) Except as may be provided in this section, it shall be unlawful for any unit, department or agency of the State government, or any division or subdivision of the unit, department or agency, or any individual employee or employees of the unit, department or agency in his, or her, or their capacity as employee or employees thereof, to engage directly or indirectly in the sale of goods, wares or merchandise in competition with citizens of the State, or to engage in the operation of restaurants, cafeterias or other eating places in any building owned by or leased in the name of the State, or to maintain service establishments for the rendering of services to the public ordinarily and customarily rendered by private enterprises, or to provide transportation services, or to contract with any person, firm or corporation for the operation or rendering of the businesses or services on behalf of the unit, department or agency, or to purchase for or sell to any person, firm or corporation any article of merchandise in competition with private enterprise. The leasing or subleasing of space in any building owned, leased or operated by any unit, department or agency or division or subdivision thereof of the State for the purpose of operating or rendering of any of the businesses or services herein referred to is hereby prohibited.

(b) The provisions of subsection (a) of this section shall not apply to:

(9b) The Department of Cultural Resources for the sale of food pursuant to G.S. 111-47.2 and the sale of books, crafts, gifts, and other tourism-related items at historic sites and museums administered by the Department.

...."

GENERAL ASSEMBLY OF NORTH CAROLINA

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SPECIAL PROVISION



2013-CULRES-H6A-P

Department of Cultural Resources
Appropriations Subcommittee on General Government

Requested by: Representative

EXECUTIVE MANSION EXCESS PROPERTY

SECTION #.(a) G.S. 143B-79 reads as rewritten:

"§ 143B-79. Executive Mansion Fine Arts Committee – creation, powers and duties.

There is hereby created the Executive Mansion Fine Arts Committee. The Executive Mansion Fine Arts Committee shall have the following functions and duties:

...

(7) The Committee may dispose of property held in the Executive Mansion after consultation with a review committee comprised of one person from the Executive Mansion Fine Arts Committee, appointed by its chairman; one person from the Department of Administration appointed by the Secretary of Administration; and two qualified professionals from the Department of Cultural Resources, Division of Archives and History, appointed by the Secretary of Cultural Resources. Upon request of the Executive Mansion Fine Arts Committee, the review committee will view proposed items for disposition and make a recommendation to the North Carolina Historical Commission who will make a final decision. The Historical Commission must consider whether the disposition is in the best interest of the State of North Carolina. If ~~such~~ any property is sold, ~~(i) if the records with regard to the property reflect that it was acquired by the State by gift or devise the net proceeds of each such sale shall be deposited in the State Treasury to the credit of the Executive Mansion, Special Fund, and shall be used only for the purchase, conservation, restoration or repair of other property for use in the Executive Mansion and; (ii) if the records with regard to the property reflect that the property was acquired by the State by purchase with appropriated funds or do not show the manner of acquisition, the net proceeds of such sale shall be deposited in the General Fund-Mansion.~~

SECTION #.(b) Notwithstanding G.S. 143B-79(7) or any other law pertaining to surplus State property, the Executive Mansion Fine Arts Committee shall obtain an appraisal of all items held in the Executive Mansion proposed for disposition. If House Bill 153 of the 2013 General Assembly becomes law, the Committee shall, prior to the sale of any item, report to the Joint Legislative Oversight Committee on General Government on the items inventoried and their value. If House Bill 153 of the 2013 General Assembly does not become law, the Committee shall, prior to the sale of any item, report to the Chairs of the House Appropriations Subcommittee on General Government, the Senate Appropriations Committee on General Government and Information Technology, and to the Fiscal Research Division.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2013

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SPECIAL PROVISION



2013-CULRES-H4-P

Department of Cultural Resources
Appropriations Subcommittee on General Government

Requested by: Representative

1 ***ROANOKE ISLAND FUNDING/FRIENDS OF ELIZABETH II SUPPORT***

2 **SECTION #.** The Roanoke Island Commission shall request financial support from
3 the Friends of Elizabeth II, Inc., in the amount of three hundred twenty-five thousand dollars
4 (\$325,000) or a sum equal to the average of the last three consecutive years of the Friends'
5 investment earnings, whichever is greater, for each fiscal year of the 2013-2015 biennium and
6 for each subsequent fiscal year. These funds shall be used pursuant to G.S. 143B-131.2.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2013

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SPECIAL PROVISION



2013-INS-H4(S20.1)i

Department of Insurance
Appropriations Subcommittee on General Government

Requested by: Representative

CONSUMER PROTECTION FUND RETAINED AMOUNT

SECTION 20.1. G.S. 58-2-215 reads as rewritten:

"§ 58-2-215. Consumer Protection Fund.

...

(c) Moneys appropriated by the General Assembly shall be deposited in the Fund and shall become a part of the continuation budget of the Department of Insurance. Such continuation budget amount shall equal the actual expenditures drawn from the Fund during the prior fiscal year plus the official inflation rate designated by the Director of the Budget in the preparation of the State Budget for each ensuing fiscal year; provided that if interest income on the Fund exceeds the amount yielded by the application of the official inflation rate, such continuation budget amount shall be the actual expenditures drawn from the Fund. In the event the amount in the Fund exceeds ~~five hundred thousand dollars (\$500,000)~~ two hundred fifty thousand dollars (\$250,000) at the end of any fiscal year, such excess shall revert to the General Fund."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2013

DRAFT
SPECIAL PROVISION



2013-INS-H1(S20.2)-P

Department of Insurance
Appropriations Subcommittee on General Government

Requested by: Representative

WORKERS' COMPENSATION FUND/ALLOCATION FOR VOLUNTEER SAFETY WORKERS

SECTION 20.2.(a) G.S. 105-228.5(d)(3) reads as rewritten:

"(d) Tax Rates; Disposition. –

...

(3) Additional Rate on Property Coverage Contracts. – An additional tax at the rate of seventy-four hundredths percent (0.74%) applies to gross premiums on insurance contracts for property coverage. The tax is imposed on ten percent (10%) of the gross premiums from insurance contracts for automobile physical damage coverage and on one hundred percent (100%) of the gross premiums from all other contracts for property coverage. ~~Thirty percent (30%)~~ Twenty-five percent (25%) of the net proceeds of this additional tax must be credited to the Volunteer Fire Department Fund established in Article 87 of Chapter 58 of the General Statutes. ~~Twenty-five percent (25%)~~ Twenty percent (20%) of the net proceeds must be credited to the Department of Insurance for disbursement pursuant to G.S. 58-84-25. ~~The remaining net proceeds must be credited to the General Fund. Up to twenty percent (20%), as determined in accordance with G.S. 58-87-10(f), must be credited to the Workers' Compensation Fund. The remaining net proceeds must be credited to the General Fund.~~

The following definitions apply in this subdivision:

- a. Automobile physical damage. – The following lines of business identified by the NAIC: private passenger automobile physical damage and commercial automobile physical damage.
- b. Property coverage. – The following lines of business identified by the NAIC: fire, farm owners multiple peril, homeowners multiple peril, nonliability portion of commercial multiple peril, ocean marine, inland marine, earthquake, private passenger automobile physical damage, commercial automobile physical damage, aircraft, and boiler and machinery. The term also includes insurance contracts for wind damage.
- c. NAIC. – National Association of Insurance Commissioners."

SECTION 20.2.(b) G.S. 58-87-1 reads as rewritten:

"§ 58-87-1. Volunteer Fire Department Fund.

(a) Fund. – The Volunteer Fire Department Fund is created as an interest-bearing, nonreverting fund in the Department to provide matching grants to volunteer fire departments to purchase equipment and make capital improvements. The Commissioner shall administer the Fund. ~~Up to two percent (2%)~~ one percent (1%) of the Fund may be used for additional staff and resources to administer the Fund in each fiscal year.

...."

SECTION 20.2.(c) G.S. 58-84-25 reads as rewritten:

"§ 58-84-25. Disbursement of funds by Insurance Commissioner.

(a) Distribution. – The Insurance Commissioner shall deduct the sum of three percent (3%) from the tax proceeds credited to the Department pursuant to G.S. 105-228.5(d)(3) and pay the same over to the treasurer of the State Firemen's Association for general purposes. The Insurance Commissioner shall deduct the sum of ~~two percent (2%)~~ one percent (1%) from the tax proceeds and retain the same in the budget of the Department of Insurance for the purpose of administering the disbursement of funds by the board of trustees in accordance with the provisions of G.S. 58-84-35. The Insurance Commissioner shall, pursuant to G.S. 58-84-50, credit the amount forfeited by nonmember fire districts to the North Carolina State Firemen's Association. The Insurance Commissioner shall distribute the remaining tax proceeds to the treasurer of each fire district as provided in subsections (b) and (c) of this section.

...."

SECTION 20.2.(d) G.S. 58-87-10 reads as rewritten:

"§ 58-87-10. Workers' Compensation Fund for the benefit of volunteer safety workers.

(a) Definition. – As used in this section, the term "eligible unit" means a volunteer fire department or volunteer rescue/EMS unit that is not part of a unit of local government and is exempt from State income tax under G.S. 105-130.11.

(b) Creation. – The Workers' Compensation Fund is created in the Department of Insurance as an expendable trust fund. Accordingly, interest and other investment income earned by the Fund accrues to it, and revenue in the Fund at the end of a fiscal year remains in the Fund and does not revert.

(c) Use. – Revenue in the Workers' Compensation Fund shall be used to provide workers' compensation benefits to members of eligible units. Chapter 97 of the General Statutes governs the payment of benefits from the Fund. Benefits are payable for compensable injuries or deaths that occur on or after July 1, 1996.

(d) Administration. – The State Fire and Rescue Commission, established under G.S. 58-78-1, shall administer the Workers' Compensation Fund and shall perform this duty by contracting with a third-party administrator. The contracting procedure is not subject to Article 3C of Chapter 143 of the General Statutes. The reasonable and necessary expenses incurred by the Commission in administering the Fund shall be paid out of the Fund by the State Treasurer. The Commission may adopt rules to implement this section.

(e) Revenue Source. – Revenue is credited to the Workers' Compensation Fund from ~~appropriations made to the Department of Insurance for this purpose.~~ a portion of the proceeds of the tax levied under G.S. 105-228.5(d)(3) and from an assessment on local governments served by one or more eligible units as set forth in subsection (g) of this section. In addition, every eligible unit that elects to participate shall pay into the Fund an amount set annually by the State Fire and Rescue Commission to ensure that the Fund will be able to meet its payment obligations under this section. The amount shall be set as a per capita fixed dollar amount for each member of the roster of the eligible unit.

The payment shall be made to the State Fire and Rescue Commission on or before July 1 of each year. The Commission shall remit the payments it receives to the State Treasurer, who shall credit the payments to the Fund.

(f) Funding Study. – The Department of Insurance shall conduct a periodic actuarial study to calculate the amount required to meet the needs of the Fund. The study shall be based on a revenue amount that is the greater of the amount paid by members of the Fund as determined under subsection (e) of this section for the fiscal year to which the study applies or the amount paid by members of the Fund as determined under subsection (e) of this section for fiscal year 2012-2013. The study shall be reviewed by the Office of State Budget and

1 Management. On or before March 1 of each year, the Office of State Budget and Management,
2 in consultation with the Department of Insurance, must notify the Secretary of Revenue of the
3 amount required to meet the needs of the Fund, as determined by the study, for the upcoming
4 fiscal year. The Secretary of Revenue shall remit that amount, subject to the twenty percent
5 (20%) limitation in G.S. 105-228.5(d)(3), to the Fund.

6 (g) Treatment of Shortfall. – If the amount remitted to the Fund by the Secretary of
7 Revenue under subsection (f) of this section is insufficient to meet the needs of the Fund, the
8 State Fire and Rescue Commission may collect the remaining amount from units of local
9 government by increasing the amount collected from eligible units under subsection (e) of this
10 section."

11 **SECTION #.(e)** G.S. 58-87-10(g), as rewritten by subsection (d) of this section,
12 reads as rewritten:

13 "(g) ~~Treatment of Assessment for~~ Shortfall. – If the amount remitted to the Fund by the
14 Secretary of Revenue under subsection (f) of this section is insufficient to meet the needs of the
15 Fund, ~~the State Fire and Rescue Commission may collect the remaining amount from units of~~
16 local government by increasing the amount collected from eligible units under subsection (e) of
17 this section the Department of Insurance shall collect the remaining amount from units of local
18 government by multiplying the remaining amount needed by a fraction, the numerator of which
19 is the number of residents in the unit of government served by an eligible unit and the
20 denominator of which is the number of residents in the State served by all eligible units. The
21 Department shall provide written notification to the units of local government of the amount of
22 the assessment no later than April 1 of each year, and the unit of local government shall have
23 90 days to remit the assessment to the Department for deposit into the Fund."

24 **SECTION #.(f)** Subsection (e) of this section is effective April 1, 2016.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2013

DRAFT
SPECIAL PROVISION



2013-INS-H2(S20.3)i

Department of Insurance
Appropriations Subcommittee on General Government

Requested by: Representative

1 ***SET INSURANCE REGULATORY CHARGE***

2 **SECTION 20.3.(a)** The percentage rate to be used in calculating the insurance
3 regulatory charge under G.S. 58-6-25 is six percent (6%) for the 2013 and 2014 calendar years.

4 **SECTION 20.3.(b)** This section is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2013

DRAFT
SPECIAL PROVISION



2013-INS-H5C-P

Department of Insurance
Appropriations Subcommittee on General Government

Requested by: Representative

1 ***LICENSING FEES TO COVER ALL COSTS RELATED TO LICENSURE***

2 **SECTION #.** All expenses incurred or allowed for the licensure of entities
3 regulated by the Commissioner of Insurance shall be paid exclusively out of the fees collected
4 by the Commissioner as authorized by Chapter 58 of the General Statutes, regardless of
5 whether the licensure activities are administered by the Department or a separate entity
6 pursuant to contract. No other fees shall be charged against an applicant or licensee to carry out
7 the purposes of that Chapter.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2013

DRAFT
SPECIAL PROVISION



2013-SBE-H1(S21.1)i

State Board of Elections
Appropriations Subcommittee on General Government

Requested by: Representative

ELIMINATE NORTH CAROLINA PUBLIC CAMPAIGN FUND

SECTION 21.1.(a) Article 22D of Chapter 163 of the General Statutes is repealed, except that G.S. 163-278.69 is repealed effective upon exhaustion of the funds for publication of the Judicial Voter Guide.

SECTION 21.1.(b) G.S. 84-34 reads as rewritten:

"§ 84-34. Membership fees and list of members.

Every active member of the North Carolina State Bar shall, prior to the first day of July of each year, pay to the secretary-treasurer an annual membership fee in an amount determined by the Council but not to exceed three hundred dollars (\$300.00), ~~plus a surcharge of fifty dollars (\$50.00) for the implementation of Article 22D of Chapter 163 of the General Statutes,~~ and every member shall notify the secretary-treasurer of the member's correct mailing address. Any member who fails to pay the required dues by the last day of June of each year shall be subject to a late fee in an amount determined by the Council but not to exceed thirty dollars (\$30.00). All dues for prior years shall be as were set forth in the General Statutes then in effect. The membership fee shall be regarded as a service charge for the maintenance of the several services authorized by this Article, and shall be in addition to all fees required in connection with admissions to practice, and in addition to all license taxes required by law. The fee shall not be prorated: Provided, that no fee shall be required of an attorney licensed after this Article shall have gone into effect until the first day of January of the calendar year following that in which the attorney was licensed; but this proviso shall not apply to attorneys from other states admitted on certificate. The fees shall be disbursed by the secretary-treasurer on the order of the Council. ~~The fifty-dollar (\$50.00) surcharge shall be sent on a monthly schedule to the State Board of Elections.~~ The secretary-treasurer shall annually, at a time and in a law magazine or daily newspaper to be prescribed by the Council, publish an account of the financial transactions of the Council in a form to be prescribed by it. The secretary-treasurer shall compile and keep currently correct from the names and mailing addresses forwarded to the secretary-treasurer and from any other available sources of information a list of members of the North Carolina State Bar and furnish to the clerk of the superior court in each county, not later than the first day of October in each year, a list showing the name and address of each attorney for that county who has not complied with the provisions of this Article. The name of each of the active members who are in arrears in the payment of membership fees shall be furnished to the presiding judge at the next term of the superior court after the first day of October of each year, by the clerk of the superior court of each county wherein the member or members reside, and the court shall thereupon take action that is necessary and proper. The names and addresses of attorneys so certified shall be kept available to the public. The Secretary of Revenue is hereby directed to supply the secretary-treasurer, from records of license tax payments, with any information for which the secretary-treasurer may call in order to enable the secretary-treasurer to comply with this requirement.

1 The list submitted to several clerks of the superior court shall also be submitted to the
2 Council at its October meeting of each year and it shall take the action thereon that is necessary
3 and proper."

4 **SECTION 21.1.(c)** G.S. 105-159.2 is repealed.

5 **SECTION 21.1.(d)** G.S. 163-278.5 reads as rewritten:

6 **"§ 163-278.5. Scope of Article; severability.**

7 The provisions of this Article apply to primaries and elections for North Carolina offices
8 and to North Carolina referenda and do not apply to primaries and elections for federal offices
9 or offices in other States or to non-North Carolina referenda. Any provision in this Article that
10 regulates a non-North Carolina entity does so only to the extent that the entity's actions affect
11 elections for North Carolina offices or North Carolina referenda.

12 The provisions of this Article are severable. If any provision is held invalid by a court of
13 competent jurisdiction, the invalidity does not affect other provisions of the Article that can be
14 given effect without the invalid provision.

15 This section applies to Articles 22B, ~~22D, 22E, 22F~~, 22G, 22H, 22J, and 22M of the
16 General Statutes to the same extent that it applies to this Article."

17 **SECTION 21.1.(e)** G.S. 163-278.13(e) reads as rewritten:

18 "(e) Except as provided in subsections ~~(e2), (e3), (e3)~~ and (e4) of this section, this section
19 shall not apply to any national, State, district or county executive committee of any political
20 party. For the purposes of this section only, the term "political party" means only those political
21 parties officially recognized under G.S. 163-96."

22 **SECTION 21.1.(f)** G.S. 163-278.13(e2) is repealed.

23 **SECTION 21.1.(g)** G.S. 163-278.23 reads as rewritten:

24 **"§ 163-278.23. Duties of Executive Director of Board.**

25 ...

26 This section applies to Articles 22B, ~~22D, 22E, 22F~~, 22G, 22H, and 22M of the General
27 Statutes to the same extent that it applies to this Article."

28 **SECTION 21.1.(h)** G.S. 163-278.97 reads as rewritten:

29 **"§ 163-278.97. Voter-Owned Elections Fund established; sources of funding.**

30 ...

31 (c) Evaluation and Determination of Fund Amount. – By January 1, 2011, and every
32 four years thereafter, the ~~Board, in conjunction with the Advisory Council established under~~
33 ~~G.S. 163-278.68(b), Board~~ shall prepare and provide to the Joint Legislative Commission on
34 Governmental Operations of the General Assembly a report documenting, evaluating, and
35 making recommendations relating to the administration, implementation, and enforcement of
36 this Article. In its report, the Board shall set out the funds received to date and the expected
37 needs of the Fund during the next election cycle and make recommendations about the
38 feasibility of expanding its provisions to include other candidates for State office based on the
39 experience of this Article and the experience of similar programs in North Carolina and other
40 states. The Board shall also evaluate and make recommendations regarding how to address
41 activities that could undermine the purpose of this Article, including spending that appears to
42 target candidates but is not reached by regulation."

43 **SECTION 21.1.(i)** G.S. 163-278.99E(d) is repealed effective upon exhaustion of
44 the funds for publication of the Judicial Voter Guide in G.S. 163-278.69.

45 **SECTION 21.1.(j)** The State Board of Elections shall use the money in the North
46 Carolina Public Campaign Fund to only publish Judicial Voter Guides as described in
47 G.S. 163-278.69 until the funds have been exhausted.

48 **SECTION 21.1.(k)** The secretary-treasurer of the North Carolina State Bar shall
49 remit any payments of the fifty-dollar (\$50.00) surcharge payable for the taxable year January

1 1, 2013, to the State Board of Elections, and the State Board of Elections must credit the funds
2 received to the North Carolina Public Campaign Fund.

3 **SECTION 21.1.(l)** The State Board of Elections shall notify the Revisor of Statutes
4 when the funds have been exhausted for publication of the Judicial Voter Guide.

5 **SECTION 21.1.(m)** Subsection (c) of this section is effective for taxable years
6 beginning on or after January 1, 2013. The remainder of this section becomes effective July 1,
7 2013.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2013

DRAFT
SPECIAL PROVISION



2013-GA-H1(S22.1)-P

General Assembly
Appropriations Subcommittee on General Government

Requested by: Representative

1 *DAILY BULLETIN*

2 **SECTION 22.1.** For the 2013-2015 fiscal biennium, the interagency agreement
3 between the North Carolina General Assembly and the UNC School of Government for the
4 production of the Daily Bulletin shall be no more than eighty-seven thousand eight hundred
5 fifteen dollars (\$87,815) for each fiscal year.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2013

DRAFT
SPECIAL PROVISION



2013-GA-H2(S22.2)-P

General Assembly
Appropriations Subcommittee on General Government

Requested by: Representative

FOOD SERVICES

SECTION 22.2.(a) The Legislative Services Commission shall issue a Request for Information (RFI) to identify vendors that are interested in providing food services within the General Assembly's buildings. The RFI shall include the following:

- (1) Require that the vendor take over the operations of the General Assembly's food services in the 2014-2015 fiscal year.
- (2) Make available all existing restaurant wares to the vendor. All new equipment costs and repairs would be borne by the vendor.
- (3) Require a plan for services and service levels, including days and hours of operations and number of food service outlets to be operational. The proposal of interest by the vendor shall identify any additional cost that must be covered by the General Assembly and any revenue sharing that may benefit the General Assembly's budget.
- (4) Provide the menu items that would be offered at the food service outlets, including pricing.

The Legislative Services Commission shall review the proposals, hold interviews with the vendors, and collect all of the necessary information to make a comprehensive report to the General Assembly. If House Bill 153 of the 2013 General Assembly becomes law, the Legislative Services Commission shall report the results of the RFI to the Joint Legislative Oversight Committee on General Government by November 1, 2013.

SECTION 22.2.(b) The Food Services Section of the General Assembly's Administrative Division may submit a proposal under subsection (a) of this section, and the proposal shall be reviewed and evaluated in the same manner as proposals submitted by other vendors.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2013

DRAFT
SPECIAL PROVISION



2013-GA-H3-P

General Assembly
Appropriations Subcommittee on General Government

Requested by: Representative

1 ***MEDICAID ADVISORY GROUP MATCHING FUNDS***

2 **SECTION #.** Of the funds appropriated to Budget Code 21000 in the General
3 Assembly, the sum of thirty-seven thousand five hundred dollars (\$37,500) shall be transferred
4 to the Department of Health and Human Services to provide matching funds for the activities of
5 the Medicaid Advisory Group established in Section 12H.1(e) of this act.

GENERAL ASSEMBLY OF NORTH CAROLINA

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SPECIAL PROVISION



2013-OSBM-H1A(S24.1)-P

Office of State Budget and Management
Appropriations Subcommittee on General Government

Requested by: Representative

SYMPHONY CHALLENGE GRANT

SECTION 24.1.(a) Of the funds appropriated in this act to the Office of State Budget and Management-Special Appropriations, the sum of one million five hundred thousand dollars (\$1,500,000) in nonrecurring funds for the 2013-2014 fiscal year and the sum of one million five hundred thousand dollars (\$1,500,000) in nonrecurring funds for the 2014-2015 fiscal year shall be allocated to the North Carolina Symphony in accordance with this section. It is the intent of the General Assembly that the North Carolina Symphony raise at least eight million dollars (\$8,000,000) in non-State funds for the 2013-2014 fiscal year and at least eight million dollars (\$8,000,000) in non-State funds for the 2014-2015 fiscal year. The NC Symphony cannot use funds transferred from the organization's endowment to its operating budget to achieve the fund-raising targets set out in subsections (b) and (c) of this section.

SECTION 24.1.(b) For the 2013-2014 fiscal year, the North Carolina Symphony shall receive allocations from the Office of State Budget and Management as follows:

- (1) Upon raising the initial sum of four million dollars (\$4,000,000) in non-State funding, the NC Symphony shall receive the sum of five hundred thousand dollars (\$500,000).
- (2) Upon raising an additional sum of two million dollars (\$2,000,000) in non-State funding for a total amount of six million dollars (\$6,000,000) in non-State funds, the NC Symphony shall receive the sum of five hundred thousand dollars (\$500,000).
- (3) Upon raising an additional sum of two million dollars (\$2,000,000) in non-State funding for a total sum of eight million dollars (\$8,000,000) in non-State funds, the NC Symphony shall receive the final sum of five hundred thousand dollars (\$500,000) in the 2013-2014 fiscal year.

SECTION 24.1.(c) For the 2014-2015 fiscal year, the North Carolina Symphony shall receive allocations from the Office of State Budget and Management as follows:

- (1) Upon raising the initial sum of four million dollars (\$4,000,000) in non-State funding, the NC Symphony shall receive the sum of five hundred thousand dollars (\$500,000).
- (2) Upon raising an additional sum of two million dollars (\$2,000,000) in non-State funding for a total amount of six million dollars (\$6,000,000) in non-State funds, the NC Symphony shall receive the sum of five hundred thousand dollars (\$500,000).
- (3) Upon raising an additional sum of two million dollars (\$2,000,000) in non-State funding for a total sum of eight million dollars (\$8,000,000) in non-State funds, the NC Symphony shall receive the final sum of five hundred thousand dollars (\$500,000) in the 2014-2015 fiscal year.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2013

DRAFT
SPECIAL PROVISION



2013-SEC-H1A(S27.1)-P

Department of Secretary of State
Appropriations Subcommittee on General Government

Requested by: Representative

**INCREASE REGISTRATION FEE FOR LOBBYIST & LOBBYIST
PRINCIPAL/ELECTRONIC SUBMISSION OF ALL DOCUMENTS, REPORTS, AND
PAYMENTS BY LOBBYISTS**

SECTION 27.1(a) Effective July 1, 2013, G.S. 120C-201 reads as rewritten:

"§ 120C-201. Lobbyist's registration fee.

(a) ~~Except as provided for in subsection (b) of this section, a~~ fee of ~~one hundred dollars (\$100.00)~~ two hundred fifty dollars (\$250.00) is due and payable to the Secretary of State at the time of each lobbyist registration. Fees so collected shall be deposited in the General Fund of the State. The Secretary of State shall allow fees required under this section to be paid electronically but shall not require the fees to be paid electronically.

~~(b) The Secretary of State shall adopt rules providing for a waiver or reduction of the fees required by this section for lobbyists registering to represent persons who have been granted nonprofit status under 26 U.S.C. § 501(c)(3)."~~

SECTION 27.1(b) Effective July 1, 2013, G.S. 120C-207 reads as rewritten:

"§ 120C-207. Lobbyist principal's fees.

(a) ~~Except as provided for in subsection (b) of this section, a~~ fee of ~~one hundred dollars (\$100.00)~~ two hundred fifty dollars (\$250.00) is due and payable to the Secretary of State at the time the principal's first authorization statement is filed each calendar year for a lobbyist. Fees so collected shall be deposited in the General Fund of the State. The Secretary of State shall allow fees required under this section to be paid electronically but shall not require the fees to be paid electronically.

~~(b) The Secretary of State shall adopt rules providing for a waiver or reduction of the fees required by this section for lobbyist principals that have been granted nonprofit status under 26 U.S.C. § 501(c)(3)."~~

SECTION 27.1(c) Effective August 1, 2013, G.S. 120C-200 reads as rewritten:

"§ 120C-200. Lobbyist registration procedure.

...

(b) The form of the registration shall be prescribed by the Secretary of ~~State~~ State, ~~be filed electronically~~, and shall include the registrant's full name, firm, complete address, and telephone number; the registrant's place of business; the full name, complete address, and telephone number of each principal the lobbyist represents; and a general description of the matters on which the registrant expects to act as a lobbyist.

(c) Each lobbyist shall electronically file an amended registration form with the Secretary of State no later than 10 business days after any change in the information supplied in the lobbyist's last registration under subsection (b) of this section. Each supplementary registration shall include a complete statement of the information that has changed.

...."

SECTION 27.1(d) Effective August 1, 2013, G.S. 120C-201(a), as amended by subsection (a) of this section, reads as rewritten:

1 "(a) A fee of two hundred fifty dollars (\$250.00) is due and payable to the Secretary of
2 State at the time of each lobbyist registration. Fees so collected shall be deposited in the
3 General Fund of the State. The ~~Secretary of State shall allow fees required under this section~~
4 ~~to shall be paid electronically but shall not require the fees to be paid~~
5 ~~electronically.electronically."~~

6 **SECTION 27.1.(e)** Effective August 1, 2013, G.S. 120C-206 reads as rewritten:
7 **"§ 120C-206. Lobbyist principal's authorization.**

8 ...
9 (b) The form of the written authorization shall be prescribed by the Secretary of
10 ~~State~~State, be filed electronically, and shall include the lobbyist principal's full name, complete
11 address, and telephone number, name and title of any official authorized to sign for the lobbyist
12 principal, and the name of each lobbyist registered to represent that principal.

13 (c) An amended authorization shall be electronically filed with the Secretary of State no
14 later than 10 business days after any change in the information on the principal's authorization.
15 Each supplementary authorization shall include a complete statement of the information that
16 has changed."

17 **SECTION 27.1.(f)** Effective August 1, 2013, G.S. 120C-207(a), as amended by
18 subsection (b) of this section, reads as rewritten:

19 "(a) A fee of two hundred fifty dollars (\$250.00) is due and payable to the Secretary of
20 State at the time the principal's first authorization statement is filed each calendar year for a
21 lobbyist. Fees so collected shall be deposited in the General Fund of the State. The ~~Secretary of~~
22 ~~State shall allow fees required under this section to shall be paid electronically but shall not~~
23 ~~require the fees to be paid electronically.electronically."~~

24 **SECTION 27.1.(g)** Effective August 1, 2013, G.S. 120C-401(d) reads as rewritten:

25 "(d) Each report required by this Article shall be in the form prescribed by the Secretary
26 of State, ~~which may include electronic reports.State and filed electronically."~~

27 **SECTION 27.1.(h)** Effective August 1, 2013, G.S. 120C-800(f) reads as rewritten:

28 "(f) Within 15 business days after the end of the quarter in which the reportable
29 expenditure was made, reports required by this section shall be filed electronically with the
30 Secretary of State in a ~~manner~~form prescribed by the Secretary of State, ~~which may include~~
31 ~~electronic reports.State~~. If the designated individual is required to file a statement of economic
32 interest under G.S. 138A-24, then that designated individual may opt to report any information
33 required by this section in the statement of economic interest."

34 **SECTION 27.1.(i)** Subsections (a) and (b) of this section become effective July 1,
35 2013. This remainder of this section becomes effective August 1, 2013, and applies to all
36 filings, payments due, and registrations, on or after that date.

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DRAFT
SPECIAL PROVISION



2013-CONT-H1(S29.1)i

Department of State Controller
Appropriations Subcommittee on General Government

Requested by: Representative

1 **OVERPAYMENTS AUDIT**

2 **SECTION 29.1.(a)** During the 2013-2015 fiscal biennium, receipts generated by
3 the collection of inadvertent overpayments by State agencies to vendors as a result of pricing
4 errors, neglected rebates and discounts, miscalculated freight charges, unclaimed refunds,
5 erroneously paid excise taxes, and related errors are to be deposited in Special Reserve Account
6 24172 as required by G.S. 147-86.22(c).

7 **SECTION 29.1.(b)** For each year of the 2013-2015 fiscal biennium, five hundred
8 thousand dollars (\$500,000) of the funds in the Special Reserve Account 24172 shall be used
9 by the Office of the State Controller for data processing, debt collection, or e-commerce costs
10 and are hereby appropriated for that purpose.

11 **SECTION 29.1.(c)** All funds available in Special Reserve Account 24172 on June
12 30 of each year of the 2013-2015 fiscal biennium shall revert to the General Fund on that date.

13 **SECTION 29.1.(d)** The State Controller shall report quarterly to the Joint
14 Legislative Commission on Governmental Operations and the Fiscal Research Division on the
15 revenue deposited into Special Reserve Account 24172 and the disbursement of that revenue.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2013

DRAFT
SPECIAL PROVISION



2013-ADMIN-H11(S30.1)-P

Department of Administration
Appropriations Subcommittee on General Government

Requested by: Representative

REQUIRE CONTINUATION REVIEW OF THE YOUTH ADVOCACY AND INVOLVEMENT OFFICE

SECTION 30.1.(a) A continuation review of the Youth Advocacy and Involvement Office shall be prepared by the Department of Administration. The review shall be submitted to the House of Representatives Appropriations Subcommittee on General Government and the Senate Appropriations Committee on General Government and Information Technology no later than March 31, 2014. The written report shall include the information listed in subsection (b) of this section.

SECTION 30.1.(b) The continuation review required by this section shall include all of the following information:

- (1) A description of the services provided by the Youth Advocacy and Involvement Office and its mission, goals, and objectives.
- (2) The statutory objectives of the Office and the problem or need addressed.
- (3) The extent to which the objectives of the Office have been achieved.
- (4) The functions or programs performed by the Office without specific statutory authority.
- (5) The performance measures and the process by which the performance measures determine efficiency and effectiveness.
- (6) Recommendations for statutory, budgetary, or administrative changes needed to improve efficiency and effectiveness of services delivered to the public.
- (7) The consequences of discontinuing funding.
- (8) Recommendations for improving services or reducing costs or duplication.
- (9) The identification of policy issues that should be brought to the attention of the General Assembly.
- (10) Any other information necessary to fully support this continuation review requirement.

GENERAL ASSEMBLY OF NORTH CAROLINA

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SPECIAL PROVISION



2013-ADMIN-H4(S30.2)i

Department of Administration
Appropriations Subcommittee on General Government

Requested by: Representative

ELIMINATE DISPLACED HOMEMAKERS PROGRAM/FUND

SECTION 30.2.(a) G.S. 7A-305(a2) reads as rewritten:

"(a2) In every action for absolute divorce filed in the district court, a cost of seventy-five dollars (\$75.00) shall be assessed against the person filing the divorce action. Costs collected by the clerk pursuant to this subsection shall be remitted to the State Treasurer, who shall deposit ~~fifty five dollars (\$55.00) to the North Carolina Fund for Displaced Homemakers established under G.S. 143B-394.10 and twenty dollars (\$20.00)~~ seventy-five dollars (\$75.00) to the Domestic Violence Center Fund established under G.S. 50B-9. Costs assessed under this subsection shall be in addition to any other costs assessed under this section."

SECTION 30.2.(b) G.S. 143B-393 reads as rewritten:

"§ 143B-393. North Carolina Council for Women – creation; powers and duties.

There is hereby created the North Carolina Council for Women of the Department of Administration. The North Carolina Council for Women shall have the following functions and duties:

- (1) To advise the Governor, the principal State departments, and the State legislature concerning the education and employment of women in the State of North ~~Carolina; and~~ Carolina.
- (2) To advise the Secretary of Administration upon any matter the Secretary may refer to ~~it; and~~ the Council.
- ~~(3) To establish programs for the assistance of displaced homemakers as set forth in Part 10B of this Article."~~

SECTION 30.2.(c) Part 10B of Article 9 of Chapter 143B of the General Statutes is repealed.

SECTION 30.2.(d) All unencumbered funds as of June 30, 2013, in the North Carolina Fund for Displaced Homemakers shall be transferred to the Domestic Violence Center Fund established under G.S. 50B-9.

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SPECIAL PROVISION



2013-ADMIN-H8-P

Department of Administration
Appropriations Subcommittee on General Government

Requested by: Representative

1 ***OSP/FICA SAVINGS***

2 **SECTION #.** Notwithstanding the provisions of Article 6 of Chapter 143C of the
3 General Statutes, G.S. 126-95, or any other law to the contrary, the State Controller shall
4 transfer the sum of six million dollars (\$6,000,000) in savings from the NC FICA Account to
5 the Office of State Personnel for the 2013-2014 fiscal year.

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DRAFT
SPECIAL PROVISION



2013-ADMIN-H5A(S30.5)-P

Department of Administration
Appropriations Subcommittee on General Government

Requested by: Representative

USE OF E-COMMERCE FUNDS

SECTION 30.5.(a) Notwithstanding the provisions of G.S. 66-58.12(c), the sum of one million two hundred eighteen thousand six hundred fifty-nine dollars (\$1,218,659) for the 2013-2014 fiscal year and the sum of one million four hundred seventy-six thousand five hundred forty-three dollars (\$1,476,543) for the 2014-2015 fiscal year shall be transferred from the E-Commerce Fund in the Department of Administration Budget Code 24100, Fund 2514, to be used for each year of the 2013-2015 biennium, on a recurring basis, to pay the operating expenses of the Division of Purchase and Contract.

SECTION 30.5.(b) Notwithstanding the provisions of G.S. 66-58.12(c), the sum of four million dollars (\$4,000,000) for the 2013-2014 fiscal year and the sum of six million dollars (\$6,000,000) for the 2014-2015 fiscal year shall be transferred from the E-Commerce Fund in the Department of Administration Budget Code 24100, Fund 2514, to be used to support operations at the Department of Administration on a nonrecurring basis.

SECTION 30.5.(c) Notwithstanding the provisions of G.S. 66-58.12(c), the sum of one million one hundred eleven thousand five hundred eighty-five dollars (\$1,111,585) for the 2013-2014 fiscal year shall be transferred from the E-Commerce Fund in the Department of Administration Budget Code 24100, Fund 2514, to the Department of the State Treasurer to fund the Core Banking System Upgrade.

GENERAL ASSEMBLY OF NORTH CAROLINA

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DRAFT
SPECIAL PROVISION



2013-ADMIN-H6(S30.6)-P

Department of Administration
Appropriations Subcommittee on General Government

Requested by: Representative

STUDY/E-PROCUREMENT FEE

SECTION 30.6. The Department of Administration shall study the feasibility of reducing or eliminating the e-commerce fee authorized under G.S. 66-58.12(b). The e-commerce fee supports the E-Procurement System operated by the Department. By February 1, 2014, the Department shall report its findings to the Senate Appropriations Committee on General Government and Information Technology, House of Representatives Appropriations Subcommittee on General Government, Joint Legislative Committee on Information Technology, and Office of State Budget and Management. The report shall include the following:

- (1) The current rate of the fee and how it was calculated.
- (2) The current revenue generated from the fee by departmental users.
- (3) The current break-even point for the operation of the E-Procurement System.
- (4) The requirements for the operation and administration of the E-Procurement System, including the term of any contract with an outside vendor for the management of the E-Procurement System.
- (5) Total payments to vendors since the initiation of the E-Procurement System.
- (6) Total State receipts since the initiation of the E-Procurement System.
- (7) Information on e-procurement systems currently in operation in other states and within North Carolina, including an analysis of the advantages and disadvantages of each.
- (8) The feasibility and cost of utilizing e-procurement systems under management by any State institution.
- (9) The feasibility of eliminating the fee supporting the E-Procurement System, E-Commerce Fund (2514), and moving the administration of the E-Procurement System to General Fund Support, including any cost-savings to agencies as a result of vendors not assessing the fee on goods purchased through the System.
- (10) The feasibility of reducing the fee by assessing the fee on goods and services only.
- (11) The potential for savings from training State employees to operate and maintain the System.

GENERAL ASSEMBLY OF NORTH CAROLINA

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DRAFT
SPECIAL PROVISION



2013-ADMIN-H3(S30.7)-P

Department of Administration
Appropriations Subcommittee on General Government

Requested by: Representative

- 1 *ELIMINATE AUTHORITY FOR STATE CONTRIBUTION TO COUNTY VETERANS*
- 2 *SERVICE PROGRAMS*
- 3 **SECTION 30.7.** G.S. 165-6(9) is repealed.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2013

DRAFT
SPECIAL PROVISION



2013-OAH-H1A-P

Office of Administrative Hearings
Appropriations Subcommittee on General Government

Requested by: Representative

STUDY STAFFING REQUIREMENTS OF RULES REVIEW COMMISSION

SECTION #. If House Bill 74 of the 2013 Regular Session of the General Assembly is enacted, the Office of Administrative Hearings shall study whether the requirements of that bill regarding periodic review of existing rules necessitates additional staffing for the Rules Review Commission. The Office of Administrative Hearings shall report by March 1, 2014, on its findings. The report shall include the number of rules that have been reviewed by the Rules Review Commission, broken down by agency, Rules Review legal staff, and the number of rules that have been overturned or reauthorized for the 2013-2014 fiscal year. If House Bill 153 of the 2013 Regular Session of the General Assembly is enacted, the report shall be to the Joint Legislative Oversight Committee on General Government, if that committee is created as a result of the enactment. Otherwise, the report shall be to the Chairs of the House Appropriations Subcommittee on General Government and the Senate Appropriations Committee on General Government and Information Technology and to the Fiscal Research Division.

