

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1997

SESSION LAW 1998-166
HOUSE BILL 900

AN ACT TO APPROPRIATE FUNDS FOR FEDERAL MATCHING FUNDS FOR THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY AND WASTEWATER AND WATER SUPPLY MATCHING FUNDS FOR THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, TO APPROPRIATE FUNDS FOR CAPITAL APPROPRIATIONS FOR THE DEPARTMENT OF ADMINISTRATION AND THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, TO AUTHORIZE A TRANSFER OF FUNDS TO MEET TANF MAINTENANCE OF EFFORT REQUIREMENTS, TO PROVIDE THAT IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT EXCESS TANF FUNDS BE USED TO CONTINUE THE IMPLEMENTATION OF FIRST STOP EMPLOYMENT ASSISTANCE, TO APPROPRIATE FEDERAL BLOCK GRANT FUNDS FOR THE WELFARE TO WORK FORMULA GRANT PLAN, TO PROVIDE FOR WATER RESOURCES DEVELOPMENT PROJECTS, TO AMEND THE CARING PROGRAM FOR CHILDREN STATUTE ON THE UNINSURED, AND TO PROVIDE A MENTAL HEALTH RESERVE MATCH FOR MEDICAID.

The General Assembly of North Carolina enacts:

CURRENT OPERATIONS APPROPRIATION/GENERAL FUND

Section 1. Appropriations from the General Fund of the State for the maintenance of the State departments, institutions, and agencies, and for other purposes as enumerated are made for the fiscal year ending June 30, 1999, according to the schedule that follows.

Current Operations - General Fund

1998-99

Department of Crime Control and Public
Safety – Matching Funds for the National
Guard Tarheel Challenge Program

\$ 542,000 NR

Department of Environment and Natural Resources

01. Federal Wastewater Assistance –
Matching Funds

4,860,532 NR

02. Federal Water Supply Assistance –

Matching Funds	2,571,880 NR
TOTAL – Department of Environment and Natural Resources	7,432,412 NR
TOTAL: Current Operations - General Fund	\$7,974,412 NR

CAPITAL APPROPRIATIONS/GENERAL FUND

Section 2. Appropriations are made from the General Fund of the State for the 1998-99 fiscal year for use by the State departments, institutions, and agencies to provide for capital improvement projects according to the following schedule:

Capital Improvements - General Fund

	<u>1998-99</u>
Department of Administration, Reserve for State Veterans Nursing Home – Salisbury Renovation of a 100-bed nursing care unit	\$1,000,000
Department of Environment and Natural Resources	
01. State Match-Water Resources Projects – Funds for the State share of federal civil works projects	\$5,240,000
02. Channel Widening/Deepening-Wilmington Port – Funds to improve navigation for shipping terminals and industries	\$4,800,000
03. B. Everett Jordan Lake Water Supply – repayment of State cost-share funds for federal funds previously expended	\$ 110,000
TOTAL: Capital Improvements - General Fund	\$11,150,000

AUTHORIZE TRANSFER TO MEET TANF MAINTENANCE OF EFFORT REQUIREMENTS

Section 3. Notwithstanding any other provision of law to the contrary, to the extent necessary to meet federal maintenance of effort requirements for Temporary Assistance for Needy Families (TANF), the Department of Health and Human Services may, for the first quarter of the 1998-99 fiscal year only, use State funds for the TANF Work First Family Assistance.

FIRST STOP EMPLOYMENT ASSISTANCE/ APPROPRIATE FEDERAL BLOCK GRANT FUNDS FOR WELFARE TO WORK FORMULA GRANT PLAN

Section 4.(a) It is the intent of the General Assembly that excess Temporary Assistance for Needy Families (TANF) funds up to twenty-five million three hundred

thirty-two thousand one hundred seventy-three dollars (\$25,332,173) be used to continue the implementation of First Stop Employment Assistance, established pursuant to G.S. 108A-29. The Employment Security Commission shall implement this initiative in consultation with the Department of Commerce, the Department of Health and Human Services, and the Department of Community Colleges.

(b) Section 12.20A(b) of S.L. 1997-443 reads as rewritten:

"(b) The Department of Commerce, the Employment Security Commission, and the Department of Health and Human Services shall develop a plan to implement the Welfare-to-Work initiative in this State, develop performance goals and measures for this initiative, and estimate the cost impact on the State budget for the next five years of implementing the initiative. The Department of Commerce, the Employment Security Commission, and the Department of Health and Human Services shall report to the General Assembly its findings and recommendations by April 1, 1998. ~~The Department of Commerce shall not expend any State or federal funds for the Welfare to Work initiative until the amended State Plan is submitted to the General Assembly and the amended State Plan becomes law.~~"

(c) There is appropriated to the Department of Commerce from federal Welfare to Work Block Grant funds for the fiscal year ending June 30, 1999, the sum of twenty-five million three hundred thirty-two thousand one hundred seventy-three dollars (\$25,332,173). The Office of State Budget and Management may identify potential sources of State and local funds that may be used as a match for the federal Welfare-to-Work Block Grant, except that funds identified may be used as a match only to the extent that the funds are not needed to meet federal TANF maintenance of effort requirements and only to the extent that the funds will not reduce funds obligated or appropriated for Work First County Block Grants and child welfare services.

WATER RESOURCES DEVELOPMENT PROJECTS FUNDS

Section 5.(a) The Department of Environment and Natural Resources shall allocate the funds appropriated in this act for water resources development projects to the following projects whose estimated costs are as indicated:

	<u>Name of Project</u>	
1.	Morehead City Harbor Turning Basin	\$ 2,000,000
2.	Wilmington Harbor Maintenance Dredging	200,000
3.	Wilmington Harbor Long-Term Disposal	1,400,000
4.	Beaufort Harbor Maintenance Dredging	80,000
5.	Manteo Shallowbag Bay Maintenance Dredging	200,000
6.	Rollinson Channel Maintenance Dredging (Dare County)	400,000

8.	Pine Knolls Shores Protection (Carteret Co.)	200,000
9.	Tar River Road Streambank Protection (City of Greenville)	50,000
10.	Battery Island Bird Habitat Restoration (Brunswick County)	140,000
11.	Dare County Beaches Feasibility Study	70,000
12.	Deep Creek Watershed Project (Yadkin Co.)	500,000
	Total	\$ 5,240,000

(b) Where the actual costs are different from the estimated costs under subsection (a) of this section, the Department may adjust the allocations among projects as needed. If any projects listed in subsection (a) of this section are delayed and the budgeted State funds cannot be used during the 1998-99 fiscal year, or if the projects listed in subsection (a) of this section are accomplished at a lower cost, the Department may use the resulting fund availability to fund any of the following:

- (1) Corps of Engineers project feasibility studies.
 - (2) Corps of Engineers projects whose schedules have advanced and require State matching funds in fiscal year 1998-99.
 - (3) State-local water resources development projects.
- Funds not expended or encumbered for these purposes shall revert to the General Fund at the end of the 1999-2000 fiscal year.

(c) The Department shall make quarterly reports on the use of these funds to the Joint Legislative Commission on Governmental Operations, the Fiscal Research Division, and the Office of State Budget and Management. Each report shall include all of the following:

- (1) All projects listed in this section.
- (2) The estimated cost of each project.
- (3) The date that work on each project began or is expected to begin.
- (4) The date that work on each project was completed or is expected to be completed.
- (5) The actual cost of each project.

The quarterly reports shall also show those projects advanced in schedule, those projects delayed in schedule, and an estimate of the amount of funds expected to revert to the General Fund.

CARING PROGRAM FOR CHILDREN

Section 6. G.S. 108A-70.18(8), as enacted by Section 1 of S.L. 1998-1 Extra Session, reads as rewritten:

"(8) 'Uninsured' means the applicant for Program benefits was not covered under any private or employer-sponsored comprehensive health insurance plan for the six-month period immediately preceding the date ~~the Program becomes effective.~~ of application for Program benefits. ~~Effective six months from date the Program becomes effective,~~ April 1, 1999, 'uninsured' means the applicant is and was not covered under any private or employer-sponsored comprehensive health insurance plan for 60 days immediately preceding the date of application. The waiting periods required under this subdivision shall be waived if the child has been enrolled in Medicaid and has lost Medicaid eligibility due to a change in family income eligibility, has lost health care benefits due to cessation of a nonprofit organization program that provides health care benefits to low-income children, or has lost employer-sponsored comprehensive health care coverage due to termination of employment, cessation by the employer of employer-sponsored health coverage, or cessation of the employer's business."

MENTAL HEALTH RESERVE FOR MEDICAID MATCH

Section 7. There is appropriated from the General Fund to the Department of Health and Human Services the sum of thirty-eight million dollars (\$38,000,000) for the 1998-99 fiscal year. These funds shall be placed in a Mental Health Restricted Reserve in the Office of the Controller of the Department of Health and Human Services. In addition to these funds, the Department shall transfer to the Mental Health Restricted Reserve from the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, the total amount of funds in the Division's budget allocated as matching funds for Medicaid payments to area mental health authorities for the 1998-99 fiscal year. Funds in the Reserve that are unexpended and unencumbered as of June 30, 1999, shall revert to the General Fund. This appropriation shall become part of the continuation budget.

MOST TEXT APPLIES ONLY TO 1998-99

Section 8. Except for statutory changes or other provisions that clearly indicate an intention to have effects beyond the 1998-99 fiscal year, the textual provisions of this act apply only to funds appropriated for, and activities occurring during, the 1998-99 fiscal year.

1997-98 APPROPRIATIONS LIMITATIONS AND DIRECTIONS APPLY

Section 9.(a) Except where expressly repealed or amended by this act, the provisions of S.L. 1997-443, S.L. 1998-1 Extra Session, S.L. 1998-9, S.L. 1998-23, and S.L. 1998-153 remain in effect.

(b) Notwithstanding any modifications by this act in the amounts appropriated, except where expressly repealed or amended, the limitations and directions for the 1998-99 fiscal year in S.L. 1997-443, S.L. 1998-1 Extra Session, S.L. 1998-9, S.L. 1998-23, and S.L. 1998-153 that applied to appropriations to particular

agencies or for particular purposes apply to the newly enacted appropriations of this act for those same particular purposes.

EFFECT OF HEADINGS

Section 10. The headings to the sections of this act are a convenience to the reader and are for reference only. The headings do not expand, limit, or define the text of this act.

SEVERABILITY CLAUSE

Section 11. If any section or provision of this act is declared unconstitutional or invalid by the courts, it does not affect the validity of this act as a whole or any part other than the part so declared to be unconstitutional or invalid.

EFFECTIVE DATE

Section 12. Except as otherwise provided, this act becomes effective July 1, 1998.

In the General Assembly read three times and ratified this the 30th day of September, 1998.

s/ Marc Basnight
President Pro Tempore of the Senate

s/ Harold J. Brubaker
Speaker of the House of Representatives

s/ James B. Hunt, Jr.
Governor

Approved 11:59 p.m. this 30th day of September, 1998