

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE BILL 1221
Second Edition Engrossed 4/30/03

Short Title: Return Overpayments of State Funds. (Public)

Sponsors: Representatives Decker; G. Allen, L. Allen, Capps, Church, England, Gibson, Goforth, Hall, Harrell, Hill, Holliman, Parmon, Rapp, Rayfield, Saunders, Sutton, Tolson, Warner, and Wood.

Referred to: State Government.

April 14, 2003

A BILL TO BE ENTITLED

AN ACT REQUIRING THE RETURN OF OVERPAYMENTS OF STATE FUNDS
BY PERSONS IN STATE-SUPPORTED POSITIONS.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 143 of the General Statutes is amended by adding a new Article to read:

"Article 3H.

"Overpayments of State Funds.

"§ 143-64.80. Overpayments of State funds to persons in State-supported positions; recoupment required.

(a) An overpayment of State funds to any person in a State-funded position, whether in the form of salary or otherwise, shall be recouped by the entity that made the overpayment and, to the extent allowed by law, the amount of the overpayment may be offset against the salary of the person receiving the overpayment.

(b) No State department, agency, or institution, or other State-funded entity may forgive repayment of an overpayment of State funds, but shall have a duty to pursue the repayment of State funds by all lawful means available, including the filing of a civil action in the General Court of Justice.

(c) A State department, agency, or institution, or other State-funded entity shall not seek repayment of an overpayment of State funds under this section if the costs of pursuing repayment exceed or will exceed the amount of overpayment nor shall it initiate any action under this section if three or more years have elapsed since the time of overpayment."

SECTION 2. This act is effective when it becomes law and applies to all overpayments of State funds made on or after that date.