

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1989

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SENATE BILL 1427
Appropriations Committee Substitute Adopted 7/13/90
Third Edition Engrossed 7/13/90

Short Title: Capital Appropriations/1990-91.

(Public)

Sponsors:

Referred to:

May 30, 1990

A BILL TO BE ENTITLED

AN ACT TO MAKE APPROPRIATIONS TO PROVIDE CAPITAL IMPROVEMENTS FOR STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATION OF THE STATE.

The General Assembly of North Carolina enacts:

Requested by: Senator Royall

—TITLE OF ACT

Section 1. This act shall be known as the "Capital Improvement Appropriations Act of 1990."

An outline of the provisions of the act follows this section. The outline shows the heading "—CONTENTS/INDEX—"and it lists by general category the descriptive captions for the various sections and groups of sections that make up the act.

—CONTENTS/INDEX—

(This outline is designed for reference only, and the outline and the corresponding entries throughout the act in no way limit, define, or prescribe the scope or application of the text of the act.)

—TITLE OF ACT

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21
22 PART I.—GENERAL FUND APPROPRIATIONS

23
24 —CAPITAL IMPROVEMENTS/AMOUNTS DELAYED OR REVERTED

25 Sec. 2. (a) The Governor, acting pursuant to Article III, Section 5(3), of the
26 Constitution to effect the necessary economies in State expenditures to balance the
27 budget for the 1989-91 fiscal biennium, has placed all or part of the funds appropriated
28 by the General Assembly for the projects set out on the following chart on a
29 "delayed" status or reverted them.

30 The appropriations of funds in the amounts set out in the chart in the column
31 headed "**Amount Delayed or Reverted**" are hereby repealed.

32 Appropriations are made from the General Fund for the 1990-91 fiscal year
33 for use by State departments, institutions, and agencies for capital improvement
34 projects, to replace the amounts delayed or reverted by the Governor and repealed
35 herein by the General Assembly, according to the column headed "**1990-91**
36 **Appropriation**" in the following schedule:

37			
38		Amount Delayed	1990-91
39	Agency/Project	or Reverted	Appropriation
40			
41	Department of Administration		
42			
43	(Total)	\$ 27,502,480	\$ 21,303,955

1	1.	Museum of Art - Landscaping	700,000	-	
2					
3	2.	Education Building - Furnishings	907,980	-	
4					
5	3.	New Steam Plant - Government			
6		Complex	6,594,500	6,594,500	
7					
8	4.	Reserve for Asbestos Removal	750,000	-	
9					
10	5.	New Revenue Building	18,000,000	14,159,455	
11					
12	6.	Veterans Cemetery Funds	400,000	400,000	
13					
14	7.	Indian Cultural Center - Planning	150,000	150,000	
15					

Department of Agriculture

16					
17					
18	(Total)		10,162,994	8,789,394	
19					
20	1.	Watercraft Museum	499,700	499,700	
21					
22	2.	Western North Carolina			
23		Agricultural Center - Land	350,000	350,000	
24					
25	3.	Mountain Research Station -			
26		Building	140,000	-	
27					
28	4.	Southeastern Farmers Market	1,500,000	1,500,000	
29					
30	5.	New Agronomics Lab	6,852,694	6,439,694	
31					
32	6.	Garden Center Building -			
33		Charlotte	320,600	-	
34					
35	7.	Piedmont Triad Market	500,000	-	
36					

Board of Governors - University of North Carolina

37					
38					
39					
40	(Total)		63,451,300	46,354,257	
41					
42	1.	1987 University-wide Construction	2,855,678	2,855,678	
43					
44	2.	1987 Advance Planning	350,000	350,000	

1				
2	3.	1988 Major Renovations and Repairs	4,865,660	4,793,242
3				
4	4.	1988 Utilities Repairs and		
5		Improvements	1,692,000	1,598,657
6				
7	5.	1988 Land Acquisition	689,920	689,920
8				
9	6.	1988 University-wide Construction	5,352,932	5,062,150
10				
11	7.	1988 Mitchell 4-H Camp - Repairs	214,000	214,000
12				
13	8.	1988 UNC - Asheville -		
14		Conference Center	2,200,000	2,200,000
15				
16	9.	1988 North Carolina Arboretum	1,062,810	1,062,810
17				
18	10.	N. C. State University -		
19	a.	Engineering Graduate Center	6,000,000	3,000,000
20	b.	Centennial Center	2,000,000	1,000,000
21				
22	11.	East Carolina University -		
23	a.	Joyner Library Addition	6,000,000	2,000,000
24	b.	Center for Regional Advancement	1,000,000	500,000
25				
26	12.	University of North Carolina at		
27		Chapel Hill -		
28	a.	School of Business	6,500,000	5,000,000
29	b.	Social Work Building	4,140,500	1,500,000
30				
31	13.	UNC - Asheville -		
32	a.	Conference Center	2,000,000	500,000
33	b.	Conference Center	2,000,000	500,000
34				
35	14.	Fayetteville State University -		
36		Health/Physical Educ. Building	8,677,800	8,677,800
37				
38	15.	Appalachian State University -		
39	a.	Student Activities Center	2,000,000	1,000,000
40	b.	Academic Support Building	500,000	500,000
41				
42	16.	N. C. Arboretum	1,250,000	1,250,000
43				
44	17.	Board of Governors - Land	1,000,000	1,000,000

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18. Area Health Education Centers -
Construction Grants 1,100,000 1,100,000

Department of Community Colleges

(Total) 6,000,000 -

1. Anson Community College/Stanly
Community College - Union Satellite 900,000 -

2. Cape Fear Community College -
Classroom 500,000 -

3. Craven Community College -
Student Activity Center 750,000 -

4. Fayetteville Technical Community
College - Center for Applied
Technology - Equipment 899,952 -

5. Isothermal Community College -
Fine Arts Center 320,000 -

6. Johnston Community College -
Renovate Library 90,000-

7. Pitt Community College -
Vocational Building 28,577-

8. Roanoke-Chowan Community College -
Technology/Small Business Center 368,645 -

9. Rockingham Community College -
Lab/Classroom Building 1,032,826 -

10. Wake Technical Community College -
Health Education Building 1,110,000 -

Department of Correction

(Total) 1,955,600 1,955,600

1. Reserve for Repairs - Statewide 347,800 347,800

1				
2	2.	Wastewater and Water System		
3		Improvements	133,400	133,400
4				
5	3.	Plumbing Repairs at 51 Units	517,600	517,600
6				
7	4.	Substance Abuse Facility		
8		(Correctional Center for Women)	62,800	62,800
9				
10	5.	DWI Treatment Facility (Goldsboro)	894,000	894,000

Department of Cultural Resources

11				
12				
13				
14	(Total)	950,000	-	
15				
16	1.	Ziegler House - Renovation	400,000	-
17				
18	2.	C. H. Brown State Historic Site -		
19		Improvements	400,000	-
20				
21	3.	Spencer Shops - Round House		
22		Renovations	150,000	-

Department of Economic and Community Development

23				
24				
25				
26				
27	(Total)	7,000,000	1,000,000	
28				
29	1.	Biotechnology Center -		
30		Construction Grant	1,000,000	1,000,000
31				
32	2.	State Ports Authority - Expansion,		
33		Modernization, and Development	2,844,043	-
34				
35	3.	State Ports Authority Development		
36		a. Morehead City Port	2,130,263	-
37		b. Wilmington Port	1,025,694	-

Department of Environment, Health, and Natural Resources

38				
39				
40				
41				
42	(Total)	9,550,000	6,700,000	
43				
44	1.	State Park System - Repairs and		

1	Renovations/Improvements	2,000,000	-
2			
3	2. State Park System - Land		
4	Purchases	400,000	-
5			
6	3. Headquarters - Forest Resources		
7	County Headquarters	900,000	450,000
8			
9	4. North Carolina Zoological Park -		
10	North American Phase	6,250,000	6,250,000

Department of Justice

11			
12			
13			
14	(Total)	18,508,000	-

15			
16	1. State Bureau of Investigation		
17	Complex	18,508,000	-

**NC Solid Waste Mgt Capital Projects
Financing Agency**

18			
19			
20			
21			
22	(Total)	5,000,000	500,000

23			
24	1. Solid Waste Revolving Fund	5,000,000	500,000

Office of State Budget and Management

25			
26			
27			
28	(Total)	52,736,698	43,660,094

29			
30	1. Clean Water and Sewer Program	11,000,000	10,500,000

31			
32	2. Emergency Prison Construction		
33	Program	27,160,094	27,160,094

34			
35	3. Low-Level Radioactive Waste Site		
36	Selection	6,000,000	6,000,000

37			
38	4. Satellite Jail/Work Release		
39	Units	8,576,604	-

40			
41	GRAND TOTAL	\$202,817,072	\$130,263,300

(b) Except where expressly repealed or amended by this act, the provisions of law relating to the capital projects set out in subsection (a) of this section,

- 1 (1) Are not affected by language in subsection (a) repealing the amounts
 2 appropriated and appropriating new funds for the projects and
 3 (2) Apply to the funds appropriated in subsection (a).
 4

5 ---ADDITIONAL APPROPRIATIONS FOR CAPITAL PROJECTS

6 Sec. 3. Appropriations are made from the General Fund for use by the State
 7 departments, institutions, and agencies to provide for capital improvement projects
 8 according to the following schedule:
 9

10 **Agency/Project**

1990-91

11
 12 **Department of Administration**

- 13
 14 1. New Museum of Natural Science - Planning \$ 90,000
 15

16 **Department of Agriculture**

- 17
 18 1. Southeastern Farmers' Market -
 19 Wastewater Treatment Facility 140,000
 20

21 **Board of Governors - University of North Carolina**

22
 23 (Total) 1,353,000
 24

- 25 1. University of North Carolina at Chapel
 26 Hill - Living and Learning Center for
 27 Autistic Adults 1,078,000
 28
 29 2. N. C. State University - Agriculture Programs -
 30 Castle Hayne Horticultural Research Station -
 31 Greenhouse and Support Facilities 275,000
 32

33 **Department of Crime Control and Public Safety**

- 34
 35 1. Construction of Armories at Clinton
 36 and Goldsboro
 37 Total Requirements 5,409,300
 38 Federal Matching 3,941,500
 39 Local Matching 733,900
 40 State Matching 733,900
 41

42 **Department of Cultural Resources**

- 43
 44 1. Museum of the Albemarle - Continued Planning 75,000

Department of Economic and Community Development

(Total) 2,600,000

1. State Ports Development - Long Range Planning 100,000
2. National Institute of Statistical Sciences
(Research Triangle Park) 2,500,000

**Department of Environment, Health, and
Natural Resources**

(Total) 925,000

1. Coastal Reserves - Buxton Woods -
Federal Matching 125,000
2. Reserve for Water Resources -
Federal Matching 800,000

Department of Human Resources

1. Murdoch Center - Renovate Parkview Cottage 1,400,000

Office of State Budget and Management

(Total) 57,643,822

1. Reserve for Repairs and Renovations 5,543,822
2. Clean Water Program - Federal Match 5,600,000
3. Public School Construction Funds:
 - a. ADM Fund Allocations 36,500,000
 - b. Critical Needs Allocations 10,000,000

GRAND TOTAL \$ 64,960,722

Requested by: Senator Royall

—CONTINGENT APPROPRIATIONS FOR CAPITAL PROJECTS

1		
2		
3	1. Equipment and Book Purchases	6,000,000
4		
5	GRAND TOTAL	\$8,000,000
6		
7		

8 Requested by: Senator Royall

9 ---BUDGET STABILIZATION RESERVE

10 Sec. 6. There is appropriated from the General Fund to the Office of State
11 Budget and Management the sum of \$141,000,000 for the 1990-91 fiscal year for the
12 initial establishment of a Budget Stabilization Reserve. The purpose of the Reserve is
13 to provide a mechanism to stabilize the annual funding availability for carrying out
14 State programs and providing financial assistance to local government units.

15 It is the intent of the General Assembly that the Economic Future Study
16 Commission develop recommended rules governing the creation and maintenance of a
17 permanent Reserve and that the 1991 General Assembly enact laws establishing the
18 permanent Reserve.

19 It is also the intent of the General Assembly that the Reserve will be financed
20 from General Fund revenues that would otherwise be expended and that the monies
21 placed in the Reserve will be used to offset unanticipated reductions in funding
22 availability resulting from changes in the economic outlook, federal tax changes,
23 corporate financial actions, judicial decisions, federal spending mandates, and natural
24 disasters.

25 The funds in the Reserve shall not be spent during the 1990-91 fiscal year
26 without the prior approval of the General Assembly.

27
28 ---NONRECURRING STATE AID APPROPRIATIONS

29 Sec. 7. Appropriations from the General Fund of the State to State
30 departments, institutions, and agencies for aid to certain governmental and
31 nongovernmental units as enumerated are made for the fiscal year ending June 30, 1991,
32 according to the following schedule:

33
34 **Project**

1

35
36 **990-91**

37
38 **Department of Agriculture**

39		
40	1. Grant-in-Aid to the North Carolina	
41	Strawberry Association, Inc., for	
42	strawberry marketing and research	\$25,000
43		

44 **Department of Economic and**

Community Development

(Total) 2,500,000

1. Industrial Economic Development
Fund 1,500,000
2. North Carolina Housing Trust Fund 1,000,000

**Board of Governors - University of
North Carolina**

1. North Carolina State University-
Research Triangle World Trade
Center 50,000

Department of Human Resources

1. HUD Group Homes - For start-up
and operational costs of 15 group homes
for the developmentally disabled and 2 group
homes and 2 apartment projects for the mentally
ill as approved in the 1989 Section 202
allocation by the U. S. Department of Housing
and Urban Development 1,525,978

**Department of Environment, Health, and
Natural Resources**

1. United Cerebral Palsy Group Homes
and Developmental Centers 200,000

**Office of State Budget and
Management**

(Total) 3,505,000

1. North Carolina Performing Arts
Center - Charlotte 2,100,000
2. Grant-in-Aid - Autistic Foundation
of N.C. for development of camp and
conference center 300,000

1	3.	Water and Sewer Development -	
2		Caswell County	500,000
3			
4	4.	Economic Development -	
5		Hyde County	100,000
6			
7	5.	North Carolina Poverty Project,	
8		Inc. - Grant-in-Aid	55,000
9			
10	6.	Rural Economic Development Center, Inc. -	
11		Grants to Community Development Corporations	
12		incorporated under Chapter 55A of the General	
13		Statutes	325,000
14			
15	7.	The Pack Place Education, Arts and Service	
16		Center (Asheville)	125,000
17			
18		GRAND TOTAL	\$7,805,978
19			
20			

21 ---APPROPRIATIONS OF FUNDS IN ACCORDANCE WITH HOUSE BILL 2377

22 Sec. 8. Appropriations from the General Fund of the State for the fiscal year
 23 ending June 30, 1991, are made, in accordance with Chapter 813 of the 1989 Session
 24 Laws, House Bill 2377, according to the following schedule:

25
 26 **Local Tax Sharing Reserve**

- 27 01. Appropriation of franchise tax revenues,
 28 pursuant to G.S. 105-116 and G.S. 105-120 \$121,900,000
 29 02. Appropriation of intangibles tax revenues,
 30 pursuant to G.S. 105-213 99,700,000
 31 03. Appropriation of beverage tax revenues,
 32 pursuant to G.S. 105-113.82 21,100,000
 33

34 ---CURRENT OPERATIONS/RECURRING EXPENSES

35 Sec. 9. Appropriations from the General Fund of the State for maintenance of
 36 State departments, institutions, and agencies, and for other purposes as enumerated are
 37 made for the fiscal year ending June 30, 1991, according to the schedule that follows.
 38 The amounts set out in the schedule are in addition to other appropriations from the
 39 General Fund for these purposes for the 1990-91 fiscal year. Amounts set out in
 40 brackets are reductions from General Fund appropriations for the 1990-91 fiscal year.

41
 42 **General Fund**

1990-91

43

1 Department of the Secretary of State \$
2 772,320
3
4 Department of State Treasurer
5 of 15
6 0,000
7
8 **Department of Environment, Health, and**
9 Natural Resources
10 630,146
11
12 **Department of Human Resources**
13
14 1. Black Mountain Center - Alzheimer's unit 735,814
15
16 2. Division of Social Services 1,319,394
17
18 3. Division of Blind Services 9,450
19
20 Total Department of Human Resources
21 2,064,658
22
23 Department of Revenue
24 of 1,
25 252,678
26
27 Debt Service
28 75
29 ,000
30
31 GRAND TOTAL \$4,944,802
32

33 PART II.—HIGHWAY FUND

34 —CAPITAL IMPROVEMENTS

35 Sec. 10. Appropriations are made from the Highway Fund for use of the
36 Department of Transportation to provide for capital improvement projects according to
37 the following schedule:
38

39
40 **Agency/Project** **1990-91**
41
42 **Division of Highways**
43
44 1. Salt Storage Facilities \$500,000

2.	Division of Highways Roof Replacements	226,500
3.	Land Acquisition and Sub-Maint.-Jonas Ridge	177,300
4.	Division Office Annex-Ahoskie	400,000
5.	Division Office Annex-Greenville	360,000
6.	Site Completion-Taylorsville	359,700
7.	Central Warehouse Expansion-Raleigh	226,225

Division of Motor Vehicles

1.	Reserve for Repairs to Parking Lots	97,000
2.	Reserve for Roof Replacements	94,300
3.	Land purchase and building design-Asheville	180,000
	GRAND TOTAL	\$2,621,025

PART III.—GENERAL PROVISIONS

Requested by: Senator Royall

—PROJECTS ON DELAYED STATUS

Sec. 11. Because adequate funds are not available for the 1990-91 fiscal year to meet all of the State's critical needs for capital projects and to appropriate funds for all projects that were placed on delayed status by the Governor, the General Assembly is unable to restore all of the funds for the projects or to meet other critical capital needs. The General Assembly urges the Governor to give highest priority to funds for these projects when he prepares his proposed budget for the 1991-93 fiscal biennium.

Requested by: Senator Royall

—RESTRICTION ON CAPITAL IMPROVEMENT EXPENDITURES

Sec. 12. Notwithstanding any other provision of law, capital improvement projects for which funds are appropriated in Sections 2, 3, and 4 of this act shall not be available for expenditure prior to January 1, 1991, and until the Director of the Budget has certified that nonrecurring revenue sufficient to support these expenditures has been realized or is anticipated to be realized prior to June 30, 1991. Prior to certification of funds as required under this section, the Director of the Budget may seek the advice of the Advisory Budget Commission.

1 This section is not applicable to any projects (i) on which construction
2 contracts have been awarded; (ii) where federal, local, or private funds are available to
3 match State funds; (iii) where agents of the State have made commitments to provide
4 waste disposal facilities; or (iv) where necessary repairs must be made to State facilities.

5
6 Requested by: Senator Royall

7 —USE OF REPAIRS AND RENOVATIONS RESERVE FUNDS

8 Sec. 13. Notwithstanding G.S. 143-16.3, funds from the Repairs and
9 Renovations Reserve may be used for repair and renovation of capital facilities for
10 which the General Assembly considered but did not enact an appropriation of funds for
11 the 1990-91 fiscal year.

12
13 Requested by: Senator Royall

14 —INTANGIBLES TAX DISTRIBUTION

15 Sec. 14. Notwithstanding G.S. 105-213(a), as amended by Chapter 813 of the
16 1989 Session Laws, the distribution required to be made in the 1990-91 fiscal year by
17 that subsection shall be made by September 15, 1990, instead of by August 30, 1990.

18
19 PART IV.—GENERAL GOVERNMENT

20
21 Requested by: Senator Royall

22 —CHARGES FOR OVERDRAFT IN STATE TREASURER'S DISBURSING
23 ACCOUNT

24 Sec. 15. G.S. 143-3.2 reads as rewritten:

25 "**§ 143-3.2. Issuance of warrants upon State Treasurer.**

26 (a) The State Controller shall have the exclusive responsibility for the issuance of
27 all warrants for the payment of money upon the State Treasurer. All warrants upon the
28 State Treasurer shall be signed by the State Controller, who before issuing them shall
29 determine the legality of payment and the correctness of the accounts.

30 When the State Controller finds it expedient to do so because of a State agency's size
31 and location, the State Controller may authorize a State agency to make expenditures
32 through a disbursing account with the State Treasurer. The State Controller shall
33 authorize the Judicial Department and the General Assembly to make expenditures
34 through such disbursing accounts. All deposits in these disbursing accounts shall be by
35 the State Controller's warrant. A copy of each voucher making withdrawals from these
36 disbursing accounts and any supporting data required by the State Controller shall be
37 forwarded to the Office of the State Controller monthly or as otherwise required by the
38 State Controller.

39 A central payroll unit operating under the Office of the State Controller may make
40 deposits and withdrawals directly to and from a disbursing account. The disbursing
41 account shall constitute a revolving fund for servicing payrolls passed through the
42 central payroll unit.

43 The State Controller may use a facsimile signature machine in affixing his signature
44 to warrants.

1 (b) The State Treasurer shall impose a fee of fifteen dollars (\$15.00) for each
2 check drawn against a disbursing account that causes the balance in the account to be in
3 overdraft or while the account is in overdraft. The fee shall be paid from non-State
4 funds to the General Fund to the credit of the miscellaneous revenue account."
5

6 Requested by: Senator Parnell

7 ---INDIAN CULTURAL CENTER FUNDS

8 Sec. 16. (a) The State of North Carolina shall lease out for a period of 99
9 years at a monetary consideration of \$1 per year all the real property it acquired for the
10 Indian Cultural Center, but no part of Phase I of the project may be constructed either
11 by the State or by or for the lessee until an environmental impact assessment is
12 completed as to Phase I.

13 (b) Of the funds appropriated to the Department of Administration for fiscal year
14 1990-91 in Section 2 of this act for the Indian Cultural Center, the sum of \$100,000
15 shall be used for an environmental impact assessment and construction of the Indian
16 Cultural Center and the sum of \$50,000 may be used for administrative costs of the
17 center.
18

19 Requested by: Senator Swain

20 ---OLD FORT BRANCH MUSEUM FUNDS

21 Sec. 17. Funds appropriated in the amount of \$50,000 to the Department of
22 Cultural Resources in Section 4 of Chapter 1014 of the 1985 Session Laws, 1986
23 Regular Session, may be used for capital improvements for Old Fort Branch Museum
24 (Mountain Gateway Museum).
25

26 Requested by: Senator Royall

27 ---PERFORMING ARTS CENTER FUNDS

28 Sec. 18. Funds in the amount of \$2,100,000 are appropriated in Section 7 of
29 this act to the Office of State Budget and Management as a grant-in-aid for the
30 Performing Arts Center in Charlotte.

31 It is the intent of the General Assembly to give highest priority to an
32 appropriation of an additional \$1,400,000 for the 1991-93 fiscal biennium for the
33 Performing Arts Center to fulfill the State's commitment to this project.
34

35 PART V.---JUSTICE AND PUBLIC SAFETY
36

37 Requested by: Senator Royall

38 ---DEPARTMENT OF CORRECTION EXPANSION FUNDS

39 Sec. 19. (a) Section 80 of The Current Operations Appropriations Act of
40 1990 is repealed.

41 (b) The additional funds from the General Fund necessitated by the repeal of
42 Section 80 of The Current Operations Appropriations Act of 1990 shall be funded from
43 additional funds from the General Fund, to the extent that the Director of the Budget,
44 after consultation with the Office of State Budget and Management and the Fiscal

1 Research Division of the Legislative Services Office, finds that General Fund revenues
2 for the 1990-91 fiscal year exceed the General Fund revenues estimated in the budget
3 enacted by the General Assembly for the 1990-91 fiscal year. If sufficient funds are not
4 available from that source, there is created in the Office of State Management and
5 Budget a negative General Fund Reserve for the 1990-91 fiscal year in an amount equal
6 to the remaining amount necessary to fund those additional expenditures. That reserve
7 shall be funded by reductions in the General Fund in the discretion of the Director of the
8 Budget.

9
10 Requested by: Senator Marvin

11 —LAW ENFORCEMENT DRIVING TRACK FUNDS

12 Sec. 20. Section 27 of Chapter 754 of the 1989 Session Laws reads as
13 rewritten:

14 "Sec. 27. Of the unexpended funds appropriated for the 1987-88 fiscal year to the
15 Department of Crime Control and Public Safety in Section 5 of Chapter 795 of the 1987
16 Session Laws for the law enforcement precision driving track, \$239,400 shall be used
17 for the construction of a ~~control tower~~ support building that houses a control tower,
18 classroom facilities, and maintenance bays to be located at the driving track."

19
20 PART VI.—EDUCATION

21
22 Requested by: Senator Speed

23 —VANCE-GRANVILLE COMMUNITY COLLEGE/FRANKLIN COUNTY
24 SATELLITE FUNDS

25 Sec. 21. (a) The balance of \$133,592.20 in the North Carolina Clean Water
26 Revolving Loan and Grant Program-Administrative Account is hereby reverted to the
27 General Fund.

28 (b) There is appropriated from the General Fund to the Department of
29 Community Colleges the sum of \$133,592 for the 1990-91 fiscal year for repairs and
30 renovation at the Franklin County satellite of Vance-Granville Community College.

31
32 Requested by: Senator Conder

33 —SCHOOL SUPPLEMENTAL INSTRUCTIONAL MATERIAL/
34 DIFFERENTIATED PAY PLANS

35 Sec. 22. (a) G.S. 115C-98(b) reads as rewritten:

36 "(b) Local boards of education shall adopt written policies concerning the
37 procedures to be followed in their local school administrative units for the selection and
38 procurement of supplementary textbooks, library books, periodicals, audio-visual
39 materials, and other supplementary instructional materials needed for instructional
40 purposes in the public schools of their units.

41 Local boards of education shall have sole authority to select and procure
42 supplementary instructional materials, whether or not the materials contain commercial
43 advertising, to determine if the materials are related to and within the limits of the
44 prescribed curriculum, and to determine when the materials may be presented to

1 students during the school day. Supplementary materials and contracts for
2 supplementary materials are not subject to approval by the State Board of Education.

3 Supplementary books and other instructional materials shall neither displace nor be
4 used to the exclusion of basic textbooks."

5 (b) G.S. 115C-47 is amended by adding a new subdivision to read:

6 "(33) Local boards of education shall have sole authority to select and
7 procure supplementary instructional materials, whether or not the
8 materials contain commercial advertising, pursuant to the
9 provisions of G.S. 115C-98(b)."

10 (c) G.S. 115C-238.4 is amended by adding a new subsection to read:

11 "(f) If a local school administrative unit bases its differentiated pay plan on a
12 locally designed school-based performance program, pursuant to subdivision (a)(3) of
13 this section, the plan shall provide that following the attainment of the local school
14 goals, the local board of education shall make a determination of which certified staff
15 members contributed to the attainment of those goals. Differentiated pay bonuses shall
16 then be distributed to those designated employees. The local board of education shall
17 make the determination as designated in the local differentiated pay plan."

18
19 Requested by: Senator Kaplan

20 —PARENTAL INVOLVEMENT IN SCHOOLS/STUDY

21 Sec. 23. The Education Study Commission, which was created in Part V of
22 Chapter 802 of the 1989 Session Laws, shall study the concept of requiring parents to
23 spend time at school with their children. During the course of this study, the Education
24 Study Commission shall consider the legislation proposed in the first edition of Senate
25 Bill 1524 of the 1989 Session.

26
27 Requested by: Senator Royall

28 —SCHOOL ADMINISTRATOR SALARY SCHEDULE

29 Sec. 24. (a) Section 38(a1) of Chapter 752 of the 1989 Session Laws is
30 repealed.

31 (b) Section 38(a2) of Chapter 752 of the 1989 Session Laws reads as
32 rewritten:

33 "(a2) Superintendents, Assistant Superintendents, Associate Superintendents,
34 Supervisors, Directors, Coordinators, Evaluators, Program Administrators, Principals,
35 and Assistant Principals—1990-91. The Director of the Budget may transfer from the
36 salary increase reserve fund created in Section 3 of this act for fiscal year 1990-91 funds
37 necessary to provide an average annual salary increase of six percent (6%), including
38 funds for the employer's retirement and Social Security contributions, commencing July
39 1, 1990, for all superintendents, assistant superintendents, associate superintendents,
40 supervisors, directors, coordinators, evaluators, program administrators, principals, and
41 assistant principals whose salaries are supported from the State's General Fund. ~~These~~
42 ~~funds shall be allocated to individuals according to rules adopted by the State Board of~~
43 ~~Education and the Superintendent of Public Instruction so as to begin the first year of~~
44 ~~the implementation schedule of the salary schedule developed pursuant to subsection~~

1 ~~(a1) of this section.~~—These funds may not be used for any purpose other than for the
2 salary increase and necessary employer contributions provided by this subsection."
3

4 Requested by: Senator Royall

5 —EDUCATION GOVERNANCE STUDY

6 Sec. 25. The Task Force on Excellence in Secondary Education of the
7 Department of Public Instruction shall study the method of selecting education officials
8 and the educational governance structure at the State level. The Task Force shall report
9 the results of its study and its recommendations to the General Assembly prior to
10 January 15, 1991.

11
12 PART VII.—HUMAN RESOURCES

13
14 Requested by: Senator Royall

15 —PRESCRIPTION DRUG REIMBURSEMENT CHANGE

16 Sec. 26. (a) Section 70(a)(6), of Chapter 500 of the 1989 Session Laws, as
17 rewritten by Section 139(a) of Chapter 752 of the 1989 Session Laws of the 1989
18 Session Laws, reads as rewritten:

19 "(6) **Drugs** - Drug costs as allowed by federal regulations plus ~~four dollars~~
20 ~~twenty four cents (\$4.24)~~ four dollars forty-five cents (\$4.45)
21 professional services fee per month excluding refills for the same drug
22 or generic equivalent during the same month. Reimbursement shall be
23 available for up to six prescriptions per recipient, per month, including
24 refills. Payments for drugs are subject to the provisions of subsection
25 (g) of this section and to the provisions at the end of subsection (a) of
26 this section, or in accordance with a plan adopted by the Department of
27 Human Resources consistent with federal reimbursement regulations."

28 (b) Effective upon the reduction of the estimated drug acquisition cost below the
29 Average Wholesale Price, Section 70(a)(6) of Chapter 500 of the 1989 Session Laws, as
30 rewritten by Section 139(a) of Chapter 752 of the 1989 Session Laws, and as further
31 rewritten by subsection (a) of this section, reads as rewritten:

32 "(6) **Drugs** - Drug costs as allowed by federal regulations plus ~~four dollars~~
33 ~~eighty five cents (\$4.85)~~ five dollars ten cents (\$5.10) professional
34 services fee per month excluding refills for the same drug or generic
35 equivalent during the same month. Reimbursement shall be available
36 for up to six prescriptions per recipient, per month, including refills.
37 Payments for drugs are subject to the provisions of subsection (g) of
38 this section and to the provisions at the end of subsection (a) of this
39 section, or in accordance with a plan adopted by the Department of
40 Human Resources consistent with federal reimbursement regulations."

41 (c) Section 139(b) of Chapter 752 of the 1989 Session Laws is repealed.

42 (d) Subsections (a), (b), and (c) of this section shall become effective only if
43 the Department identifies funds available to it sufficient to implement the increases
44 established pursuant to these subsections.

1

2 Requested by: Senator Daniel

3 —DOMICILIARY RATE INCREASE

4 Sec. 27. Section 81 of Chapter 500 of the 1989 Session Laws, as rewritten
5 by Section 131 of Chapter 752 of the 1989 Session Laws, reads as rewritten:6 "Sec. 81. Effective January 1, 1990, the maximum monthly rate for ambulatory
7 residents in domiciliary care facilities shall be ~~seven hundred twenty four dollars~~
8 ~~(\$724.00)~~ \$724.00 and the maximum monthly rate for semi-ambulatory residents shall
9 be ~~seven hundred sixty dollars~~ ~~(\$760.00)~~ \$760.00. Effective January 1, 1991, the
10 maximum monthly rates for ambulatory residents shall be increased to ~~seven hundred~~
11 ~~thirty four dollars~~ ~~(\$734.00)~~ \$756.00 and for semi-ambulatory residents ~~seven hundred~~
12 ~~seventy dollars~~ ~~(\$770.00)~~ \$793.00."

13

14 Requested by: Senator Raynor

15 —VETERANS HOME STUDY

16 Sec. 28. The Legislative Research Commission's Committee on Care
17 Provided by Rest Homes, Intermediate Care Facilities, and Skilled Nursing Homes,
18 Necessity for Certificates of Need, and Continuing Care Issues, may study the need for
19 a veterans home in North Carolina. The Committee may consider Senate Bill 1379,
20 introduced by Senator Raynor, in determining the nature, scope, and aspects of the
21 study.

22

23 Requested by: Senators Walker and Marvin

24 —HEAD START/ELDERLY AND NEEDY PROGRAM FUNDS

25 Sec. 29. (a) Of the funds appropriated in Section 7 of the Current Operations
26 Appropriations Act of 1990 under the Social Services Block Grant for day care services,
27 the sum of \$200,000 shall be allocated to the Department of Human Resources,
28 Division of Economic Opportunity, for the continuation of Head Start programs and
29 services for children eligible for these programs and services, and for the continuation
30 of the services to the elderly and needy funded in Section 47 of Chapter 754 of the 1989
31 Session Laws.32 (b) There is appropriated from the General Fund to the Department of Human
33 Resources, Division of Economic Opportunity, the sum of \$50,000 for the 1990-91
34 fiscal year to continue funding for those Head Start programs and services and those
35 services to the elderly and needy described in subsection (a) of this section.

36

37 PART VIII.—NATURAL AND ECONOMIC RESOURCES

38

39 Requested by: Senator Plyler

40 —NC AGRICULTURAL FINANCE AUTHORITY

41 Sec. 30. (a) Section 109 of Chapter 500 of the 1989 Session Laws is
42 repealed, except that such repeal reenacts Chapter 122D of the General Statutes only as
43 provided by subsection (b) of this section.

1 (b) Chapter 122D of the General Statutes is reenacted, with the exception of
2 G.S. 122D-6(12), 122D-6(15), 122D-10, 122D-12, 122D-14, 122D-15, and 122D-17.

3 (c) G.S. 120-123(47) is reenacted.

4 (d) The amendment made to G.S. 53-234(6)(d) by Section 109(f) of Chapter
5 500, Session Laws of 1989, is repealed.

6 (e) Of the funds that were in the Reserve for Farm Loans on June 30, 1990, a
7 sum not to exceed \$204,627 may be reallocated to the North Carolina Agricultural
8 Finance Authority for the 1990-91 fiscal year for the administration of Chapter 122D of
9 the General Statutes, notwithstanding any provision of law to the contrary.

10
11 Requested by: Senator Hunt

12 ---COMMUNITY DEVELOPMENT CORPORATIONS FUNDS

13 Sec. 31. (a) Of the funds appropriated to the Department of Economic and
14 Community Development for the 1990-91 fiscal year for the Rural Economic
15 Development Center, Inc., the sum of \$325,000 shall be used for grants to be disbursed
16 to community development corporations which are incorporated under Chapter 55A of
17 the General Statutes and which currently serve minority and underdeveloped
18 communities.

19 (b) The Rural Economic Development Center, Inc., shall make a written report
20 by May 1, 1991, to the General Assembly on the use of the funds appropriated under
21 subsection (a) of this section.

22 (c) No funds allocated under subsection (a) of this section shall be used for
23 administrative expenses of the Rural Economic Development Center, Inc., and any
24 interest earned on unexpended funds shall be used for grants pursuant to subsection (a)
25 of this section.

26
27 Requested by: Senator Soles

28 ---SALE OF SOUTHPORT SMALL BOAT HARBOR

29 Sec. 32. (a) The North Carolina State Ports Authority may convey to the City
30 of Southport for monetary consideration a fee simple determinable interest only in the
31 parcel of land, together with improvements, located in the City of Southport, Brunswick
32 County, which is described in the deed from the City of Southport to the North Carolina
33 State Ports Authority filed for registration May 29, 1964, and recorded in Deed Book
34 178, page 446, Brunswick County Registry, and other lands of the North Carolina State
35 Ports Authority adjacent thereto, all of which are collectively known as the Southport
36 Small Boat Harbor. The fee simple determinable interest so conveyed shall continue so
37 long as the City of Southport does not convey its interest in all or any part of this
38 property. Should the City of Southport convey its interest, the City's interest shall
39 terminate by operation of law and automatically revert to the State.

40 (b) The transfer authorized by subsection (a) of this section shall be evidenced by
41 deeds or other instruments of conveyance as may be necessary to effectuate the transfer,
42 executed by the State Ports Authority in accordance with the provisions of G.S. 143B-
43 455.

1 (c) The deeds or other instruments of conveyance of the Southport Small Boat
2 Harbor shall include language which conveys the fee simple determinable interest
3 described in subsection (a) of this section.

4
5 Requested by: Senator Martin of Pitt

6 ---WATER RESOURCES DEVELOPMENT PROJECTS

7 Sec. 33. (a) Of the funds appropriated to the Department of Environment,
8 Health, and Natural Resources for the 1990-91 fiscal year, the sum of \$800,000 shall be
9 used for water resources development projects. The Department shall fund the
10 following projects, whose estimated costs are as indicated:

- 11 (1) Morehead City Harbor
12 Maintenance Dredging \$ 50,000
13 (2) Beaufort Harbor
14 Maintenance Dredging 80,000
15 (3) Lower Creek (City of Lenoir)
16 Flood Control 169,000
17 (4) Aquatic Weed Control Projects 37,000
18 (5) Great Coharie Creek (Sampson
19 County) Flood Control 75,000
20 (6) State/Local Water
21 Development Projects 389,000
22 (7) Corps of Engineers Feasibility
23 Studies as funds available.

24
25 (b) Where the actual costs are different from the estimated costs under subsection
26 (a) of this section, the Department may adjust the allocations among projects as needed.
27 If any projects listed in subsection (a) of this section are delayed and the budgeted State
28 funds cannot be used during the 1990-91 fiscal year, or if the projects listed in
29 subsection (a) are accomplished at a lower cost, the Department may use the resulting
30 fund availability to fund:

- 31 (1) Corps of Engineers project feasibility studies, or
32 (2) Corps of Engineers projects whose schedules have advanced and
33 require State matching funds in fiscal year 1990-91.

34 Funds not expended or encumbered for these purposes shall revert to the General Fund
35 at the end of the 1991-92 fiscal year.

36 (c) Beginning October 1, 1990, the Department shall make quarterly reports on
37 the use of these funds to the Joint Legislative Commission on Governmental
38 Operations, the Director of the Fiscal Research Division, and the Office of State Budget
39 and Management. Each report shall include:

- 40 (1) All projects listed in subsection (a) of this section;
41 (2) The estimated cost of each project;
42 (3) The date work on each project began or is expected to begin;
43 (4) The date work on each project was completed or is expected to be
44 completed; and

1 (5) The actual cost of each project.
2 The quarterly reports shall also show those projects advanced in schedule, those projects
3 delayed in schedule, and an estimate of the amount of funds expected to revert to the
4 General Fund.

5
6 Requested by: Senator Tally

7 —LAKE RIM FUNDS

8 Sec. 34. Section 38 of Chapter 754 of the 1989 Session Laws, as rewritten by
9 Section 24 of The Current Operations Appropriations Act of 1990, reads as rewritten:

10 "Sec. 38. The Wildlife Resources Commission may use no more than ~~\$315,000~~
11 \$315,297 for the 1990-91 fiscal year to repair the dam at the Lake Rim Fish Hatchery in
12 Cumberland County."

13
14 Requested by: Senator Basnight

15 —LEGISLATIVE SERVICES COMMISSION TO PAY FOR CHAIRMAN OF
16 SENATE NATURAL AND ECONOMIC RESOURCES APPROPRIATIONS
17 COMMITTEE TO ATTEND HIGHWAY OVERSIGHT COMMITTEE MEETINGS

18 Sec. 35. The Legislative Services Commission shall pay the costs of the
19 attendance of the Chairman of the Senate Appropriations Committee on Natural and
20 Economic Resources at all meetings of the Joint Legislative Highway Oversight
21 Committee. These subsistence and travel expenses shall be as provided in G.S. 120-3.1.

22
23 Requested by: Senators Basnight and Martin of Pitt

24 —SPECIAL APPROPRIATIONS FOR HIGHWAYS REDUCTION FOR CAPITAL
25 IMPROVEMENTS

26 Sec. 36. (a) The funds appropriated for the Special Appropriations for
27 Highways in The Current Operations Appropriations Act are hereby reduced by
28 \$2,621,025 which shall be used for capital improvements as appropriated in this act.

29 (b) Section 98 of Chapter 752 of the 1989 Session Laws reads as rewritten:

30 "Sec. 98. Of the funds appropriated to the Department of Transportation for special
31 appropriations for highways in Chapter 500 of the 1989 Session Laws, The Current
32 Operations Appropriations Act of 1989, and this act, sixty-six million dollars
33 (~~\$66,000,000~~) for fiscal year 1989-90 and ~~sixty-six million dollars (\$66,000,000)~~ seven
34 thousand five hundred twenty-four dollars (\$7,524) for fiscal year 1990-91 may be used
35 for:

- 36 (1) Supplemental funding for highway construction, reconstruction, and
37 rehabilitation projects for State and Federal Aid road systems;
38 (2) Supplemental funding for the planning, design, and engineering of
39 highways and acquisition of highway rights-of-way;
40 (3) Matching funds for unanticipated federal-aid construction funds;
41 (4) Payment for all or any portion of the interest or principal on bonds
42 issued by the State for road and highway purposes; and
43 (5) A means of maintaining a uniform seasonal pace of highway
44 construction, including scheduled ferry replacement.

1 Construction funds shall be allocated equitably each year among the 14 Highway
2 Divisions. Notwithstanding any other provision of Chapter 136 of the General Statutes,
3 the Department shall make allocations under this section in a manner that assures that at
4 the end of the second year each of the 14 Highway Divisions, over the two year period,
5 has been allocated an equal amount, insofar as possible, of all funds allocated under this
6 section, including those for scheduled ferry replacement. The Secretary shall report in
7 writing, on a monthly basis, in accordance with G.S. 136-17.2A. The Department of
8 Transportation shall report to the Joint Legislative Commission on Governmental
9 Operations Highway Oversight Committee and the Fiscal Research Division on the
10 projects that have been funded, and those projects that he reasonably expects to be
11 funded under this section. The report shall set out the reasons this method of funding
12 serves the best interest of the State's transportation improvement programs. That report
13 shall include, among other things, the cost savings realized, and the manner in which the
14 cost savings have been realized by the use of the funds allocated under this section in
15 accordance with G.S. 120-70.51(a)(1)."

16
17 Requested by: Senators Basnight and Plyler

18 —D.O.T. CONTRACT RETAINAGE DEPOSITS

19 Sec. 37. Chapter 136 of the General Statutes is amended by adding a new
20 section to read:

21 "**§ 136-28.9. Retainage - construction contracts.**

22 Notwithstanding the provisions of G.S. 147-69.1, 147-77, 147-80, 147-86.10, and
23 147-86.11, or any other provision of the law, the Department of Transportation is
24 authorized to enter into trust agreements with banks and contractors for the deposit of
25 retainage and for the payment to contractors of income on these deposits, in connection
26 with highway construction contracts, in trust accounts with banks in accordance with
27 Department of Transportation regulations, including deposit insurance and collateral
28 requirements. The Department of Transportation may contract with those banks without
29 trust departments in addition to those with trust departments. Funds deposited in any
30 trust account shall be invested only in bonds, securities, certificates of deposits, or other
31 forms of investment authorized by G.S. 147-69.1 for the investment of State funds. The
32 trust agreement may also provide for interest to be paid on uninvested cash balances."

33
34 PART IX.—EMPLOYEE BENEFITS

35
36 Requested by: Senator Johnson of Wake

37 —FUNDS FOR ADMINISTRATION OF PERFORMANCE PAY PLAN

38 Sec. 37.1. Of the funds appropriated for fiscal year 1990-91 in Sections 3 and
39 4 of Chapter 752 of the 1989 Session Laws as a Reserve for Salary Increases and a
40 Reserve for Compensation Increases, respectively, any amount not required to be
41 transferred by the Director of the Budget from the Reserves to State agencies,
42 departments, and institutions for salary and compensation increases may be transferred
43 to the Department of Administration, up to a total amount not to exceed the sum of

1 \$500,000, to be used by the Office of State Personnel in administering the performance
2 pay plan for State employees subject to the same provisions of the State Personnel Act.

3
4 Requested by: Senator Royall

5 —UNIVERSITY EMPLOYEES' OPTIONAL RETIREMENT PROGRAM

6 Sec. 38. Section 42(c) of Chapter 752 of the 1989 Session Laws reads as
7 rewritten:

8 "(c) The State's employer contribution rates budgeted for retirement and related
9 benefits as a percentage of covered salaries for the 1990-91 fiscal year are (i) eleven and
10 seventy-four hundredths percent (11.74%) - Teachers and State Employees; (ii) sixteen
11 and seventy-four hundredths percent (16.74%) - State Law Enforcement Officers; (iii)
12 ~~eight and twenty-seven hundredths percent (8.27%)~~ eight and thirty-seven hundredths
13 percent (8.37%) - University Employees' Optional Retirement Program; (iv) thirty-one
14 and thirty-six hundredths percent (31.36%) - Consolidated Judicial Retirement System;
15 and (v) thirty-eight and eighty-five hundredths percent (38.85%) - Legislative
16 Retirement System. Each of the foregoing contribution rates includes one and sixty-five
17 hundredths percent (1.65%) for hospital and medical benefits. The rate for State Law
18 Enforcement Officers includes five percent (5%) for the Supplemental Retirement
19 Income Plan. The rates for Teachers and State Employees, State Law Enforcement
20 Officers, and for the University Employees' Optional Retirement Program includes
21 fifty-two hundredths percent (0.52%) for the Disability Income Plan."

22
23 PART X.—MISCELLANEOUS PROVISIONS

24
25 Requested by: Senator Royall

26 —EXECUTIVE BUDGET ACT APPLIES

27 Sec. 39. The provisions of the Executive Budget Act, Chapter 143, Article 1
28 of the General Statutes are reenacted and shall remain in full force and effect and are
29 incorporated in this act by reference.

30
31 Requested by: Senator Royall

32 —COMMITTEE REPORT

33 Sec. 40. The July 11, 1990, Report of the Senate Appropriations Committee
34 which was distributed in the Senate and used to explain this act, shall indicate action by
35 the General Assembly on this act and shall therefore be used to construe this act, as
36 provided in G.S. 143-15 of the Executive Budget Act, and for such purposes shall be
37 considered a part of this act.

38
39 Requested by: Senator Royall

40 —MOST TEXT APPLIES ONLY TO 1990-91

41 Sec. 41. Except for statutory changes or other provisions that clearly indicate
42 an intention to have effects beyond the 1990-91 fiscal year, the textual provisions of this
43 act apply only to funds appropriated for, and activities occurring during, the 1990-91
44 fiscal year.

1

2 Requested by: Senator Royall

3 —1989-90 APPROPRIATIONS LIMITATIONS AND DIRECTIONS APPLY

4 Sec. 42. Except where expressly repealed or amended by this act, the
5 provisions of Chapters 500, 752, 754, 795, and 799 of the 1989 Session Laws, as
6 amended, and The Current Operations Appropriations Act of 1990, as amended, remain
7 in effect.

8 Sec. 43. Notwithstanding any modifications by this act in the amounts
9 appropriated, except where expressly repealed or amended, the limitations and
10 directions for the 1990-91 fiscal year in Chapters 500, 752, 754, 795, and 799 of the
11 1989 Session Laws, as amended, and The Current Operations Appropriations Act of
12 1990, as amended, that applied to appropriations to particular agencies or for particular
13 purposes apply to the newly enacted appropriations and budget reductions of this act for
14 those same particular purposes.

15

16 Requested by: Senator Royall

17 —EFFECT OF HEADINGS

18 Sec. 44. The headings to the parts and sections of this act are a convenience
19 to the reader and are for reference only. The headings do not expand, limit, or define
20 the text of this act.

21

22 Requested by: Senator Royall

23 —SEVERABILITY CLAUSE

24 Sec. 45. If any section or provision of this act is declared unconstitutional or
25 invalid by the courts, it does not affect the validity of this act as a whole or any part
26 other than the part so declared to be unconstitutional or invalid.

27

28 Requested by: Senator Royall

29 —EFFECTIVE DATE

30 Sec. 46. Except as otherwise provided, this act shall become effective July 1,
31 1990.