

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 1093

Appropriations Committee Substitute Adopted 6/25/92
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Short Title: Capital Appropriations/1992.

(Public)

Sponsors:

Referred to:

June 2, 1992

A BILL TO BE ENTITLED

**AN ACT TO MODIFY THE CAPITAL IMPROVEMENTS APPROPRIATIONS FOR
NORTH CAROLINA FOR THE 1992-93 FISCAL YEAR AND TO MAKE
OTHER CHANGES IN THE BUDGET OPERATION OF THE STATE.**

The General Assembly of North Carolina enacts:

PART 1. INTRODUCTION

Section 1. The appropriations made by the 1992 General Assembly for capital improvements are for constructing, repairing, or renovating State buildings, utilities, and other capital facilities, for acquiring sites for them where necessary, and for acquiring buildings and land for State government purposes.

PART 2. TITLE

Sec. 2. This act shall be known as "The Capital Improvements Appropriations Act of 1992".

PART 3. PROCEDURES FOR DISBURSEMENTS

1 Sec. 3. The appropriations made by the 1992 General Assembly for capital
2 improvements shall be disbursed for the purposes provided by this act. Expenditure of
3 funds shall not be made by any State department, institution, or agency, until an
4 allotment has been approved by the Governor as Director of the Budget. The allotment
5 shall be approved only after full compliance with the Executive Budget Act, Article 1 of
6 Chapter 143 of the General Statutes. Prior to the award of construction contracts for
7 projects to be financed in whole or in part with self-liquidating appropriations, the
8 Director of the Budget shall approve the elements of the method of financing of those
9 projects including the source of funds, interest rate, and liquidation period. Provided,
10 however, that if the Director of the Budget approves the method of financing a project,
11 he shall report that action to the Joint Legislative Commission on Governmental
12 Operations at its next meeting.

13 Where direct capital improvement appropriations include the purpose of
14 furnishing fixed and movable equipment for any project, those funds for equipment
15 shall not be subject to transfer into construction accounts except as authorized by the
16 Director of the Budget. The expenditure of funds for fixed and movable equipment and
17 furnishings shall be reviewed and approved by the Director of the Budget prior to
18 commitment of funds.

19 Capital improvement projects authorized by the 1992 General Assembly shall
20 be completed, including fixed and movable equipment and furnishings, within the limits
21 of the amounts of the direct or self-liquidating appropriations provided, except as
22 otherwise provided in this act.

23 24 **PART 4. CAPITAL IMPROVEMENTS/GENERAL FUND**

25
26 Sec. 4. Appropriations are made from the General Fund for the 1992-93
27 fiscal year for use by the State departments, institutions, and agencies to provide for
28 capital improvement projects according to the following schedule:

29		
30	Department of Administration	
31	(Total)	\$8,417,600
32	1. New Revenue Building Equipment and	
33	Furnishings 4,978,900	
34	2. Museum of History-Exhibits,	
35	Furnishings and Equipment 2,963,700	
36	3. Museum of History-N.C. Sports Hall	
37	of Fame 475,000	
38		
39	Department of Agriculture	
40	(Total)	10,250,000
41	1. New Agronomic Lab 7,500,000	
42	2. Tidewater Research and Extension Center	
43	Restore Funding for completion of the Center 1,000,000	
44	3. Museum of Natural Science - Planning 750,000	

1	4.	Piedmont Triad Farmers Market - Restore	
2		Funding 500,000	
3	5.	Southeastern Farmers Market - Partially	
4		Restore Funding 500,000	
5			
6		Department of Crime Control and Public Safety	
7	1.	Fayetteville Armory	
8		Requirements 2,295,000	
9		Receipts-Federal & Local 1,980,000	
10		State Appropriation 315,000	
11			
12		Department of Cultural Resources	
13		(Total)	795,000
14	1.	Art Museum-Amphitheater	
15		Requirements 1,476,800	
16		Receipts-Donations 1,476,800	
17		State Appropriations -	
18	2.	State Museum of the Albemarle - Restore	
19		Funding to Continue Development 150,000	
20	3.	Thomas Wolfe Memorial - Visitor's Center 645,000	
21			
22		Department of Environment, Health, and Natural Resources	
23		(Total)	11,734,300
24	1.	N.C. Zoo - Final Phase of North America	
25		Requirements 6,887,800	
26		Receipts - Private 1,061,800	
27		State Appropriation 5,826,000	
28	2.	Water Resources Development Projects-	
29		Matching Funds 5,680,000	
30	3.	County Forestry Headquarters-Warren	
31		County-Equipment/Office Buildings 228,300	
32			
33		Department of Human Resources	
34		(Total)	13,251,800
35	1.	Murdoch Center-Meadowview Cottage	
36		Renovation 1,546,500	
37	2.	Dix Campus-Male Wing Renovation 3,004,600	
38	3.	Umstead Hospital-New Psychiatric Unit 7,499,700	
39	4.	Western Carolina Center	
40		a. Reroof Walkways 699,800	
41		b. Boiler Replacement	201,200
42	5.	Eastern Regional Vocational Rehabilitation	
43		Facility - Repairs and Renovations 300,000	
44			

1	University Board of Governors		
2	(Total)		2,550,000
3	1. N.C. State University-Restore Funds for		
4	Site Preparation-Centennial Center	2,000,000	
5	2. N.C. State University-Castle Hayne		
6	Horticultural Research Station-Restore		
7	Funds for Greenhouse and Support Facilities	350,000	
8	3. 4-H Camps-Repairs and Renovations	200,000	
9			
10	Community Colleges		
11	1. Anson/Stanly - Restore funds for Union County		
12	Satellite	930,000	
13			
14	Office of State Budget & Management		
15	(Total)		16,246,675
16	1. Reserve for Repairs & Renovations-Statewide	14,246,675	
17	2. Critical School Facility Needs Fund - To		
18	correct a discrepancy in the manner in		
19	which grants were made from this fund	2,000,000	
20			
21	TOTAL CAPITAL IMPROVEMENTS/GENERAL FUND		\$64,490,375

PART 4A. NONRECURRING APPROPRIATIONS/GENERAL FUND

Sec. 4.1. Appropriations are made from the General Fund for the 1992-93 fiscal year for use by the State departments, institutions, and agencies to provide for one-time expenditures according to the following schedule:

1. UNC Board of Governors:
 - a. Funds to link Appalachian State University, UNC-Wilmington to CONCERT Communications Network operated by MCNC. \$ 1,645,000
 - b. North Carolina State University-Patent Research Funds. 97,000
2. Community Colleges:
 - a. Funds to purchase equipment and books. 5,000,000
 - b. Nursing Diploma Program Funds. 281,650
3. Cultural Resources:
 - Grants for local arts/historic sites. 295,000
4. Department of Public Instruction:
 - Funds to purchase equipment for end of year/end of course testing. 1,700,000
5. Environment, Health, and Natural Resources:
 - a. Funds for Soil and Water Conservation

1	Supervisors' travel and expenses.	50,000	
2	b. Governor's Waste Management Board:		
3	To provide a \$100,000 technical assistance		
4	grant to Richmond, Chatham, and Wake		
5	Counties for their site designation		
6	review committee.	300,000	
7	6. Department of Human Resources:		
8	a. Head Start Program - Provide grants		
9	for new capital construction and for		
10	capital improvements to existing facilities		
11	(up to \$40,000 for each of the 44 existing		
12	programs).	1,760,000	
13	b. Vocational Rehabilitation Facilities -		
14	Funds for capital needs at community-based		
15	facilities that operate vocational rehabili-		
16	tation services or Adult Developmental Activity		
17	Programs (ADAP). \$305.00 per slot for 6,495		
18	slots.	1,980,975	
19	7. Department of Economic and Community		
20	Development:		
21	Industrial Building Renovation		
22	Fund - Continue economic assistance to local		
23	units of government.	750,000	
24	8. Department of Agriculture:		
25	Provide for the development of a		
26	Grassroots Science Program by the Museum		
27	of Natural Sciences to serve local museums		
28	and nature centers (up to \$50,000 to each		
29	of the State's nine science museums).	450,000	
30	9. Office of State Budget and Management:		
31	Reserve for expenses involved in moving		
32	the Departments of Education, Revenue, and		
33	Secretary of State and the Office of State		
34	Construction and Office of State Controller.	1,000,000	
35			
36	TOTAL NONRECURRING/GENERAL FUND		\$ 15,309,625
37			
38	GRAND TOTAL GENERAL FUND		\$79,800,000
39			

PART 5. OFFICE OF STATE BUDGET AND MANAGEMENT

41
42 Requested by: Senators Basnight, Plyler

43 **LOCAL WATER/SEWER FUNDS**

1 Sec. 5. (a) Notwithstanding the provisions of Sections 3 and 28 of Chapter
2 689 of the 1991 Session Laws, the Office of State Budget and Management shall
3 transfer four million four hundred thousand dollars (\$4,400,000), from the funds
4 appropriated to the Reserve for Reimbursements to Local Governments and Shared Tax
5 Revenues for the 1992-93 fiscal year, to the Clean Water Revolving Loan and Grant
6 Fund created in G.S. 159G-5.

7 (b) Notwithstanding the provisions of G.S. 105-116, the Secretary of Revenue
8 shall reduce the amount to be transferred to municipalities on or before December 15,
9 1992, pursuant to G.S. 105-116(d), by an amount equal to three million three hundred
10 thousand dollars (\$3,300,000). The Secretary of Revenue shall allocate this reduction
11 on a pro rata basis among the municipalities entitled to receive a quarterly installment
12 pursuant to G.S. 105-116(d) on or before December 15, 1992.

13 (c) Notwithstanding the provisions of G.S. 105-113.82, the Secretary of Revenue
14 shall reduce the amount to be distributed to counties and cities for the 1992-93 fiscal
15 year pursuant to G.S. 105-113.82 by an amount equal to one million one hundred
16 thousand dollars (\$1,100,000). The Secretary of Revenue shall allocate this reduction
17 on a pro rata basis among the counties and cities entitled to receive a distribution
18 pursuant to G.S. 105-113.82 for the 1992-93 fiscal year.

19 (d) The General Assembly finds that the purpose of the allocation provided in
20 this section is to meet the funding needs of local governments for water supply and
21 wastewater treatment facilities, as requested by local governmental units.

22
23 Requested by: Senators Basnight, Plyler

24 **REPAIRS AND RENOVATIONS/OLD EDUCATION AND REVENUE**
25 **BUILDINGS**

26 Sec. 6. The Joint Legislative Commission on Governmental Operations may
27 study and make recommendations to the Office of State Budget and Management and to
28 the Office of State Construction of the Department of Administration on repairs and
29 renovations to the Old Education and Old Revenue Buildings. In conducting its study,
30 the Commission shall make recommendations pertaining to the following:

- 31 (1) The amount to be expended from the Reserve for Repairs and
32 Renovations for expediting the relocation of State agencies currently
33 occupying leased space into the Old Education and Old Revenue
34 Buildings;
- 35 (2) Which of the State agencies currently occupying leased space should
36 be moved into the Old Education and Old Revenue Buildings;
- 37 (3) The extent to which repairs and renovations are needed immediately
38 and those that may be needed in the future, and whether such repairs
39 and renovations may be phased in over a period of time; and
- 40 (4) Any other recommendations the Commission deems appropriate for
41 ensuring that repairs and renovations to the Old Education and Old
42 Revenue Buildings are carried out expeditiously and efficiently.

43
44 Requested by: Senator Perdue

PERFORMANCE AUDIT RESERVE

Sec. 6.1. The Office of State Budget and Management shall transfer the sum of five hundred thousand dollars (\$500,000) for the 1992-93 fiscal year from funds appropriated to the Reserve for Repairs and Renovations to the General Assembly for a reserve fund for the Government Performance Audit Committee, established pursuant to Section 347 of Chapter 689 of the 1991 Session Laws.

PART 6. GENERAL ASSEMBLY

Requested by: Senators Basnight, Plyler

EXTENSION OF THE TERRITORIAL JURISDICTION OF THE LEGISLATIVE SERVICES COMMISSION

Sec. 7. (a) G.S. 120-32.1 reads as rewritten:

"§ 120-32.1. Use and maintenance of buildings and grounds.

(a) ~~The Legislative Services Commission shall determine policy governing the use of the State Legislative Building and the State office building located at the northeast corner of Lane and Salisbury streets. The Commission shall allocate space within those buildings and the grounds encompassed by Jones, Wilmington, Lane and Salisbury streets; be responsible for the maintenance, security, control and care of those buildings; and promulgate rules and regulations governing the use of those buildings and their facilities. The Commission may delegate the actual work of maintenance of those buildings to the Department of Administration, which shall provide such maintenance services as may be delegated, subject to the direction of the Commission.~~ shall:

- (1) Establish policy for the use of the State legislative buildings and grounds;
- (2) Maintain and care for the State legislative buildings and grounds, but the Commission may delegate the actual work of the maintenance of those buildings and grounds to the Department of Administration, which shall perform the work as delegated;
- (3) Provide security for the State legislative buildings and grounds;
- (4) Allocate space within the State legislative buildings and grounds; and
- (5) Have the exclusive authority to assign parking space in the State legislative buildings and grounds.

(b) ~~The rules and regulations promulgated~~ The Legislative Administrative Officer shall have posted the rules adopted by the Legislative Services Commission under the authority of this section shall be posted in a conspicuous place in the State Legislative Building, and in the State office building located at the northeast corner of Lane and Salisbury streets, and Building and the Legislative Office Building. The Legislative Administrative Officer shall have filed a copy of the rules and regulations and all amendments thereto, certified by the chairman of the Legislative Services Commission, shall be filed in the office of the Secretary of State and in the office of the Clerk of the Superior Court of Wake County. When so posted and filed, these rules and regulations shall constitute notice to all persons of the existence and text of the rules and

1 ~~regulations.~~ rules. Any person, whether on his own behalf or for another, or acting as an
2 agent or representative of any person, firm, corporation, partnership or association, who
3 knowingly violates any of the rules ~~or regulations promulgated,~~ adopted, posted and
4 filed under the authority of this section is guilty of a ~~misdemeanor,~~ misdemeanor and
5 upon conviction ~~or a plea of guilty~~ shall be punished by a fine or imprisonment in the
6 discretion of the court, or by both such fine and imprisonment. Any person, firm,
7 corporation, partnership or association who combines, confederates, conspires, aids,
8 abets, solicits, urges, instigates, counsels, advises, encourages or procures another or
9 others to knowingly violate any of the rules ~~and regulations promulgated,~~ adopted,
10 posted and filed under the authority of this section is guilty of a misdemeanor and upon
11 conviction ~~or a plea of guilty~~ shall be punished by a fine or imprisonment in the
12 discretion of the court, or by both such fine and imprisonment.

13 (c) ~~When the General Assembly is in regular or extra session, the Legislative~~
14 ~~Services Commission shall have exclusive authority to assign parking space in the State~~
15 ~~Legislative Building and upon its grounds, as "grounds" is defined in G.S. 120-32.3~~
16 ~~[120-32.2], and the State Legislative Building security force shall have exclusive~~
17 ~~authority and responsibility for enforcing the parking rules and regulations of the~~
18 ~~Legislative Services Commission.~~ The Legislative Services Commission may cause to
19 be removed at the owner's expense any vehicle parked in the State ~~Legislative Building~~
20 ~~or on its grounds~~ legislative buildings and grounds in violation of the rules ~~and~~
21 ~~regulations~~ of the Legislative Services ~~Commission,~~ Commission and ~~during regular or~~
22 ~~extra sessions of the General Assembly~~ may cause to be removed any vehicle parked in
23 any State-owned parking space leased to an employee of the General Assembly where
24 the vehicle is parked without the consent of the employee to whom the space is leased.

25 (d) For the purposes of this section, the term 'State legislative buildings and
26 grounds' means:

27 (1) At all times:

- 28 a. The State Legislative Building and the area between outer walls
29 of the State Legislative Building and the near curblineline of those
30 sections of Jones, Wilmington, Lane, and Salisbury Streets
31 which border land on which the State Legislative Building is
32 situated;
33 b. The Legislative Office Building and the areas between its outer
34 walls and the near curblineline of those sections of Lane and
35 Salisbury Streets that border the land on which it is situated;
36 c. Any State-owned parking lot which is leased to the General
37 Assembly; and
38 d. The bridge between the State Legislative Building and the State
39 Governmental Mall.

40 (2) In addition, the surface area to the far curblineline of those sections of
41 Jones, Wilmington, Lane, and Salisbury Streets which border the land
42 on which the State Legislative Building is situated:

- 43 a. When the General Assembly is in regular or extra session; and

b. On other days on which one or more standing committees of either or both houses of the General Assembly are meeting and the Legislative Administrative Officer determines that additional parking is needed for the functioning of the General Assembly and files notice of the committee's or committees' meetings and his finding that additional parking is needed in the office of the Secretary of State and that of Clerk of the Superior Court of Wake County."

(b) G.S. 120-32.2 reads as rewritten:

"§ 120-32.2. State Legislative Building special police.

All members of the State Legislative Building security force employed by the Legislative Services Office are special policemen, and within the State Legislative Building and upon its grounds legislative buildings and grounds, as defined in G.S. 120-32.1(d), they shall have all the powers of policemen of incorporated towns, cities.

~~As used in this section, "grounds" means the area between the outer walls of the State Legislative Building and the near curblin of those sections of Jones, Wilmington, Lane and Salisbury streets which border the land on which the State Legislative Building is situated. When the General Assembly is in regular or extra session, the term "grounds" also includes the surface to the far curblin of those sections of Jones, Wilmington, Lane and Salisbury streets which border the land on which the State Legislative Building is situated and any state-owned parking lot which is leased to the General Assembly while the General Assembly is in session.~~

~~The jurisdiction of the State Legislative Building security force shall also include the State office building located at the northeast corner of Lane and Salisbury streets and the area between the outer walls of that building and the near curblin of those sections of Lane and Salisbury streets that border the land on which the building is located.~~

The Legislative Building security force has the exclusive authority and responsibility for enforcing the parking rules of the Legislative Services Commission."

(c) This section becomes effective October 1, 1992, but does not affect the validity of rules adopted by the Legislative Services Commission under the prior law.

Requested by: Senator Martin of Pitt

RAILROAD ADVISORY COMMISSION MEMBERSHIP CHANGE

Sec. 8. Section 3.1 of Chapter 754 of the 1991 Session Laws reads as rewritten:

"Sec. 3.1. There is created the Railroad Advisory Commission. The Commission shall consist of ~~12~~10 members, appointed as follows:

- (1) Two members appointed by the Governor, one of whom shall be knowledgeable about the railroad business and one of whom shall be an advocate of passenger rail service;
- (2) The Speaker of the House of Representatives or another member of the House of Representatives serving as the Speaker's designee, and two other members of the House of Representatives appointed by the Speaker of the House of Representatives;

- 1 (3) The President Pro Tempore of the Senate or another member of the
2 Senate serving as the President Pro Tempore's designee, and two other
3 members of the Senate appointed by the President Pro Tempore of the
4 Senate;
- 5 (4) The Secretary of Transportation, or a member of his staff appointed by
6 the Secretary of Transportation; and
- 7 (5) The State Treasurer, or a member of his staff appointed by the
8 ~~Treasurer;~~ Treasurer.
- 9 ~~(6) Two officers or directors of the North Carolina Railroad Company~~
10 ~~appointed by its Board of Directors.~~

11 The Attorney General or the Attorney General's designee shall also
12 participate and attend meetings of the Commission in accordance with Section 3.12 of
13 this Part."

14
15 Requested by: Senator Martin of Guilford

16 **JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS/
17 FARMERS MARKET STUDY/WATER RESOURCES PROJECTS STUDY**

18 Sec. 9. The Joint Legislative Commission on Governmental Operations may
19 study the feasibility of funding farmers markets and water resources development
20 projects for which appropriations have been previously requested. The study may
21 include but is not limited to the following:

- 22 (1) Piedmont Triad Farmers Market,
23 (2) Southeastern Farmers Market,
24 (3) Northeastern Farmers Market,
25 (4) Randleman Dam, and
26 (5) Oregon Inlet Jetties.

27 The Commission may report its findings and recommendations to the 1993 General
28 Assembly.

29
30 **PART 7. DEPARTMENT OF ADMINISTRATION**

31
32 Requested by: Senator Basnight

33 **NORTH CAROLINA AQUARIUMS COMMISSION**

34 Sec. 10. (a) Chapter 143B of the General Statutes is amended by adding a
35 new Part to read:

36 **"PART 8C. NORTH CAROLINA AQUARIUMS COMMISSION.**

37 **"§ 143B-390.15. North Carolina Aquariums Commission – creation.**

38 There is hereby created the North Carolina Aquariums Commission.

39 **"§ 143B-390.16. North Carolina Aquariums Commission – organization, powers,
40 and duties.**

41 (a) The Commission shall consist of 12 members appointed as follows:

- 42 (1) Three members appointed by the Governor including one member
43 designated by the Governor to serve as chair of the Commission,

- 1 (2) Three members appointed by the General Assembly upon the
2 recommendation of the Speaker of the House of Representatives in
3 accordance with G.S. 120-121.
- 4 (3) Three members appointed by the General Assembly upon the
5 recommendation of the President Pro Tempore of the Senate in
6 accordance with G.S. 120-121, and
- 7 (4) Three members appointed by the North Carolina Aquarium Society,
8 Inc., each of whom resides in one of the counties where the North
9 Carolina Aquariums are located: Carteret, Dare, and New Hanover.
- 10 (b) Commission members shall serve for terms of four years, beginning July 1,
11 1992, and may be removed at any time by the appointing authority. If a vacancy on the
12 Commission occurs, the appointing authority shall appoint a replacement to serve for
13 the unexpired term.
- 14 (c) The Commission shall meet upon the call of the chair.
- 15 (d) The Secretary of Administration shall provide staff support for Commission
16 activities and travel reimbursement for Commission members.
- 17 (e) The Commission may recommend a schedule of uniform fees for the North
18 Carolina Aquariums to the Secretary of the Department of Administration who may
19 adopt the schedule. The schedule may be revised from time to time by the same
20 procedure.
- 21 (f) The North Carolina Special Aquariums Fund, hereafter 'Fund', is hereby
22 created, and shall be a special and nonreverting fund. The Fund shall be used only for
23 repair, maintenance, and educational exhibit construction at existing aquariums. The
24 Fund may also be used to match private funds that are raised for these purposes.
- 25 (g) All entrance fee receipts shall be credited to the Fund. The Secretary of
26 Administration may expend monies from the Fund only upon the authorization of the
27 General Assembly."
- 28 (b) G.S. 120-123 is amended by adding a new subdivision to read:
29 "(59) The North Carolina Aquariums Commission, as established by G.S.
30 143B-15."

31 32 **PART 8. DEPARTMENT OF CULTURAL RESOURCES**

33
34 Requested by: Senator Basnight

35 **GRANTS FOR LOCAL ARTS/HISTORIC SITES**

36 Sec. 11. Of the funds appropriated in this act to the Department of Cultural
37 Resources for grants for local arts/historic sites, the sum of thirty thousand dollars
38 (\$30,000) shall be allocated to the Eastern Music Festival to support activities
39 commemorating the thirtieth anniversary of the Festival, the sum of fifty thousand
40 dollars (\$50,000) shall be allocated to the North Carolina Shakespeare Festival for
41 equipment and other purposes, and a sufficient sum shall be allocated for the addition of
42 an auditorium for the Visitors Center at the Charles B. Aycock Historic Site.

43 44 **PART 9. PUBLIC SCHOOLS**

1

2 Requested by: Senator Basnight

3 **SCHOOL CRITICAL NEEDS FUNDS**

4 Sec. 12. The General Assembly finds that when the Commission on School
5 Facility Needs established a schedule in 1988 for making grants from the Critical
6 School Facility Needs Fund, in accordance with G.S. 115C-489.2(b), the data, although
7 lawful, that the Commission used to determine per capita income was not the most
8 current data available at the time that the Commission established the schedule. As a
9 result of discrepancies in the data, the Tyrrell County School Administrative Unit was
10 ranked 57th on the schedule instead of 32nd, and the Tyrrell County School
11 Administrative Unit has not received the grant it would have received had the most
12 current data been used. To remedy this problem, funds are appropriated in this act from
13 the General Fund to the Office of State Budget and Management for the Critical School
14 Facility Needs Fund in the sum of two million dollars (\$2,000,000) for the 1992-93
15 fiscal year for a grant for the Tyrrell County Schools.

16

17 Requested by: Senator Hunt

18 **OUTCOME-BASED EDUCATION PILOT SITE SELECTION**

19 Sec. 13. G.S. 115C-238.14(e) reads as rewritten:

20 "(e) The State Board of Education shall select four of the project sites no later
21 than June 15, 1992. The State Board shall base its decision on the local school
22 administrative units' plans for, ability to, and commitment to complying with the
23 requirements for local programs set out in subsection (c) of this section.

24 Because there is not enough time for the State Board of Education to select the
25 additional two pilot sites authorized by the 1992 Regular Session of the 1991 General
26 Assembly and for those two sites to begin implementation of the program during the
27 1992-93 school year, the remaining two pilot sites are hereby designated as the sites
28 recommended to the Board by the State Superintendent at its regular July meeting."

29

30 **PART 10. COMMUNITY COLLEGES**

31

32 Requested by: Senator Richardson

33 **ASSISTANCE TO HOSPITAL NURSING/FUND DISTRIBUTION CONTINUED**

34 Sec. 14. (a) Funds appropriated in this act to the Department of Community
35 Colleges to provide financial assistance to hospital programs of nursing education
36 leading to diplomas in nursing that are fully accredited by the North Carolina Board of
37 Nursing and operated under the authority of a public or nonprofit hospital licensed by
38 the North Carolina Medical Care Commission shall be distributed, upon application for
39 financial assistance, for each full-time student duly enrolled in the program as of
40 December 1, 1991, and on condition that accreditation is maintained. The amount per
41 student shall not exceed eight hundred fifty dollars (\$850.00). The State Board of
42 Community Colleges shall adopt rules to ensure that this financial assistance is used
43 directly for faculty and instructional needs of diploma nursing programs.

44 (b) This section expires June 30, 1993.

1
2 **PART 11. COLLEGES AND UNIVERSITIES**

3
4 Requested by: Senator Basnight

5 **HIGH DENSITY POLYESTER PATENT RESEARCH AND TECHNOLOGY**
6 **TRANSFER COMPLETION**

7 Sec. 15. Of the funds appropriated to the Board of Governors of The
8 University of North Carolina in this act, the sum of ninety-seven thousand dollars
9 (\$97,000) shall be allocated to North Carolina State University for completion of the
10 research and technology transfer of high density polyester for which patent applications
11 are pending. These funds shall be repaid to the General Fund from royalties paid the
12 North Carolina State University Patent Reserve Fund from the companies licensed to
13 use the patents.

14
15 Requested by: Senator Basnight

16 **ELIZABETH CITY STATE UNIVERSITY SCHOLARSHIPS**

17 Sec. 16. The Incentive Scholars Program for students at Elizabeth City State
18 University shall be subject to the same rules and regulations established by the Board of
19 Governors of The University of North Carolina for the Incentive Scholars Programs at
20 other constituent institutions.

21
22 **PART 12. DEPARTMENT OF TRANSPORTATION**

23
24 Requested by: Senator Goldston

25 **1992 CAPITAL CONSTRUCTION MODIFICATIONS**

26 Sec. 17. Section 236.1 of Chapter 689 of the 1991 Session Laws reads as
27 rewritten:

28 "Sec. 236.1. Appropriations are made from the Highway Fund for the 1991-92
29 fiscal year and the 1992-93 fiscal year for use of the Department of Transportation to
30 provide for capital improvement projects according to the following schedule:

31
32 **DIVISION OF HIGHWAYS**

33
34 1991-92 1992-93

35				
36	01.	Bridge Maintenance Office Complex		
37		Supplemental - Town of Brunswick	\$224,000	\$ -
38				
39	02.	Equipment Shop - Carthage	- 2,247,000	
40				
41	03.	Bridge Maintenance Complex -		
42		Wadesboro	26,000	439,000
43				
44	04.	Gas Pump Canopies - Statewide	398,000	311,000

1				
2	05.	Fencing - Statewide	171,000	-
3				
4	06.	Land Acquisition - Siler City	54,000	-
5				
6	07.	Land Acquisition/Maintenance		
7		Yard - Halifax	13,000	-
8				
9	08.	Land Acquisition/Maintenance		
10		Yard - Trenton	27,000	-
11				
12	09.	Water and Sewer Connections		
13		- Statewide	308,000	-
14		-Greene County Facility	400,000	-
15				
16	10.	Division Office Complex Phase		
17		II - Fayetteville	- 1,688,000	
18				
19	11.	Division Office Addition		
20		- Greensboro		
21		Requirements	589,000	
22		Less Receipts (Sale of Land)	<u>-589,000</u>	
23		Appropriation	- -	
24				
25	12.	Landscape Office, Warehouse		
26		and Truck Shed - Asheville		
27		Requirements	472,000	
28		Less Receipts (Sale of Land)	<u>-472,000</u>	
29		Appropriation	- -	
30				
31	13.	Salt Storage Buildings		
32		- Statewide	405,000	67,000
33				
34	14.	Equipment Shop - Mocksville	511,000	-
35				
36	15.	District Office Building		
37		- Albemarle	49,000 247,000	<u>333,000</u>
38				
39	16.	Division of Highways/Division		
40		of Motor Vehicles Office		
41		Complex - Graham	67,000	-
42				
43	17.	Sign Shop - Town of Union	-	725,000
44				

1	18.	Design Equipment Shop - Meadows	-	41,000 <u>52,000</u>
2				
3	19.	Design Equipment Shop - Spindale	-	24,000 <u>40,000</u>
4				
5	20.	Design Equipment Shop - Washington	-	40,000 <u>49,000</u>
6				
7	21.	Design Equipment Shop - Wentworth	-	44,000 <u>54,000</u>
8				
9	22.	Bridge Maintenance Warehouse/Shed		
10		- Town of Union	-	81,000 <u>-</u>
11				
12	23.	Design Sign Shop - Carthage	-	33,000 <u>42,000</u>
13				
14	24.	Design District/Resident Engineer		
15		Office - Marion	-	18,000 <u>49,000</u>
16				
17	25.	Design Equipment Shop - Kinston	-	43,000 <u>49,000</u>
18				
19	26.	Land Purchase - Robbinsville	-	<u>17,000</u>
20				
21	27.	Land Purchase - Roxboro	-	<u>17,000</u>
22				
23	28.	District/Resident Engineers Office		
24		- Wilmington	-	<u>434,000</u>
25				
26	29.	Roadside Environmental Warehouse/		
27		Office - Marion	-	<u>188,000</u>
28				
29	30.	Maintenance Office/Assembly		
30		- Hudson	-	<u>309,466</u>
31				
32	31.	Division Office (Supplement)		
33		- Durham	-	<u>85,000</u>
34				
35	32.	Materials and Test Lab Design-Asheville	-	<u>34,000</u>
36				
37	33.	Highway Building - Fire Alarm		
38		System - Raleigh	-	<u>141,000</u>
39				
40				
41	TOTAL DIVISION OF HIGHWAYS			\$2,653,000 <u>\$2,599,000</u>
42				\$6,048,000 <u>\$6,267,466</u>
43				
44				

DIVISION OF MOTOR VEHICLES

	<u>1991-92</u>	<u>1992-93</u>	
01.	Upgrade Electrical Power, Communication and Computer Circuits - Raleigh Division of Motor Vehicles Building	\$ 216,200	\$ -
02.	Building Addition - Wilmington	221,900	-
03.	Building Addition - Statesville	170,075	-
04.	New Office Building - Asheville	635,100	-
05.	Roof Replacement (7 Locations)	100,500	-
06.	Resurface Parking Lots (6 Locations)	107,500	-
07.	Roof Replacement (7 Locations)	-	103,100
08.	Resurface Parking Lots (6 Locations)	-	111,900
09.	Building Addition - Goldsboro	-	167,630
10.	Building Addition - Whiteville	-	164,770
11.	Building Addition - Hillsborough	-	179,200
12.	Building Addition - Kinston	-	179,200
13.	Building Addition - Jacksonville	-	174,800
14.	Reserve to Make Restrooms Handicapped Accessible in DMV Facilities	25,000	25,000
TOTAL DIVISION OF MOTOR VEHICLES		\$1,476,275	\$1,105,600

CRIME CONTROL AND PUBLIC SAFETY

1	01.	State Highway Patrol - Troop H		
2		Headquarters - New Building	\$190,000	\$1,348,900
3				
4	02.	State Highway Patrol - Upgrade		
5		and Replace Underground		
6		Fuel Tanks	<u>300,000</u>	<u>300,000</u>
7				
8	TOTAL CRIME CONTROL AND			
9	PUBLIC SAFETY\$			
10				490,000
11				
12	GRAND TOTAL HIGHWAY FUND		\$4,619,275	<u>\$4,565,275</u>
13			\$8,802,500	<u>\$9,021,966 "</u>
14				

15 Requested by: Senator Goldston

16 **DEPARTMENT OF TRANSPORTATION CAPITAL CONSTRUCTION FUNDS**
 17 **REVERSIONS**

18 Sec. 18. (a) The balance of fifty-four thousand dollars (\$54,000) appropriated
 19 for land acquisition in Siler City in Section 236.1 of Chapter 689 of the 1991 Session
 20 Laws is reverted to the Highway Fund to be reappropriated for the 1992-93 fiscal year.

21 (b) The balance of one hundred eleven thousand nine hundred dollars (\$111,900)
 22 appropriated to landscape the office and warehouse in Graham in Section 6 of Chapter
 23 754 of the 1989 Session Laws is reverted to the Highway Fund to be reappropriated for
 24 the 1992-93 fiscal year.

25 (c) The balance of fifty-three thousand five hundred sixty-six dollars (\$53,566)
 26 for the maintenance complex in Craggy (Buncombe County) in Section 5 of Chapter
 27 480 of the 1985 Session Laws is reverted to the Highway Fund to be reappropriated for
 28 the 1992-93 fiscal year.

29
 30 Requested by: Senator Murphy

31 **ROADWAY IMPROVEMENTS FOR THE CENTENNIAL CENTER**

32 Sec. 19. From funds appropriated to the Department of Transportation for the
 33 1992-93 fiscal year, three million three hundred thousand dollars (\$3,300,000) shall be
 34 used for roadway improvements for the Centennial Center. These improvements shall
 35 be part of a long-range plan that is to be developed by the Department of Transportation
 36 to service the Centennial Center, Carter-Finley Stadium, the State Fairgrounds, and the
 37 Government Office Complex (Blue Ridge Road). Included in these improvements shall
 38 be widening Edwards Mill Road, a new Wade Avenue Bridge and ramps, and other off-
 39 site improvements to Trinity Road, Wade Avenue, and West Chase Boulevard.
 40 Authorized uses of these funds include design fees and expenses, surveying, testing, and
 41 other contingencies related to construction.

42
 43 Requested by: Senator Plyler

44 **MOBILE CRANE STUDY**

1 Sec. 20. The Department of Transportation shall study the requests of the
2 mobile crane industry as compared to current rules, regulations, and policies regarding
3 permitted movement of self-propelled truck cranes. A report detailing the results of this
4 study shall be submitted to the Joint Legislative Highway Oversight Committee prior to
5 the convening of the 1993 Session of the General Assembly.

6
7 Requested by: Senator Plyler

8 **TRAFFIC CONTROL FUNDS**

9 Sec. 21. G.S. 20-79.7 reads as rewritten:

10 **"§ 20-79.7. Special Registration Plate Fund.**

11 (a) Fund. – The Special Registration Plate Fund is established. The Fund
12 consists of the revenue derived from one-half of the additional fee collected for a
13 personalized registration plate and all of the additional fee collected for any other
14 special registration plate issued under G.S. 20-79.4. The Commissioner shall deduct the
15 costs of the registration plates, including the costs of issuing, handling, and advertising
16 the availability of the special plates from the Fund.

17 ~~(b) Initial Distribution of Proceeds.— After deducting the costs of the special~~
18 ~~registration plates from the Fund, the Secretary of Transportation may allocate and~~
19 ~~reserve up to one hundred thousand dollars (\$100,000) to the Department of~~
20 ~~Transportation each fiscal year for the purpose of traffic control at major events as~~
21 ~~provided for by G.S. 136-44.2. Any funds allocated for traffic control that are neither~~
22 ~~used nor obligated at the end of the fiscal year shall remain in the Fund and be used in~~
23 ~~accordance with subsection (c) of this section.~~

24 (c) ~~Use of Remaining Proceeds Funds.~~ – The remaining revenue in the Fund
25 shall be transferred quarterly as follows:

- 26 (1) Thirty-three percent (33%) to the account of the Department of
27 Economic and Community Development to aid in financing out-of-
28 state print and other media advertising under the program for the
29 promotion of travel and industrial development in this State.
- 30 (2) Fifty percent (50%) to the Department of Transportation to be used
31 solely for the purpose of beautification of highways other than those
32 designated as interstate. These funds shall be administered by the
33 Department of Transportation for beautification purposes not
34 inconsistent with good landscaping and engineering principles.
- 35 (3) Seventeen percent (17%) to the account of the Department of Human
36 Resources to promote travel accessibility for disabled persons in this
37 State. These funds shall be used to collect and update site information
38 on travel attractions designated by the Department of Economic and
39 Community Development in its publications, to provide technical
40 assistance to travel attractions concerning accommodation of disabled
41 tourists, and to develop, print, and promote the publication ACCESS
42 NORTH CAROLINA as provided in G.S.168-2. Any funds allocated
43 for these purposes that are neither spent nor obligated at the end of the
44 fiscal year shall be transferred to the Department of Administration for

1 removal of man-made barriers to disabled travelers at State-funded
2 travel attractions. Guidelines for the removal of man-made barriers
3 shall be developed in consultation with the Department of Human
4 Resources."

5 Sec. 22. G.S. 136-44.2 reads as rewritten:

6 **"§ 136-44.2. Budget and appropriations.**

7 The Director of the Budget shall include in the 'Current Operations Appropriations
8 Bill' an enumeration of the purposes or objects of the proposed expenditures for each of
9 the construction and maintenance programs for that budget period for the State primary,
10 secondary, urban, and State parks road systems. The State primary system shall include
11 all portions of the State highway system located outside municipal corporate limits
12 which are designated by N.C., U.S. or Interstate numbers. The State secondary system
13 shall include all of the State highway system located outside municipal corporate limits
14 that is not a part of the State primary system. The State urban system shall include all
15 portions of the State highway system located within municipal corporate limits. The
16 State parks system shall include all State parks roads which are not also part of the State
17 highway system.

18 All construction and maintenance programs for which appropriations are requested
19 shall be enumerated separately in the budget. Programs that are entirely State funded
20 shall be listed separately from those programs involving the use of federal-aid funds.
21 Proposed appropriations of State matching funds for each of the federal-aid construction
22 programs shall be enumerated separately as well as the federal-aid funds anticipated for
23 each program in order that the total construction requirements for each program may be
24 provided for in the budget. Also, proposed State matching funds for the highway
25 planning and research program shall be included separately along with the anticipated
26 federal-aid funds for that purpose.

27 Other program categories for which appropriations are requested, such as, but not
28 limited to, maintenance, channelization and traffic control, bridge maintenance, public
29 service and access road construction, and ferry operations shall be enumerated in the
30 budget.

31 The Department of Transportation shall have all powers necessary to comply fully
32 with provisions of present and future federal-aid acts. No federally eligible construction
33 project may be funded entirely with State funds unless the Department of Transportation
34 has first consulted with the Joint Legislative Commission on Governmental Operations.
35 For purposes of this section, 'federally eligible construction project' means any
36 construction project except secondary road projects developed pursuant to G.S. 136-
37 44.7 and 136-44.8 eligible for federal funds under any federal-aid act, whether or not
38 federal funds are actually available.

39 The 'Current Operations Appropriations Bill' shall also contain the proposed
40 appropriations of State funds for use in each county for maintenance and construction of
41 secondary roads, to be allocated in accordance with G.S. 136-44.5 and 136-44.6. State
42 funds appropriated for secondary roads shall not be transferred nor used except for the
43 construction and maintenance of secondary roads in the county for which they are
44 allocated pursuant to G.S. 136-44.5 and 136-44.6.

1 In the event receipts and increments to the State Highway Fund shall be more than
 2 the appropriations made for the preceding fiscal year, such excesses shall be allocated
 3 by the Director of the Budget to the Department of Transportation for school and
 4 industrial access roads and unforeseen happenings or state of affairs requiring prompt
 5 action, with fifty percent (50%) of the balance to be allocated to the State secondary
 6 roads program on the basis of need as determined by the Department of Transportation
 7 and the remaining fifty percent (50%) to be allocated in accordance with G.S. 136-44.5.

8 The Department of Transportation may provide for costs incurred or accrued for
 9 traffic control measures to be taken by the Department at major events which involve a
 10 high degree of traffic concentration on State highways, and which cannot be funded
 11 from regular budgeted items. This authorization applies only to events which are
 12 expected to generate 30,000 vehicles or more per day. The Department of
 13 Transportation shall provide for this funding by allocating and reserving up to one
 14 hundred thousand dollars (\$100,000) before any other allocations from the
 15 appropriations for State maintenance for primary, secondary, and urban road systems
 16 are made, based upon the same proportion as is appropriated to each system."

17
 18 **PART 13. DEPARTMENT OF CORRECTION**

19
 20 Requested by: Senators Plyler, Marvin

21 **PRISON BOND REALLOCATION/ADMINISTRATION CHANGES**

22 Sec. 23. (a) Section 239(c) of Chapter 689 of the 1991 Session Laws reads as
 23 rewritten:

24 "(c) **Descriptions, Custodial Levels, Beds, Projected Allocations.**
 25 Appropriations are made from bond proceeds for use by the Departments of Correction
 26 and Human Resources to provide for capital improvement projects as herein provided.

27 The proceeds of bonds and notes shall be expended for paying the cost, as defined in
 28 the bond act, of prison and youth services facilities, to the extent and as provided in this
 29 section and subject to change as herein provided, for the following projects:

30
 31 DEPARTMENT OF CORRECTION

<u>Project Description</u>	<u>Custodial</u>	<u>Beds</u>
<u>Level</u>		
Nash Correctional Institution	Med Close	128
Marion Correctional Center	Med Close	906 -752
Cherry Correctional Center	Min	500
Central Prison	Close	144
<u>Odom Correctional Institution</u>	<u>Close</u>	<u>192</u>
Pasquotank Youth Institution	Med Close	440 -664
NCCIW	Close/Med	256
NCCIW - Repairs and Renovations		
Lumberton Correctional Center	Med	312

1	Fountain Correctional Center	Min	100
2	Greene Correctional Center	Min	200
3	Hyde Correctional Center	Med	312
4	Brown Creek Sewing Plant		
5	Pender Furniture Refurbishing		
6	Facility		
7	Columbus Sewing Facility		
8	Caswell Sewing and Tailoring		
9	Equipment		
10	Harnett Dining Hall		
11	<u>Provide dayrooms at 49 units</u>		
12	<u>to comply with Small v.</u>		
13	<u>Martin lawsuit</u>		
14	Subtotal	3,298 <u>3,104</u>	\$96,980,702 <u>\$101,380,310</u>
15			
16	Contingencies		
17	TOTAL		
18			\$103,38
19	0,310		
20			

21 DEPARTMENT OF HUMAN RESOURCES-DIVISION OF YOUTH SERVICES

- 22
- 23 7 Secure/nonsecure group homes
- 24 9 beds added to Pitt Detention Ctr.
- 25 Renovate unused dorms & upgrade
- 26 to meet American Correctional
- 27 Association Standards
- 28 Dillon secure unit, counseling
- 29 space, & fencing at 5 facilities
- 30 Conversion of dorms to individual
- 31 rooms
- 32 Increase number of transition
- 33 beds - step down & independent
- 34 living for Training Schools
- 35 \$9,119,690"

36 (b) Section 239(f) of Chapter 689 of the 1991 Session Laws reads as

37 rewritten:

38 "(f) **Administration.** With respect to facilities authorized for the Department of

39 Correction, the Office of State Budget and Management may contract for and supervise

40 all aspects of administration, technical assistance, design, construction or demolition of

41 prison facilities in order to implement the providing of prison facilities under the

42 provisions of this act without being subject to the requirements of the following statutes

43 and rules implementing those statutes: G.S. 143-135.26(1), 143-128, 143-129, 143-131,

44 143-132, 143-134, 143-135.26, ~~143-64.10 through 143-64.13~~, 113A-1 through 113A-

1 10, 113A-50 through 113A-66, ~~133-1.1(b)~~,—133-1.1(g), and 143-408.1; provided,
2 however, of the funds allocated under the provisions of this act for the construction of
3 prison facilities, the Office of State Budget and Management shall have a verifiable ten
4 percent (10%) goal for participation by minority and women-owned businesses. All
5 contracts for the design, construction, or demolition of prison facilities shall include a
6 penalty for failure to complete the work by a specified date.

7 The proposals for prison facilities authorized in this section shall be invited by
8 advertisement in newspapers having general circulation in the State. The form of
9 advertisement shall be prepared in the form of Section 301 of the State Construction
10 Manual of the Department of Administration, and shall be published in one issue of the
11 newspaper. A minimum of at least seven full days shall lapse between the date of
12 publication and the date of the opening of bids. Initiation of the advertisement shall be
13 by the Office of State Budget and Management.

14 The Office of State Budget and Management shall consider alternative delivery
15 systems that could expedite the delivery of prison facilities. Such delivery systems as
16 design-build, using modular or conventional building systems, shall be considered.
17 However, in order for such alternatives to be used, the Department of Correction must
18 approve the proposed design for operational programming and cost of operations and
19 maintenance.

20 The Office of State Budget and Management shall involve the Office of State
21 Construction of the Department of Administration in all aspects of the projects to ensure
22 that all prison facilities are constructed consistent with Office of State Construction
23 standards and procedures. Such involvement shall include but not be limited to the
24 review of plans and specifications for each project prior to the award of contracts,
25 attendance at scheduled project meetings, on-site inspections, review of all change
26 orders, final inspections, review of punch lists of project deficiencies and written
27 verification of the correction of such deficiencies, and certification of the identity of the
28 designer of record on each project.

29 The Office of State Budget and Management shall involve the Department of
30 Correction in all aspects of the projects to the extent that such involvement relates to the
31 Department's Program needs and to its responsibility for the care of the prison
32 population.

33 The Office of State Construction, the Department of Insurance, and the Department
34 of Correction shall immediately report any concerns regarding the prison construction
35 program to the Office of State Budget and Management. Any concerns not
36 satisfactorily resolved with the Office of State Budget and Management shall be
37 reported immediately to the Joint Legislative Commission on Governmental Operations.
38 The Office of State Construction, the Department of Insurance, and the Department of
39 Correction shall report quarterly to the Joint Legislative Commission on Governmental
40 Operations on their involvement with the Office of State Budget and Management and
41 the project manager in the prison construction program."

42 43 **PART 14. DEPARTMENT OF HUMAN RESOURCES** 44

1 Requested by: Senator Basnight

2 **VOCATIONAL REHABILITATION MOTOR POOL EXEMPTION**

3 Sec. 24. Notwithstanding G.S. 143-341(8)i.3., the Division of Vocational
4 Rehabilitation Services, Department of Human Resources, may use funds available to it
5 to replace and operate those motor vehicles under its ownership, custody, or control that
6 are used primarily to transport clients being served under the Rehabilitation Act of
7 1973, Public Law 93-112, as amended.

8

9 Requested by: Senator Basnight

10 **DOBBS SCHOOL RELOCATION FUNDS**

11 Sec. 25. Notwithstanding any other provisions of law, funds allocated to the
12 Department of Human Resources for renovations to The Dobbs School from the North
13 Carolina Prison and Youth Services Bond Fund by Section 239 of Chapter 689 of the
14 1991 Session Laws, shall be used to begin the process of constructing facilities for the
15 relocation of The Dobbs School to land currently allocated to the Department of Human
16 Resources and adjacent to Caswell Center.

17

18 **PART 15. DEPARTMENT OF ECONOMIC AND COMMUNITY**
19 **DEVELOPMENT**

20

21 Requested by: Senator Martin of Pitt

22 **ECONOMIC DEVELOPMENT FUNDS**

23 Sec. 26. Section 157(f) of Chapter 900 of the 1991 Session Laws, 1992
24 Regular Session, reads as rewritten:

25 "(f) Of the funds appropriated in this act to the North Carolina Rural Economic
26 Development Center, Inc., six hundred fifty thousand dollars (\$650,000) for the 1992-
27 93 fiscal year shall be used to expand the Microenterprise Loan Program. Of these
28 funds, no less than four hundred thousand dollars (\$400,000) shall be used as loan
29 capital or as loan loss reserves and no more than two hundred fifty thousand dollars
30 (\$250,000) shall be used to cover operational costs. The North Carolina Rural
31 Economic Development Center, Inc., shall report quarterly to the Joint Legislative
32 Commission on Governmental Operations on the use of these funds."

33

34 **PART 16. DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL**
35 **RESOURCES**

36

37 Requested by: Senators Martin of Pitt, Perdue

38 **WATER RESOURCES DEVELOPMENT FUNDS**

39 Sec. 27. (a) Of the funds appropriated to the Department of Environment,
40 Health, and Natural Resources for the 1992-93 fiscal year, the sum of five million six
41 hundred eighty thousand dollars (\$5,680,000) shall be used for water resources
42 development projects. The Department shall fund the following projects, whose
43 estimated costs are as indicated:

44 (1) Wilmington Harbor \$ 750,000

- 1 Deepening Study
2
3 (2) Aquatic Plant Control 35,000
4
5 (3) Jordan Lake Water Supply 110,000
6 Repayment & Operation
7
8 (4) Lower Creek Flood 161,000
9 Control-Lenoir
10
11 (5) Beaufort Harbor 80,000
12
13 (6) Wilmington Harbor 449,000
14 Navigation
15
16 (7) Cape Fear River Above Wilmington
17 Navigation 100,000
18
19 (8) State-Local Water Resources Development
20 Projects 150,000
21
22 (9) Morehead City 3,845,000
23 Harbor Deepening
24

25 (b) Where the actual costs are different from the estimated costs under
26 subdivisions (1) through (8) of subsection (a) of this section, the Department may adjust
27 the allocations among projects as needed. If any projects listed in subdivisions (1)
28 through (8) of subsection (a) of this section are delayed and the budgeted State funds
29 cannot be used during the 1992-93 fiscal year, or if the projects listed in subsection (a)
30 of this section are accomplished at a lower cost, the Department may use the resulting
31 fund availability to fund:

- 32 (1) Corps of Engineers project feasibility studies, or
33 (2) Corps of Engineers projects whose schedules have advanced and
34 require State matching funds in fiscal year 1992-93, or
35 (3) State-local Water Resources Development Projects.

36 Funds not expended or encumbered for these purposes shall revert to the General Fund
37 at the end of the 1993-94 fiscal year.

38 (c) Beginning October 1, 1992, the Department shall make quarterly reports on
39 the use of these funds to the Joint Legislative Commission on Governmental
40 Operations, the Director of the Fiscal Research Division of the Legislative Services
41 Office, and the Office of State Budget and Management. Each report shall include:

- 42 (1) All projects listed in this section;
43 (2) The estimated cost of each project;
44 (3) The date work on each project began or is expected to begin;

1 (4) The date work on each project was completed or is expected to be
2 completed; and

3 (5) The actual cost of each project.

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

7 (d) Of the funds allocated under this section for the Morehead City Harbor
8 Deepening Project, not more than three hundred forty-five thousand dollars (\$345,000)
9 may be expended until all federal funds available for the project have become available.

10

11 Requested by: Senator Martin of Pitt

12 **FUNDS FOR STATE PARKS LAND ACQUISITION**

13 Sec. 28. (a) The proceeds from the grant of the easement authorized by G.S.
14 143-260.10E(a), as enacted by Chapter 907 of the 1991 Session Laws, are appropriated
15 from the General Fund to the Department of Environment, Health, and Natural
16 Resources for the 1992-93 fiscal year for the Division of Parks and Recreation for land
17 acquisition in State parks.

18 (b) Prior to expending or obligating any of the funds allocated by this section, the
19 Department shall report to the Joint Legislative Commission on Governmental
20 Operations and to the Office of State Budget and Management on the proposed use of
21 the funds.

22

23 Requested by: Senator Basnight

24 **AGRICULTURE COST SHARE PROGRAM**

25 Sec. 29. Section 165 of Chapter 689 of the 1991 Session Laws reads as
26 rewritten:

27 "Sec. 165. Of the funds appropriated in this Title to the Department of Environment,
28 Health, and Natural Resources for the Agriculture Cost Share Program for Nonpoint
29 Source Pollution Control, a sum not to exceed ~~\$40,000~~ forty thousand dollars (\$40,000)
30 for the 1991-92 fiscal year ~~and a sum not to exceed \$40,000 for the 1992-93 fiscal year~~
31 shall be used to fund tide gates in Hyde County in accordance with the match
32 requirements specified in ~~G.S. 143-215.74(b)(6)~~ G.S. 143-215.74(b)(6), and a sum not
33 to exceed forty thousand dollars (\$40,000) for the 1992-93 fiscal year shall be used for
34 water control structures in the counties bordering the Alligator River, under the Rural
35 Clean Water Demonstration Program, and in accordance with the match requirements
36 specified in G.S. 143-215.74(b)(6)."

37

38 Requested by: Senator Conder

39 **GOVERNOR'S WASTE MANAGEMENT BOARD/TECHNICAL ASSISTANCE** 40 **GRANTS**

41 Sec. 29.1. Notwithstanding the limitations of G.S. 104G-19(d), funds
42 appropriated in Section 4.1 of this act may be used to provide technical assistance grants
43 in the amount of one hundred thousand dollars (\$100,000) each to Richmond, Chatham,
44 and Wake Counties for their site designation review committee.

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PART 17. MISCELLANEOUS PROVISIONS

Requested by: Senators Basnight, Plyler

RESERVE FOR ADVANCE PLANNING

Sec. 30. The Office of State Budget and Management shall report to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division on how it intends to spend funds from the Reserve for Advance Planning at least 45 days before it spends the funds.

The Office of State Budget and Management shall also report the results of any project on which it uses funds from the Reserve for Advance Planning to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division.

Requested by: Senators Basnight, Plyler

ENCUMBERED APPROPRIATIONS AND PROJECT RESERVE FUND

Sec. 31. When each capital improvement project appropriated by the 1992 General Assembly, other than those projects under the Board of Governors of The University of North Carolina, is placed under construction contract, direct appropriations shall be encumbered to include all costs for construction, design, investigation, administration, movable equipment, and a reasonable contingency. Unencumbered direct appropriations remaining in the project budget shall be placed in a project reserve fund credited to the Office of State Budget and Management. Funds in the project reserve may be used for emergency repair and renovation projects at State facilities with the approval of the Director of the Budget. The project reserve fund may be used, at the discretion of the Director of the Budget, to allow for award of contracts where bids exceed appropriated funds, if those projects supplemented were designed within the scope intended by the applicable appropriation or any authorized change in it, and if, in the opinion of the Director of the Budget, all means to award contracts within the appropriation were reasonably attempted. At the discretion of the Director of the Budget, any balances in the project reserve fund shall revert to the original source.

Requested by: Senators Basnight, Plyler

PROJECT COST INCREASE

Sec. 32. Upon the request of the administration of a State department or institution, the Director of the Budget may, when in his opinion it is in the best interest of the State to do so, increase the cost of a capital improvement project. Provided, however, that if the Director of the Budget increases the cost of a project, he shall report that action to the Joint Legislative Commission on Governmental Operations at its next meeting. The increase may be funded from gifts, federal or private grants, special fund receipts, excess patient receipts above those budgeted at University of North Carolina Hospitals at Chapel Hill, or direct capital improvement appropriations to that department or institution.

1 Requested by: Senators Basnight, Plyler

2 **NEW PROJECT AUTHORIZATION**

3 Sec. 33. Upon the request of the administration of any State department or
4 institution, the Governor may authorize the construction of a capital improvement
5 project not specifically authorized by the General Assembly if such project is to be
6 funded by gifts, federal or private grants, special fund receipts, excess patient receipts
7 above those budgeted at University of North Carolina Hospitals at Chapel Hill, or self-
8 liquidating indebtedness. Provided, however, that if the Director of the Budget
9 authorizes the construction of such a capital improvement project, he shall report that
10 action to the Joint Legislative Commission on Governmental Operations at its next
11 meeting.

12

13 Requested by: Senators Basnight, Plyler

14 **ADVANCE PLANNING OF CAPITAL IMPROVEMENT PROJECTS**

15 Sec. 34. Funds which become available by gifts, excess patient receipts
16 above those budgeted at University of North Carolina Hospitals at Chapel Hill, federal
17 or private grants, receipts becoming a part of special funds by act of the General
18 Assembly or any other funds available to a State department or institution may be
19 utilized for advance planning through the working drawing phase of capital
20 improvement projects, upon approval of the Director of the Budget. The Director of the
21 Budget may make allocations from the Advance Planning Fund for advance planning
22 through the working drawing phase of capital improvement projects, except that this
23 revolving fund may not be utilized by the Board of Governors of The University of
24 North Carolina or the State Board of Community Colleges.

25

26 Requested by: Senators Basnight, Plyler

27 **APPROPRIATIONS LIMITS/REVERSION OR LAPSE**

28 Sec. 35. Except as permitted in previous sections of this act, the
29 appropriations for capital improvements made by the 1991 General Assembly may be
30 expended only for specific projects set out by the 1991 General Assembly and for no
31 other purpose. Construction of all capital improvement projects enumerated by the
32 1992 General Assembly shall be commenced, or self-liquidating indebtedness with
33 respect to them shall be incurred, within 12 months following the first day of the fiscal
34 year in which the funds are available. If construction contracts on those projects have
35 not been awarded or self-liquidating indebtedness has not been incurred within that
36 period, the direct appropriation for those projects shall revert to the original source, and
37 the self-liquidating appropriation shall lapse; except that direct appropriations may be
38 placed in a reserve fund as authorized in this act. This deadline with respect to both
39 direct and self-liquidating appropriations may be extended with the approval of the
40 Director of the Budget up to an additional 12 months if circumstances and conditions
41 warrant such extension.

42

43 Requested by: Senators Basnight, Plyler

44 **1991-92 APPROPRIATIONS LIMITATIONS AND DIRECTIONS APPLY**

1 Sec. 36. (a) Except where expressly repealed or amended by this act, the
2 provisions of Chapters 689, 761, and 900 of the 1991 Session Laws remain in effect.

3 (b) Notwithstanding any modifications by this act in the amounts appropriated,
4 except where expressly repealed or amended, the limitations and directions for the
5 1992-93 fiscal year in Chapters 689, 761, and 900 of the 1991 Session Laws that
6 applied to appropriations to particular agencies or for particular purposes apply to the
7 newly enacted appropriations and budget reductions of this act for those same particular
8 purposes.

9 Sec. 37. This act becomes effective July 1, 1992.