

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 1093

Appropriations Committee Substitute Adopted 6/25/92  
Appropriations Committee Substitute #2 Adopted 7/9/92

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**

Sec. 3. The appropriations made by the 1992 General Assembly for capital improvements shall be disbursed for the purposes provided by this act. Expenditure of

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

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

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

21

## 22 **PART 4. CAPITAL IMPROVEMENTS/GENERAL FUND**

23

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

27

28 Department of Administration

29 (Total) \$8,417,600

30 1. New Revenue Building Equipment and  
31 Furnishings 4,978,900

32 2. Museum of History-Exhibits,  
33 Furnishings and Equipment 2,963,700

34 3. Museum of History-N.C. Sports Hall  
35 of Fame 475,000

36

37 Department of Agriculture

38 (Total) 10,250,000

39 1. New Agronomic Lab 7,500,000

40 2. Tidewater Research and Extension Center  
41 Restore Funding for completion of the Center 1,000,000

42 3. Museum of Natural Science - Planning 750,000

43 4. Piedmont Triad Farmers Market - Restore  
44 Funding 500,000

1	5.	Southeastern Farmers Market - Partially	
2		Restore Funding 500,000	
3			
4		Department of Crime Control and Public Safety	
5	1.	Fayetteville Armory	
6		Requirements 2,295,000	
7		Receipts-Federal & Local 1,980,000	
8		State Appropriation 315,000	
9			
10		Department of Cultural Resources	
11		(Total)	795,000
12	1.	Art Museum-Amphitheater	
13		Requirements 1,476,800	
14		Receipts-Donations 1,476,800	
15		State Appropriations -	
16	2.	State Museum of the Albemarle - Restore	
17		Funding to Continue Development 150,000	
18	3.	Thomas Wolfe Memorial - Visitor's Center 645,000	
19			
20		Department of Environment, Health, and Natural Resources	
21		(Total)	11,734,300
22	1.	N.C. Zoo - Final Phase of North America	
23		Requirements 6,887,800	
24		Receipts - Private 1,061,800	
25		State Appropriation 5,826,000	
26	2.	Water Resources Development Projects-	
27		Matching Funds 5,680,000	
28	3.	County Forestry Headquarters-Warren	
29		County-Equipment/Office Buildings 228,300	
30			
31		Department of Human Resources	
32		(Total)	13,251,800
33	1.	Murdoch Center-Meadowview Cottage	
34		Renovation 1,546,500	
35	2.	Dix Campus-Male Wing Renovation 3,004,600	
36	3.	Umstead Hospital-New Psychiatric Unit 7,499,700	
37	4.	Western Carolina Center	
38		a. Reroof Walkways 699,800	
39		b. Boiler Replacement	201,200
40	5.	Eastern Regional Vocational Rehabilitation	
41		Facility - Repairs and Renovations 300,000	
42			
43		University Board of Governors	
44		(Total)	2,550,000

1	1.	N.C. State University-Restore Funds for		
2		Site Preparation-Centennial Center	2,000,000	
3	2.	N.C. State University-Castle Hayne		
4		Horticultural Research Station-Restore		
5		Funds for Greenhouse and Support Facilities	350,000	
6	3.	4-H Camps-Repairs and Renovations	200,000	
7				
8		Community Colleges		
9	1.	Anson/Stanly - Restore funds for Union County		
10		Satellite	930,000	
11				
12		Office of State Budget & Management		
13	(Total)			16,246,675
14	1.	Reserve for Repairs & Renovations-Statewide	14,246,675	
15	2.	Critical School Facility Needs Fund - To		
16		correct a discrepancy in the manner in		
17		which grants were made from this fund	2,000,000	
18				
19		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 Supervisors' travel and expenses. 50,000
  - b. Governor's Waste Management Board:

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

### 38 PART 5. OFFICE OF STATE BUDGET AND MANAGEMENT

39  
40 Requested by: Senators Basnight, Plyler

#### 41 LOCAL WATER/SEWER FUNDS

42 Sec. 5. (a) Notwithstanding the provisions of Sections 3 and 28 of Chapter  
43 689 of the 1991 Session Laws, the Office of State Budget and Management shall  
44 transfer four million four hundred thousand dollars (\$4,400,000), from the funds

1 appropriated to the Reserve for Reimbursements to Local Governments and Shared Tax  
2 Revenues for the 1992-93 fiscal year, to the Clean Water Revolving Loan and Grant  
3 Fund created in G.S. 159G-5.

4 (b) Notwithstanding the provisions of G.S. 105-116, the Secretary of Revenue  
5 shall reduce the amount to be transferred to municipalities on or before December 15,  
6 1992, pursuant to G.S. 105-116(d), by an amount equal to three million three hundred  
7 thousand dollars (\$3,300,000). The Secretary of Revenue shall allocate this reduction  
8 on a pro rata basis among the municipalities entitled to receive a quarterly installment  
9 pursuant to G.S. 105-116(d) on or before December 15, 1992.

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

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

19  
20 Requested by: Senators Basnight, Plyler

## 21 **REPAIRS AND RENOVATIONS/OLD EDUCATION AND REVENUE** 22 **BUILDINGS**

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

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

## 40 41 **PART 6. GENERAL ASSEMBLY**

42  
43 Requested by: Senators Basnight, Plyler

1 EXTENSION OF THE TERRITORIAL JURISDICTION OF THE  
2 LEGISLATIVE SERVICES COMMISSION

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

4 "§ 120-32.1. Use and maintenance of buildings and grounds.

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

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

25 (b) ~~The rules and regulations promulgated~~ The Legislative Administrative  
26 Officer shall have posted the rules adopted by the Legislative Services Commission  
27 under the authority of this section shall be posted in a conspicuous place in the State  
28 Legislative Building, and in the State office building located at the northeast corner of  
29 Lane and Salisbury streets, and Building and the Legislative Office Building. The  
30 Legislative Administrative Officer shall have filed a copy of the rules and regulations  
31 and all amendments thereto, certified by the chairman of the Legislative Services  
32 Commission, shall be filed in the office of the Secretary of State and in the office of the  
33 Clerk of the Superior Court of Wake County. When so posted and filed, these rules and  
34 regulations shall constitute notice to all persons of the existence and text of the rules and  
35 regulations. rules. Any person, whether on his own behalf or for another, or acting as an  
36 agent or representative of any person, firm, corporation, partnership or association, who  
37 knowingly violates any of the rules ~~or regulations promulgated,~~ adopted, posted and  
38 filed under the authority of this section is guilty of a ~~misdemeanor,~~ misdemeanor and  
39 upon conviction ~~or a plea of guilty~~ shall be punished by a fine or imprisonment in the  
40 discretion of the court, or by both such fine and imprisonment. Any person, firm,  
41 corporation, partnership or association who combines, confederates, conspires, aids,  
42 abets, solicits, urges, instigates, counsels, advises, encourages or procures another or  
43 others to knowingly violate any of the rules ~~and regulations promulgated,~~ adopted,  
44 posted and filed under the authority of this section is guilty of a misdemeanor and upon

1 conviction or a plea of guilty shall be punished by a fine or imprisonment in the  
2 discretion of the court, or by both such fine and imprisonment.

3 ~~(c) When the General Assembly is in regular or extra session, the Legislative~~  
4 ~~Services Commission shall have exclusive authority to assign parking space in the State~~  
5 ~~Legislative Building and upon its grounds, as "grounds" is defined in G.S. 120-32.3~~  
6 ~~[120-32.2], and the State Legislative Building security force shall have exclusive~~  
7 ~~authority and responsibility for enforcing the parking rules and regulations of the~~  
8 ~~Legislative Services Commission. The Legislative Services Commission may cause to~~  
9 ~~be removed at the owner's expense any vehicle parked in the State Legislative Building~~  
10 ~~or on its grounds legislative buildings and grounds in violation of the rules and~~  
11 ~~regulations of the Legislative Services Commission, Commission and during regular or~~  
12 ~~extra sessions of the General Assembly may cause to be removed any vehicle parked in~~  
13 ~~any State-owned parking space leased to an employee of the General Assembly where~~  
14 ~~the vehicle is parked without the consent of the employee to whom the space is leased.~~

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

17 (1) At all times:

- 18 a. The State Legislative Building and the area between outer walls  
19 of the State Legislative Building and the near curblineline of those  
20 sections of Jones, Wilmington, Lane, and Salisbury Streets  
21 which border land on which the State Legislative Building is  
22 situated;  
23 b. The Legislative Office Building and the areas between its outer  
24 walls and the near curblineline of those sections of Lane and  
25 Salisbury Streets that border the land on which it is situated;  
26 c. Any State-owned parking lot which is leased to the General  
27 Assembly; and  
28 d. The bridge between the State Legislative Building and the State  
29 Governmental Mall.

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

- 33 a. When the General Assembly is in regular or extra session; and  
34 b. On other days on which one or more standing committees of  
35 either or both houses of the General Assembly are meeting and  
36 the Legislative Administrative Officer determines that  
37 additional parking is needed for the functioning of the General  
38 Assembly and files notice of the committee's or committees'  
39 meetings and his finding that additional parking is needed in the  
40 office of the Secretary of State and that of Clerk of the Superior  
41 Court of Wake County."

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

43 **"§ 120-32.2. State Legislative Building special police.**



1 All members of the State Legislative Building security force employed by the  
 2 Legislative Services Office are special policemen, and within the State Legislative  
 3 ~~Building and upon its grounds legislative buildings and grounds, as defined in G.S.~~  
 4 ~~120-32.1(d), they shall have all the powers of policemen of incorporated towns. cities.~~

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

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

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

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

21  
 22 Requested by: Senator Martin of Pitt

23 **RAILROAD ADVISORY COMMISSION MEMBERSHIP CHANGE**

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

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

- 28 (1) Two members appointed by the Governor, one of whom shall be  
 29 knowledgeable about the railroad business and one of whom shall be  
 30 an advocate of passenger rail service;
- 31 (2) The Speaker of the House of Representatives or another member of the  
 32 House of Representatives serving as the Speaker's designee, and two  
 33 other members of the House of Representatives appointed by the  
 34 Speaker of the House of Representatives;
- 35 (3) The President Pro Tempore of the Senate or another member of the  
 36 Senate serving as the President Pro Tempore's designee, and two other  
 37 members of the Senate appointed by the President Pro Tempore of the  
 38 Senate;
- 39 (4) The Secretary of Transportation, or a member of his staff appointed by  
 40 the Secretary of Transportation; and
- 41 (5) The State Treasurer, or a member of his staff appointed by the  
 42 ~~Treasurer; Treasurer.~~
- 43 (6) ~~Two officers or directors of the North Carolina Railroad Company~~  
 44 ~~appointed by its Board of Directors.~~

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

4  
5 Requested by: Senator Martin of Guilford

6 **JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS/  
7 FARMERS MARKET STUDY/WATER RESOURCES PROJECTS STUDY**

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

- 12 (1) Piedmont Triad Farmers Market,
- 13 (2) Southeastern Farmers Market,
- 14 (3) Northeastern Farmers Market,
- 15 (4) Randleman Dam, and
- 16 (5) Oregon Inlet Jetties.

17 The Commission may report its findings and recommendations to the 1993 General  
18 Assembly.

19  
20 **PART 7. DEPARTMENT OF ADMINISTRATION**

21  
22 Requested by: Senator Basnight

23 **NORTH CAROLINA AQUARIUMS COMMISSION**

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

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

27 **"§ 143B-390.15. North Carolina Aquariums Commission – creation.**

28 There is hereby created the North Carolina Aquariums Commission.

29 **"§ 143B-390.16. North Carolina Aquariums Commission – organization, powers,  
30 and duties.**

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

- 32 (1) Three members appointed by the Governor including one member  
33 designated by the Governor to serve as chair of the Commission,
- 34 (2) Three members appointed by the General Assembly upon the  
35 recommendation of the Speaker of the House of Representatives in  
36 accordance with G.S. 120-121,
- 37 (3) Three members appointed by the General Assembly upon the  
38 recommendation of the President Pro Tempore of the Senate in  
39 accordance with G.S. 120-121, and
- 40 (4) Three members appointed by the North Carolina Aquarium Society,  
41 Inc., each of whom resides in one of the counties where the North  
42 Carolina Aquariums are located: Carteret, Dare, and New Hanover.

43 (b) Commission members shall serve for terms of four years, beginning July 1,  
44 1992, and may be removed at any time by the appointing authority. If a vacancy on the

1 Commission occurs, the appointing authority shall appoint a replacement to serve for  
2 the unexpired term.

3 (c) The Commission shall meet upon the call of the chair.

4 (d) The Secretary of Administration shall provide staff support for Commission  
5 activities and travel reimbursement for Commission members.

6 (e) The Commission may recommend a schedule of uniform fees for the North  
7 Carolina Aquariums to the Secretary of the Department of Administration who may  
8 adopt the schedule. The schedule may be revised from time to time by the same  
9 procedure.

10 (f) The North Carolina Special Aquariums Fund, hereafter 'Fund', is hereby  
11 created, and shall be a special and nonreverting fund. The Fund shall be used only for  
12 repair, maintenance, and educational exhibit construction at existing aquariums. The  
13 Fund may also be used to match private funds that are raised for these purposes.

14 (g) All entrance fee receipts shall be credited to the Fund. The Secretary of  
15 Administration may expend monies from the Fund only upon the authorization of the  
16 General Assembly."

17 (b) G.S. 120-123 is amended by adding a new subdivision to read:

18 "(59) The North Carolina Aquariums Commission, as established by G.S.  
19 143B-15."

## 21 **PART 8. DEPARTMENT OF CULTURAL RESOURCES**

22  
23 Requested by: Senator Basnight

### 24 **GRANTS FOR LOCAL ARTS/HISTORIC SITES**

25 Sec. 11. Of the funds appropriated in this act to the Department of Cultural  
26 Resources for grants for local arts/historic sites, the sum of thirty thousand dollars  
27 (\$30,000) shall be allocated to the Eastern Music Festival to support activities  
28 commemorating the thirtieth anniversary of the Festival, the sum of fifty thousand  
29 dollars (\$50,000) shall be allocated to the North Carolina Shakespeare Festival for  
30 equipment and other purposes, and a sufficient sum shall be allocated for the addition of  
31 an auditorium for the Visitors Center at the Charles B. Aycock Historic Site.

## 33 **PART 9. PUBLIC SCHOOLS**

34  
35 Requested by: Senator Basnight

### 36 **SCHOOL CRITICAL NEEDS FUNDS**

37 Sec. 12. The General Assembly finds that when the Commission on School  
38 Facility Needs established a schedule in 1988 for making grants from the Critical  
39 School Facility Needs Fund, in accordance with G.S. 115C-489.2(b), the data, although  
40 lawful, that the Commission used to determine per capita income was not the most  
41 current data available at the time that the Commission established the schedule. As a  
42 result of discrepancies in the data, the Tyrrell County School Administrative Unit was  
43 ranked 57th on the schedule instead of 32nd, and the Tyrrell County School  
44 Administrative Unit has not received the grant it would have received had the most

1 current data been used. To remedy this problem, funds are appropriated in this act from  
2 the General Fund to the Office of State Budget and Management for the Critical School  
3 Facility Needs Fund in the sum of two million dollars (\$2,000,000) for the 1992-93  
4 fiscal year for a grant for the Tyrrell County Schools.

5  
6 Requested by: Senator Hunt

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

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

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

13 Because there is not enough time for the State Board of Education to select the  
14 additional two pilot sites authorized by the 1992 Regular Session of the 1991 General  
15 Assembly and for those two sites to begin implementation of the program during the  
16 1992-93 school year, the remaining two pilot sites are hereby designated as the sites  
17 recommended to the Board by the State Superintendent at its regular July meeting."

18  
19 **PART 10. COMMUNITY COLLEGES**

20  
21 Requested by: Senator Richardson

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

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

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

34  
35 **PART 11. COLLEGES AND UNIVERSITIES**

36  
37 Requested by: Senator Basnight

38 **HIGH DENSITY POLYESTER PATENT RESEARCH AND TECHNOLOGY**  
39 **TRANSFER COMPLETION**

40 Sec. 15. Of the funds appropriated to the Board of Governors of The  
41 University of North Carolina in this act, the sum of ninety-seven thousand dollars  
42 (\$97,000) shall be allocated to North Carolina State University for completion of the  
43 research and technology transfer of high density polyester for which patent applications  
44 are pending. These funds shall be repaid to the General Fund from royalties paid the

1 North Carolina State University Patent Reserve Fund from the companies licensed to  
2 use the patents.

3  
4 Requested by: Senator Basnight

5 **ELIZABETH CITY STATE UNIVERSITY SCHOLARSHIPS**

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

10  
11 **PART 12. DEPARTMENT OF TRANSPORTATION**

12  
13 Requested by: Senator Goldston

14 **1992 CAPITAL CONSTRUCTION MODIFICATIONS**

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

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

20  
21 **DIVISION OF HIGHWAYS**

22  
23 1991-92 1992-93

24	01.	Bridge Maintenance Office Complex		
25		Supplemental - Town of Brunswick	\$224,000	\$ -
26				
27	02.	Equipment Shop - Carthage	- 2,247,000	
28				
29	03.	Bridge Maintenance Complex -		
30		Wadesboro	26,000	439,000
31				
32	04.	Gas Pump Canopies - Statewide	398,000	<del>311,000</del>
33				
34	05.	Fencing - Statewide	171,000	-
35				
36	06.	Land Acquisition - Siler City	<del>54,000</del>	-
37				
38	07.	Land Acquisition/Maintenance		
39		Yard - Halifax	13,000	-
40				
41	08.	Land Acquisition/Maintenance		
42		Yard - Trenton	27,000	-
43				
44				

1	09.	Water and Sewer Connections			
2		- Statewide	308,000	-	
3		-Greene County Facility		400,000	-
4					
5	10.	Division Office Complex Phase			
6		II - Fayetteville	-	1,688,000	
7					
8	11.	Division Office Addition			
9		- Greensboro			
10		Requirements	589,000		
11		Less Receipts (Sale of Land)		<u>-589,000</u>	
12		Appropriation	-	-	
13					
14	12.	Landscape Office, Warehouse			
15		and Truck Shed - Asheville			
16		Requirements	472,000		
17		Less Receipts (Sale of Land)		<u>-472,000</u>	
18		Appropriation	-	-	
19					
20	13.	Salt Storage Buildings			
21		- Statewide	405,000	<del>67,000</del>	<u>-</u>
22					
23	14.	Equipment Shop - Mocksville	511,000		-
24					
25	15.	District Office Building			
26		- Albemarle	49,000	<del>247,000</del>	<u>333,000</u>
27					
28	16.	Division of Highways/Division			
29		of Motor Vehicles Office			
30		Complex - Graham	67,000	-	
31					
32	17.	Sign Shop - Town of Union	-	<del>725,000</del>	<u>-</u>
33					
34	18.	Design Equipment Shop - Meadows	-	<del>41,000</del>	<u>52,000</u>
35					
36	19.	Design Equipment Shop - Spindale	-	<del>24,000</del>	<u>40,000</u>
37					
38	20.	Design Equipment Shop - Washington	-	<del>40,000</del>	<u>49,000</u>
39					
40	21.	Design Equipment Shop - Wentworth	-	<del>44,000</del>	<u>54,000</u>
41					
42	22.	Bridge Maintenance Warehouse/Shed			
43		- Town of Union	-	<del>81,000</del>	<u>-</u>
44					

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

### DIVISION OF MOTOR VEHICLES

		<u>1991-92</u>	<u>1992-93</u>		
34					
35					
36					
37					
38	01.	Upgrade Electrical Power,			
39		Communication and Computer			
40		Circuits - Raleigh Division			
41		of Motor Vehicles Building	\$ 216,200	\$	-
42					
43	02.	Building Addition - Wilmington	221,900		-
44					

1	03.	Building Addition - Statesville 170,075	-	
2				
3	04.	New Office Building - Asheville	635,100	-
4				
5	05.	Roof Replacement (7 Locations)	100,500	-
6				
7	06.	Resurface Parking Lots		
8		(6 Locations) 107,500	-	
9				
10	07.	Roof Replacement (7 Locations)	-	103,100
11				
12	08.	Resurface Parking Lots (6 Locations)	-	111,900
13				
14	09.	Building Addition - Goldsboro	-	167,630
15				
16	10.	Building Addition - Whiteville	-	164,770
17				
18	11.	Building Addition - Hillsborough	-	179,200
19				
20	12.	Building Addition - Kinston	-	179,200
21				
22	13.	Building Addition - Jacksonville	-	174,800
23				
24	14.	Reserve to Make Restrooms		
25		Handicapped Accessible in DMV		
26		Facilities 25,000	25,000	
27				
28				
29	TOTAL DIVISION OF MOTOR VEHICLES		\$1,476,275	
30			\$1,105,600	
31				
32	CRIME CONTROL AND PUBLIC SAFETY			
33				
34	01.	State Highway Patrol - Troop H		
35		Headquarters - New Building \$190,000		\$1,348,900
36				
37	02.	State Highway Patrol - Upgrade		
38		and Replace Underground		
39		Fuel Tanks <u>300,000</u>	<u>300,000</u>	
40				
41	TOTAL CRIME CONTROL AND			
42	PUBLIC SAFETY\$			490,000
43	\$1,648,900			
44				



1 GRAND TOTAL HIGHWAY FUND \$~~4,619,275~~\$4,565,275  
 2 \$8,802,500 \$9,021,966 "

3

4 Requested by: Senator Goldston

5 **DEPARTMENT OF TRANSPORTATION CAPITAL CONSTRUCTION FUNDS**  
 6 **REVERSIONS**

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

10    (b)     The balance of one hundred eleven thousand nine hundred dollars (\$111,900)  
 11 appropriated to landscape the office and warehouse in Graham in Section 6 of Chapter  
 12 754 of the 1989 Session Laws is reverted to the Highway Fund to be reappropriated for  
 13 the 1992-93 fiscal year.

14    (c)     The balance of fifty-three thousand five hundred sixty-six dollars (\$53,566)  
 15 for the maintenance complex in Craggy (Buncombe County) in Section 5 of Chapter  
 16 480 of the 1985 Session Laws is reverted to the Highway Fund to be reappropriated for  
 17 the 1992-93 fiscal year.

18

19 Requested by: Senator Murphy

20 **ROADWAY IMPROVEMENTS FOR THE CENTENNIAL CENTER**

21     Sec. 19. From funds appropriated to the Department of Transportation for the  
 22 1992-93 fiscal year, three million three hundred thousand dollars (\$3,300,000) shall be  
 23 used for roadway improvements for the Centennial Center. These improvements shall  
 24 be part of a long-range plan that is to be developed by the Department of Transportation  
 25 to service the Centennial Center, Carter-Finley Stadium, the State Fairgrounds, and the  
 26 Government Office Complex (Blue Ridge Road). Included in these improvements shall  
 27 be widening Edwards Mill Road, a new Wade Avenue Bridge and ramps, and other off-  
 28 site improvements to Trinity Road, Wade Avenue, and West Chase Boulevard.  
 29 Authorized uses of these funds include design fees and expenses, surveying, testing, and  
 30 other contingencies related to construction.

31

32 Requested by: Senator Plyler

33 **MOBILE CRANE STUDY**

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

39

40 Requested by: Senator Plyler

41 **TRAFFIC CONTROL FUNDS**

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

43 **"§ 20-79.7. Special Registration Plate Fund.**

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

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

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

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

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

40 "**§ 136-44.2. Budget and appropriations.**

41 The Director of the Budget shall include in the 'Current Operations Appropriations  
42 Bill' an enumeration of the purposes or objects of the proposed expenditures for each of  
43 the construction and maintenance programs for that budget period for the State primary,  
44 secondary, urban, and State parks road systems. The State primary system shall include

1 all portions of the State highway system located outside municipal corporate limits  
2 which are designated by N.C., U.S. or Interstate numbers. The State secondary system  
3 shall include all of the State highway system located outside municipal corporate limits  
4 that is not a part of the State primary system. The State urban system shall include all  
5 portions of the State highway system located within municipal corporate limits. The  
6 State parks system shall include all State parks roads which are not also part of the State  
7 highway system.

8 All construction and maintenance programs for which appropriations are requested  
9 shall be enumerated separately in the budget. Programs that are entirely State funded  
10 shall be listed separately from those programs involving the use of federal-aid funds.  
11 Proposed appropriations of State matching funds for each of the federal-aid construction  
12 programs shall be enumerated separately as well as the federal-aid funds anticipated for  
13 each program in order that the total construction requirements for each program may be  
14 provided for in the budget. Also, proposed State matching funds for the highway  
15 planning and research program shall be included separately along with the anticipated  
16 federal-aid funds for that purpose.

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

21 The Department of Transportation shall have all powers necessary to comply fully  
22 with provisions of present and future federal-aid acts. No federally eligible construction  
23 project may be funded entirely with State funds unless the Department of Transportation  
24 has first consulted with the Joint Legislative Commission on Governmental Operations.  
25 For purposes of this section, 'federally eligible construction project' means any  
26 construction project except secondary road projects developed pursuant to G.S. 136-  
27 44.7 and 136-44.8 eligible for federal funds under any federal-aid act, whether or not  
28 federal funds are actually available.

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

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

42 The Department of Transportation may provide for costs incurred or accrued for  
43 traffic control measures to be taken by the Department at major events which involve a  
44 high degree of traffic concentration on State highways, and which cannot be funded

1 from regular budgeted items. This authorization applies only to events which are  
 2 expected to generate 30,000 vehicles or more per day. The Department of  
 3 Transportation shall provide for this funding by allocating and reserving up to one  
 4 hundred thousand dollars (\$100,000) before any other allocations from the  
 5 appropriations for State maintenance for primary, secondary, and urban road systems  
 6 are made, based upon the same proportion as is appropriated to each system."

7  
 8 **PART 13. DEPARTMENT OF CORRECTION**

9  
 10 Requested by: Senators Plyler, Marvin

11 **PRISON BOND REALLOCATION/ADMINISTRATION CHANGES**

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

14 **"(c) Descriptions, Custodial Levels, Beds, Projected Allocations.**

15 Appropriations are made from bond proceeds for use by the Departments of Correction  
 16 and Human Resources to provide for capital improvement projects as herein provided.

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

20  
 21 DEPARTMENT OF CORRECTION

22	23 <u>Project Description</u>	24 <u>Custodial</u>	25 <u>Beds</u>
26	Nash Correctional Institution	<del>Med</del> Close	128
27	Marion Correctional Center	<del>Med</del> Close	906-752
28	Cherry Correctional Center	Min	500
29	<del>Central Prison-</del>	Close	144
30	<u>Odom Correctional Institution</u>	Close	192
31	Pasquotank Youth Institution	<del>Med</del> Close	440-664
32	NCCIW	Close/Med	256
33	NCCIW - Repairs and Renovations		
34	Lumberton Correctional Center	Med	312
35	Fountain Correctional Center	Min	100
36	Greene Correctional Center	Min	200
37	<del>Hyde Correctional Center-</del>	Med	312
38	Brown Creek Sewing Plant		
39	Pender Furniture Refurbishing Facility		
40	<del>Columbus Sewing Facility</del>		
41	Caswell Sewing and Tailoring Equipment		
42	Harnett Dining Hall		

1 Provide dayrooms at 49 units

2 to comply with Small v.

3 Martin lawsuit

4 Subtotal ~~3,298-3,104~~ \$96,980,702-\$101,380,310

5

6 Contingencies

7 TOTAL

8

\$103,38

9 0,310

10

11 DEPARTMENT OF HUMAN RESOURCES-DIVISION OF YOUTH SERVICES

12

13 7 Secure/nonsecure group homes

14 9 beds added to Pitt Detention Ctr.

15 Renovate unused dorms & upgrade

16 to meet American Correctional

17 Association Standards

18 Dillon secure unit, counseling

19 space, & fencing at 5 facilities

20 Conversion of dorms to individual

21 rooms

22 Increase number of transition

23 beds - step down & independent

24 living for Training Schools

25 \$9,119,690"

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

27 rewritten:

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

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

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

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

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

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

34 143-132, 143-134, 143-135.26, ~~143-64.10 through 143-64.13~~, 113A-1 through 113A-

35 10, 113A-50 through 113A-66, ~~133-1.1(b)~~, 133-1.1(g), and 143-408.1; provided,

36 however, of the funds allocated under the provisions of this act for the construction of

37 prison facilities, the Office of State Budget and Management shall have a verifiable ten

38 percent (10%) goal for participation by minority and women-owned businesses. All

39 contracts for the design, construction, or demolition of prison facilities shall include a

40 penalty for failure to complete the work by a specified date.

41 The proposals for prison facilities authorized in this section shall be invited by

42 advertisement in newspapers having general circulation in the State. The form of

43 advertisement shall be prepared in the form of Section 301 of the State Construction

44 Manual of the Department of Administration, and shall be published in one issue of the

1 newspaper. A minimum of at least seven full days shall lapse between the date of  
2 publication and the date of the opening of bids. Initiation of the advertisement shall be  
3 by the Office of State Budget and Management.

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

10 The Office of State Budget and Management shall involve the Office of State  
11 Construction of the Department of Administration in all aspects of the projects to ensure  
12 that all prison facilities are constructed consistent with Office of State Construction  
13 standards and procedures. Such involvement shall include but not be limited to the  
14 review of plans and specifications for each project prior to the award of contracts,  
15 attendance at scheduled project meetings, on-site inspections, review of all change  
16 orders, final inspections, review of punch lists of project deficiencies and written  
17 verification of the correction of such deficiencies, and certification of the identity of the  
18 designer of record on each project.

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

23 The Office of State Construction, the Department of Insurance, and the Department  
24 of Correction shall immediately report any concerns regarding the prison construction  
25 program to the Office of State Budget and Management. Any concerns not  
26 satisfactorily resolved with the Office of State Budget and Management shall be  
27 reported immediately to the Joint Legislative Commission on Governmental Operations.  
28 The Office of State Construction, the Department of Insurance, and the Department of  
29 Correction shall report quarterly to the Joint Legislative Commission on Governmental  
30 Operations on their involvement with the Office of State Budget and Management and  
31 the project manager in the prison construction program."

## 32 33 **PART 14. DEPARTMENT OF HUMAN RESOURCES**

34  
35 Requested by: Senator Basnight

### 36 **VOCATIONAL REHABILITATION MOTOR POOL EXEMPTION**

37 Sec. 24. Notwithstanding G.S. 143-341(8)i.3., the Division of Vocational  
38 Rehabilitation Services, Department of Human Resources, may use funds available to it  
39 to replace and operate those motor vehicles under its ownership, custody, or control that  
40 are used primarily to transport clients being served under the Rehabilitation Act of  
41 1973, Public Law 93-112, as amended.

42  
43 Requested by: Senator Basnight

### 44 **DOBBS SCHOOL RELOCATION FUNDS**

1           Sec. 25. Notwithstanding any other provisions of law, funds allocated to the  
2 Department of Human Resources for renovations to The Dobbs School from the North  
3 Carolina Prison and Youth Services Bond Fund by Section 239 of Chapter 689 of the  
4 1991 Session Laws, shall be used to begin the process of constructing facilities for the  
5 relocation of The Dobbs School to land currently allocated to the Department of Human  
6 Resources and adjacent to Caswell Center.

7  
8 **PART 15. DEPARTMENT OF ECONOMIC AND COMMUNITY**  
9 **DEVELOPMENT**

10  
11 Requested by: Senator Martin of Pitt

12 **ECONOMIC DEVELOPMENT FUNDS**

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

15       "(f) Of the funds appropriated in this act to the North Carolina Rural Economic  
16 Development Center, Inc., six hundred fifty thousand dollars (\$650,000) for the 1992-  
17 93 fiscal year shall be used to expand the Microenterprise Loan Program. Of these  
18 funds, no less than four hundred thousand dollars (\$400,000) shall be used as loan  
19 capital or as loan loss reserves and no more than two hundred fifty thousand dollars  
20 (\$250,000) shall be used to cover operational costs. The North Carolina Rural  
21 Economic Development Center, Inc., shall report quarterly to the Joint Legislative  
22 Commission on Governmental Operations on the use of these funds."

23  
24 **PART 16. DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL**  
25 **RESOURCES**

26  
27 Requested by: Senators Martin of Pitt, Perdue

28 **WATER RESOURCES DEVELOPMENT FUNDS**

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

- 34           (1)   Wilmington Harbor   \$ 750,000  
35                Deepening Study  
36  
37           (2)   Aquatic Plant Control   35,000  
38  
39           (3)   Jordan Lake Water Supply   110,000  
40                Repayment & Operation  
41  
42           (4)   Lower Creek Flood   161,000  
43                Control-Lenoir  
44

- 1           (5)    Beaufort Harbor 80,000  
2  
3           (6)    Wilmington Harbor    449,000  
4                Navigation  
5  
6           (7)    Cape Fear River Above Wilmington  
7                Navigation        100,000  
8  
9           (8)    State-Local Water Resources Development  
10               Projects  150,000  
11  
12           (9)    Morehead City  3,845,000  
13               Harbor Deepening  
14

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

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

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

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

- 32           (1)    All projects listed in this section;  
33           (2)    The estimated cost of each project;  
34           (3)    The date work on each project began or is expected to begin;  
35           (4)    The date work on each project was completed or is expected to be  
36                completed; and  
37           (5)    The actual cost of each project.

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

41  
42 Requested by: Senator Martin of Pitt

43 **FUNDS FOR STATE PARKS LAND ACQUISITION**



1 Sec. 28. (a) The proceeds from the grant of the easement authorized by G.S.  
2 143-260.10E(a), as enacted by Chapter 907 of the 1991 Session Laws, are appropriated  
3 from the General Fund to the Department of Environment, Health, and Natural  
4 Resources for the 1992-93 fiscal year for the Division of Parks and Recreation for land  
5 acquisition in State parks.

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

10  
11 Requested by: Senator Basnight

## 12 **AGRICULTURE COST SHARE PROGRAM**

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

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

## 25 26 **PART 17. MISCELLANEOUS PROVISIONS**

27  
28 Requested by: Senators Basnight, Plyler

## 29 **RESERVE FOR ADVANCE PLANNING**

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

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

38  
39 Requested by: Senators Basnight, Plyler

## 40 **ENCUMBERED APPROPRIATIONS AND PROJECT RESERVE FUND**

41 Sec. 31. When each capital improvement project appropriated by the 1992  
42 General Assembly, other than those projects under the Board of Governors of The  
43 University of North Carolina, is placed under construction contract, direct  
44 appropriations shall be encumbered to include all costs for construction, design,

1 investigation, administration, movable equipment, and a reasonable contingency.  
2 Unencumbered direct appropriations remaining in the project budget shall be placed in a  
3 project reserve fund credited to the Office of State Budget and Management. Funds in  
4 the project reserve may be used for emergency repair and renovation projects at State  
5 facilities with the approval of the Director of the Budget. The project reserve fund may  
6 be used, at the discretion of the Director of the Budget, to allow for award of contracts  
7 where bids exceed appropriated funds, if those projects supplemented were designed  
8 within the scope intended by the applicable appropriation or any authorized change in it,  
9 and if, in the opinion of the Director of the Budget, all means to award contracts within  
10 the appropriation were reasonably attempted. At the discretion of the Director of the  
11 Budget, any balances in the project reserve fund shall revert to the original source.

12  
13 Requested by: Senators Basnight, Plyler

14 **PROJECT COST INCREASE**

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

24  
25 Requested by: Senators Basnight, Plyler

26 **NEW PROJECT AUTHORIZATION**

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

36  
37 Requested by: Senators Basnight, Plyler

38 **ADVANCE PLANNING OF CAPITAL IMPROVEMENT PROJECTS**

39 Sec. 34. Funds which become available by gifts, excess patient receipts  
40 above those budgeted at University of North Carolina Hospitals at Chapel Hill, federal  
41 or private grants, receipts becoming a part of special funds by act of the General  
42 Assembly or any other funds available to a State department or institution may be  
43 utilized for advance planning through the working drawing phase of capital  
44 improvement projects, upon approval of the Director of the Budget. The Director of the

1 Budget may make allocations from the Advance Planning Fund for advance planning  
2 through the working drawing phase of capital improvement projects, except that this  
3 revolving fund may not be utilized by the Board of Governors of The University of  
4 North Carolina or the State Board of Community Colleges.

5  
6 Requested by: Senators Basnight, Plyler

7 **APPROPRIATIONS LIMITS/REVERSION OR LAPSE**

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

22  
23 Requested by: Senators Basnight, Plyler

24 **1991-92 APPROPRIATIONS LIMITATIONS AND DIRECTIONS APPLY**

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

27       (b) Notwithstanding any modifications by this act in the amounts appropriated,  
28 except where expressly repealed or amended, the limitations and directions for the  
29 1992-93 fiscal year in Chapters 689, 761, and 900 of the 1991 Session Laws that  
30 applied to appropriations to particular agencies or for particular purposes apply to the  
31 newly enacted appropriations and budget reductions of this act for those same particular  
32 purposes.

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