

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 1991

CHAPTER 1044  
SENATE BILL 1205

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

**PART 1. INTRODUCTION**

The General Assembly of North Carolina enacts:

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

Where direct capital improvement appropriations include the purpose of furnishing fixed and movable equipment for any project, those funds for equipment shall not be subject to transfer into construction accounts except as authorized by the

Director of the Budget. The expenditure of funds for fixed and movable equipment and furnishings shall be reviewed and approved by the Director of the Budget prior to commitment of funds.

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

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

Sec. 4. 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 capital improvement projects according to the following schedule:

Department of Administration (Total)	\$8,605,600
1. New Revenue Building Equipment and Furnishings	4,978,900
2. Museum of History-Exhibits, Furnishings and Equipment	2,963,700
3. Museum of History-N.C. Sports Hall of Fame	475,000
4. Shelters and Seats – Government Center Complex	50,000
5. Acquisition of Charlotte Johnson Property-State Government Complex	138,000
Department of Agriculture (Total)	12,405,600
1. Museum of Natural Science - Planning	750,000
2. Western N.C. Agricultural Center	
a. Land Purchase	329,200
b. Temporary Stall Building	150,000
3. Western Farmers Market	
a. Winterize 2 Retail Buildings	126,400
4. Agronomic Lab Construction	7,500,000
5. Tidewater Research Station - Completion	1,000,000
6. Southeastern Farmers' Market - Shipping Point Facility	1,000,000
7. Piedmont Triad Farmers' Market - Development	1,000,000
8. Mountain Research Station Land Purchase	250,000
9. Eastern North Carolina Agriculture Center - Planning Funds	300,000
Department of Crime Control and Public Safety (Total)	615,000
1. Fayetteville Armory Requirements	2,295,000
Receipts-Federal & Local	1,980,000
State Appropriation	315,000

2.	National Guard-Underground Storage Tanks-EPA Requirements	300,000
Department of Cultural Resources (Total)		795,000
1.	Art Museum-Amphitheater Requirements	1,476,800
	Receipts-Donations	1,476,800
	State Appropriation	-
2.	State Museum of the Albemarle - Restore Funding to Continue Development	150,000
3.	Thomas Wolfe Memorial - Visitor's Center	645,000
Department of Environment, Health, and Natural Resources (Total)		9,269,400
1.	N.C. Zoo - Final Phase of North America Requirements	6,887,800
	Receipts - Private	1,061,800
	State Appropriation	5,826,000
2.	Water Resources Development Projects- Matching Funds	2,000,000
3.	County Forestry Headquarters-Equipment/ Office Buildings-Warren County	228,300
	-Cumberland County	215,100
4.	State Parks-Land Purchases	500,000
	-Repairs and Renovations	500,000
Department of Human Resources (Total)		13,251,800
1.	Murdoch Center-Meadowview Cottage Renovation	1,546,500
2.	Dix Campus-Male Wing Renovation	3,004,600
3.	Umstead Hospital-New Psychiatric Unit	7,499,700
4.	Western Carolina Center	
	a. Reroof Walkways	699,800
	b. Boiler Replacement	201,200
5.	Eastern Regional Vocational Rehabilitation Facility - Repairs and Renovations	300,000
Department of Justice (Total)		1,537,745
1.	State Bureau of Investigation-Critical Lab Repairs & Renovations	845,300
2.	Justice Academy-Repairs & Renovations	692,445
University Board of Governors (Total)		40,202,300
1.	North Carolina State University	
	a. Centennial Center-Restore Funds for Site Preparation	2,000,000

b.	Hazardous Waste Facility	2,722,300
c.	Engineering Graduate Research Center - Phase I	2,200,000
d.	Castle Hayne Horticultural Research Station-Restore Funds for Greenhouse and Support Facility	350,000
e.	4-H Camps-Repairs and Renovations	200,000
2.	University of North Carolina at Chapel Hill	
a.	School of Social Work	9,800,000
b.	School of Business Administration	2,000,000
3.	Fayetteville State University - Indoor Health and Physical Education Facility	8,880,000
4.	East Carolina University - Complete Advance Planning for Joyner Library Addition	300,000
5.	System-wide - Repairs and Renovations Community Colleges	11,750,000
1.	Anson/Stanly - Restore funds for Union County Satellite	930,000
	Office of State Budget & Management (Total)	7,593,125
1.	Reserve for Repairs & Renovations-Statewide	5,343,125
2.	Critical School Facility Needs Fund - To correct a discrepancy in the manner in which grants were made from this fund	2,000,000
3.	Reserve to Match Local Matching Funds for Prison Chapels	250,000
	<b>TOTAL CAPITAL IMPROVEMENTS/GENERAL FUND</b>	<b>\$95,205,570</b>

**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 and UNC-Wilmington to CONCERT Communications Network operated by MCNC.	\$ 1,645,000
b.	North Carolina State University-Patent Research Funds.	97,000
c.	North Carolina State University-Study of cleanup requirements for former disposal site for hazardous waste near Carter-Finley stadium and reimbursement to EPA – Consent agreement	600,000

	d.	Area Health Education Centers-Funds to Contract for additional training of certified, registered nurse anesthetists	150,000
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:	
	a.	Funds to purchase equipment for end-of-year/end-of-course testing.	1,700,000
	b.	Equipment and non-recurring needs for Governor's School	50,000
5.		Environment, Health, and Natural Resources:	
	a.	Governor's Waste Management Board: To provide a \$100,000 technical assistance grant to Richmond, Chatham, and Wake Counties for their site designation review committee.	300,000
	b.	On-Site Wastewater-Support for studying on-site wastewater systems and demonstration projects.	50,000
	c.	Beaver Control Pilot Project for controlling beaver damage	100,000
6.		Department of Human Resources:	
	a.	Head Start Program - Provide grants for new capital construction and for capital improvements to existing facilities	1,760,000
	b.	Vocational Rehabilitation Facilities - Funds for capital needs at community-based facilities that operate vocational rehabilitation services or Adult Developmental Activity Programs (ADAP). \$154.00 per slot for 6,495 slots. Each program shall submit a budget for these funds for approval to the Department of Human Resources.	1,000,000
	c.	Mental Health-First Step Farm for Women	202,880
	d.	Rural Health Recruitment Funds-Stipends for general medicine residents who serve underserved areas of the State	200,000
	e.	Mental Health Facility Funds-Grants to Area Mental Health programs up to a maximum of \$200,000 per grant. Requires dollar for dollar county matching funds and	

	departmental approval of applications	2,000,000
7.	Department of Economic and Community Development: Industrial Building Renovation Fund - Continue economic assistance to local units of government.	500,000
8.	Department of Agriculture: a. Provide for the development of a Grassroots Science Program by the Museum of Natural Sciences to serve local museums and nature centers (one-time grant-in-aid of \$50,000 to each of the State's nine science museums).	450,000
9.	Board of Elections: One-time appropriation for support for mail registration.	77,500
10.	Department of Administration - State Construction Division - Conduct a feasibility study to determine cost of constructing and operating a State Veterans Home	15,000
11.	General Assembly - Reserve for State Government Performance Audit Committee	500,000
12.	Office of State Budget and Management: a. Reserve for expenses involved in moving the Departments of Education, Revenue, and Secretary of State and the Office of State Construction and Office of State Controller	750,000
	b. Center for Community Self-Help Funds for Statewide Lending program for small businesses and economic development in rural, depressed, and disadvantaged communities	2,000,000
	c. N.C. Equity - Grant-in-aid for support of health and economic development activities	65,000
	d. Housing Trust Funds - Support to provide housing for persons of very low, low, and moderate income	2,000,000
	e. Laurinburg-Maxton Airport Commission - Grant-in-Aid for Impact and Engineering Studies for Industrial Park Expansion	250,000
	f. Reserve for the implementation of	

	federal OSHA standards regarding bloodborne pathogens	1,000,000
g.	Motor Voter Registration Reserve to be transferred to Division of Motor Vehicles	55,400
h.	Piedmont Triad Regional Water Authority - Grant-in-aid to purchase land for the Randleman Lake/Dam Project.	500,000
TOTAL NONRECURRING/GENERAL FUND		\$ 23,594,430
GRAND TOTAL GENERAL FUND		\$118,800,000

**PART 5. OFFICE OF STATE BUDGET AND MANAGEMENT**

Requested by: Senators Basnight, Plyler, Representatives Ethridge, H. Hunter

**LOCAL WATER/SEWER FUNDS**

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

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

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

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

Requested by: Senators Basnight, Plyler, Representatives Nesbitt, Diamont

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

Sec. 6. The Joint Legislative Commission on Governmental Operations may study and make recommendations to the Office of State Budget and Management and to the Office of State Construction of the Department of Administration on repairs and

renovations to the Old Education and Old Revenue Buildings. In conducting its study, the Commission shall make recommendations pertaining to the following:

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

Requested by: Senator Martin of Guilford, Representative Pope

#### **N.C. EQUITY/FUND REQUIREMENTS**

Sec. 6.1. (a) Funds appropriated in this act to the Office of State Budget and Management for a grant-in-aid to North Carolina Equity shall not be used by N.C. Equity for engaging in advocacy or lobbying activities to support or oppose legislation proposed, pending, or otherwise under consideration by the General Assembly or any of its study committees or commissions. This section shall not prohibit representatives of N.C. Equity from testifying before or providing information requested by the General Assembly or any of its study committees or commissions.

(b) N.C. Equity shall report quarterly to the Joint Legislative Commission on Governmental Operations on the use of funds allocated to it under this act.

Requested by: Senators Basnight, Plyler, Representatives Diamont, Nesbitt

#### **BUDGET REFORM STATEMENTS/APPROPRIATIONS ADJUSTMENTS**

Sec. 6.2. The General Fund appropriations availability upon which the modifications contained in this act to the General Fund budget for the 1992-93 fiscal year are based is one hundred eighteen million eight hundred thousand dollars (\$118,800,000). This amount is comprised of the following components:

- |     |                                   |                    |
|-----|-----------------------------------|--------------------|
| (1) | 1991-92 Revenue Collections:      |                    |
|     | a. Budgeted                       | \$ 7,647,025,000   |
|     | b. Actual (latest estimate)       | 7,638,025,000      |
|     | c. Difference                     | (9,000,000)        |
| (2) | 1991-92 Unexpended Appropriations |                    |
|     | a. Reversions                     | <u>169,000,000</u> |
|     | Estimated June 30, 1992 Credit    |                    |
|     | Balance                           | 160,000,000        |
| (3) | Earmarked for Savings Reserve     | (40,000,000)       |
| (4) | Credit Balance used in Chapter    |                    |
|     | 900, 1991 Session Laws            | (1,200,000).       |



Requested by: Senator Basnight, Representatives Nesbitt, Diamont

**RESERVE FOR IMPLEMENTATION OF FEDERAL OSHA REGULATIONS  
REGARDING BLOODBORNE PATHOGENS/USE OF FUNDS**

Sec. 6.3. Funds appropriated in this act to the Office of State Budget and Management for the implementation of the federal OSHA regulations regarding bloodborne pathogens shall be used only to support the cost of testing, inoculations, personal protective equipment, and required clean-up equipment and supplies for employees who are subject to these regulations and only if adequate funds are not available for these purposes. They shall not be used as planning money or for salaries for any new positions or for any other purpose than specifically authorized by this section.

The Office of State Budget and Management shall report to the 1993 General Assembly by March 1, 1993, on the expenditure of these funds.

**PART 6. GENERAL ASSEMBLY**

Requested by: Senators Basnight, Plyler, Representatives Nesbitt, Diamont

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

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

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

~~(1) At all times:~~

- ~~a. The State Legislative Building and the area between outer walls of the State Legislative Building and the near curblines of those sections of Jones, Wilmington, Lane, and Salisbury Streets which border land on which the State Legislative Building is situated;~~
- ~~b. The Legislative Office Building and the areas between its outer walls and the near curblines of those sections of Lane and Salisbury Streets that border the land on which it is situated;~~

- c. Any State-owned parking lot which is leased to the General Assembly; and
  - d. The bridge between the State Legislative Building and the State Governmental Mall.
- (2) In addition, the surface area 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:
- 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, Representatives Nesbitt, Diamont  
**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;
- (3) The President Pro Tempore of the Senate or another member of the Senate serving as the President Pro Tempore's designee, and two other members of the Senate appointed by the President Pro Tempore of the Senate;
- (4) The Secretary of Transportation, or a member of his staff appointed by the Secretary of Transportation; and
- (5) The State Treasurer, or a member of his staff appointed by the ~~Treasurer~~; Treasurer.
- (6) ~~Two officers or directors of the North Carolina Railroad Company appointed by its Board of Directors.~~

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

Requested by: Senator Martin of Guilford, Representatives Nesbitt, Diamont  
**JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS/  
FARMERS MARKET STUDY/WATER RESOURCES PROJECTS STUDY**

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

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

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

Requested by: Senator Martin of Guilford, Representatives Nesbitt, Diamont  
**TECHNICAL CORRECTIONS/CHAPTER 900 - CURRENT OPERATIONS  
APPROPRIATIONS ACT OF 1992**

Sec. 9.1. (a) Section 41 of Chapter 900, 1991 Session Laws, is amended by deleting the phrase "G.S. 7A-171.1(4)" and substituting the phrase "G.S. 7A-171.1(a)(4)".

(b) This section is effective July 1, 1992.

Sec. 9.2. (a) Section 136(a) of Chapter 900, 1991 Session Laws, reads as rewritten:

"(a) Of the funds appropriated in this act to the Department of Human Resources, Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, the sum of nine million dollars (\$9,000,000) for the 1992-93 fiscal year shall be expended in accordance with the plans developed by the Mental Health Study Commission and adopted by the General Assembly.

These funds shall be allocated as follows:

- |                                               |                                                |
|-----------------------------------------------|------------------------------------------------|
| (1) Services for the mentally ill             | \$3,000,000;                                   |
| (2) Services for the developmentally disabled | <del>\$3,00,000;</del> <u>\$3,000,000;</u> and |
| (3) Services for substance abusers            | \$3,000,000.                                   |

(b) This section is effective July 1, 1992.

Sec. 9.3. Section 180 of Chapter 900, 1991 Session Laws, reads as rewritten:

"(a) Except where expressly repealed or amended by this act, the provisions of Chapters 689, 742, 760, 761, and 812 of the 1991 Session Laws remain in effect.

(b) Notwithstanding any modifications by this act in the amounts appropriated, except where expressly repealed or amended, the limitations and directions for the 1992-93 fiscal year in Chapters 689, 742, 760, 761, and 812 of the 1991 Session Laws that applied to appropriations to particular agencies or for particular purposes apply to the newly enacted appropriations and budget reductions of this act for those same particular purposes."

Requested by: Senators Basnight, Plyler, Representatives Nesbitt, Diamont

**PERFORMANCE AUDIT AUDIO AND VIDEO NETWORK STUDY**

Sec. 9.4. (a) s part of its audit and evaluation of State Information processing and telecommunications system policy, organization, and management, the Government Performance Audit Committee shall study:

- (1) The operations of the audio, video, and data communications networks of the Department of Administration Agency for Public Telecommunications;
- (2) The operations of the audio, video, and data communications networks of the Microelectronics Center of North Carolina;
- (3) The operations of the audio and video networks of the North Carolina Center for Public Television;
- (4) The operations of the voice and data communications networks in the Office of State Controller State Telecommunications Office;
- (5) The operations of the communications networks managed by the Educational Computing Service, University of North Carolina-General Administration;
- (6) The operations of any data and video communications networks managed by the Department of Public Instruction; and

- (7) The operations of any data and video communications networks within the Community College System.
- (b) This study shall address:
  - (1) The governance structures of the networks;
  - (2) The services provided by the networks;
  - (3) The uses of the networks;
  - (4) The alternatives for coordinating the governance, operations, oversight, and funding of the networks to keep them operating in the leading edge of technology insofar as practical and in such a manner to reduce areas of service duplication;
  - (5) The need for funding KU-Band retrofitting in the facilities of the Agency for Public Telecommunications; and
  - (6) The need for purchasing and installing satellite receiving equipment in public libraries throughout the State for use with the Agency for Public Telecommunications and other information technology providers.
- (c) The Government Performance Audit Committee shall include a final report on the topics mentioned in this section, other findings, and recommendations for legislation in its final report to the 1993 General Assembly. It shall also submit 12 copies of its report to the North Carolina Information Resources Management Commission.

## **PART 6.1. DEPARTMENT OF REVENUE**

Requested by: Senators Basnight, Plyler, Representatives Nesbitt, Diamont

### **CORRECT INVENTORY TAX REIMBURSEMENT**

Sec. 9.5. (a) .S. 105-275.1(b) reads as rewritten:

"(b) Subsequent Distributions. – As soon as practicable after January 1, 1990, the Secretary shall pay to each county and city the amount it received under subsection (a) in 1989 plus an amount equal to the county or city average rate multiplied by the value of the items described in subdivisions (ii) and (iii) of subsection (a) that were required to be listed and assessed as of January 1, 1987, and were listed on or before September 1, 1987, in the county or city, plus or minus the percentage of this product that equals the percentage by which State personal income has increased or decreased during the most recent 12-month period for which State personal income data has been compiled by the Bureau of Economic Analysis of the United States Department of Commerce. As soon as practicable after January 1, 1990, the Secretary shall also pay to each county and city an amount equal to the average rate for each special district for which the county or city collected taxes in 1987, but whose tax rates were not included in the county or city's rates, multiplied by the value of the items described in subdivisions (ii) and (iii) of subsection (a) that were required to be listed and assessed as of January 1, 1987, and were listed on or before September 1, 1987, in the district, plus or minus the percentage of this product that equals the percentage by which State personal income has increased or decreased during the most recent 12-month period for which State personal income data has been compiled by the Bureau of Economic Analysis of the

United States Department of Commerce. As soon as practicable after January 1, 1991, except as provided in subsection (f), the Secretary shall pay to each county and city the amount it received under this section the preceding year plus an amount equal to the county or city average rate multiplied by the value of the items described in subdivision (v) of subsection (a) contained in the list submitted by the county or city, plus or minus the percentage of this product that equals the percentage by which State personal income has increased or decreased during the most recent 12-month period for which State personal income data has been compiled by the Bureau of Economic Analysis of the United States Department of Commerce. As soon as practical after January 1, 1992, except as provided in subsection (f), the Secretary shall distribute to each county and city the amount it received under this section the preceding year. On or before April 30, 1993, except as provided in subsection (f), the Secretary shall distribute to each county and city ninety-nine and eighty-one one-hundredths percent (99.81%) of the amount it received under this section the preceding year. Thereafter, except as provided in subsection (f), ~~as soon as practicable after January 1~~ on or before April 30 of each year, the Secretary shall distribute to each county and city the amount it received under this section the preceding year.

Of the funds received by each county and city pursuant to this subsection in 1990, the portion that was received because the county or city was collecting taxes for a special district (either because the district's tax rate was included in the city or county's rate or because the Secretary paid the county or city the product of the district's average rate and the value of the inventories and other items in the district) shall be distributed among the districts in the county or city as soon as practicable after the city or county receives the funds. The county or city shall distribute to each special district in the county or city the amount it distributed to the district in 1989 plus an amount equal to the average rate for the district multiplied by the value of the items, other than inventory, described in subdivisions (ii) and (iii) of subsection (a) that were required to be listed and assessed as of January 1, 1987, and were listed on or before September 1, 1987, in the district, plus or minus the percentage of this product that equals the percentage by which State personal income has increased or decreased during the most recent 12-month period for which State personal income data has been compiled by the Bureau of Economic Analysis of the United States Department of Commerce.

Each year thereafter, as soon as practicable after receiving funds under this subsection, every county and city shall distribute among the special districts for which the county or city collects tax an amount equal to the amount it distributed among such districts the previous year. The Local Government Commission may adopt rules for the resolution of disputes and correction of errors in the distribution among special districts provided in this subsection. In addition, the Local Government Commission may adopt rules for the reallocation of funds when a special district is dissolved, merged, or consolidated, or when a special district ceases to levy tax, either temporarily or permanently."

(b) G.S. 105-275.1(f) reads as rewritten:

"(f) Correction of Errors. – If the Secretary discovers that the amount or value of any inventories or other items listed by a county or city pursuant to subsection (a) of this

section was overstated or understated, the Secretary shall adjust the amount to be distributed under subsection (b) as follows. For the distribution to be made in the year following discovery of the overstatement or understatement, the Secretary shall distribute to the county or city the amount it would have received under subsection (b) in ~~1990-1993~~ if it had not overstated or understated the amount or value of any inventories or other items, plus the total amount it failed to receive in 1989 and subsequent years due to understatement of the amount or value of the inventories or other items, or minus the total amount it received in 1989 and subsequent years due to overstatement of the amount or value of the inventories or other items. Thereafter, each year the Secretary shall distribute to the county or city the amount it would have received under subsection (b) in ~~1990-1993~~ if it had not overstated or understated the amount or value of any inventories or other items."

## **PART 7. DEPARTMENT OF ADMINISTRATION**

Requested by: Senator Basnight, Representatives Nesbitt, Diamont  
**NORTH CAROLINA AQUARIUMS COMMISSION**

Sec. 10. (a) Article 9 of Chapter 143B of the General Statutes is amended by adding a new Part to read:

"Part 8C. North Carolina Aquariums Commission.

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

There is hereby created the North Carolina Aquariums Commission.

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

- (a) The Commission shall consist of 12 members appointed as follows:
- (1) Four members appointed by the Governor, including one member designated by the Governor to serve as chair of the Commission and one member appointed upon recommendation of the North Carolina Aquarium Society, Inc., who resides in one of the counties where the North Carolina Aquariums are located: Carteret, Dare, and New Hanover,
  - (2) Four members appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121, including one member appointed upon the recommendation of the North Carolina Aquarium Society, Inc., who resides in another of the counties where the North Carolina Aquariums are located: Carteret, Dare, and New Hanover,
  - (3) Four members appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121, including one member appointed upon the recommendation of the North Carolina Aquarium Society, Inc., who resides in another of the counties where the North Carolina Aquariums are located: Carteret, Dare, and New Hanover.



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

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

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

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

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

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

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

"(59) The North Carolina Aquariums Commission, as established by G.S. 143B-390.15."

Requested by: Senator Lee, Representatives Nesbitt, Diamont

### **STUDY COMMUTING BY STATE EMPLOYEES**

Sec. 10.1. The Department of Administration shall, in consultation with the Department of Transportation, study and recommend methods for encouraging State employees to use public transit, including carpools and vanpools, in commuting to work. The Department of Administration shall report its findings and recommendations to the 1993 General Assembly by March 15, 1993.

Requested by: Senator Martin of Guilford, Representatives Nesbitt, Diamont

### **STATE VETERANS HOME STUDY**

Sec. 11. Of the funds appropriated in this act to the Department of Administration, the sum of fifteen thousand dollars (\$15,000) for the State Construction Office shall be used to complete a feasibility study to determine the cost of constructing and operating a 240-bed domiciliary and skilled nursing care State Veterans Home on a site adjacent to the Fayetteville Veterans Administration Medical Center on land donated by the Veterans Administration. This study shall be made in consultation with the Division of Veterans Affairs, Department of Administration. The State Construction Office shall furnish to the 1993 General Assembly and to the Fiscal Research Division of the Legislative Services Office a completed feasibility study along with its recommendations by April 1, 1993.

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

Requested by: Senator Basnight

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

Sec. 12. Of the funds appropriated in this act to the Department of Cultural Resources for grants for local arts/historic sites, the sum of thirty thousand dollars (\$30,000) shall be allocated to the Eastern Music Festival to support activities commemorating the thirtieth anniversary of the Festival, the sum of fifty thousand dollars (\$50,000) shall be allocated to the North Carolina Shakespeare Festival for equipment and other purposes, and a sufficient sum shall be allocated for the addition of an auditorium for the Visitors Center at the Charles B. Aycock Historic Site.

Requested by: Senator Martin of Guilford, Representative Redwine

### **BRUNSWICKTOWN STATE HISTORIC SITE/USE RECEIPTS**

Sec. 13. Notwithstanding Chapter 146 of the General Statutes, the net proceeds derived from the sale of timber or other land products owned at the Brunswicktown State Historic Site shall be deposited with the State Treasurer in a capital improvement account to the credit of the Department of Cultural Resources. The Department of Cultural Resources shall use these funds to replace the visitor center exhibits installed in 1967 at Brunswicktown, to provide additional site archaeology at Brunswicktown, and to make other improvements at the Brunswicktown State Historic Site. These funds shall remain available until June 30, 1995, and shall not revert until that time.

## **PART 8.1. SALARIES AND BENEFITS**

Requested by: Senators Basnight, Plyler, Representatives Nesbitt, Diamont

### **EMPLOYER FICA SAVINGS TO PAY ADMINISTRATIVE COSTS OF DEPENDENT CARE PROGRAM AND FLEXIBLE COMPENSATION PROGRAM**

Sec. 14. (a) G.S. 143-34.1(c) reads as rewritten:

"(c) The Director of the Budget is authorized to provide eligible officers and employees of State departments, institutions, and agencies not covered by the provisions of G.S. 116-17.2 a program of dependent care assistance as available under Section 129 and related sections of the Internal Revenue Code of 1986, as amended. The Director of the Budget may authorize State departments, institutions, and agencies to enter into annual agreements with employees who elect to participate in the program to provide for a reduction in salary. With the approval of the Director of the Budget, savings in the employer's share of contributions under the Federal Insurance Contributions Act on account of the reduction in salary may be used to pay some or all of the administrative expenses of the program. Should the Director decide to contract with a third party to administer the terms and conditions of a program of dependent care assistance, he may select a contractor only upon a thorough and completely competitive procurement process."

(b) G.S. 115C-441.1 reads as rewritten:

**"§ 115C-441.1. Dependent care assistance program.**

The State Board of Education is authorized to provide eligible employees of local school administrative units a program of dependent care assistance as available under Section 129 and related sections of the Internal Revenue Code of 1986, as amended. The State Board may authorize local school administrative units to enter into annual agreements with employees who elect to participate in the program to provide for a reduction in salary. With the approval of the Director of the Budget, savings in the employer's share of contributions under the Federal Insurance Contributions Act on account of the reduction in salary may be used to pay some or all of the administrative expenses of the program. Should the State Board decide to contract with a third party to administer the terms and conditions of a program of dependent care assistance, it may select a contractor only upon a thorough and completely competitive procurement process."

(c) G.S. 115D-25.1 reads as rewritten:

**"§ 115D-25.1. Dependent care assistance program.**

The State Board of Community Colleges is authorized to provide eligible employees of constituent institutions a program of dependent care assistance as available under Section 129 and related sections of the Internal Revenue Code of 1986, as amended. The State Board may authorize constituent institutions to enter into annual agreements with employees who elect to participate in the program to provide for a reduction in salary. With the approval of the Director of the Budget, savings in the employer's share of contributions under the Federal Insurance Contributions Act on account of the reduction in salary may be used to pay some or all of the administrative expenses of the program. Should the State Board decide to contract with a third party to administer the terms and conditions of a program of dependent care assistance, it may select a contractor only upon a thorough and completely competitive procurement process."

(d) G.S. 116-17.1 reads as rewritten:

**"§ 116-17.1. Dependent care assistance program.**

The Board of Governors of The University of North Carolina is authorized to provide eligible employees of constituent institutions a program of dependent care assistance as available under Section 129 and related sections of the Internal Revenue Code of 1986, as amended. The Board of Governors may authorize constituent institutions to enter into annual agreements with employees who elect to participate in the program to provide for a reduction in salary. With the approval of the Director of the Budget, savings in the employer's share of contributions under the Federal Insurance Contributions Act on account of the reduction in salary may be used to pay some or all of the administrative expenses of the program. Should the Board of Governors decide to contract with a third party to administer the terms and conditions of a program of dependent care assistance, it may select a contractor only upon a thorough and completely competitive procurement process."

(e) G.S. 143-34.1(d) reads as rewritten:

"(d) Notwithstanding any other provisions of law relating to the salaries of officers and employees of departments, institutions, and agencies of State government, the Director of the Budget is authorized to provide a plan of flexible compensation to

eligible officers and employees of State departments, institutions, and agencies not covered by the provisions of G.S. 116-17.2 for benefits available under Section 125 and related sections of the Internal Revenue Code of 1986 as amended. This plan shall not include those benefits provided to employees and officers under Article 1A of Chapter 120 of the General Statutes and Articles 1, 3, 4, and 6 of Chapter 135 of the General Statutes nor any vacation leave, sick leave, or any other leave that may be carried forward from year to year by employees as a form of deferred compensation. In providing a plan of flexible compensation, the Director of the Budget may authorize State departments, institutions, and agencies to enter into agreements with their employees for reductions in the salaries of employees electing to participate in the plan of flexible compensation provided by this section. With the approval of the Director of the Budget, savings in the employer's share of contributions under the Federal Insurance Contributions Act on account of the reduction in salary may be used to pay some or all of the administrative expenses of the program. Should the Director of the Budget decide to contract with a third party to administer the terms and conditions of a plan of flexible compensation as provided by this section, it may select such a contractor only upon a thorough and completely advertised competitive procurement process."

(f) G.S. 115C-341.1 reads as rewritten:

**"§ 115C-341.1. Flexible Compensation Plan.**

Notwithstanding any other provisions of law relating to the salaries of employees of local boards of education, the State Board of Education is authorized to provide a plan of flexible compensation to eligible employees of local school administrative units for benefits available under Section 125 and related sections of the Internal Revenue Code of 1986 as amended. This plan shall not include those benefits provided to employees under Articles 1, 3, and 6 of Chapter 135 of the General Statutes nor any vacation leave, sick leave, or any other leave that may be carried forward from year to year by employees as a form of deferred compensation. In providing a plan of flexible compensation, the State Board may authorize local school administrative units to enter into agreements with their employees for reductions in the salaries of employees electing to participate in the plan of flexible compensation provided by this section. With the approval of the Director of the Budget, savings in the employer's share of contributions under the Federal Insurance Contributions Act on account of the reduction in salary may be used to pay some or all of the administrative expenses of the program. Should the State Board decide to contract with a third party to administer the terms and conditions of a plan of flexible compensation as provided by this section, it may select such a contractor only upon a thorough and completely advertised competitive procurement process."

(g) G.S. 115D-25.2 reads as rewritten:

**"§ 115D-25.2. Flexible Compensation Plan.**

Notwithstanding any other provisions of law relating to the salaries of employees of community college boards of trustees, the State Board of Community Colleges is authorized to provide a plan of flexible compensation to eligible employees of constituent institutions for benefits available under Section 125 and related sections of the Internal Revenue Code of 1986 as amended. This plan shall not include those

benefits provided to employees under Articles 1, 3, and 6 of Chapter 135 of the General Statutes nor any vacation leave, sick leave, or any other leave that may be carried forward from year to year by employees as a form of deferred compensation. In providing a plan of flexible compensation, the State Board may authorize constituent institutions to enter into agreements with their employees for reductions in the salaries of employees electing to participate in the plan of flexible compensation provided by this section. With the approval of the Director of the Budget, savings in the employer's share of contributions under the Federal Insurance Contributions Act on account of the reduction in salary may be used to pay some or all of the administrative expenses of the program. Should the State Board decide to contract with a third party to administer the terms and conditions of a plan of flexible compensation as provided by this section, it may select such a contractor only upon a thorough and completely advertised competitive procurement process."

(h) G.S. 116-17.2 reads as rewritten:

**"§ 116-17.2. Flexible Compensation Plan.**

Notwithstanding any other provisions of law relating to the salaries of employees of The University of North Carolina, the Board of Governors of The University of North Carolina is authorized to provide a plan of flexible compensation to eligible employees of constituent institutions for benefits available under Section 125 and related sections of the Internal Revenue Code of 1986 as amended. This plan shall not include those benefits provided to employees under Articles 1, 3, and 6 of Chapter 135 of the General Statutes nor any vacation leave, sick leave, or any other leave that may be carried forward from year to year by employees as a form of deferred compensation. In providing a plan of flexible compensation, the Board of Governors may authorize constituent institutions to enter into agreements with their employees for reductions in the salaries of employees electing to participate in the plan of flexible compensation provided by this section. With the approval of the Director of the Budget, savings in the employer's share of contributions under the Federal Insurance Contributions Act on account of the reduction in salary may be used to pay some or all of the administrative expenses of the program. Should the Board of Governors decide to contract with a third party to administer the terms and conditions of a plan of flexible compensation as provided by this section, it may select such a contractor only upon a thorough and completely advertised competitive procurement process."

(i) Subsections (a) through (d) of this section are effective January 1, 1990. Subsections (e) through (h) of this section are effective January 1, 1991. Subsections (a) through (h) of this section shall expire December 31, 1993.

Requested by: Senators Basnight, Plyler, Representatives Nesbitt, Diamont  
**SALARY INCREASE CORRECTION**

Sec. 15. Section 46(e) of Chapter 900 of the 1991 Session Laws reads as rewritten:

"(e) Within regular Executive Budget Act procedures as limited by this act, all State agencies and departments ~~may~~ shall increase on an equitable basis the rate of pay of temporary and permanent hourly State employees, subject to availability of funds in

the particular agency or department, by pro rata amounts of the forty-three dollars and fifty cents (\$43.50) per month salary increase provided for permanent full-time employees covered by the provisions of subsection (a) of this section, commencing July 1, 1992."

Requested by: Senators Basnight, Plyler, Representatives Nesbitt, Diamont

#### **WRITTEN DISCIPLINARY PROCEEDINGS**

Sec. 16. Section 49(c) of Chapter 900, Session Laws of 1991, reads as rewritten:

"(c) The salary increases provided in this Part are to be effective July 1, 1992 and do not apply to persons separated from State service due to resignation, dismissal, reduction in force, death, or retirement, whose last workday is prior to July 1, 1992, or to employees involved in a final written disciplinary procedure. ~~procedures.~~ The employee shall receive the increase on a current basis when the final written disciplinary procedure is resolved.

Payroll checks issued to employees after July 1, 1992, which represent payment for services provided prior to July 1, 1992, shall not be eligible for salary increases provided for in this act. This subsection shall apply to all employees, subject to or exempt from the State Personnel Act, paid from State funds, including public schools, community colleges, and The University of North Carolina."

Requested by: Senators Basnight, Block, Representatives Nesbitt, Diamont

#### **BENEFIT ADJUSTMENTS/DISABILITY INCOME PLAN**

Sec. 17. Effective on and after July 1, 1992, the Department of State Treasurer and the Board of Trustees of the Teachers' and State Employees' Retirement System shall, under the same terms and conditions as appear in G.S. 135-108, increase the compensation upon which the short-term and long-term benefits are calculated by an amount equal to the same dollar amount granted to employees of the State.

### **PART 8.2. STATE BOARD OF ELECTIONS**

Requested by: Senator Martin of Guilford, Representative Michaux

#### **VOTER PARTICIPATION AMENDMENTS-MAIL REGISTRATION**

Sec. 18. (a) Chapter 163 of the General Statutes is amended by adding a new section to read:

##### **"§ 163-72.4. Registration by mail.**

(a) In addition to any other procedure provided by this Article, a person may apply by mail under this section to do any or all of the following:

- (1) Register to vote;
- (2) Change party affiliation or unaffiliated status;
- (3) Report a change of address within a county;
- (4) Report a change of name.

(b) The State Board of Elections shall develop a registration by mail form, which shall request sufficient information to enable officials of the county where a person

resides to satisfactorily process the application for any purpose permitted under subsection (a) of this section. The State Board of Elections shall print sufficient copies of the form so that they may be publicly distributed. Registration forms shall be available from the State Board of Elections and county boards of elections, and may be distributed by any person. The single form shall permit all of the purposes listed under subsection (a) of this section to be carried out by filling in the appropriate information and marking boxes to indicate the action requested.

(c) In order to be valid, the registration form shall be signed by the applicant. To be valid for an election, the form must be postmarked at least 30 days before the election. The application form shall request the applicant's telephone number to assist the appropriate board of elections in contacting the voter if needed in processing the application. The application shall require the voter to state if the voter is currently registered to vote anywhere, and at what address, so that any prior registration can be cancelled. If that address is in the county where the voter applies to register, the application shall be processed as if it had been submitted under G.S. 163-72.2.

(d) The application shall ask for political party affiliation and briefly explain the law relating to party affiliation with respect to voting in primary elections.

(e) Reports received under this section of:

- (1) Change in party affiliation shall be processed as if made under G.S. 163-74(b);
- (2) Change of address within a county shall be processed as if made under G.S. 163-72.2(c); and
- (3) Change of name shall be processed as if made under G.S. 163-69.1;

except for the different deadline imposed under subsection (c) of this section.

(f) Any person who willfully and knowingly and with fraudulent intent gives false information on the application is guilty of a Class I felony. The application shall state in clear language the penalty for violation of this subsection.

(g) Upon receipt of any or all of the following:

- (1) An application to register;
- (2) A change of party affiliation;
- (3) A report of address change;
- (4) A report of change of name

under this section, the county board of elections shall send to the postal address on the registration form a notice of registration, or a notice of change of party affiliation, address, or name. The notice shall include an assignment of precinct and polling place, or a reminder of precinct and polling place if the voter is reporting only a change of party affiliation or name. The county board of elections shall send the notice by nonforwardable first-class mail. If the notice is returned as undeliverable, the county board of elections shall send a second nonforwardable first-class mailing. If that notice is returned as undeliverable, the county board of elections shall cancel the registration if it has been approved and shall reject it if it has not yet been approved.

(h) If a registration form is a duplicate of a registration already made, it shall not be processed, and the applicant shall be so notified. The notification shall include the voter's precinct and polling place.

(i) If the voter has listed a previous registration not in that county, the county board of elections shall treat it as an authorization to cancel the previous registration and also process it as such under the procedures of G.S. 163-72.1(c) through (e).

(j) The application shall require that the applicant pay the full postage required by federal law, except that if federal law provides that it may be carried without postage, the application shall contain the appropriate franking language to allow it to be carried without postage."

(b) Of the funds appropriated from the General Fund to the State Board of Elections in this act, the sum of seventy-seven thousand five hundred dollars (\$77,500) for the 1992-93 fiscal year shall be used to implement the mail registration provisions of subsection (a) of this section.

(c) Subsection (a) of this section becomes effective July 1, 1993. Subsection (b) of this section is effective July 1, 1992.

Requested by: Senator Martin of Guilford, Representative Michaux  
**VOTER PARTICIPATION AMENDMENTS-MOTOR VOTER/MANDATED ANNUAL REGISTRATION DRIVE**

Sec. 19. (a) G.S. 163-81 reads as rewritten:

**"§ 163-81. Driver license examiners ~~authorized to accept applications to register voters.~~**

(a) ~~Notwithstanding any other provision of law, the State Board of Elections is authorized to appoint as special registration commissioners duly appointed driver license examiners of the Division of Motor Vehicles.~~

~~The State Board of Elections may appoint such number of license examiners as it deems necessary as special registration commissioners, and the persons appointed shall serve at the pleasure of the State Board of Elections, and may be removed as a registration commissioner at any time for any reason satisfactory to the Board.~~

~~Before entering upon the duties of the office each special registration commissioner shall take the oath of office prescribed in Section 7 of Article VI of the North Carolina Constitution. drivers license examiners are ex officio special registration commissioners for the purpose of this section. No additional oath is required.~~

(b) Special registration commissioners appointed under this section are authorized to accept applications to register persons who are qualified for registration regardless of that person's voting precinct or county of residence in the State. The special registration commissioners appointed pursuant to this section ~~shall possess those qualifications set forth in G.S. 163-41(b), and shall have the same authority to accept applications to register voters as is conferred upon registration officials in this Chapter.~~

(c) The Division of Motor Vehicles shall, pursuant to the rules ~~and regulations~~ adopted by the State Board of Elections, ~~afford a~~ modify its forms so that any eligible person who applies for original issuance, renewal or correction of a driver's license or special identification card issued under G.S. 20-37.7 may, on a part of the form, an opportunity to complete an application to register to vote or to update his registration if the voter has changed his address or moved from one precinct to another or from one county to another. Any person who willfully and knowingly and with fraudulent intent



gives false information on the application is guilty of a Class I felony. The application shall state in clear language the penalty for violation of this subsection. The necessary forms shall be prescribed by the State Board of Elections. All applications shall be forwarded by the Department of Transportation to the appropriate county board of elections. The form must ask for the previous voter registration address of the voter, if any. If a previous address is listed, and it is not in the county of residence of the applicant, the appropriate county board of elections shall treat the application as an authorization to cancel the previous registration and also process it as such under the procedures of G.S. 163-72.1(c) through (e). If a previous address is listed and that address is in the county where the voter applies to register, the application shall be processed as if it had been submitted under G.S. 163-72.2.

Registration shall become effective as provided in G.S. 163-67(a). Applications to register to vote accepted by a special registration commissioner under this section until the deadline established in G.S. 163-67(a) shall be treated as timely made for an election, and no person who applies to that special registration commissioner shall be denied the vote in that election for failure to apply earlier than that deadline.

(d) The State Board of Elections is authorized to promulgate rules ~~and regulations~~ necessary to implement the provisions of this section."

(b) G.S. 163-80 reads as rewritten:

**"§ 163-80. Officers authorized to register voters.**

- (a) Only the following election officials shall be authorized to register voters:
- (1) Any member of a county board of elections who has been duly appointed pursuant to G.S. 163-22(c) and properly installed as required by G.S. 163-30 and 163-31.
  - (2) The supervisor of elections of a county board of elections appointed pursuant to the provisions of G.S. 163-35.
  - (3) Precinct registrars and judges of election appointed pursuant to the provisions of G.S. 163-41.
  - (4) Special registration commissioners appointed pursuant to the authority and limitation contained in G.S. 163-41(b) , or serving ex officio pursuant to G.S. 163-81.
  - (5) Full-time and salaried deputy supervisors of elections employed by the county board of elections and who work under the direct supervision of the board's supervisor of elections appointed pursuant to the provisions contained in G.S. 163-35.
  - (6) Local public library employees designated by the governing board of such public library to be appointed by the county board of elections as special library registration deputies. Appointment of such deputies is mandatory for libraries covered by G.S. 153A-272; appointment is optional for other libraries. Persons appointed under this subsection shall be given the oath contained in G.S. 163-41(b), and shall be authorized to accept applications to register on those days and during those hours said special deputies are on duty with their respective libraries. If, for good and valid reasons, the local public library director

shall request that the county board of elections appoint 'replacement' special library registration deputies before the two-year term ends, the county board of elections shall do so.

- (7) Public high school employees appointed under this subdivision. A local board of education may, but is not required to, designate high school employees to be appointed by the county board of elections as special high school registration commissioners. Only employees who volunteer for this duty, and who are acceptable to the county board of elections, may be designated by boards of education. A special high school registration commissioner may register voters only while on duty as a high school employee and only at times and under arrangements approved by the local school board of education. A person appointed under this subdivision shall take the oath prescribed in G.S. 163-41(b).

(b) All election officials authorized to register voters under authority of this section shall not be authorized to register voters who reside outside the boundaries of their respective counties except in those specific instances involving municipalities which lie within the boundaries of two or more counties and except as provided by G.S. 163-81. The State Board of Elections shall have authority to promulgate rules for the processing of voters in such instances.

(c) All election officials authorized by this section to register voters shall register any qualified voter without regard to political party affiliation and without discrimination in any manner whatsoever.

(d) The State Board of Elections shall promulgate rules for the proper training of those persons qualifying under this section as registrars."

(c) Of the funds appropriated from the General Fund to the Office of State Budget and Management in this act, the sum of fifty-five thousand four hundred dollars (\$55,400) for the 1992-93 fiscal year shall be used to implement the voter registration provisions of subsections (a) and (b) of this section.

(d) Subsections (a) and (b) of this section become effective on January 1, 1994, or the date on which the Division of Motor Vehicles has in place the necessary equipment to enforce those sections, whichever date is earlier. Subsection (c) of this section is effective July 1, 1992.

(e) Article 7 of Chapter 163 of the General Statutes is amended by adding a new section to read:

**"§ 163-82. Mandated registration drive.**

The Governor shall proclaim as Citizens Awareness Month the month designated by the State Board of Elections during every even-numbered year. During that month, the State Board of Elections shall initiate a statewide voter registration drive and shall adopt rules under which county boards of elections shall conduct the drives. Each county board of elections shall participate in the statewide registration drive in accordance with the rules adopted by the State Board."

- (f) Subsection (e) of this section becomes effective January 31, 1993.

## **PART 9. PUBLIC SCHOOLS**

Requested by: Senator Basnight

### **SCHOOL CRITICAL NEEDS FUNDS**

Sec. 20. The General Assembly finds that when the Commission on School Facility Needs established a schedule in 1988 for making grants from the Critical School Facility Needs Fund, in accordance with G.S. 115C-489.2(b), the data, although lawful, that the Commission used to determine per capita income was not the most current data available at the time that the Commission established the schedule. As a result of discrepancies in the data, the Tyrrell County School Administrative Unit was ranked 57th on the schedule instead of 32nd, and the Tyrrell County School Administrative Unit has not received the grant it would have received had the most current data been used. To remedy this problem, funds are appropriated in this act from the General Fund to the Office of State Budget and Management for the Critical School Facility Needs Fund in the sum of two million dollars (\$2,000,000) for the 1992-93 fiscal year for a grant for the Tyrrell County Schools.

Requested by: Senator Hunt

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

Sec. 21. G.S. 115C-238.14(e) reads as rewritten:

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

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

Requested by: Senator Conder

### **EDUCATION STAFFING CLARIFIED**

Sec. 22. (a) G.S. 115C-21(a)(7), as enacted by Section 6(g) of Chapter 812 of the 1991 Session Laws, reads as rewritten:

"(7) To have solely under his direction and control all matters relating to provision of staff services and support to the State Board of Education, including implementation of federal programs on behalf of the State Board of Education, except as otherwise provided in the Current Operations Appropriations Act."

(b) This section is effective upon ratification.

Requested by: Senator Conder, Representatives Fussell, Payne

### **COMPUTER LOAN REVOLVING FUND**

Sec. 23. (a) Chapter 115C of the General Statutes is amended by adding a new Article to read:

"Article 32B.

"Computer Loan Revolving Fund.

**"§ 115C-472.5. Creation of the Fund; administration.**

(a) The Department of Public Instruction shall administer the Computer Loan Revolving Fund. The Fund shall be used to provide loans to local school administrative units to enable them to purchase computer equipment to implement the Uniform Education Reporting System in accordance with the standards adopted by the State Board of Education pursuant to G.S. 115C-12(18).

(b) A loan shall be for the actual amount of the equipment up to a maximum to be determined by the Superintendent.

(c) Loans shall be evidenced by notes made payable to the Department of Public Instruction. The rate, term, and other conditions of the note shall be determined in accordance with uniform policies established by the Superintendent.

(d) The Department of Public Instruction shall report to the Information Resource Management Commission, the Joint Legislative Commission on Governmental Operations, the Fiscal Research Division, and the State Government Performance Audit Committee on an annual basis on all loans made from the fund."

(b) There is appropriated from the State Literary Fund to the Department of Public Education the sum of one million five hundred thousand dollars (\$1,500,000) for the 1992-93 fiscal year for the Computer Loan Revolving Fund created in subsection (a) of this section.

This section shall become effective only to the extent that funds are available in the State Literary Fund in addition to the funds in the amount of one million dollars (\$1,000,000) appropriated in Section 65 of Chapter 900 of the 1991 Session Laws.

## **PART 10. COMMUNITY COLLEGES**

Requested by: Senator Richardson, Representatives Fussell, Payne

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

Sec. 24. (a) Funds appropriated in this act to the Department of Community Colleges to provide financial assistance to hospital programs of nursing education leading to diplomas in nursing that are fully accredited by the North Carolina Board of Nursing and operated under the authority of a public or nonprofit hospital licensed by the North Carolina Medical Care Commission shall be distributed, upon application for financial assistance, for each full-time student duly enrolled in the program as of December 1, 1991, and on condition that accreditation is maintained. The amount per student shall not exceed eight hundred fifty dollars (\$850.00). The State Board of Community Colleges shall adopt rules to ensure that this financial assistance is used directly for faculty and instructional needs of diploma nursing programs. These funds shall not be included in the 1993-95 capital budget request.

(b) This section expires June 30, 1993.

Requested by: Representative Easterling

**CERTAIN REFUGEES STATE RESIDENTS FOR COMMUNITY COLLEGE TUITION PURPOSES**

Sec. 25. (a) G.S. 115D-39 reads as rewritten:

**"§ 115D-39. Student tuition and fees.**

The State Board of Community Colleges shall fix and regulate all tuition and fees charged to students for applying to or attending any institution pursuant to this Chapter.

The receipts from all student tuition and fees, other than student activity fees, shall be State funds and shall be deposited as provided by regulations of the State Board of Community Colleges.

The legal resident limitation with respect to tuition, set forth in G.S. 116-143.1 and G.S. 116-143.3, shall apply to students attending institutions operating pursuant to this Chapter; provided, however, that when an employer other than the armed services, as that term is defined in G.S. 116-143.3, pays tuition for an employee to attend an institution operating pursuant to this Chapter and when the employee works at a North Carolina business location, the employer shall be charged the in-State tuition rate. Notwithstanding these requirements, a refugee who lawfully entered the United States and who is living in this State shall be deemed to qualify as a domiciliary of this State under G.S. 116-143.1(a)(1) and as a State resident for community college tuition purposes as defined in G.S. 116-143.1(a)(2)."

(b) This section does not apply to migrant workers.

(c) The State Board of Community Colleges shall report to the 1993 General Assembly by March 15, 1993, on the implementation of this section and on its effects.

(d) This section applies beginning with the 1992-93 fall quarter and expires June 30, 1993, unless extended by the General Assembly.

**PART 11. COLLEGES AND UNIVERSITIES**

Requested by: Senator Basnight

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

Sec. 26. Of the funds appropriated to the Board of Governors of The University of North Carolina in this act, the sum of ninety-seven thousand dollars (\$97,000) shall be allocated to North Carolina State University for completion of the research and technology transfer of high density polyester for which patent applications are pending. These funds shall be repaid to the General Fund from royalties paid the North Carolina State University Patent Reserve Fund from the companies licensed to use the patents.

Requested by: Senator Conder

**NORTH CAROLINA STATE UNIVERSITY ENGINEERING GRADUATE RESEARCH CENTER/FUNDING**

Sec. 27. Funds appropriated in this act for the Engineering Graduate Research Center at North Carolina State University may be used with previously appropriated funds to begin Phase I site development and foundation construction on this facility.

Requested by: Senator Ward Representatives Fussell, Payne

**NURSE ANESTHETIST TRAINING FUNDS**

Sec. 28. Of the funds appropriated to the Board of Governors of The University of North Carolina for the 1992-93 fiscal year, the sum of one hundred fifty thousand dollars (\$150,000) shall be used to allow the Area Health Education Center program to contract with the Raleigh School of Nurse Anesthesia for training of certified, nurse anesthetists.

**FAYETTEVILLE STATE PHYSICAL EDUCATION FACILITY**

Sec. 29. The Board of Governors of The University of North Carolina may allocate funds from the Reserve for Repairs and Renovations to cover any increase in costs on the Fayetteville State University Indoor Health and Physical Education Facility due to changes in code requirements since design completion.

**PART 12. DEPARTMENT OF TRANSPORTATION**

Requested by: Senator Goldston, Representatives Holt, McLaughlin

**1992 CAPITAL CONSTRUCTION MODIFICATIONS**

Sec. 30. Section 236.1 of Chapter 689 of the 1991 Session Laws reads as rewritten:

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

**DIVISION OF HIGHWAYS**

	<u>1991-92</u>	<u>1992-93</u>
01. Bridge Maintenance Office Complex Supplemental - Town of Brunswick	\$224,000	\$ -
02. Equipment Shop - Carthage	-	2,247,000
03. Bridge Maintenance Complex - Wadesboro	26,000	439,000
04. Gas Pump Canopies - Statewide	398,000	<del>311,000</del> --
05. Fencing - Statewide	171,000	-

06.	Land Acquisition - Siler City	54,000	--	-
07.	Land Acquisition/Maintenance Yard - Halifax	13,000		-
08.	Land Acquisition/Maintenance Yard - Trenton	27,000		-
09.	Water and Sewer Connections - Statewide	308,000		-
	-Greene County Facility	400,000		-
10.	Division Office Complex Phase II - Fayetteville	-		1,688,000
11.	Division Office Addition - Greensboro Requirements	589,000		
	Less Receipts (Sale of Land)	<u>-589,000</u>		
	Appropriation	-		-
12.	Landscape Office, Warehouse and Truck Shed - Asheville Requirements 472,000			
	Less Receipts (Sale of Land)	<u>-472,000</u>		
	Appropriation	-		-
13.	Salt Storage Buildings - Statewide	405,000	67,000	--
14.	Equipment Shop - Mocksville	511,000		-
15.	District Office Building - Albemarle	49,000	<del>247,000</del>	<u>333,000</u>
16.	Division of Highways/Division of Motor Vehicles Office Complex - Graham	67,000		-
17.	Sign Shop - Town of Union	-	<del>725,000</del>	-
18.	Design Equipment Shop - Meadows	-	41,000	<u>52,000</u>

19.	Design Equipment Shop - Spindale	-	<del>24,000</del> <u>40,000</u>
20.	Design Equipment Shop - Washington	-	<del>40,000</del> <u>49,000</u>
21.	Design Equipment Shop - Wentworth	-	<del>44,000</del> <u>54,000</u>
22.	Bridge Maintenance Warehouse/Shed - Town of Union	-	81,000      -
23.	Design Sign Shop - Carthage	-	<del>33,000</del> <u>42,000</u>
24.	Design <u>District/Resident Engineer</u> Office - Marion	-	<del>18,000</del> <u>49,000</u>
25.	Design Equipment Shop - Kinston	-	<del>43,000</del> <u>49,000</u>
26.	<u>Land Purchase - Robbinsville</u>	-	<u>17,000</u>
27.	<u>Land Purchase - Roxboro</u>	-	<u>17,000</u>
28.	<u>District/Resident Engineers Office</u> <u>- Wilmington</u>	-	<u>434,000</u>
29.	<u>Roadside Environmental Warehouse/</u> <u>Office - Marion</u>	-	<u>188,000</u>
30.	<u>Maintenance Office/Assembly</u> <u>- Hudson</u>	-	<u>309,466</u>
31.	<u>Division Office (Supplement)</u> <u>- Durham</u>	-	<u>85,000</u>
32.	<u>Materials and Test Lab Design-Asheville</u>	-	<u>34,000</u>
33.	<u>Highway Building - Fire Alarm</u> <u>System - Raleigh</u>	-	<u>141,000</u>

TOTAL DIVISION OF HIGHWAYS      ~~\$2,653,000~~ \$2,599,000      ~~\$6,048,000~~ \$6,267,466

DIVISION OF MOTOR VEHICLES

1991-92

1992-93



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	<u>25,000</u>	<u>25,000</u>
TOTAL DIVISION OF MOTOR VEHICLES		\$1,476,275	\$1,105,600
CRIME CONTROL AND PUBLIC SAFETY			
01.	State Highway Patrol - Troop H Headquarters - New Building	\$190,000	\$1,348,900
02.	State Highway Patrol - Upgrade and Replace Underground Fuel Tanks	<u>300,000</u>	<u>300,000</u>

TOTAL CRIME CONTROL AND  
PUBLIC SAFETY

\$ 490,000

\$1,648,900

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

Requested by: Senator Goldston, Representatives Holt, McLaughlin

**DEPARTMENT OF TRANSPORTATION CAPITAL CONSTRUCTION FUNDS  
REVERSIONS**

Sec. 31. (a) The balance of fifty-four thousand dollars (\$54,000) appropriated for land acquisition in Siler City in Section 236.1 of Chapter 689 of the 1991 Session Laws is reverted to the Highway Fund to be reappropriated for the 1992-93 fiscal year.

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

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

Requested by: Senator Plyler, Representatives Holt, McLaughlin

**MOBILE CRANE STUDY**

Sec. 32. The Department of Transportation shall study the requests of the mobile crane industry as compared to current rules, regulations, and policies regarding permitted movement of self-propelled truck cranes. A report detailing the results of this study shall be submitted to the Joint Legislative Highway Oversight Committee prior to the convening of the 1993 Session of the General Assembly.

Requested by: Senator Plyler, Representatives Holt, McLaughlin

**TRAFFIC CONTROL FUNDS**

Sec. 33. Effective until January 1, 1993, G.S. 20-79.7(b) reads as rewritten:

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

Sec. 34. Effective January 1, 1993, G.S. 20-79.7(b), as amended by Chapter 1042 of the 1991 Session Laws, reads as rewritten:

"(b) Distribution of Fees. – The Special Registration Plate Account and the Collegiate and Historical Attraction Plate Account are established within the Highway Fund. The Division must credit the additional fee imposed for the special registration

plates listed in subsection (a) among the Special Registration Plate Account (SRPA), the Collegiate and Historical Attraction Plate Account (CHAPA), and the Recreation and Natural Heritage Trust Fund (RNHTF), which is established under G.S. 113-77.7, as follows:

Special Plate	SRPA	CHAPA	RNHTF
Historical Attraction	\$10	\$20	0
In-State Collegiate Insignia	\$10	\$15	0
Out-of-state Collegiate Insignia	\$10	0	\$15
Personalized	\$10	0	\$10
All other Special Plates	\$10	0	0

~~After deducting the costs of the special registration plates from the Special Registration Plate Account, the Secretary of Transportation may allocate and reserve up to one hundred thousand dollars (\$100,000) to the Department of Transportation each fiscal year for the purpose of traffic control at major events as provided for by G.S. 136-44.2. Any funds allocated for traffic control that are neither used nor obligated at the end of the fiscal year shall remain in the Special Registration Plate Account and be used in accordance with subsection (e) of this section.~~

Sec. 35. G.S. 136-44.2 reads as rewritten:

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

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

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

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

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

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

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

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

Requested by: Senator Barnes, Representatives Holt, McLaughlin

**AIR CARGO APPROPRIATION REIMBURSEMENT REPEALED**

Sec. 36. Section 2.1 of Chapter 749 of the 1991 Session Laws is repealed.

Requested by: Senator Goldston, Representatives Holt, McLaughlin

**MODIFICATION TO CURRENT OPERATIONS – HIGHWAY FUND**

Sec. 37. Section 4 of Chapter 900 of the 1991 Session Laws reads as rewritten:

**"CURRENT OPERATIONS/HIGHWAY FUND**

Sec. 4. Appropriations from the Highway Fund of the State for the maintenance and operation of the Department of Transportation, and for other purposes as enumerated, are made for the fiscal year ending June 30, 1993, according to the schedule that follows. The amounts set out in the schedule are in addition to other

appropriations from the Highway Fund for these purposes for the 1992-93 fiscal year. Amounts set out in brackets are reductions from Highway Fund appropriations for the 1992-93 fiscal year.

<u>Current Operations-Highway Fund</u>	<u>1992-93</u>
Department of Transportation	
01. Administration	\$ 3,694,922
02. Division of Highways	
a. State Construction	
(01) Secondary Construction	446,402
(02) Urban Construction	(1,000,000)
(03) Spot Safety Improvements	(2,000,000)
b. State Funds to Match Federal Highway Aid	
(01) Construction	(18,000,000)
c. State Maintenance	
(01) Secondary	(559,204)
(02) Contract Resurfacing	(15,000,000)
d. Ferry Operations	(1,000,000)
03. Division of Motor Vehicles	4,252,600
04. State Aid to Municipalities	446,402
05. Salary Adjustments for Highway Fund Employees	(59,344)
06. Reserve to Continue DOT Merit Salary Increases	(86,143)
07. Reserve for Salary Increases	7,045,254
08. Reserve for State Employee Health Benefit Plan	(2,675,722)
09. Transfer to General Fund for Reimbursement for Sales Tax Exemption	700,000
10. Reserve for Air Cargo	2,500,000
Appropriations for Other State Agencies	
01. Crime Control and Public Safety	(603,913)
02. Revenue	86,968
<u>03. Agriculture</u>	<u>169,806</u>
<del>03-04.</del> Environment, Health, and Natural Resources	<del>(86,968)</del> (256,774)
<b>GRAND TOTAL CURRENT OPERATIONS/ HIGHWAY FUND</b>	<b>\$ (21,898,746)"</b>

Requested by: Senator Goldston, Representative Diamont

**ASSIGNMENT OF DEPARTMENT OF TRANSPORTATION MOTOR VEHICLES WITHOUT MINIMUM MILEAGE REQUIREMENTS**

Sec. 38. For the 1992-93 fiscal year only, all State owned passenger motor vehicles which are permanently assigned to the Division of Highways of the Department of Transportation field personnel only, are exempt from the minimum mileage utilization requirements of G.S. 143-341(8)i.7a. This exemption is allowed in order to study the unique responsibilities of Division of Highways field employees, compared to other State employees, with regard to complying with regulations for having a permanently assigned vehicle.

The Department shall report quarterly to the Joint Legislative Commission on Governmental Operations and the Joint Legislative Highway Oversight Committee, and the Fiscal Research Division of the Legislative Services Office, beginning October 1, 1992, for the preceding quarter, on:

- (1) The use of these vehicles, including:
  - a. A list of the employees to whom these vehicles are assigned;
  - b. Their job classifications; and
  - c. The round-trip mileage from their home to the nearest official work station other than the project site;
- (2) The number of vehicles not driven the required minimum mileage;
- (3) The certified overtime hours worked by these employees, listed by highway district; and
- (4) The savings realized by not having to meet the minimum mileage requirements.

Requested by: Senator Goldston, Representative Holt

**EXTEND LIABILITY PROTECTION FOR DEPARTMENT OF TRANSPORTATION PERSONNEL AND BOARD OF TRANSPORTATION MEMBERS**

Sec. 39. (a) Article 31A of Chapter 143 of the General Statutes is amended by adding a new section to read:

**"§ 143-300.10. Payment of excess damages relating to unconstitutional goals program.**

In an action to which this Article applies, the State shall pay the excess amount of a judgment or settlement under G.S. 143-300.6 for damages against a State employee or member of a State board or commission for enforcing or administering a goals program promoting participation by disadvantaged businesses, minority businesses, and women businesses, in contracts let by a State department or agency that is held unconstitutional. The excess amount is the amount of the judgment or settlement over (i) the limit provided in G.S. 143-300.6(a) and (ii) any coverage under G.S. 58-32-15. This section does not waive the sovereign immunity of the State with respect to any claim."

(b) This section applies to any litigation challenging the constitutionality of a goals program and pending before a court on or after the date of ratification of this act.

Requested by: Senator Goldston, Representatives Ethridge, Smith

**CARTERET COUNTY NAUTICAL CENTER**

Sec. 40. From funds appropriated to the Department of Transportation for fiscal year 1992-93 and allocated for the construction of a Visitors Center in Morehead City, the Department of Transportation shall use unspent funds allocated to construction of the Visitors Center for construction of a Nautical Center in Beaufort, North Carolina.

**PART 13. DEPARTMENT OF CORRECTION**

Requested by: Senators Plyler, Marvin, Representatives Redwine, Anderson, H. Hunter

**PRISON BOND REALLOCATION/ADMINISTRATION CHANGES**

Sec. 41. (a) Section 239(c) of Chapter 689 of the 1991 Session Laws reads as rewritten:

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

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

DEPARTMENT OF CORRECTION

<u>Project Description</u>	<u>Custodial Level</u>	<u>Beds</u>
Nash Correctional Institution	<del>Med</del> Close	128
Marion Correctional Center	<del>Med</del> Close	<del>906</del> 752
Cherry Correctional Center	Min	500
<del>Central Prison</del>	<del>Close</del>	144
<u>Odom Correctional Institution</u>	<u>Close</u>	<u>192</u>
Pasquotank Youth Institution	<del>Med</del> Close	<del>440</del> 664
NCCIW	Close/Med	256
NCCIW - Repairs and Renovations		
Lumberton Correctional Center	Med	312
Fountain Correctional Center	Min	100
Greene Correctional Center	Min	200
<del>Hyde Correctional Center</del>	<del>Med</del>	<del>312</del>
Brown Creek Sewing Plant		
Pender Furniture Refurbishing Facility		
<del>Columbus Sewing Facility</del>		
Caswell Sewing and Tailoring Equipment		

Harnett Dining Hall  
Provide dayrooms at 49 units  
to comply with Small v.  
Martin lawsuit

Subtotal	<u>3,2983,104</u>	<u>\$96,980,702</u>	<u>\$101,380,310</u>
Contingencies		<u>6,399,608</u>	<u>2,000,000</u>
TOTAL			\$103,380,310

DEPARTMENT OF HUMAN RESOURCES-DIVISION OF YOUTH SERVICES

7 Secure/nonsecure group homes  
 9 beds added to Pitt Detention Ctr.  
 Renovate unused dorms & upgrade  
 to meet American Correctional  
 Association Standards  
 Dillon secure unit, counseling  
 space, & fencing at 5 facilities  
 Conversion of dorms to individual  
 rooms  
 Increase number of transition  
 beds - step down & independent  
 living for Training Schools

\$9,119,690"

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

"(f) **Administration.** With respect to facilities authorized for the Department of Correction, the Office of State Budget and Management may contract for and supervise all aspects of administration, technical assistance, design, construction or demolition of prison facilities in order to implement the providing of prison facilities under the provisions of this act without being subject to the requirements of the following statutes and rules implementing those statutes: G.S. 143-135.26(1), 143-128, 143-129, 143-131, 143-132, 143-134, 143-135.26, ~~143-64.10 through 143-64.13~~, 113A-1 through 113A-10, 113A-50 through 113A-66, ~~133-1.1(b)~~, 133-1.1(g), and 143-408.1; provided, however, of the funds allocated under the provisions of this act for the construction of prison facilities, the Office of State Budget and Management shall have a verifiable ten percent (10%) goal for participation by minority and women-owned businesses. All contracts for the design, construction, or demolition of prison facilities shall include a penalty for failure to complete the work by a specified date.

The proposals for prison facilities authorized in this section shall be invited by advertisement in newspapers having general circulation in the State. The form of advertisement shall be prepared in the form of Section 301 of the State Construction Manual of the Department of Administration, and shall be published in one issue of the newspaper. A minimum of at least seven full days shall lapse between the date of



publication and the date of the opening of bids. Initiation of the advertisement shall be by the Office of State Budget and Management.

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

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

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

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

Requested by: Senator Marvin, Representative Redwine

### **COLUMBUS SEWING FACILITY**

Sec. 42. (a) Section 239(g) of Chapter 689 of the 1991 Session Laws reads as rewritten:

"(g) **Changes.** To the extent that funds are not required to be expended for the specific projects described in this section, appropriations authorized herein may be used to construct, reconstruct, or renovate prison industrial and forestry enterprise, facilities, as mentioned in G.S. 148-2, at prison facilities statewide, as replacement projects, and to make necessary prison facility repairs and renovations but no such funds may be used for operating expenditures. The first priority for the use of funds not required to be expended for the specific projects described in this section shall be for the construction of the sewing facility at Columbus Correctional Center. Prior to taking any action under subsection (g), the Governor may consult with the Advisory Budget Commission."

(b) In the event that funds are not available from the prison bond allocations made in Section 239 of the 1991 Session Laws to construct the sewing facility at Columbus Correctional Center, the Department of Correction shall make available from the profits of the North Carolina Correction Enterprises Revolving Fund funds sufficient for the construction of the sewing facility at Columbus Correctional Center.

Requested by: Senator Parnell, Representatives Redwine, Anderson

**PERMIT DEPARTMENT OF CORRECTION TO HIRE TEMPORARY EMPLOYEES**

Sec. 43. Notwithstanding G.S. 143-16.3, for the 1992-93 fiscal year only, the Director of the Budget may authorize the Department of Correction, Division of Adult Probation and Parole, to hire temporary employees to work on data entry.

Requested by: Senator Parnell, Representative Nesbitt

**PRISON CHAPEL RESERVE**

Sec. 44. A Reserve for Prison Chapels is established in the Office of State Budget and Management to construct chapels at correctional facilities. The funds are to be allocated to specific chapel projects when a minimum local match of one dollar for every two State dollars needed for the estimated project cost is made available. No more than fifty thousand dollars (\$50,000) of State funds shall be allocated to any single project.

The Department of Correction shall notify all prison units of the availability of these funds and shall solicit letters of intent from interested units. The Department shall evaluate the letters of intent for proposed chapel projects, notify those prison units whose projects appear most likely to obtain local matching funds during the 1992-93 fiscal year, and authorize those units to proceed based upon the total availability of State funds. The Department shall notify the Office of State Budget and Management of those units that have been authorized to proceed.

The Office of State Budget and Management shall report quarterly to the Joint Legislative Commission on Governmental Operations on any allocations from the reserve established in this section.

**PART 14. DEPARTMENT OF HUMAN RESOURCES**

Requested by: Senators Martin of Guilford, Richardson, Representatives Easterling, Nye

**MOTOR FLEET MANAGEMENT STUDY**

Sec. 45. The Joint Legislative Commission on Governmental Operations shall study the whole issue of motor fleet management. This study shall include:

- (1) The extent to which centralized motor fleet management is needed and appropriate;
- (2) The identification of agencies and agencies' functions that should be subject to centralized management;

- (3) The criteria for exemption from centralized management:
  - a. For agencies;
  - b. For agencies' functions; and
  - c. For specific categories of vehicles; and
- (4) Other related matters.

The Commission shall include the results of this study, together with any legislative proposals, in its report to the 1993 General Assembly.

Requested by: Senator Richardson, Representative Flaherty

**OWNERSHIP, CUSTODY, OR CONTROL OF VEHICLES PURCHASED BY  
THE DIVISION OF VOCATIONAL REHABILITATION SERVICES**

Sec. 46. The Division of Vocational Rehabilitation Services, Department of Human Resources, may use funds made available to it to purchase vehicles to be used primarily to transport clients being served pursuant to the Rehabilitation Act of 1973, 42 U.S.C. 701 et seq., as amended. Notwithstanding the provisions of G.S. 143-341(8)i.3., the Division of Vocational Rehabilitation Services shall not be required to transfer ownership, custody, or control of any vehicle purchased pursuant to this section to the Department of Administration.

Requested by: Senators Richardson, Walker, Representatives Easterling, Nye

**DOBBS SCHOOL RELOCATION FUNDS**

Sec. 47. Notwithstanding any other provisions of law, if the current Dobbs School site is selected as the site for the Air Cargo Complex, funds allocated to the Department of Human Resources for renovations to the Dobbs School from the North Carolina Prison and Youth Services Bond Fund by Section 239 of Chapter 689 of the 1991 Session Laws, shall be used to begin the process of constructing facilities for the relocation of the Dobbs School to land currently allocated to the Department of Human Resources and adjacent to Caswell Center.

Requested by: Senators Richardson, Walker, Representative Holt

**LIFE PLAN TRUST CORRECTION**

Sec. 48. (a) G.S. 36A-59.21, as enacted by Chapter 768 of the 1991 Session Laws, is repealed.

- (b) This section is effective July 1, 1992.

Requested by: Senators Richardson, Walker, Representative Ethridge

**HEAD START FUND ALLOCATION**

Sec. 49. Of the funds appropriated in this act to the Department of Human Resources for the 1992-93 fiscal year, the sum of one million seven hundred sixty thousand dollars (\$1,760,000) is allocated to the Division of Economic Opportunity to provide grants to local private nonprofit agencies administering Head Start programs. These funds shall be used by the Head Start agencies for the payment of the cost of acquiring, constructing, reconstructing, renovating, equipping, and improving classroom facilities for the existing Head Start programs. The Department of Human Resources

shall develop a formula for the distribution of State supplemental Head Start funds to those counties with the greatest relative burden of low-income children who qualify for Head Start. The formula may include factors based on the percentage of North Carolina's children aged birth to 5 who are in poverty in each county, the percentage of North Carolina's Aid to Families with Dependent Children recipients in each county, the percentage of North Carolina's unserved eligible Head Start children in each county, and any other statistical indicator that is in keeping with the legislative intent.

Each Head Start program that is allocated State supplemental Head Start funds pursuant to this section shall submit a budget for review by the State. The budget will itemize the program's expenditure of State funds. The expenditure needs shall fall under the allowable expenditure categories identified above.

Requested by: Senators Richardson, Walker, Representatives Easterling, Nye

**MENTAL HEALTH FACILITY PLANS**

Sec. 50. The funds appropriated in this act for area mental health programs shall be allocated in grants not to exceed two hundred thousand dollars (\$200,000) per grant. The grants are subject to the Department of Human Resources' approval of the grant application. Grant funds shall be matched by local funds on a dollar-for-dollar basis.

Requested by: Senators Richardson, Walker, Representatives Easterling, Nye

**RURAL HEALTH RECRUITMENT FUNDS**

Sec. 51. The funds appropriated in this act to the Office of Rural Health for rural health recruitment shall be used to pay first, second, and third-year residents in family medicine, internal medicine, or general pediatric medicine the sum of ten thousand dollars (\$10,000) upon the resident's agreeing to practice in an area designated by the Office of Rural Health as medically underserved.

Repayment of the stipend is forgiven if the resident completes the full year of service in a medically underserved area of North Carolina.

The Office of Rural Health shall report expenditures for this program to the 1993 General Assembly by the end of the first week after convening.

This item shall not become a part of the continuation budget request for the 1993-95 fiscal biennium.

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

Requested by: Senator Martin of Pitt, Representatives Ethridge, H. Hunter

**ECONOMIC DEVELOPMENT FUNDS**

Sec. 52. Section 157(f) of Chapter 900 of the 1991 Session Laws, 1992 Regular Session, reads as rewritten:

"(f) Of the funds appropriated in this act to the North Carolina Rural Economic Development Center, Inc., six hundred fifty thousand dollars (\$650,000) for the 1992-93 fiscal year shall be used to expand the Microenterprise Loan Program. Of these

funds, no less than four hundred thousand dollars (\$400,000) shall be used as loan capital or as loan loss reserves and no more than two hundred fifty thousand dollars (\$250,000) shall be used to cover operational costs. The North Carolina Rural Economic Development Center, Inc., shall report quarterly to the Joint Legislative Commission on Governmental Operations on the use of these funds."

Requested by: Senator Martin of Pitt, Representatives Ethridge, H. Hunter

**HOUSING TRUST FUND FUNDS**

Sec. 53. There is appropriated from the funds and interest thereon received from the United States Department of Energy's Stripper Well Litigation (MDL378) which remain in the Special Reserve for Oil Overcharge Funds to the Office of State Budget and Management the sum of two million dollars (\$2,000,000) for the 1992-93 fiscal year for the purposes authorized in G.S. 122E-6. Funds appropriated under this section are in addition to any other funds appropriated in this act for these purposes.

Requested by: Senator Martin of Pitt, Representatives Ethridge, H. Hunter

**CENTER FOR COMMUNITY SELF-HELP FUNDS**

Sec. 54. (a) Of the funds appropriated in this act to the Office of State Budget and Management, the sum of two million dollars (\$2,000,000) for the 1992-93 fiscal year shall be allocated to the Center for Community Self-Help to further a statewide program of lending to small businesses and other economic development projects in rural and other depressed or disadvantaged communities throughout North Carolina, provided these funds are matched on the basis of one dollar (\$1.00) of funds from the Center for Community Self-Help or its affiliates for every one dollar (\$1.00) of State funds. The appropriation shall be equally allocated among the eastern, central, and western regions of North Carolina. Loans or loan guarantees made under the program shall be conditioned on the unavailability of loans for the same purposes from private lenders upon reasonably equivalent terms and conditions. Payments of principal shall be available for further loans.

(b) The Center for Community Self-Help shall submit, within 180 days after the close of its fiscal year, audited financial statements to the State Auditor. All records pertaining to the use of State funds shall be made available to the State Auditor upon request. The Center for Community Self-Help shall make quarterly reports on the use of State funds to the State Auditor, in form and format prescribed by the State Auditor or his designee. The Center for Community Self-Help shall make a written report by May 1 of each year for the next three years to the General Assembly on the use of the funds appropriated by this act.

(c) The Center for Community Self-Help shall report to the Joint Legislative Commission on Governmental Operations, the House Appropriations Subcommittee on Environment, Health, and Natural Resources, the Senate Appropriations Committee on Natural and Economic Resources, and the Department of Economic and Community Development on a quarterly basis for the next three years.

(d) The Office of the State Auditor may conduct an annual end-of-year audit of the revolving fund for economic development lending created by this appropriation for each year of the life of the revolving fund.

(e) If the Center for Community Self-Help dissolves, the corporation shall transfer the remaining assets of the revolving fund to the State and shall refrain from disposing of the revolving fund assets without approval of the State Treasurer.

(f) The Office of State Budget and Management shall disburse this appropriation within 15 working days of the receipt of a request for the funds from the Center for Community Self-Help. The request shall include a commitment of the matching funds by the Center for Community Self-Help or its affiliates.

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

Requested by: Senators Martin of Pitt, Perdue, Representatives Ethridge, H. Hunter  
**WATER RESOURCES DEVELOPMENT FUNDS**

Sec. 55. (a) Of the funds appropriated to the Department of Environment, Health, and Natural Resources for the 1992-93 fiscal year, the sum of two million dollars (\$2,000,000) shall be used for water resources development projects. The Department shall fund the following projects, whose estimated costs are as indicated:

(1)	Wilmington Harbor Deepening Study	\$ 750,000
(2)	Aquatic Plant Control	35,000
(3)	Jordan Lake Water Supply Repayment & Operation	110,000
(4)	Lower Creek Flood Control-Lenoir	161,000
(5)	Morehead City Harbor Deepening	395,000
(6)	Hydrilla Eradication Lake Gaston	100,000
(7)	Wilmington Harbor Navigation	449,000

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

- (1) Corps of Engineers project feasibility studies, or

- (2) Corps of Engineers projects whose schedules have advanced and require State matching funds in fiscal year 1992-93, or
- (3) State-local Water Resources Development Projects.

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

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

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

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

(d) The Office of State Budget and Management shall use up to three million five hundred thousand dollars (\$3,500,000) from the Reserve for Repairs and Renovations as a State match for federal funds if such federal funds are made available prior to November 1, 1992 for the Morehead City Harbor Deepening Project. If federal funds are not available for this purpose prior to November 1, 1992, then the Office of State Budget and Management may use funds from reversions in the 1992-93 fiscal year.

Requested by: Senator Martin of Pitt, Representatives Ethridge, H. Hunter

#### **FUNDS FOR STATE PARKS LAND ACQUISITION**

Sec. 56. (a) The proceeds from the grant of the easement authorized by G.S. 143-260.10E(a), as enacted by Chapter 907 of the 1991 Session Laws, are appropriated from the General Fund to the Department of Environment, Health, and Natural Resources for the 1992-93 fiscal year for the Division of Parks and Recreation for land acquisition in State parks.

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

Requested by: Senator Basnight, Representatives Ethridge, H. Hunter

#### **AGRICULTURE COST SHARE PROGRAM**

Sec. 57. Section 165 of Chapter 689 of the 1991 Session Laws reads as rewritten:

"Sec. 165. Of the funds appropriated in this Title to the Department of Environment, Health, and Natural Resources for the Agriculture Cost Share Program for Nonpoint

Source Pollution Control, a sum not to exceed ~~\$40,000~~ forty thousand dollars (\$40,000) for the 1991-92 fiscal year ~~and a sum not to exceed \$40,000 for the 1992-93 fiscal year~~ shall be used to fund tide gates in Hyde County in accordance with the match requirements specified in ~~G.S. 143-215.74(b)(6)~~. G.S. 143-215.74(b)(6), and a sum not to exceed forty thousand dollars (\$40,000) for the 1992-93 fiscal year shall be used for water control structures in the counties bordering the Alligator River, under the Rural Clean Water Demonstration Program, and in accordance with the match requirements specified in G.S. 143-215.74(b)(6)."

Requested by: Senator Conder, Representatives Ethridge, H. Hunter

### **GOVERNOR'S WASTE MANAGEMENT BOARD/TECHNICAL ASSISTANCE GRANTS**

Sec. 58. Notwithstanding the limitations of G.S. 104G-19(d), funds appropriated in Section 4.1 of this act may be used to provide technical assistance grants in the amount of one hundred thousand dollars (\$100,000) each to Richmond, Chatham, and Wake Counties for their site designation review committee.

Requested by: Senator Martin of Pitt, Representatives Ethridge, H. Hunter

### **ON-SITE WASTEWATER SYSTEMS**

Sec. 59. (a) Article 11 of Chapter 130A of the General Statutes is amended by adding a new section to read:

#### **"§ 130A-344. North Carolina On-Site Wastewater Systems Institute.**

(a) The North Carolina On-Site Wastewater Systems Institute is created. The Department shall provide staff for the Institute. The Institute shall gather information, study problems, and prepare reports on sanitary sewage systems.

(b) The North Carolina On-Site Wastewater Systems Institute shall have a Board of Directors consisting of 11 members. The members shall serve on a voluntary basis at no cost to the State. The members shall be appointed as follows:

- (1) One member from the On-Site Sewage Program of the Department, appointed by the Governor.
- (2) One member who is a local health director, appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives.
- (3) One member who is an environmental health supervisor from a local health department, appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives.
- (4) One member who is an environmental health specialist, appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives.
- (5) Four members who are in the sanitary sewage system business, one of whom is a manufacturer, one of whom is a supplier, one of whom is a pumper or installer, and one of whom is an operator, appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate.



- (6) One member who is actively involved with residential development in North Carolina or has extensive experience in the field of residential development, appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives.
- (7) One member from the public at large, appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives.
- (8) The President or Executive Director of the North Carolina Septic Tank Association, Inc., appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate.

(c) Legislative appointments shall be made in accordance with G.S. 120-121. A vacancy in a legislative appointment shall be filled in accordance with G.S. 120-122.

(d) Each member shall serve for a two-year term that begins on July 1 of an odd-numbered year and ends on June 30 of the next odd-numbered year. Appointments to fill vacancies in the membership of the Board that occur due to resignation, dismissal, death, or disability of a member shall be for the balance of the unexpired term and shall be made by the same appointing authority that made the initial appointment.

(e) The member from the North Carolina Septic Tank Association, Inc., shall serve as Chair of the Board for the first two years after the Board is created. Thereafter, the Board shall elect a Chair annually at its first meeting of the year.

(f) The Board shall hold at least one meeting each year to conduct its business. Subsequent meetings shall be at the call of the Chair or a majority of the Board members. A majority of the members is a quorum."

(b) Notwithstanding G.S. 130A-344(d), as enacted by this section, the terms of the initial appointees to the North Carolina On-Site Wastewater Systems Institute end June 30, 1995.

(c) Of the funds appropriated by this act to the Department of Environment, Health, and Natural Resources for the 1992-93 fiscal year the sum of twenty-five thousand dollars (\$25,000) shall be used by the Department to contract with a regionally or nationally recognized consulting firm to conduct a comprehensive study of appropriate wastewater and sewage disposal technologies that could be used in soils unsuitable for a conventional septic tank in areas of North Carolina that have a high water table. In selecting a consulting firm to conduct the study, the Department shall consult with the North Carolina On-Site Wastewater Systems Institute. The contract with the consulting firm shall require the consulting firm to complete the study and submit a report to the Department and to the North Carolina On-Site Wastewater Systems Institute by June 30, 1993.

(d) Of the funds appropriated by this act to the Department of Environment, Health, and Natural Resources for the 1992-93 fiscal year, the sum of twenty-five thousand dollars (\$25,000) shall be used to support county alternative on-site sewage system demonstration projects in Eastern North Carolina established prior to 1990. Such projects shall have a technical advisory committee and shall develop and monitor innovative and alternative on-site sewage treatment systems and proper management operating schemes.

Requested by: Senator Martin of Pitt, Representatives Ethridge, H. Hunter

**PARKS CAPITAL IMPROVEMENTS**

Sec. 60. (a) Of the funds appropriated in this act to the Department of Environment, Health, and Natural Resources for the 1992-93 fiscal year, the sum of five hundred thousand dollars (\$500,000) shall be used for the repair and maintenance of State parks.

(b) Of the funds appropriated in this act to the Department of Environment, Health, and Natural Resources for the 1992-93 fiscal year, the sum of five hundred thousand dollars (\$500,000) shall be used to acquire critical parcels of inholdings and corridor linkages for inclusion in the State parks system.

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

Requested by: Senator Martin of Pitt, Representative Redwine

**STUDY ACQUISITION OF BIRD ISLAND**

Sec. 61. (a) The Department of Environment, Health, and Natural Resources shall study the feasibility and appropriateness of the State acquiring Run Hill at Nags Head Woods for the purpose of conservation. The Department shall also study the feasibility and appropriateness of the State acquiring Bird Island in Brunswick County for the purpose of conservation. The study shall be separate and apart from the consideration of any permit applications or the issuance of any permits for Bird Island pursuant to the Coastal Area Management Act of 1974, Article 7 of Chapter 113A of the General Statutes. The issuance of these permits shall not depend upon or be contingent upon the completion or results of this study.

(b) No later than May 31, 1993, the Department shall report its findings and recommendations pertaining to this study to the 1993 General Assembly.

(c) This section becomes effective November 15, 1992.

Requested by: Senator Martin of Pitt, Representative Ethridge

**MARINE FISHERIES USE OF LAND PROCEEDS**

Sec. 65. Any net proceeds, as defined in G.S. 146-30, received from the sale of approximately 6.12 acres of State land located on Bogue Sound in Carteret County, this being the property described in the deed dated February 12, 1982, and recorded in Deed Book 464, page 86, Carteret County Registry, shall be allocated to the Department of Environment, Health, and Natural Resources, Division of Marine Fisheries, for the 1992-93 fiscal year to be used:

- (1) To acquire real property for oyster shell stockpiling and dockage during hurricanes,
- (2) To renovate or replace the unsafe pier at the Division's Morehead City office, as needed, and
- (3) To replace the Carolina Coast Research Vessel,

to ensure the continuation of the Division's shellfish rehabilitation and artificial reef programs and the biological sampling programs.

Requested by: Senator Plexico, Representative Ramsey

**CERTAIN REIMBURSEMENTS FROM WILDLIFE RESOURCES COMMISSION FUNDS**

Sec. 66. G.S. 113-77.9 is amended by adding a new subsection to read:

"(d1) In any county in which real property was purchased pursuant to subsection (d) of this section as additions to the fish and wildlife management areas and where less than twenty-five percent (25%) of the land area is privately owned at the time of purchase, that county and any other local taxing unit shall be annually reimbursed, for a period of 20 years, from funds available to the North Carolina Wildlife Resources Commission in an amount equal to the amount of ad valorem taxes that would have been paid to the taxing unit if the property had remained subject to taxation."

Requested by: Senator Martin of Pitt, Representatives Jack Hunt, Ethridge, DeVane

**POSITIONS TO MONITOR CONTAMINATED SOIL SITES**

Sec. 67. There is appropriated from the Commercial Leaking Petroleum Underground Storage Tank Cleanup Fund to the Department of Environment, Health, and Natural Resources the sum of seventy-five thousand dollars (\$75,000) for the 1992-93 fiscal year. There is appropriated from the Noncommercial Leaking Petroleum Underground Storage Tank Cleanup Fund to the Department of Environment, Health, and Natural Resources the sum of seventy-five thousand dollars (\$75,000) for the 1992-93 fiscal year. These appropriations shall be used to establish and support four positions to inspect and monitor petroleum contaminated soil landfarming sites and enforce rules applicable to these sites.

Requested by: Senator Martin of Pitt, Representatives DeVane, Hasty

**ENVIRONMENTAL IMPACT FUNDS**

Sec. 68. Of the funds appropriated to the Office of State Budget and Management for the 1992-93 fiscal year, the sum of two hundred fifty thousand dollars (\$250,000) shall be allocated to the Laurinburg-Maxton Airport Commission for preliminary engineering studies and an environmental impact statement to determine the impact of the expansion of the Laurinburg-Maxton Airport Commission industrial park on the environment and on the Lumber River State Park.

Requested by: Senator Martin of Pitt, Representatives Redwine, H. Hunter, DeVane

**BEAVER DAMAGE CONTROL PILOT PROGRAM AND STATEWIDE PROGRAM**

Sec. 69. (a) There is established the Beaver Damage Control Advisory Board. The Board shall consist of nine members, as follows:

- (1) The Executive Director of the North Carolina Wildlife Resources Commission, or his designee, who shall serve as chair;
- (2) The Commissioner of Agriculture, or a designee;

- (3) The Director of the Division of Forest Resources of the Department of Environment, Health, and Natural Resources, or a designee;
- (4) The Director of the Soil and Water Conservation Division of the Department of Environment, Health, and Natural Resources, or a designee;
- (5) The Director of the North Carolina Cooperative Extension Service, or a designee;
- (6) The Secretary of Transportation, or a designee;
- (7) The State Director of the Animal Damage Control Division of the Animal and Plant Health Inspection Service, U.S. Department of Agriculture, or a designee;
- (8) The President of the North Carolina Farm Bureau Federation, Inc., or a designee, representing private landowners in the participating counties; and
- (9) A representative of the North Carolina Forestry Association.

(b) The Beaver Damage Control Advisory Board shall develop a pilot program to control beaver damage on private and public lands. Bladen, Brunswick, Columbus, and Sampson Counties shall participate in the pilot program. The Beaver Damage Control Advisory Board shall act in an advisory capacity to the Wildlife Resources Commission in the implementation of the program. In developing the program, the Board shall:

- (1) Orient the program primarily toward public health and safety and toward landowner assistance, providing some relief to landowners through beaver control and management rather than eradication;
- (2) Develop a priority system for responding to complaints about beaver damage;
- (3) Develop a system for documenting all activities associated with beaver damage control, so as to facilitate evaluation of the program;
- (4) Provide educational activities as a part of the program, such as printed materials, on-site instructions, and local workshops;
- (5) Provide for the hiring of personnel necessary to implement beaver damage control activities, administer the pilot program, and set salaries of personnel;
- (6) Evaluate the costs and benefits of the program that might be applicable elsewhere in North Carolina.

Upon the conclusion of the pilot program on December 1, 1993, the Board shall issue a report to the Wildlife Resources Commission on the results of the program, including recommendations on the feasibility of continuing the program in participating counties and the desirability of expanding the program into other counties.

(c) The Wildlife Resources Commission shall implement the pilot program, and may enter a cooperative agreement with the Animal Damage Control Division of the Animal and Plant Health Inspection Service, United States Department of Agriculture, to accomplish the pilot program.

(d) Notwithstanding G.S. 113-291.6(d) or any other law, it is lawful to use snares when trapping beaver pursuant to the beaver damage control program developed pursuant to this section. The provisions of Chapter 218 of the 1975 Session Laws; Chapter 492 of the 1951 Session Laws, as amended by Chapter 506 of the 1955 Session Laws; and Chapter 1011 of the 1983 Session Laws do not apply to trapping carried out in implementing the beaver damage control program developed pursuant to this section.

(e) Of the funds appropriated to the Department of Environment, Health, and Natural Resources for the Wildlife Resources Commission for the 1992-93 fiscal year, the sum of one hundred thousand dollars (\$100,000) shall be used to implement a beaver damage control pilot program and a one-time statewide program. These funds shall be allocated as follows:

- (1) Fifty thousand dollars (\$50,000) to provide the State share to implement the pilot program in Bladen, Brunswick, Columbus, and Sampson Counties, provided the sum of twenty-five thousand dollars (\$25,000) in federal funds are available to provide the federal share; and
- (2) Fifty thousand dollars (\$50,000) to be used statewide to control beaver damage.

(f) The funds allocated in subdivision (e)(1) of this section shall be matched by four thousand dollars (\$4,000) of local funds from each of the four participating counties.

(g) The Executive Director of the Wildlife Resources Commission shall determine what constitutes the most appropriate use of the funds allocated in subdivision (e)(2) of this section in order to alleviate the most severe beaver damage problems statewide and to identify the extent of beaver damage problems statewide.

(h) Subsections (a) through (d) of this section expire December 1, 1993.

## **PART 17. MISCELLANEOUS PROVISIONS**

Requested by: Senators Basnight, Plyler

### **RESERVE FOR ADVANCE PLANNING**

Sec. 70. 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. 71. 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. 72. 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.

Requested by: Senators Basnight, Plyler

**NEW PROJECT AUTHORIZATION**

Sec. 73. Upon the request of the administration of any State department or institution, the Governor may authorize the construction of a capital improvement project not specifically authorized by the General Assembly if such project is to be funded by gifts, federal or private grants, special fund receipts, excess patient receipts above those budgeted at University of North Carolina Hospitals at Chapel Hill, or self-liquidating indebtedness. Provided, however, that if the Director of the Budget authorizes the construction of such a capital improvement project, he shall report that action to the Joint Legislative Commission on Governmental Operations at its next meeting.

Requested by: Senators Basnight, Plyler

**ADVANCE PLANNING OF CAPITAL IMPROVEMENT PROJECTS**

Sec. 74. Funds which become available by gifts, excess patient receipts above those budgeted at University of North Carolina Hospitals at Chapel Hill, federal or private grants, receipts becoming a part of special funds by act of the General Assembly or any other funds available to a State department or institution may be

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

Requested by: Senators Basnight, Plyler

#### **APPROPRIATIONS LIMITS/REVERSION OR LAPSE**

Sec. 75. Except as permitted in previous sections of this act, the appropriations for capital improvements made by the 1991 General Assembly may be expended only for specific projects set out by the 1991 General Assembly and for no other purpose. Construction of all capital improvement projects enumerated by the 1992 General Assembly shall be commenced, or self-liquidating indebtedness with respect to them shall be incurred, within 12 months following the first day of the fiscal year in which the funds are available. If construction contracts on those projects have not been awarded or self-liquidating indebtedness has not been incurred within that period, the direct appropriation for those projects shall revert to the original source, and the self-liquidating appropriation shall lapse; except that direct appropriations may be placed in a reserve fund as authorized in this act. This deadline with respect to both direct and self-liquidating appropriations may be extended with the approval of the Director of the Budget up to an additional 12 months if circumstances and conditions warrant such extension.

Requested by: Senators Basnight, Plyler

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

Sec. 76. (a) Except where expressly repealed or amended by this act, the provisions of Chapters 689, 742, 760, 761, and 900 of the 1991 Session Laws remain in effect.

(b) Notwithstanding any modifications by this act in the amounts appropriated, except where expressly repealed or amended, the limitations and directions for the 1992-93 fiscal year in Chapters 689, 742, 760, 761, and 900 of the 1991 Session Laws that applied to appropriations to particular agencies or for particular purposes apply to the newly enacted appropriations and budget reductions of this act for those same particular purposes.

Requested by: Senators Basnight, Plyler

#### **EFFECTIVE DATE**

Sec. 77. This act becomes effective July 1, 1992.

In the General Assembly read three times and ratified this the 25th day of July, 1992.

Henson P. Barnes  
President Pro Tempore of the Senate

Daniel Blue, Jr.  
Speaker of the House of Representatives