

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 1093

Appropriations Committee Substitute Adopted 6/25/92  
Appropriations Committee Substitute #2 Adopted 7/9/92  
Fourth Edition Engrossed 7/9/92  
House Committee Substitute Favorable 7/17/92

Short Title: Capital Appropriations/1992.

(Public)

Sponsors:

Referred to:

June 2, 1992

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE CAPITAL IMPROVEMENTS APPROPRIATIONS FOR  
NORTH CAROLINA FOR THE 1992-93 FISCAL YEAR, 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.

The General Assembly of North Carolina enacts:

**PART 1. INTRODUCTION**

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

**PART 2. TITLE**

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

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**1 PART 3. PROCEDURES FOR DISBURSEMENTS**

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

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

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

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

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

31 **CAPITAL IMPROVEMENTS**

32

33 **DEPARTMENT OF ADMINISTRATION (Total)** \$8,467,600

- 34     1.    New Revenue Building Equipment and
- 35         Furnishings     4,978,900
- 36     2.    Museum of History-Exhibits,
- 37         Furnishings and Equipment   3,438,700
- 38     3.    Shelters and Seats - Government
- 39         Center Complex     50,000

40 **DEPARTMENT OF AGRICULTURE (Total)** \$11,605,600

- 41     1.    Museum of Natural Science - Planning     750,000
- 42     2.    Western N.C. Agricultural Center
- 43         a.   Land Purchase     329,200
- 44         b.   Temporary Stall Building   150,000

1	3.	Western Farmers' Market		
2	a.	Winterize 2 Retail Buildings	126,400	
3	4.	Agromonics Lab Construction	7,500,000	
4	5.	Tidewater Research Station - Completion		1,000,000
5	6.	Southeastern Shipping Point Facility	1,000,000	
6	7.	Piedmont Triad Farmers' Market -		
7		Development	500,000	
8	8.	Mountain Research Station Land Purchase	250,000	
9		DEPARTMENT OF CRIME CONTROL AND		
10		PUBLIC SAFETY (Total)		\$ 615,000
11	1.	Fayetteville Armory		
12		Requirements	2,295,000	
13		Receipts - Federal		
14		& Local	1,980,000	
15		State Appropriation	315,000	
16	2.	National Guard - Underground Storage		
17		Tanks - EPA Requirements	300,000	
18		DEPARTMENT OF CULTURAL RESOURCES		
19	1.	Art Museum-Amphitheater		
20		Requirements	1,476,800	
21		Receipts	1,476,800	
22		State Appropriation	-	
23		DEPARTMENT OF ENVIRONMENT, HEALTH, AND		
24		NATURAL RESOURCES (Total)		\$ 4,000,000
25	1.	Water Resources Development		
26		Projects - Matching Funds	2,000,000	
27	2.	State Parks		
28	a.	Land purchase	500,000	
29	b.	Repairs/Renovations	1,500,000	
30		DEPARTMENT OF HUMAN RESOURCES (Total)		\$13,324,300
31	1.	Murdoch Center - Meadowview Cottage		
32		Renovation	1,546,500	
33	2.	Dix Campus - Male Wing Renovation	3,004,600	
34	3.	Umstead Hospital - New Psychiatric Unit	7,872,200	
35	4.	Western Carolina Center		
36	a.	Reroof Walkways	699,800	
37	b.	Boiler Replacement		201,200
38		DEPARTMENT OF JUSTICE (Total)		\$ 1,537,745
39	1.	State Bureau of Investigations -		
40		Critical Lab Repairs/Renovations	845,300	
41	2.	Justice Academy - Repairs and Renovations	692,445	
42		UNIVERSITY BOARD OF GOVERNORS (Total)		\$38,868,975
43	1.	North Carolina State University		
44	a.	Hazardous Waste Facility	2,722,300	

1	b. 4-H Camps Repairs and Renovations	200,000	
2	c. Engineering Graduate Research		
3	Center-Phase I2,200,000		
4	2. University of North Carolina		
5	at Chapel Hill		
6	a. School of Social Work - Site		
7	Development	1,000,000	
8	3. Fayetteville State University		
9	a. Indoor Health and Physical		
10	Education Facility - Restore		
11	Funding	8,880,000	
12	4. East Carolina University		
13	a. Complete Advance Planning for Joyner		
14	Library Addition	300,000	
15	5. Board of Governors		
16	a. Repairs/Renovations Reserve	23,566,675	
17	OFFICE OF STATE BUDGET & MANAGEMENT (Total)		\$12,050,000
18	1. Reserve for Repairs & Renovations -		
19	Statewide	11,800,000	
20	2. Reserve to Match Local Matching Funds		
21	for Prison Chapels	<u>250,000</u>	
22			
23	TOTAL CAPITAL IMPROVEMENTS/GENERAL FUND		\$90,469,220

**PART 5. NONRECURRING APPROPRIATIONS/GENERAL FUND**

Sec. 5. 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:

DEPARTMENT OF ADMINISTRATION

- 1. State Construction Division - Conduct a feasibility study to determine cost of constructing and operating a State Veterans Home \$ 15,000

BOARD OF ELECTIONS

- 1. Support for Mail Registration 77,500

DEPARTMENT OF COMMUNITY COLLEGES

- 1. Funds to Purchase Equipment and Books 6,200,000

DEPARTMENT OF PUBLIC EDUCATION

- 1. Funds to purchase equipment for end of year/end of course testing 1,700,000
- 2. Equipment and nonrecurring needs for Governor's School 50,000

## 1 DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT

- 2 1. Industrial Building Renovation Fund -  
3 continued economic assistance to local  
4 units of government 500,000

## 5 DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES

- 6 1. Governor's Waste Management Board -  
7 Technical assistance grant of \$100,000  
8 each to Richmond, Chatham, and Wake  
9 counties for their site designation  
10 review committee 300,000

- 11 2. On-site Wastewater - Support for studying  
12 on-site wastewater systems and  
13 demonstration project 50,000

- 14 3. Beaver Control Pilot Project for  
15 controlling beaver damage 100,000

## 16 DEPARTMENT OF HUMAN RESOURCES

- 17 1. Head Start Programs - Grants to local  
18 nonprofit agencies for facility-related  
19 needs 2,000,000

- 20 2. Community Based Adult Developmental  
21 Activity Programs (ADAP) capital need  
22 allocation based on \$154.00 per slot  
23 for 6,495 slots.  
24 Each Program shall submit a budget  
25 for these funds for approval to the  
26 Department of Human Resources 1,000,000

- 27 3. Mental Health - First Step Farm  
28 for Women - Start-up Costs 202,880

## 29 DEPARTMENT OF TRANSPORTATION

- 30 1. Motor Voter Registration 55,400

## 31 UNIVERSITY OF NORTH CAROLINA - BOARD OF GOVERNORS

- 32 1. Funds to link Appalachian State University,  
33 UNC-Wilmington, and North Carolina Central  
34 University to CONCERT Communications Network  
35 operated by MCNC 2,265,000

- 36 2, North Carolina State University -  
37 a. Study of Clean-up requirements for  
38 former disposal site for hazardous  
39 waste near Carter-Finley Stadium  
40 and reimbursement to EPA - Consent  
41 Agreement 600,000

- 42 3. Area Health Education Centers - Funds  
43 to contract for additional training  
44 of certified, registered nurse

1	anesthetists	150,000	
2	<b>OFFICE OF STATE BUDGET AND MANAGEMENT</b>		
3	a. Reserve for expenses involved in		
4	moving the Department of Education,		
5	Revenue, and Secretary of State		
6	and the Office of State Construction		
7	and Office of State Controller	750,000	
8	b. Center for Community Self-Help -		
9	Funds for statewide lending		
10	program for small businesses and		
11	economic development in rural,		
12	depressed or disadvantaged communities	3,000,000	
13	c. N.C. Equity - Grant-in-aid for		
14	support of health and economic		
15	development activities	65,000	
16	d. Housing Trust Funds - Support to		
17	provide housing for persons of		
18	very low, low, and moderate income	2,000,000	
19	e. Laurinburg-Maxton Airport Commission		
20	- Grant-in-Aid for Impact and Engineering		
21	Studies for Industrial Park Expansion	250,000	
22	f. Piedmont Triad Regional Water Authority		
23	- Grant-in-Aid to purchase		
24	land for the Randleman Lake/Dam		
25	Project	500,000	
26	g. Reserve for the implementation of		
27	federal OSHA standards regarding		
28	Bloodborne Pathogens	1,000,000	
29	<b>TOTAL NONRECURRING GENERAL FUND</b>		\$22,830,780
30	<b>GRAND TOTAL GENERAL FUND</b>		\$113,300,000

31  
32 **PART 6. OFFICE OF STATE BUDGET AND MANAGEMENT**

34 Requested by: Representatives Ethridge, H. Hunter

35 **LOCAL WATER/SEWER FUNDS**

36 Sec. 6. (a) Notwithstanding the provisions of Sections 3 and 28 of Chapter  
37 689 of the 1991 Session Laws, the Office of State Budget and Management shall  
38 transfer four million four hundred thousand dollars (\$4,400,000), from the funds  
39 appropriated to the Reserve for Reimbursements to Local Governments and Shared Tax  
40 Revenues for the 1992-93 fiscal year, to the Clean Water Revolving Loan and Grant  
41 Fund created in G.S. 159G-5.

42 (b) Notwithstanding the provisions of G.S. 105-116, the Secretary of Revenue  
43 shall reduce the amount to be transferred to municipalities on or before December 15,  
44 1992, pursuant to G.S. 105-116(d), by an amount equal to three million three hundred

1 thousand dollars (\$3,300,000). The Secretary of Revenue shall allocate this reduction  
 2 on a pro rata basis among the municipalities entitled to receive a quarterly installment  
 3 pursuant to G.S. 105-116(d) on or before December 15, 1992.

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

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

13  
 14 Requested by: Representatives Nesbitt, Diamont

15 **BUDGET REFORM STATEMENTS/APPROPRIATIONS ADJUSTMENTS**

16 Sec. 7. The General Fund appropriations availability upon which the  
 17 modifications contained in this act to the General Fund budget for the 1992-93 fiscal  
 18 year are based is one hundred thirteen million three hundred thousand dollars  
 19 (\$113,300,000). This amount is comprised of the following components:

- |    |     |  |              |
|----|-----|--|--------------|
| 20 | (1) | 1991-92 Revenue Collections:               |              |
| 21 | a.  | Budgeted \$ 7,647,025,000                  |              |
| 22 | b.  | Actual (latest estimate) 7,638,025,000     |              |
| 23 | c.  | Difference (9,000,000)                     |              |
| 24 | (2) | 1991-92 Unexpended Appropriations          |              |
| 25 | a.  | Reversions <u>169,000,000</u>              |              |
| 26 |     | Estimated June 30, 1992 Credit             |              |
| 27 |     | Balance                                    | 160,000,000. |
| 28 |     |  |              |
| 29 | (3) | Earmarked for Savings Reserve (40,000,000) |              |
| 30 | (4) | Credit Balance used in Chapter             |              |
| 31 |     | 900, 1991 Session Laws                     | (1,200,000)  |
| 32 | (5) | Reserve for Other Bills (5,500,000).       |              |

33  
 34 Requested by: Representative Pope

35 **NORTH CAROLINA EQUITY/FUND REQUIREMENTS**

36 Sec. 7.1. (a) Funds appropriated in this act to the Office of State Budget and  
 37 Management for a grant-in-aid to North Carolina Equity shall not be used by North  
 38 Carolina Equity for engaging in advocacy or lobbying activities to support or oppose  
 39 legislation proposed, pending, or otherwise under consideration by the General  
 40 Assembly or any of its study committees or commissions. This section shall not prohibit  
 41 representatives of North Carolina Equity from testifying before or providing  
 42 information requested by the General Assembly or any of its study committees or  
 43 commissions.

1 (b) North Carolina Equity shall report quarterly to the Joint Legislative  
2 Commission on Governmental Operations on the use of funds allocated to it under this  
3 act.

4  
5 **PART 7. GENERAL ASSEMBLY**

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7 Requested by: Representatives Nesbitt, Diamont

8 **TECHNICAL CORRECTIONS/CHAPTER 900 - CURRENT OPERATIONS**  
9 **APPROPRIATIONS ACT OF 1992**

10 Sec. 8. (a) Section 41 of Chapter 900, 1991 Session Laws, is amended by  
11 deleting the phrase "G.S. 7A-171.1(4)" and substituting the phrase "G.S. 7A-  
12 171.1(a)(4)".

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

14 Sec. 9. (a) Section 136(a) of Chapter 900, 1991 Session Laws, reads as  
15 rewritten:

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

21 These funds shall be allocated as follows:

22 (1) Services for the mentally ill \$3,000,000;

23 (2) Services for the developmentally

24 disabled

~~\$3,00,000;~~

\$3,000,000;

and

27 (3) Services for substance abusers \$3,000,000.

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

29 Sec. 10. Section 180 of Chapter 900, 1991 Session Laws, reads as rewritten:

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

32 (b) Notwithstanding any modifications by this act in the amounts appropriated,  
33 except where expressly repealed or amended, the limitations and directions for the  
34 1992-93 fiscal year in Chapters 689, 742, 760, 761, and 812 of the 1991 Session Laws  
35 that applied to appropriations to particular agencies or for particular purposes apply to  
36 the newly enacted appropriations and budget reductions of this act for those same  
37 particular purposes."

38  
39 Requested by: Representatives Nesbitt, Diamont

40 **PERFORMANCE AUDIT AUDIO AND VIDEO NETWORK STUDY**

41 Sec. 11. (a) As part of its audit and evaluation of State information processing  
42 and telecommunications system policy, organization, and management, the Government  
43 Performance Audit Committee shall study:



- 1 (1) The operations of the audio, video, and data communications networks  
2 of the Department of Administration Agency for Public  
3 Telecommunications;
  - 4 (2) The operations of the audio, video, and data communications networks  
5 of the Microelectronics Center of North Carolina;
  - 6 (3) The operations of the audio and video networks of the North Carolina  
7 Center for Public Television;
  - 8 (4) The operations of the voice and data communications networks in the  
9 Office of State Controller State Telecommunications Office;
  - 10 (5) The operations of the communications networks managed by the  
11 Educational Computing Service, University of North Carolina-General  
12 Administration; and
  - 13 (6) The operations of any data and video communications networks  
14 managed by the Department of Public Instruction.
- 15 (b) This study shall address:
- 16 (1) The governance structures of the networks;
  - 17 (2) The services provided by the networks;
  - 18 (3) The uses of the networks;
  - 19 (4) The alternatives for coordinating the governance, operations,  
20 oversight, and funding of the networks to keep them operating in the  
21 leading edge of technology insofar as practical and in such a manner to  
22 reduce areas of service duplication;
  - 23 (5) The need for funding KU-Band retrofitting in the facilities of the  
24 Agency for Public Telecommunications; and
  - 25 (6) The need for purchasing and installing satellite receiving equipment in  
26 public libraries throughout the State for use with the Agency for Public  
27 Telecommunications and other information technology providers.
- 28 (c) The Government Performance Audit Committee shall include a final report  
29 on the topics mentioned in this section, other findings, and recommendations for  
30 legislation in its final report to the 1993 General Assembly. It shall also submit 12  
31 copies of its report to the North Carolina Information Resources Management  
32 Commission.

## 33 34 **PART 8. DEPARTMENT OF REVENUE**

35  
36 Requested by: Representatives Nesbitt, Diamont

### 37 **CORRECT INVENTORY TAX REIMBURSEMENT AMOUNT**

38 Sec. 12. (a) G.S. 105-275.1(b) reads as rewritten:

39 "(b) Subsequent Distributions. – As soon as practicable after January 1, 1990, the  
40 Secretary shall pay to each county and city the amount it received under subsection (a)  
41 in 1989 plus an amount equal to the county or city average rate multiplied by the value  
42 of the items described in subdivisions (ii) and (iii) of subsection (a) that were required  
43 to be listed and assessed as of January 1, 1987, and were listed on or before September  
44 1, 1987, in the county or city, plus or minus the percentage of this product that equals

1 the percentage by which State personal income has increased or decreased during the  
2 most recent 12-month period for which State personal income data has been compiled  
3 by the Bureau of Economic Analysis of the United States Department of Commerce.  
4 As soon as practicable after January 1, 1990, the Secretary shall also pay to each county  
5 and city an amount equal to the average rate for each special district for which the  
6 county or city collected taxes in 1987, but whose tax rates were not included in the  
7 county or city's rates, multiplied by the value of the items described in subdivisions (ii)  
8 and (iii) of subsection (a) that were required to be listed and assessed as of January 1,  
9 1987, and were listed on or before September 1, 1987, in the district, plus or minus the  
10 percentage of this product that equals the percentage by which State personal income  
11 has increased or decreased during the most recent 12-month period for which State  
12 personal income data has been compiled by the Bureau of Economic Analysis of the  
13 United States Department of Commerce. As soon as practicable after January 1, 1991,  
14 except as provided in subsection (f), the Secretary shall pay to each county and city the  
15 amount it received under this section the preceding year plus an amount equal to the  
16 county or city average rate multiplied by the value of the items described in subdivision  
17 (v) of subsection (a) contained in the list submitted by the county or city, plus or minus  
18 the percentage of this product that equals the percentage by which State personal  
19 income has increased or decreased during the most recent 12-month period for which  
20 State personal income data has been compiled by the Bureau of Economic Analysis of  
21 the United States Department of Commerce. As soon as practical after January 1, 1992,  
22 except as provided in subsection (f), the Secretary shall distribute to each county and  
23 city the amount it received under this section the preceding year. On or before April 30,  
24 1993, except as provided in subsection (f), the Secretary shall distribute to each county  
25 and city ninety-nine and eighty-one one-hundredths percent (99.81%) of the amount it  
26 received under this section the preceding year. Thereafter, except as provided in  
27 subsection (f), ~~as soon as practicable after January 1~~ on or before April 30 of each year,  
28 the Secretary shall distribute to each county and city the amount it received under this  
29 section the preceding year.

30 Of the funds received by each county and city pursuant to this subsection in 1990,  
31 the portion that was received because the county or city was collecting taxes for a  
32 special district (either because the district's tax rate was included in the city or county's  
33 rate or because the Secretary paid the county or city the product of the district's average  
34 rate and the value of the inventories and other items in the district) shall be distributed  
35 among the districts in the county or city as soon as practicable after the city or county  
36 receives the funds. The county or city shall distribute to each special district in the  
37 county or city the amount it distributed to the district in 1989 plus an amount equal to  
38 the average rate for the district multiplied by the value of the items, other than  
39 inventory, described in subdivisions (ii) and (iii) of subsection (a) that were required to  
40 be listed and assessed as of January 1, 1987, and were listed on or before September 1,  
41 1987, in the district, plus or minus the percentage of this product that equals the  
42 percentage by which State personal income has increased or decreased during the most  
43 recent 12-month period for which State personal income data has been compiled by the  
44 Bureau of Economic Analysis of the United States Department of Commerce.

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

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

11 "(f) Correction of Errors. – If the Secretary discovers that the amount or value of  
12 any inventories or other items listed by a county or city pursuant to subsection (a) of this  
13 section was overstated or understated, the Secretary shall adjust the amount to be  
14 distributed under subsection (b) as follows. For the distribution to be made in the year  
15 following discovery of the overstatement or understatement, the Secretary shall  
16 distribute to the county or city the amount it would have received under subsection (b)  
17 in ~~1990–1993~~ if it had not overstated or understated the amount or value of any  
18 inventories or other items, plus the total amount it failed to receive in 1989 and  
19 subsequent years due to understatement of the amount or value of the inventories or  
20 other items, or minus the total amount it received in 1989 and subsequent years due to  
21 overstatement of the amount or value of the inventories or other items. Thereafter, each  
22 year the Secretary shall distribute to the county or city the amount it would have  
23 received under subsection (b) in ~~1990–1993~~ if it had not overstated or understated the  
24 amount or value of any inventories or other items."  
25

## 26 **PART 9. DEPARTMENT OF ADMINISTRATION**

27  
28 Requested by: Representatives Nesbitt, Diamont

### 29 **STATE VETERANS HOME STUDY**

30 Sec. 13. Of the funds appropriated in this act to the Department of  
31 Administration, the sum of fifteen thousand dollars (\$15,000) for the State Construction  
32 Office shall be used to complete a feasibility study to determine the cost of constructing  
33 and operating a 240-bed domiciliary and skilled nursing care State Veterans Home on a  
34 site adjacent to the Fayetteville Veterans Administration Medical Center on land  
35 donated by the Veterans Administration. This study shall be made in consultation with  
36 the Division of Veterans Affairs, Department of Administration. The State  
37 Construction Office shall furnish to the 1993 General Assembly and to the Fiscal  
38 Research Division of the Legislative Services Office a completed feasibility study along  
39 with its recommendations by April 1, 1993.  
40

## 41 **PART 10. DEPARTMENT OF CULTURAL RESOURCES**

42  
43 Requested by: Representative Redwine

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

1           Sec. 14. Notwithstanding Chapter 146 of the General Statutes, the net  
2 proceeds derived from the sale of timber or other land products owned at the  
3 Brunswicktown State Historic Site shall be deposited with the State Treasurer in a  
4 capital improvement account to the credit of the Department of Cultural Resources. The  
5 Department of Cultural Resources shall use these funds to replace the visitor center  
6 exhibits installed in 1967 at Brunswicktown, to provide additional site archaeology at  
7 Brunswicktown, and to make other improvements at the Brunswicktown State Historic  
8 Site. These funds shall remain available until June 30, 1995, and shall not revert until  
9 that time.

## 11 PART 11. STATE BOARD OF ELECTIONS

13 Requested by: Representative Michaux

### 14 VOTER PARTICIPATION AMENDMENTS

#### 16 MAIL REGISTRATION

17 Section 14.1. (a) Chapter 163 of the General Statutes is amended by adding a new  
18 section to read:

#### 19 "§ 163-72.4. Registration by mail.

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

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

26       (b) The State Board of Elections shall develop a registration by mail form, which  
27 shall request sufficient information to enable officials of the county where a person  
28 resides to satisfactorily process the application for any purpose permitted under  
29 subsection (a) of this section. The State Board of Elections shall print sufficient copies  
30 of the form so that they may be publicly distributed. Registration forms shall be  
31 available from the State Board of Elections and county boards of elections, and may be  
32 distributed by any person. The single form shall permit all of the purposes listed under  
33 subsection (a) of this section to be carried out by filling in the appropriate information  
34 and marking boxes to indicate the action requested.

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

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

- 1 (e) Reports received under this section of:  
2 (1) Change in party affiliation shall be processed as if made under G.S.  
3 163-74(b);  
4 (2) Change of address within a county shall be processed as if made under  
5 G.S. 163-72.2(c); and  
6 (3) Change of name shall be processed as if made under G.S. 163-69.1;  
7 except for the different deadline imposed under subsection (c) of this section.  
8 (f) Any person who willfully and knowingly and with fraudulent intent gives  
9 false information on the application is guilty of a Class I felony. The application shall  
10 state in clear language the penalty for violation of this subsection.  
11 (g) Upon receipt of any or all of the following:  
12 (1) An application to register;  
13 (2) A change of party affiliation;  
14 (3) A report of address change;  
15 (4) A report of change of name  
16 under this section, the county board of elections shall send to the postal address on the  
17 registration form a notice of registration, or a notice of change of party affiliation,  
18 address, or name. The notice shall include an assignment of precinct and polling place,  
19 or a reminder of precinct and polling place if the voter is reporting only a change of  
20 party affiliation or name. The county board of elections shall send the notice by  
21 nonforwardable first-class mail. If the notice is returned as undeliverable, the county  
22 board of elections shall send a second nonforwardable first-class mailing. If that notice  
23 is returned as undeliverable, the county board of elections shall cancel the registration if  
24 it has been approved and shall reject it if it has not yet been approved.  
25 (h) If a registration form is a duplicate of a registration already made, it shall not  
26 be processed, and the applicant shall be so notified. The notification shall include the  
27 voter's precinct and polling place.  
28 (i) If the voter has listed a previous registration not in that county, the county  
29 board of elections shall treat it as an authorization to cancel the previous registration and  
30 also process it as such under the procedures of G.S. 163-72.1(c) through (e).  
31 (j) The application shall require that the applicant pay the full postage required  
32 by federal law, except that if federal law provides that it may be carried without  
33 postage, the application shall contain the appropriate franking language to allow it to be  
34 carried without postage."  
35 (b) Of the funds appropriated from the General Fund to the State Board of  
36 Elections in this act, the sum of seventy-seven thousand five hundred dollars (\$77,500)  
37 for the 1992-93 fiscal year shall be used to implement the mail registration provisions of  
38 subsection (a) of this section.  
39 (c) Subsection (a) of this section becomes effective July 1, 1993. Subsection (b)  
40 of this section is effective July 1, 1992.

#### MOTOR VOTER

- 41  
42  
43 (d) G.S. 163-81 reads as rewritten:

1 "§ 163-81. Driver license examiners ~~authorized to accept applications to register~~  
2 voters.

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

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

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

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

20 (c) The Division of Motor Vehicles shall, pursuant to the rules ~~and regulations~~  
21 adopted by the State Board of Elections, ~~afford a modify its forms so that any eligible~~  
22 ~~person who applies for original issuance, renewal or correction of a driver's license or~~  
23 ~~special identification card issued under G.S. 20-37.7 may, on a part of the form, an~~  
24 ~~opportunity to complete an application to register to vote or to update his registration if~~  
25 ~~the voter has changed his address or moved from one precinct to another or from one~~  
26 ~~county to another. Any person who willfully and knowingly and with fraudulent intent~~  
27 ~~gives false information on the application is guilty of a Class I felony. The application~~  
28 ~~shall state in clear language the penalty for violation of this subsection. The necessary~~  
29 ~~forms shall be prescribed by the State Board of Elections. All applications shall be~~  
30 ~~forwarded by the Department of Transportation to the appropriate county board of~~  
31 ~~elections. The form must ask for the previous voter registration address of the voter, if~~  
32 ~~any. If a previous address is listed, and it is not in the county of residence of the~~  
33 ~~applicant, the appropriate county board of elections shall treat the application as an~~  
34 ~~authorization to cancel the previous registration and also process it as such under the~~  
35 ~~procedures of G.S. 163-72.1(c) through (e). If a previous address is listed and that~~  
36 ~~address is in the county where the voter applies to register, the application shall be~~  
37 ~~processed as if it had been submitted under G.S. 163-72.2.~~

38 Registration shall become effective as provided in G.S. 163-67(a). ~~Every special~~  
39 ~~registration commissioner appointed under this section shall accept applications to vote~~  
40 ~~in an election until the deadline established in G.S. 163-67(a), and no person who~~  
41 ~~applies to that special registration commissioner shall be denied the vote in that election~~  
42 ~~for failure to apply earlier than that deadline.~~

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

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

2 **"§ 163-80. Officers authorized to register voters.**

3 (a) Only the following election officials shall be authorized to register voters:

- 4 (1) Any member of a county board of elections who has been duly  
5 appointed pursuant to G.S. 163-22(c) and properly installed as required  
6 by G.S. 163-30 and 163-31.
- 7 (2) The supervisor of elections of a county board of elections appointed  
8 pursuant to the provisions of G.S. 163-35.
- 9 (3) Precinct registrars and judges of election appointed pursuant to the  
10 provisions of G.S. 163-41.
- 11 (4) Special registration commissioners appointed pursuant to the authority  
12 and limitation contained in G.S. 163-41(b) , or serving ex officio  
13 pursuant to G.S. 163-81.
- 14 (5) Full-time and salaried deputy supervisors of elections employed by the  
15 county board of elections and who work under the direct supervision  
16 of the board's supervisor of elections appointed pursuant to the  
17 provisions contained in G.S. 163-35.
- 18 (6) Local public library employees designated by the governing board of  
19 such public library to be appointed by the county board of elections as  
20 special library registration deputies. Appointment of such deputies is  
21 mandatory for libraries covered by G.S. 153A-272; appointment is  
22 optional for other libraries. Persons appointed under this subsection  
23 shall be given the oath contained in G.S. 163-41(b), and shall be  
24 authorized to accept applications to register on those days and during  
25 those hours said special deputies are on duty with their respective  
26 libraries. If, for good and valid reasons, the local public library director  
27 shall request that the county board of elections appoint 'replacement'  
28 special library registration deputies before the two-year term ends, the  
29 county board of elections shall do so.
- 30 (7) Public high school employees appointed under this subdivision. A  
31 local board of education may, but is not required to, designate high  
32 school employees to be appointed by the county board of elections as  
33 special high school registration commissioners. Only employees who  
34 volunteer for this duty, and who are acceptable to the county board of  
35 elections, may be designated by boards of education. A special high  
36 school registration commissioner may register voters only while on  
37 duty as a high school employee and only at times and under  
38 arrangements approved by the local school board of education. A  
39 person appointed under this subdivision shall take the oath prescribed  
40 in G.S. 163-41(b).

41 (b) All election officials authorized to register voters under authority of this  
42 section shall not be authorized to register voters who reside outside the boundaries of  
43 their respective counties except in those specific instances involving municipalities  
44 which lie within the boundaries of two or more counties and except as provided by G.S.

1 163-81. The State Board of Elections shall have authority to promulgate rules for the  
2 processing of voters in such instances.

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

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

8 (f) Of the funds appropriated from the General Fund to the State Department  
9 of Transportation in this act, the sum of fifty-five thousand four hundred dollars  
10 (\$55,400) for the 1992-93 fiscal year shall be used to implement the voter registration  
11 provisions of subsections (d) and (e) of this section.

12 (g) Subsections (d) and (e) of this section become effective on January 1,  
13 1994, or the date on which the Division of Motor Vehicles has in place the necessary  
14 equipment to enforce those sections, whichever date is earlier. Subsection (f) of this  
15 section is effective July 1, 1992.

#### 16 17 **MANDATED ANNUAL REGISTRATION DRIVE**

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

#### 20 **"§ 163-82. Mandated registration drive.**

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

27 (i) Subsection (h) of this section becomes effective January 31, 1993.

#### 28 29 **PART 12. SALARIES AND BENEFITS**

30  
31 Requested by: Representatives Nesbitt, Diamont

#### 32 **EMPLOYER FICA SAVINGS TO PAY ADMINISTRATIVE COSTS OF** 33 **DEPENDENT CARE PROGRAM AND FLEXIBLE COMPENSATION** 34 **PROGRAM**

35 Sec. 15. (a) G.S. 143-34.1(c) reads as rewritten:

36 "(c) The Director of the Budget is authorized to provide eligible officers and  
37 employees of State departments, institutions, and agencies not covered by the provisions  
38 of G.S. 116-17.2 a program of dependent care assistance as available under Section 129  
39 and related sections of the Internal Revenue Code of 1986, as amended. The Director of  
40 the Budget may authorize State departments, institutions, and agencies to enter into  
41 annual agreements with employees who elect to participate in the program to provide  
42 for a reduction in salary. With the approval of the Director of the Budget, savings in the  
43 employer's share of contributions under the Federal Insurance Contributions Act on  
44 account of the reduction in salary may be used to pay some or all of the administrative



1 expenses of the program. Should the Director decide to contract with a third party to  
2 administer the terms and conditions of a program of dependent care assistance, he may  
3 select a contractor only upon a thorough and completely competitive procurement  
4 process."

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

6 **"§ 115C-441.1. Dependent care assistance program.**

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

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

20 **"§ 115D-25.1. Dependent care assistance program.**

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

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

33 **"§ 116-17.1. Dependent care assistance program.**

34 The Board of Governors of The University of North Carolina is authorized to  
35 provide eligible employees of constituent institutions a program of dependent care  
36 assistance as available under Section 129 and related sections of the Internal Revenue  
37 Code of 1986, as amended. The Board of Governors may authorize constituent  
38 institutions to enter into annual agreements with employees who elect to participate in  
39 the program to provide for a reduction in salary. With the approval of the Director of  
40 the Budget, savings in the employer's share of contributions under the Federal Insurance  
41 Contributions Act on account of the reduction in salary may be used to pay some or all  
42 of the administrative expenses of the program. Should the Board of Governors decide  
43 to contract with a third party to administer the terms and conditions of a program of

1 dependent care assistance, it may select a contractor only upon a thorough and  
2 completely competitive procurement process."

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

4 "(d) Notwithstanding any other provisions of law relating to the salaries of  
5 officers and employees of departments, institutions, and agencies of State government,  
6 the Director of the Budget is authorized to provide a plan of flexible compensation to  
7 eligible officers and employees of State departments, institutions, and agencies not  
8 covered by the provisions of G.S. 116-17.2 for benefits available under Section 125 and  
9 related sections of the Internal Revenue Code of 1986 as amended. This plan shall not  
10 include those benefits provided to employees and officers under Article 1A of Chapter  
11 120 of the General Statutes and Articles 1, 3, 4, and 6 of Chapter 135 of the General  
12 Statutes nor any vacation leave, sick leave, or any other leave that may be carried  
13 forward from year to year by employees as a form of deferred compensation. In  
14 providing a plan of flexible compensation, the Director of the Budget may authorize  
15 State departments, institutions, and agencies to enter into agreements with their  
16 employees for reductions in the salaries of employees electing to participate in the plan  
17 of flexible compensation provided by this section. With the approval of the Director of  
18 the Budget, savings in the employer's share of contributions under the Federal Insurance  
19 Contributions Act on account of the reduction in salary may be used to pay some or all  
20 of the administrative expenses of the program. Should the Director of the Budget  
21 decide to contract with a third party to administer the terms and conditions of a plan of  
22 flexible compensation as provided by this section, it may select such a contractor only  
23 upon a thorough and completely advertised competitive procurement process."

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

25 **"§ 115C-341.1. Flexible Compensation Plan.**

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

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

1 **"§ 115D-25.2. Flexible Compensation Plan.**

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

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

21 **"§ 116-17.2. Flexible Compensation Plan.**

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

40 (i) Subsections (a) through (d) of this section are effective January 1, 1990.  
41 Subsections (e) through (h) of this section are effective January 1, 1991.

42  
43 Requested by: Representative McLaughlin

44 **SALARY INCREASE CORRECTION**

1           Sec. 15.1. Section 46(e) of Chapter 900 of the 1991 Session Laws reads as  
2 rewritten:

3           "(e) Within regular Executive Budget Act procedures as limited by this act, all  
4 State agencies and departments ~~may~~ shall increase on an equitable basis the rate of pay  
5 of temporary and permanent hourly State employees, subject to availability of funds in  
6 the particular agency or department, by pro rata amounts of the forty-three dollars and  
7 fifty cents (\$43.50) per month salary increase provided for permanent full-time  
8 employees covered by the provisions of subsection (a) of this section, commencing July  
9 1, 1992."

10  
11 Requested by: Representative Barnes

## 12 **WRITTEN DISCIPLINARY PROCEEDINGS**

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

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

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

26  
27 Requested by: Representatives Nesbitt, Diamont

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

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

## 34 35 **PART 13. PUBLIC SCHOOLS**

36  
37 Requested by: Representative Nesbitt

## 38 **EDUCATION STAFFING CLARIFIED**

39           Sec. 18. (a) G.S. 115C-21(a)(7), as enacted by Section 6(g) of Chapter 812 of  
40 the 1991 Session Laws, reads as rewritten:

41           "(7) To have solely under his direction and control all matters relating to  
42 provision of staff services and support to the State Board of Education,  
43 including implementation of federal programs on behalf of the State

1                    Board of Education, except as otherwise provided in the Current  
2                    Operations Appropriations Act."

3        (b)    This section is effective upon ratification.

4

5    Requested by: Representatives Holt, J. Crawford, Michaux

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

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

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

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

17

18    **PART 14. COMMUNITY COLLEGES**

19

20    Requested by: Representative Easterling

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

23                    Sec. 20. (a)    G.S. 115D-39 reads as rewritten:

24    **"§ 115D-39. Student tuition and fees.**

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

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

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

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

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

43        (d)    This section applies beginning with the 1992-93 fall quarter and expires June  
44   30, 1993, unless extended by the General Assembly.

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**PART 15. COLLEGES AND UNIVERSITIES**

Requested by: Representatives Diamont, Nesbitt  
**NORTH CAROLINA STATE UNIVERSITY ENGINEERING GRADUATE RESEARCH CENTER/FUNDING**

Sec. 21. 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: Representatives Fussell, Payne  
**NURSE ANESTHETIST TRAINING FUNDS**

Sec. 22. 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.

**PART 16. DEPARTMENT OF TRANSPORTATION**

Requested by: Representatives McLaughlin, Holt  
**1992 CAPITAL CONSTRUCTION MODIFICATIONS**

Sec. 23. 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	311,000	—
05. Fencing - Statewide	171,000	-	

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

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



	<u>1991-92</u>	<u>1992-93</u>	
1			
2			
3	01.	Upgrade Electrical Power,	
4		Communication and Computer	
5		Circuits - Raleigh Division	
6		of Motor Vehicles Building	\$ 216,200 \$ -
7			
8	02.	Building Addition - Wilmington	221,900 -
9			
10	03.	Building Addition - Statesville	170,075 -
11			
12	04.	New Office Building - Asheville	635,100 -
13			
14	05.	Roof Replacement (7 Locations)	100,500 -
15			
16	06.	Resurface Parking Lots	
17		(6 Locations) 107,500	-
18			
19	07.	Roof Replacement (7 Locations)	- 103,100
20			
21	08.	Resurface Parking Lots (6 Locations)	- 111,900
22			
23	09.	Building Addition - Goldsboro	- 167,630
24			
25	10.	Building Addition - Whiteville	- 164,770
26			
27	11.	Building Addition - Hillsborough	- 179,200
28			
29	12.	Building Addition - Kinston	- 179,200
30			
31	13.	Building Addition - Jacksonville	- 174,800
32			
33	14.	Reserve to Make Restrooms	
34		Handicapped Accessible in DMV	
35		Facilities 25,000	25,000
36			
37			
38	TOTAL DIVISION OF MOTOR VEHICLES		\$1,476,275
39			\$1,105,600
40			
41	CRIME CONTROL AND PUBLIC SAFETY		
42			
43	01.	State Highway Patrol - Troop H	
44		Headquarters - New Building	\$190,000 \$1,348,900

1			
2	02.	State Highway Patrol - Upgrade	
3		and Replace Underground	
4		Fuel Tanks	<u>300,000</u> <u>300,000</u>
5			
6		TOTAL CRIME CONTROL AND	
7		PUBLIC SAFETY\$	490,000
8		\$1,648,900	
9			
10		GRAND TOTAL HIGHWAY FUND	<del>\$4,619,275</del> <u>\$4,565,275</u>
11			<del>\$8,802,500</del> <u>\$9,021,966 "</u>
12			

13 Requested by: Representatives McLaughlin, Holt

14 **DEPARTMENT OF TRANSPORTATION CAPITAL CONSTRUCTION FUNDS**  
 15 **REVERSIONS**

16 Sec. 24. (a) The balance of fifty-four thousand dollars (\$54,000) appropriated  
 17 for land acquisition in Siler City in Section 236.1 of Chapter 689 of the 1991 Session  
 18 Laws is reverted to the Highway Fund to be reappropriated for the 1992-93 fiscal year.

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

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

27  
 28 Requested by: Representatives McLaughlin, Holt

29 **MOBILE CRANE STUDY**

30 Sec. 25. The Department of Transportation shall study the requests of the  
 31 mobile crane industry as compared to current rules, regulations, and policies regarding  
 32 permitted movement of self-propelled truck cranes. A report detailing the results of this  
 33 study shall be submitted to the Joint Legislative Highway Oversight Committee prior to  
 34 the convening of the 1993 Session of the General Assembly.

35  
 36 Requested by: Representatives McLaughlin, Holt

37 **TRAFFIC CONTROL FUNDS**

38 Sec. 26. G.S. 20-79.7 reads as rewritten:

39 **"§ 20-79.7. Special Registration Plate Fund.**

40 (a) Fund. – The Special Registration Plate Fund is established. The Fund  
 41 consists of the revenue derived from one-half of the additional fee collected for a  
 42 personalized registration plate and all of the additional fee collected for any other  
 43 special registration plate issued under G.S. 20-79.4. The Commissioner shall deduct the

1 costs of the registration plates, including the costs of issuing, handling, and advertising  
2 the availability of the special plates from the Fund.

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

10 (c) ~~Use of Remaining Proceeds Funds.~~ — The remaining revenue in the Fund  
11 shall be transferred quarterly as follows:

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

35 Sec. 27. G.S. 136-44.2 reads as rewritten:

36 **"§ 136-44.2. Budget and appropriations.**

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

1 portions of the State highway system located within municipal corporate limits. The  
2 State parks system shall include all State parks roads which are not also part of the State  
3 highway system.

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

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

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

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

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

38 The Department of Transportation may provide for costs incurred or accrued for  
39 traffic control measures to be taken by the Department at major events which involve a  
40 high degree of traffic concentration on State highways, and which cannot be funded  
41 from regular budgeted items. This authorization applies only to events which are  
42 expected to generate 30,000 vehicles or more per day. The Department of  
43 Transportation shall provide for this funding by allocating and reserving up to one  
44 hundred thousand dollars (\$100,000) before any other allocations from the

1 appropriations for State maintenance for primary, secondary, and urban road systems  
 2 are made, based upon the same proportion as is appropriated to each system."

3  
 4 Requested by: Representatives McLaughlin, Holt

5 **MODIFICATION TO CURRENT OPERATIONS – HIGHWAY FUND**

6 Sec. 28. Section 4 of Chapter 900 of the 1991 Session Laws reads as  
 7 rewritten:

8 "CURRENT OPERATIONS/HIGHWAY FUND

9 Sec. 4. Appropriations from the Highway Fund of the State for the  
 10 maintenance and operation of the Department of Transportation, and for other purposes  
 11 as enumerated, are made for the fiscal year ending June 30, 1993, according to the  
 12 schedule that follows. The amounts set out in the schedule are in addition to other  
 13 appropriations from the Highway Fund for these purposes for the 1992-93 fiscal year.  
 14 Amounts set out in brackets are reductions from Highway Fund appropriations for the  
 15 1992-93 fiscal year.

16  
 17 Current Operations-Highway Fund

18 1992-93

19  
 20 Department of Transportation

21 01. Administration \$ 3,694,922

22 02. Division of Highways

23 a. State Construction

24 (01) Secondary Construction 446,402

25 (02) Urban Construction (1,000,000)

26 (03) Spot Safety

27 Improvements (2,000,000)

28 b. State Funds to Match Federal

29 Highway Aid

30 (01) Construction (18,000,000)

31 c. State Maintenance

32 (01) Secondary (559,204)

33 (02) Contract Resurfacing (15,000,000)

34 d. Ferry Operations (1,000,000)

35 03. Division of Motor Vehicles 4,252,600

36 04. State Aid to Municipalities  
 37 446,402

38 05. Salary Adjustments for Highway  
 39 Fund Employees (59,344)

40 06. Reserve to Continue DOT  
 41 Merit Salary Increases (86,143)

42 07. Reserve for Salary Increases 7,045,254

43 08. Reserve for State Employee  
 44 Health Benefit Plan (2,675,722)

1	09.	Transfer to General Fund for	
2		Reimbursement for Sales Tax	
3		Exemption	700,000
4	10.	Reserve for Air Cargo	2,500,000
5	Appropriations for Other State Agencies		
6	01.	Crime Control and Public	
7		Safety	(603,913)
8	02.	Revenue	86,968
9	03.	Agriculture	169,806
10	<del>03.</del> 04.	Environment, Health, and	
11		Natural Resources	<del>(86,968)</del> (256,774)
12	GRAND TOTAL CURRENT OPERATIONS/		
13		HIGHWAY FUND	\$ (21,898,746)"

14  
15 Requested by: Representative Diamont

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

18 Sec. 29. For the 1992-93 fiscal year only, all State owned passenger motor  
19 vehicles which are permanently assigned to the Division of Highways of the  
20 Department of Transportation field personnel only, are exempt from the minimum  
21 mileage utilization requirements of G.S. 143-341(8)i.7a. This exemption is allowed in  
22 order to study the unique responsibilities of Division of Highways field employees,  
23 compared to other State employees, with regard to complying with regulations for  
24 having a permanently assigned vehicle.

25 The Department shall report quarterly to the Joint Legislative Commission on  
26 Governmental Operations and the Joint Legislative Highway Oversight Committee, and  
27 the Fiscal Research Division of the Legislative Services Office, beginning October 1,  
28 1992, for the preceding quarter, on:

- 29 (1) The use of these vehicles, including:  
30 a. A list of the employees to whom these vehicles are assigned;  
31 b. Their job classifications; and  
32 c. The round-trip mileage from their home to the nearest official  
33 work station other than the project site;  
34 (2) The number of vehicles not driven the required minimum mileage;  
35 (3) The certified overtime hours worked by these employees, listed by  
36 highway district; and  
37 (4) The savings realized by not having to meet the minimum mileage  
38 requirements.  
39

40 Requested by: Representatives Ethridge, Smith

41 **CARTERET COUNTY NAUTICAL CENTER**

42 Sec. 30. From funds appropriated to the Department of Transportation for  
43 fiscal year 1992-93 and allocated for the construction of a Visitors Center in Morehead

1 City, the Department of Transportation shall use unspent funds allocated to construction  
2 of the Visitors Center for construction of a Nautical Center in Beaufort, North Carolina.

3  
4 Requested by: Representative Holt

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

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

10 **"§ 143-300.10. Payment of excess damages relating to unconstitutional goals**  
11 **program.**

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

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

22  
23 **PART 17. DEPARTMENT OF CORRECTION**

24  
25 Requested by: Representatives Redwine, Anderson, H. Hunter

26 **PRISON BOND REALLOCATION**

27 Sec. 32. Section 239(c) of Chapter 689 of the 1991 Session Laws reads as  
28 rewritten:

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

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

35  
36 DEPARTMENT OF CORRECTION

<u>Project Description</u>	<u>Custodial</u>	<u>Beds</u>
<u>Level</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>

1	Pasquotank Youth Institution	<del>Med</del> Close	440- <del>664</del>
2	NCCIW	Close/Med	256
3	NCCIW - Repairs		
4	and Renovations		
5	Lumberton Correctional Center	Med	312
6	Fountain Correctional Center	Min	100
7	Greene Correctional Center	Min	200
8	<del>Hyde Correctional Center</del>	Med	312
9	Brown Creek Sewing Plant		
10	Pender Furniture Refurbishing		
11	Facility		
12	<del>Columbus Sewing Facility</del>		
13	Caswell Sewing and Tailoring		
14	Equipment		
15	Harnett Dining Hall		
16	<u>Provide dayrooms at 49 units</u>		
17	<u>to comply with Small v.</u>		
18	<u>Martin lawsuit</u>		
19	Subtotal	<del>3,298-3,104</del>	<del>\$96,980,702-\$101,380,310</del>
20			
21	Contingencies		
22	TOTAL		
23			\$103,38
24	0,310		
25			

DEPARTMENT OF HUMAN RESOURCES-DIVISION OF YOUTH SERVICES

- 28 7 Secure/nonsecure group homes
- 29 9 beds added to Pitt Detention Ctr.
- 30 Renovate unused dorms & upgrade
- 31 to meet American Correctional
- 32 Association Standards
- 33 Dillon secure unit, counseling
- 34 space, & fencing at 5 facilities
- 35 Conversion of dorms to individual
- 36 rooms
- 37 Increase number of transition
- 38 beds - step down & independent
- 39 living for Training Schools
- 40 \$9,119,690".

Requested by: Representative Nesbitt

**PRISON CHAPEL RESERVE**



1           Sec. 33. A Reserve for Prison Chapels is established in the Office of State  
2 Budget and Management to construct chapels at correctional facilities. The funds are to  
3 be allocated to specific chapel projects when a minimum local match of one dollar for  
4 every two State dollars needed for the estimated project cost is made available. No  
5 more than fifty thousand dollars (\$50,000) of State funds shall be allocated to any single  
6 project.

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

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

17  
18 Requested by: Representative Redwine

#### 19 **COLUMBUS SEWING FACILITY**

20           Sec. 34. (a)       Section 239(g) of Chapter 689 of the 1991 Session Laws reads as  
21 rewritten:

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

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

#### 36 37 **PART 18. DEPARTMENT OF HUMAN RESOURCES**

38  
39 Requested by: Representative Holt

#### 40 **LIFE PLAN TRUST CORRECTION**

41           Sec. 35. (a)       G.S. 36A-59.21, as enacted by Chapter 786 of the 1991 Session  
42 Laws, is repealed.

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

1 Requested by: Representative Ethridge

2 **HEAD START FUND ALLOCATION**

3           Sec. 36. Of the funds appropriated in this act to the Department of Human  
4 Resources for the 1992-93 fiscal year, the sum of two million dollars (\$2,000,000) is  
5 allocated to the Division of Economic Opportunity to provide grants to local private  
6 nonprofit agencies administering Head Start programs. These funds shall be used by the  
7 Head Start agencies for the payment of the cost of acquiring, constructing,  
8 reconstructing, renovating, equipping, and improving classroom facilities for the  
9 existing Head Start programs. The Department of Human Resources shall develop a  
10 formula for the distribution of State supplemental Head Start funds to those counties  
11 with the greatest relative burden of low-income children who qualify for Head Start.  
12 The formula may include factors based on the percentage of North Carolina's children  
13 aged birth to 5 who are in poverty in each county, the percentage of North Carolina's  
14 Aid to Families with Dependent Children recipients in each county, the percentage of  
15 North Carolina's unserved eligible Head Start children in each county, and any other  
16 statistical indicator that is in keeping with the legislative intent.

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

21

22 Requested by: Representatives Nye, Easterling

23 **DOBBS SCHOOL RELOCATION FUNDS**

24           Sec. 37. Notwithstanding any other provisions of law, funds allocated to the  
25 Department of Human Resources for renovations to The Dobbs School from the North  
26 Carolina Prison and Youth Services Bond Fund by Section 239 of Chapter 689 of the  
27 1991 Session Laws, may be used to begin the process of constructing facilities for the  
28 relocation of The Dobbs School to land currently allocated to the Department of Human  
29 Resources and adjacent to Caswell Center.

30

31 Requested by: Representative Flaherty

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

34           Sec. 38. The Division of Vocational Rehabilitation Services, Department of  
35 Human Resources, may use funds made available to it to purchase vehicles to be used  
36 primarily to transport clients being served pursuant to the Rehabilitation Act of 1973, 42  
37 U.S.C. 701 et seq., as amended. Notwithstanding the provisions of G.S. 143-341(8)i.3.,  
38 the Division of Vocational Rehabilitation Services shall not be required to transfer  
39 ownership, custody, or control of any vehicle purchased pursuant to this section to the  
40 Department of Administration.

41

42 **PART 19. DEPARTMENT OF ECONOMIC AND COMMUNITY**  
43 **DEVELOPMENT**

44

1 Requested by: Representatives Ethridge, H. Hunter

2 **ECONOMIC DEVELOPMENT FUNDS**

3 Sec. 39. Section 157(f) of Chapter 900 of the 1991 Session Laws, 1992  
4 Regular Session, reads as rewritten:

5 "(f) Of the funds appropriated in this act to the North Carolina Rural Economic  
6 Development Center, Inc., six hundred fifty thousand dollars (\$650,000) for the 1992-  
7 93 fiscal year shall be used to expand the Microenterprise Loan Program. Of these  
8 funds, no less than four hundred thousand dollars (\$400,000) shall be used as loan  
9 capital or as loan loss reserves and no more than two hundred fifty thousand dollars  
10 (\$250,000) shall be used to cover operational costs. The North Carolina Rural  
11 Economic Development Center, Inc., shall report quarterly to the Joint Legislative  
12 Commission on Governmental Operations on the use of these funds."  
13

14 Requested by: Representatives Ethridge, H. Hunter

15 **HOUSING TRUST FUND FUNDS**

16 Sec. 40. There is appropriated from the funds and interest thereon received  
17 from the United States Department of Energy's Stripper Well Litigation (MDL378)  
18 which remain in the Special Reserve for Oil Overcharge Funds to the Office of State  
19 Budget and Management the sum of three million dollars (\$3,000,000) for the 1992-93  
20 fiscal year for the purposes authorized in G.S. 122E-6. Funds appropriated under this  
21 section are in addition to any other funds appropriated in this act for these purposes.  
22

23 Requested by: Representatives Ethridge, H. Hunter

24 **CENTER FOR COMMUNITY SELF-HELP FUNDS**

25 Sec. 41. (a) Of the funds appropriated in this act to the Office of State Budget  
26 and Management, the sum of three million dollars (\$3,000,000) for the 1992-93 fiscal  
27 year shall be allocated to the Center for Community Self-Help to further a statewide  
28 program of lending to small businesses and other economic development projects in  
29 rural and other depressed or disadvantaged communities throughout North Carolina,  
30 provided these funds are matched on the basis of one dollar (\$1.00) of funds from the  
31 Center for Community Self-Help or its affiliates for every one dollar (\$1.00) of State  
32 funds. The appropriation shall be equally allocated among the eastern, central, and  
33 western regions of North Carolina. Loans or loan guarantees made under the program  
34 shall be conditioned on the unavailability of loans for the same purposes from private  
35 lenders upon reasonably equivalent terms and conditions. Payments of principal shall  
36 be available for further loans.

37 (b) The Center for Community Self-Help shall submit, within 180 days after the  
38 close of its fiscal year, audited financial statements to the State Auditor. All records  
39 pertaining to the use of State funds shall be made available to the State Auditor upon  
40 request. The Center for Community Self-Help shall make quarterly reports on the use  
41 of State funds to the State Auditor, in form and format prescribed by the State Auditor  
42 or his designee. The Center for Community Self-Help shall make a written report by  
43 May 1 of each year for the next three years to the General Assembly on the use of the  
44 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 20. DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES**

Requested by: Representatives Ethridge, H. Hunter

### **WATER RESOURCES DEVELOPMENT FUNDS**

Sec. 42. (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<br>Deepening Study              | \$ 750,000 |
| (2) | Aquatic Plant Control                             | 35,000     |
| (3) | Jordan Lake Water Supply<br>Repayment & Operation | 110,000    |
| (4) | Lower Creek Flood<br>Control-Lenoir               | 161,000    |
| (5) | Morehead City<br>Harbor Deepening                 | 395,000    |
| (6) | Hydrilla Eradication<br>Lake Gaston               | 100,000    |
| (7) | Wilmington Harbor                                 | 449,000    |

## 1 Navigation

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

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

9 (2) Corps of Engineers projects whose schedules have advanced and  
10 require State matching funds in fiscal year 1992-93, or

11 (3) State-local Water Resources Development Projects.

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

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

18 (1) All projects listed in this section;

19 (2) The estimated cost of each project;

20 (3) The date work on each project began or is expected to begin;

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

23 (5) The actual cost of each project.

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

27  
28 Requested by: Representatives Ethridge, H. Hunter

29 **ON-SITE WASTEWATER SYSTEMS**

30 Sec. 43. (a) Article 11 of Chapter 130A of the General Statutes is amended by  
31 adding a new section to read:

32 **"§ 130A-344. North Carolina On-Site Wastewater Systems Institute.**

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

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

39 (1) One member from the On-Site Sewage Program of the Department,  
40 appointed by the Governor.

41 (2) One member who is a local health director, appointed by the General  
42 Assembly upon the recommendation of the Speaker of the House of  
43 Representatives.

- 1           (3) One member who is an environmental health supervisor from a local  
2 health department, appointed by the General Assembly upon the  
3 recommendation of the Speaker of the House of Representatives.
- 4           (4) One member who is an environmental health specialist, appointed by  
5 the General Assembly upon the recommendation of the Speaker of the  
6 House of Representatives.
- 7           (5) Four members who are in the sanitary sewage system business, one of  
8 whom is a manufacturer, one of whom is a supplier, one of whom is a  
9 pumper or installer, and one of whom is an operator, appointed by the  
10 General Assembly upon the recommendation of the President Pro  
11 Tempore of the Senate.
- 12           (6) One member who is actively involved with residential development in  
13 North Carolina or has extensive experience in the field of residential  
14 development, appointed by the General Assembly upon the  
15 recommendation of the Speaker of the House of Representatives.
- 16           (7) One member from the public at large, appointed by the General  
17 Assembly upon the recommendation of the Speaker of the House of  
18 Representatives.
- 19           (8) The President or Executive Director of the North Carolina Septic Tank  
20 Association, Inc., appointed by the General Assembly upon the  
21 recommendation of the President Pro Tempore of the Senate.
- 22       (c) Legislative appointments shall be made in accordance with G.S. 120-121. A  
23 vacancy in a legislative appointment shall be filled in accordance with G.S. 120-122.
- 24       (d) Each member shall serve for a two-year term that begins on July 1 of an odd-  
25 numbered year and ends on June 30 of the next odd-numbered year. Appointments to  
26 fill vacancies in the membership of the Board that occur due to resignation, dismissal,  
27 death, or disability of a member shall be for the balance of the unexpired term and shall  
28 be made by the same appointing authority that made the initial appointment.
- 29       (e) The member from the North Carolina Septic Tank Association, Inc., shall  
30 serve as Chair of the Board for the first two years after the Board is created. Thereafter,  
31 the Board shall elect a Chair annually at its first meeting of the year.
- 32       (f) The Board shall hold at least one meeting each year to conduct its business.  
33 Subsequent meetings shall be at the call of the Chair or a majority of the Board  
34 members. A majority of the members is a quorum."
- 35       (b) Notwithstanding G.S. 130A-344(d), as enacted by this section, the terms of  
36 the initial appointees to the North Carolina On-Site Wastewater Systems Institute end  
37 June 30, 1995.
- 38       (c) Of the funds appropriated by this act to the Department of Environment,  
39 Health, and Natural Resources for the 1992-93 fiscal year the sum of twenty-five  
40 thousand dollars (\$25,000) shall be used by the Department to contract with a regionally  
41 or nationally recognized consulting firm to conduct a comprehensive study of  
42 appropriate wastewater and sewage disposal technologies that could be used in soils  
43 unsuitable for a conventional septic tank in areas of North Carolina that have a high  
44 water table. In selecting a consulting firm to conduct the study, the Department shall

1 consult with the North Carolina On-Site Wastewater Systems Institute. The contract  
2 with the consulting firm shall require the consulting firm to complete the study and  
3 submit a report to the Department and to the North Carolina On-Site Wastewater  
4 Systems Institute by June 30, 1993.

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

12  
13 Requested by: Representatives Jack Hunt, Ethridge, DeVane

14 **POSITIONS TO MONITOR CONTAMINATED SOIL SITES**

15 Sec. 44. There is appropriated from the Commercial Leaking Petroleum  
16 Underground Storage Tank Cleanup Fund to the Department of Environment, Health,  
17 and Natural Resources the sum of seventy-five thousand dollars (\$75,000) for the 1992-  
18 93 fiscal year. There is appropriated from the Noncommercial Leaking Petroleum  
19 Underground Storage Tank Cleanup Fund to the Department of Environment, Health,  
20 and Natural Resources the sum of seventy-five thousand dollars (\$75,000) for the 1992-  
21 93 fiscal year. These appropriations shall be used to establish and support four  
22 positions to inspect and monitor petroleum contaminated soil landfarming sites and  
23 enforce rules applicable to these sites.

24  
25 Requested by: Representatives Ethridge, H. Hunter

26 **GOVERNOR'S WASTE MANAGEMENT BOARD/TECHNICAL ASSISTANCE**  
27 **GRANTS**

28 Sec. 45. Notwithstanding the limitations of G.S. 104G-19(d), funds  
29 appropriated in Section 4 of this act may be used to provide technical assistance grants  
30 in the amount of one hundred thousand dollars (\$100,000) each to Richmond, Chatham,  
31 and Wake Counties for their site designation review committee.

32  
33 Requested by: Representatives DeVane, Hasty

34 **ENVIRONMENTAL IMPACT FUNDS**

35 Sec. 46. Of the funds appropriated to the Office of State Budget and  
36 Management for the 1992-93 fiscal year, the sum of two hundred fifty thousand dollars  
37 (\$250,000) shall be allocated to the Laurinburg-Maxton Airport Commission for  
38 preliminary engineering studies and an environmental impact statement to determine the  
39 impact of the expansion of the Laurinburg-Maxton Airport Commission industrial park  
40 on the environment and on the Lumber River State Park.

41  
42 Requested by: Representative DeVane

43 **FUNDS FOR STATE PARKS LAND ACQUISITION**

1       Sec. 47. (a)       The proceeds from the grant of the easement authorized by G.S.  
2 143-260.10E(a), as enacted by Chapter 907 of the 1991 Session Laws, are appropriated  
3 from the General Fund to the Department of Environment, Health, and Natural  
4 Resources for the 1992-93 fiscal year for the Division of Parks and Recreation for land  
5 acquisition in State parks.

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

10  
11 Requested by: Representatives Ethridge, H. Hunter

#### 12 **PARKS CAPITAL IMPROVEMENTS**

13       Sec. 48. (a)       Of the funds appropriated in this act to the Department of  
14 Environment, Health, and Natural Resources for the 1992-93 fiscal year, the sum of one  
15 million five hundred thousand dollars (\$1,500,000) shall be used for the repair and  
16 maintenance of State parks.

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

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

25  
26 Requested by: Representative Redwine

#### 27 **STUDY ACQUISITION OF BIRD ISLAND**

28       Sec. 49. (a)       The Department of Environment, Health, and Natural Resources  
29 shall study the feasibility and appropriateness of the State acquiring Bird Island in  
30 Brunswick County for the purpose of conservation. The study shall be separate and  
31 apart from the consideration of any permit applications or the issuance of any permits  
32 for Bird Island pursuant to the Coastal Area Management Act of 1974, Article 7 of  
33 Chapter 113A of the General Statutes.

34       (b)       No later than May 1, 1993, the Department shall report its findings and  
35 recommendations pertaining to this study to the 1993 General Assembly.

36  
37 Requested by: Representative Ethridge

#### 38 **MARINE FISHERIES USE OF LAND PROCEEDS**

39       Sec. 50. Any net proceeds, as defined in G.S. 146-30, received from the sale  
40 of approximately 6.12 acres of State land located on Bogue Sound in Carteret County,  
41 this being the property described in the deed dated February 12, 1982, and recorded in  
42 Deed Book 464, page 86, Carteret County Registry, shall be allocated to the Department  
43 of Environment, Health, and Natural Resources, Division of Marine Fisheries, for the  
44 1992-93 fiscal year to be used:



- 1 (1) To acquire real property for oyster shell stockpiling and dockage  
2 during hurricanes,  
3 (2) To renovate or replace the unsafe pier at the Division's Morehead City  
4 office, as needed, and  
5 (3) To replace the Carolina Coast Research Vessel,  
6 to ensure the continuation of the Division's shellfish rehabilitation and artificial reef  
7 programs and the biological sampling programs.  
8

9 Requested by: Representatives Redwine, H. Hunter, DeVane

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

12 Sec. 51. (a) There is established the Beaver Damage Control Advisory Board.  
13 The Board shall consist of nine members, as follows:

- 14 (1) The Executive Director of the North Carolina Wildlife Resources  
15 Commission, or his designee, who shall serve as chair;  
16 (2) The Commissioner of Agriculture, or a designee;  
17 (3) The Director of the Division of Forest Resources of the Department of  
18 Environment, Health, and Natural Resources, or a designee;  
19 (4) The Director of the Soil and Water Conservation Division of the  
20 Department of Environment, Health, and Natural Resources, or a  
21 designee;  
22 (5) The Director of the North Carolina Cooperative Extension Service, or  
23 a designee;  
24 (6) The Secretary of Transportation, or a designee;  
25 (7) The State Director of the Animal Damage Control Division of the  
26 Animal and Plant Health Inspection Service, U.S. Department of  
27 Agriculture, or a designee;  
28 (8) The President of the North Carolina Farm Bureau Federation, Inc., or a  
29 designee, representing private landowners in the participating counties;  
30 and  
31 (9) A representative of the North Carolina Forestry Association.

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

- 37 (1) Orient the program primarily toward public health and safety and  
38 toward landowner assistance, providing some relief to landowners  
39 through beaver control and management rather than eradication;  
40 (2) Develop a priority system for responding to complaints about beaver  
41 damage;  
42 (3) Develop a system for documenting all activities associated with beaver  
43 damage control, so as to facilitate evaluation of the program;

- 1 (4) Provide educational activities as a part of the program, such as printed  
2 materials, on-site instructions, and local workshops;
- 3 (5) Provide for the hiring of personnel necessary to implement beaver  
4 damage control activities, administer the pilot program, and set salaries  
5 of personnel;
- 6 (6) Evaluate the costs and benefits of the program that might be applicable  
7 elsewhere in North Carolina.

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

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

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

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

- 27 (1) Fifty thousand dollars (\$50,000) to provide the State share to  
28 implement the pilot program in Bladen, Brunswick, Columbus, and  
29 Sampson Counties, provided the sum of twenty-five thousand dollars  
30 (\$25,000) in federal funds are available to provide the federal share;  
31 and
- 32 (2) Fifty thousand dollars (\$50,000) to be used statewide to control beaver  
33 damage.

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

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

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

42

43 **PART 21. MISCELLANEOUS PROVISIONS**

44

1 Requested by: Representatives Nesbitt, Diamont

2 **RESERVE FOR ADVANCE PLANNING**

3 Sec. 52. The Office of State Budget and Management shall report to the Joint  
4 Legislative Commission on Governmental Operations and to the Fiscal Research  
5 Division on how it intends to spend funds from the Reserve for Advance Planning at  
6 least 45 days before it spends the funds.

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

11

12 Requested by: Representatives Nesbitt, Diamont

13 **ENCUMBERED APPROPRIATIONS AND PROJECT RESERVE FUND**

14 Sec. 53. When each capital improvement project appropriated by the 1992  
15 General Assembly, other than those projects under the Board of Governors of The  
16 University of North Carolina, is placed under construction contract, direct  
17 appropriations shall be encumbered to include all costs for construction, design,  
18 investigation, administration, movable equipment, and a reasonable contingency.  
19 Unencumbered direct appropriations remaining in the project budget shall be placed in a  
20 project reserve fund credited to the Office of State Budget and Management. Funds in  
21 the project reserve may be used for emergency repair and renovation projects at State  
22 facilities with the approval of the Director of the Budget. The project reserve fund may  
23 be used, at the discretion of the Director of the Budget, to allow for award of contracts  
24 where bids exceed appropriated funds, if those projects supplemented were designed  
25 within the scope intended by the applicable appropriation or any authorized change in it,  
26 and if, in the opinion of the Director of the Budget, all means to award contracts within  
27 the appropriation were reasonably attempted. At the discretion of the Director of the  
28 Budget, any balances in the project reserve fund shall revert to the original source.

29

30 Requested by: Representatives Nesbitt, Diamont

31 **PROJECT COST INCREASE**

32 Sec. 54. Upon the request of the administration of a State department or  
33 institution, the Director of the Budget may, when in his opinion it is in the best interest  
34 of the State to do so, increase the cost of a capital improvement project. Provided,  
35 however, that if the Director of the Budget increases the cost of a project, he shall report  
36 that action to the Joint Legislative Commission on Governmental Operations at its next  
37 meeting. The increase may be funded from gifts, federal or private grants, special fund  
38 receipts, excess patient receipts above those budgeted at University of North Carolina  
39 Hospitals at Chapel Hill, or direct capital improvement appropriations to that  
40 department or institution.

41

42 Requested by: Representatives Nesbitt, Diamont

43 **NEW PROJECT AUTHORIZATION**

1           Sec. 55. Upon the request of the administration of any State department or  
2 institution, the Governor may authorize the construction of a capital improvement  
3 project not specifically authorized by the General Assembly if such project is to be  
4 funded by gifts, federal or private grants, special fund receipts, excess patient receipts  
5 above those budgeted at University of North Carolina Hospitals at Chapel Hill, or self-  
6 liquidating indebtedness. Provided, however, that if the Director of the Budget  
7 authorizes the construction of such a capital improvement project, he shall report that  
8 action to the Joint Legislative Commission on Governmental Operations at its next  
9 meeting.

10  
11 Requested by: Representatives Nesbitt, Diamont

12 **ADVANCE PLANNING OF CAPITAL IMPROVEMENT PROJECTS**

13           Sec. 56. Funds which become available by gifts, excess patient receipts  
14 above those budgeted at University of North Carolina Hospitals at Chapel Hill, federal  
15 or private grants, receipts becoming a part of special funds by act of the General  
16 Assembly or any other funds available to a State department or institution may be  
17 utilized for advance planning through the working drawing phase of capital  
18 improvement projects, upon approval of the Director of the Budget. The Director of the  
19 Budget may make allocations from the Advance Planning Fund for advance planning  
20 through the working drawing phase of capital improvement projects, except that this  
21 revolving fund may not be utilized by the Board of Governors of The University of  
22 North Carolina or the State Board of Community Colleges.

23  
24 Requested by: Representatives Nesbitt, Diamont

25 **APPROPRIATIONS LIMITS/REVERSION OR LAPSE**

26           Sec. 57. Except as permitted in previous sections of this act, the  
27 appropriations for capital improvements made by the 1991 General Assembly may be  
28 expended only for specific projects set out by the 1991 General Assembly and for no  
29 other purpose. Construction of all capital improvement projects enumerated by the  
30 1992 General Assembly shall be commenced, or self-liquidating indebtedness with  
31 respect to them shall be incurred, within 12 months following the first day of the fiscal  
32 year in which the funds are available. If construction contracts on those projects have  
33 not been awarded or self-liquidating indebtedness has not been incurred within that  
34 period, the direct appropriation for those projects shall revert to the original source, and  
35 the self-liquidating appropriation shall lapse; except that direct appropriations may be  
36 placed in a reserve fund as authorized in this act. This deadline with respect to both  
37 direct and self-liquidating appropriations may be extended with the approval of the  
38 Director of the Budget up to an additional 12 months if circumstances and conditions  
39 warrant such extension.

40  
41 Requested by: Representatives Nesbitt, Diamont

42 **1991-92 APPROPRIATIONS LIMITATIONS AND DIRECTIONS APPLY**

1       Sec. 58. (a)       Except where expressly repealed or amended by this act, the  
2 provisions of Chapters 689, 742, 760, 761, and 900 of the 1991 Session Laws remain in  
3 effect.

4       (b)       Notwithstanding any modifications by this act in the amounts appropriated,  
5 except where expressly repealed or amended, the limitations and directions for the  
6 1992-93 fiscal year in Chapters 689, 742, 760, 761, and 900 of the 1991 Session Laws  
7 that applied to appropriations to particular agencies or for particular purposes apply to  
8 the newly enacted appropriations and budget reductions of this act for those same  
9 particular purposes.

10

11 Requested by: Representatives Nesbitt, Diamont

12 **EFFECTIVE DATE**

13               Sec. 59. This act is effective July 1, 1992.