

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 1205*
Appropriations Committee Substitute Adopted 7/22/92

Short Title: Capital Improvements/1992.

(Public)

Sponsors:

Referred to:

June 4, 1992

1 A BILL TO BE ENTITLED
2 AN ACT TO MODIFY THE CAPITAL IMPROVEMENTS APPROPRIATIONS FOR
3 NORTH CAROLINA FOR THE 1992-93 FISCAL YEAR, TO MAKE OTHER
4 CHANGES IN THE BUDGET OPERATION OF THE STATE, AND TO MAKE
5 TECHNICAL CORRECTIONS NECESSARY TO EFFECT THE BUDGET
6 OPERATION OF THE STATE.

7 The General Assembly of North Carolina enacts:

8

9 **PART 1. INTRODUCTION**

10

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

15

16 **PART 2. TITLE**

17

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

20

21 **PART 3. PROCEDURES FOR DISBURSEMENTS**

22

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

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

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

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

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

29		
30	Department of Administration	
31	(Total)	\$8,555,600
32	1. New Revenue Building Equipment and	
33	Furnishings 4,978,900	
34	2. Museum of History-Exhibits,	
35	Furnishings and Equipment 2,963,700	
36	3. Museum of History-N.C. Sports Hall	
37	of Fame 475,000	
38	4. Acquisition of Charlotte Johnson	
39	Property-State Government Complex 138,000	
40		
41	Department of Agriculture	
42	(Total)	10,250,000
43	1. New Agronomic Lab 7,500,000	
44	2. Tidewater Research and Extension Center	

1	Restore Funding for completion of the Center	1,000,000	
2	3. Museum of Natural Science - Planning	750,000	
3	4. Piedmont Triad Farmers Market - Restore		
4	Funding	500,000	
5	5. Southeastern Farmers Market - Partially		
6	Restore Funding for Shipping Point		
7	Facility	500,000	
8			
9	Department of Crime Control and Public Safety		
10	(Total)		615,000
11	1. Fayetteville Armory		
12	Requirements	2,295,000	
13	Receipts-Federal & Local	1,980,000	
14	State Appropriation	315,000	
15	2. National Guard-Underground Storage		
16	Tanks-EPA Requirements	300,000	
17			
18	Department of Cultural Resources		
19	(Total)		795,000
20	1. Art Museum-Amphitheater		
21	Requirements	1,476,800	
22	Receipts-Donations	1,476,800	
23	State Appropriations	-	
24	2. State Museum of the Albemarle - Restore		
25	Funding to Continue Development	150,000	
26	3. Thomas Wolfe Memorial - Visitor's Center	645,000	
27			
28	Department of Environment, Health, and Natural Resources		
29	(Total)		12,949,400
30	1. N.C. Zoo - Final Phase of North America		
31	Requirements	6,887,800	
32	Receipts - Private	1,061,800	
33	State Appropriation	5,826,000	
34	2. Water Resources Development Projects-		
35	Matching Funds	5,680,000	
36	3. County Forestry Headquarters-Equipment/		
37	Office Buildings-Warren County	228,300	
38	-Cumberland County	215,100	
39	4. State Parks-Land Purchases	500,000	
40	-Repairs and Renovations	500,000	
41			
42	Department of Human Resources		
43	(Total)		13,251,800
44	1. Murdoch Center-Meadowview Cottage		

1	Renovation	1,546,500	
2	2. Dix Campus-Male Wing Renovation	3,004,600	
3	3. Umstead Hospital-New Psychiatric Unit	7,499,700	
4	4. Western Carolina Center		
5	a. Reroof Walkways	699,800	
6	b. Boiler Replacement		201,200
7	5. Eastern Regional Vocational Rehabilitation		
8	Facility - Repairs and Renovations	300,000	
9			
10	Department of Justice		
11	(Total)		1,537,745
12	1. State Bureau of Investigation-Critical		
13	Lab Repairs & Renovations	845,300	
14	2. Justice Academy-Repairs & Renovations	692,445	
15			
16	University Board of Governors		
17	(Total)		26,452,300
18	1. North Carolina State University		
19	a. Centennial Center-Restore Funds for		
20	Site Preparation	2,000,000	
21	b. Hazardous Waste Facility	2,722,300	
22	c. Engineering Graduate Research		
23	Center - Phase I	2,200,000	
24	d. Castle Hayne Horticultural Research		
25	Station-Restore Funds for Greenhouse		
26	and Support Facility	350,000	
27	e. 4-H Camps-Repairs and Renovations	200,000	
28	2. University of North Carolina at Chapel		
29	Hill - School of Social Work	9,800,000	
30	3. Fayetteville State University - Indoor		
31	Health and Physical Education Facility	8,880,000	
32	4. East Carolina University - Complete		
33	Advance Planning for Joyner Library		
34	Addition	300,000	
35			
36	Community Colleges		
37	1. Anson/Stanly - Restore funds for Union County		
38	Satellite	930,000	
39			
40	Office of State Budget & Management		
41	(Total)		19,746,150
42	1. Reserve for Repairs & Renovations-Statewide	17,746,150	
43	2. Critical School Facility Needs Fund - To		
44	correct a discrepancy in the manner in		

1 which grants were made from this fund 2,000,000

2

3 TOTAL CAPITAL IMPROVEMENTS/GENERAL FUND \$94,939,595

4

5 **PART 4A. NONRECURRING APPROPRIATIONS/GENERAL FUND**

6

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

10

11 1. UNC Board of Governors:

12 a. Funds to link Appalachian State University,
13 UNC-Wilmington to CONCERT Communications
14 Network operated by MCNC. \$ 1,645,000

15 b. North Carolina State University-Patent
16 Research Funds. 97,000

17 c. North Carolina State University-
18 Study of cleanup requirements for
19 former disposal site for hazardous
20 waste near Carter-Finley stadium and
21 reimbursement to EPA - Consent
22 agreement 600,000

23 2. Community Colleges:

24 a. Funds to purchase equipment and books. 5,000,000

25 b. Nursing Diploma Program Funds. 281,650

26 3. Cultural Resources:

27 Grants for local arts/historic sites. 295,000

28 4. Department of Public Instruction:

29 Funds to purchase equipment for end
30 of year/end of course testing. 1,700,000

31 5. Environment, Health, and Natural Resources:

32 a. Governor's Waste Management Board:

33 To provide a \$100,000 technical assistance
34 grant to Richmond, Chatham, and Wake
35 Counties for their site designation
36 review committee. 300,000

37 b. On-Site Wastewater-Support for studying
38 on-site wastewater systems and
39 demonstration projects. 50,000

40 6. Department of Human Resources:

41 a. Head Start Program - Provide grants
42 for new capital construction and for
43 capital improvements to existing facilities
44 (up to \$40,000 for each of the 44 existing

- 1 programs). 1,760,000
- 2 b. Vocational Rehabilitation Facilities -
- 3 Funds for capital needs at community-based
- 4 facilities that operate vocational rehabili-
- 5 tation services or Adult Developmental Activity
- 6 Programs (ADAP). \$305.00 per slot for 6,495
- 7 slots. 1,980,975
- 8 c. Mental Health-First Step Farm for
- 9 Women-Start-up Costs 202,880
- 10 d. Rural Health Recruitment Funds-Stipends
- 11 for general medicine residents who serve
- 12 underserved areas of the State 200,000
- 13 e. Mental Health Facility Funds-Grants to
- 14 Area Mental Health programs up to a
- 15 maximum of \$200,000 per grant. Requires
- 16 \$1 for \$1 county matching funds and
- 17 departmental approval of applications 2,000,000
- 18 7. Department of Economic and Community
- 19 Development:
- 20 Industrial Building Renovation
- 21 Fund - Continue economic assistance to local
- 22 units of government. 750,000
- 23 8. Department of Agriculture:
- 24 a. Provide for the development of a
- 25 Grassroots Science Program by the Museum
- 26 of Natural Sciences to serve local museums
- 27 and nature centers (one-time
- 28 grant-in-aid of \$50,000 to each of the
- 29 State's nine science museums). 450,000
- 30 b. Grant-in-aid to the Eastern N.C.
- 31 Agricultural Center 300,000
- 32 9. Board of Elections:
- 33 One-time appropriation for support for
- 34 mail registration. 39,500
- 35 10. Office of State Budget and Management:
- 36 a. Reserve for expenses involved in moving
- 37 the Departments of Education, Revenue, and
- 38 Secretary of State and the Office of State
- 39 Construction and Office of State
- 40 Controller 1,000,000
- 41 b. Center for Community Self-Help
- 42 Funds for Statewide Lending program for
- 43 small businesses and economic development
- 44 in rural, depressed, and disadvantaged

1	communities	2,000,000	
2	c. N.C. Equity - Grant-in-aid for support		
3	of health and economic development		
4	activities	65,000	
5	d. Housing Trust Funds - Support to		
6	provide housing for persons of very low,		
7	low, and moderate income (\$1,000,000 from		
8	petroleum overcharge funds)	2,000,000	
9	e. Reserve for the implementation of		
10	federal OSHA standards regarding		
11	bloodborne pathogens	1,000,000	
12			
13	TOTAL NONRECURRING/GENERAL FUND		\$ 23,717,005
14			
15	GRAND TOTAL GENERAL FUND		\$118,800,000
16			

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

18
19 Requested by: Senators Basnight, Plyler

20 **LOCAL WATER/SEWER FUNDS**

21 Sec. 5. (a) Notwithstanding the provisions of Sections 3 and 28 of Chapter
22 689 of the 1991 Session Laws, the Office of State Budget and Management shall
23 transfer four million four hundred thousand dollars (\$4,400,000), from the funds
24 appropriated to the Reserve for Reimbursements to Local Governments and Shared Tax
25 Revenues for the 1992-93 fiscal year, to the Clean Water Revolving Loan and Grant
26 Fund created in G.S. 159G-5.

27 (b) Notwithstanding the provisions of G.S. 105-116, the Secretary of Revenue
28 shall reduce the amount to be transferred to municipalities on or before December 15,
29 1992, pursuant to G.S. 105-116(d), by an amount equal to three million three hundred
30 thousand dollars (\$3,300,000). The Secretary of Revenue shall allocate this reduction
31 on a pro rata basis among the municipalities entitled to receive a quarterly installment
32 pursuant to G.S. 105-116(d) on or before December 15, 1992.

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

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

42

43 Requested by: Senators Basnight, Plyler

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

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

- 8 (1) The amount to be expended from the Reserve for Repairs and
9 Renovations for expediting the relocation of State agencies currently
10 occupying leased space into the Old Education and Old Revenue
11 Buildings;
12 (2) Which of the State agencies currently occupying leased space should
13 be moved into the Old Education and Old Revenue Buildings;
14 (3) The extent to which repairs and renovations are needed immediately
15 and those that may be needed in the future, and whether such repairs
16 and renovations may be phased in over a period of time; and
17 (4) Any other recommendations the Commission deems appropriate for
18 ensuring that repairs and renovations to the Old Education and Old
19 Revenue Buildings are carried out expeditiously and efficiently.
20

21 Requested by: Senator Perdue

22 **PERFORMANCE AUDIT RESERVE**

23 Sec. 6.1. The Office of State Budget and Management shall transfer the sum
24 of five hundred thousand dollars (\$500,000) for the 1992-93 fiscal year from funds
25 appropriated to the Reserve for Repairs and Renovations to the General Assembly for a
26 reserve fund for the Government Performance Audit Committee, established pursuant to
27 Section 347 of Chapter 689 of the 1991 Session Laws.
28

29 Requested by: Senator Martin of Guilford

30 **NORTH CAROLINA EQUITY/FUND REQUIREMENTS**

31 Sec. 6.2. (a) Funds appropriated in this act to the Office of State Budget and
32 Management for a grant-in-aid to North Carolina Equity shall not be used by North
33 Carolina Equity for engaging in advocacy or lobbying activities to support or oppose
34 legislation proposed, pending, or otherwise under consideration by the General
35 Assembly or any of its study committees or commissions. This section shall not prohibit
36 representatives of North Carolina Equity from testifying before or providing
37 information requested by the General Assembly or any of its study committees or
38 commissions.

39 (b) North Carolina Equity shall report quarterly to the Joint Legislative
40 Commission on Governmental Operations on the use of funds allocated to it under this
41 act.
42

43 Requested by: Senators Basnight, Plyler

44 **BUDGET REFORM STATEMENTS/APPROPRIATIONS ADJUSTMENTS**

1 Sec. 6.3. The General Fund appropriations availability upon which the
2 modifications contained in this act to the General Fund budget for the 1992-93 fiscal
3 year are based is one hundred eighteen million eight hundred thousand dollars
4 (\$118,800,000). This amount is comprised of the following components:

5	(1)	1991-92 Revenue Collections:	
6		a. Budgeted	\$ 7,647,025,000
7		b. Actual (latest estimate)	7,638,025,000
8		c. Difference	(9,000,000)
9	(2)	1991-92 Unexpended Appropriations	
10		a. Reversions	<u>169,000,000</u>
11		Estimated June 30, 1992 Credit	
12		Balance	160,000,000
13			
14	(3)	Earmarked for Savings Reserve	(40,000,000)
15	(4)	Credit Balance used in Chapter	
16		900, 1991 Session Laws	(1,200,000).
17			

18 **PART 6. GENERAL ASSEMBLY**

19
20 Requested by: Senators Basnight, Plyler

21 **EXTENSION OF THE TERRITORIAL JURISDICTION OF THE** 22 **LEGISLATIVE SERVICES COMMISSION**

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

24 **"§ 120-32.1. Use and maintenance of buildings and grounds.**

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

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

1 (b) ~~The rules and regulations promulgated~~ The Legislative Administrative
2 Officer shall have posted the rules adopted by the Legislative Services Commission
3 under the authority of this section ~~shall be posted~~ in a conspicuous place in the State
4 Legislative Building, ~~and in the State office building located at the northeast corner of~~
5 ~~Lane and Salisbury streets, and Building and the Legislative Office Building.~~ The
6 Legislative Administrative Officer shall have filed a copy of the rules ~~and regulations~~
7 ~~and all amendments thereto~~, certified by the chairman of the Legislative Services
8 Commission, ~~shall be filed~~ in the office of the Secretary of State and in the office of the
9 Clerk of the Superior Court of Wake County. When so posted and filed, these rules ~~and~~
10 ~~regulations~~ shall constitute notice to all persons of the existence and text of the ~~rules and~~
11 ~~regulations.~~ rules. Any person, whether on his own behalf or for another, or acting as an
12 agent or representative of any person, firm, corporation, partnership or association, who
13 knowingly violates any of the rules ~~or regulations promulgated, adopted, posted and~~
14 filed under the authority of this section is guilty of a ~~misdemeanor, misdemeanor~~ and
15 upon conviction ~~or a plea of guilty~~ shall be punished by a fine or imprisonment in the
16 discretion of the court, or by both such fine and imprisonment. Any person, firm,
17 corporation, partnership or association who combines, confederates, conspires, aids,
18 abets, solicits, urges, instigates, counsels, advises, encourages or procures another or
19 others to knowingly violate any of the rules ~~and regulations promulgated, adopted,~~
20 posted and filed under the authority of this section is guilty of a misdemeanor and upon
21 conviction ~~or a plea of guilty~~ shall be punished by a fine or imprisonment in the
22 discretion of the court, or by both such fine and imprisonment.

23 (c) ~~When the General Assembly is in regular or extra session, the Legislative~~
24 ~~Services Commission shall have exclusive authority to assign parking space in the State~~
25 ~~Legislative Building and upon its grounds, as "grounds" is defined in G.S. 120-32.3~~
26 ~~[120-32.2], and the State Legislative Building security force shall have exclusive~~
27 ~~authority and responsibility for enforcing the parking rules and regulations of the~~
28 ~~Legislative Services Commission.~~ The Legislative Services Commission may cause to
29 be removed at the owner's expense any vehicle parked in the State Legislative Building
30 or on its grounds legislative buildings and grounds in violation of the rules and
31 regulations of the Legislative Services Commission, Commission and during regular or
32 extra sessions of the General Assembly may cause to be removed any vehicle parked in
33 any State-owned parking space leased to an employee of the General Assembly where
34 the vehicle is parked without the consent of the employee to whom the space is leased.

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

37 (1) At all times:

38 a. The State Legislative Building and the area between outer walls of
39 the State Legislative Building and the near curblineline of those sections of Jones,
40 Wilmington, Lane, and Salisbury Streets which border land on which the State
41 Legislative Building is situated;

42 b. The Legislative Office Building and the areas between its outer
43 walls and the near curblineline of those sections of Lane and Salisbury Streets that border
44 the land on which it is situated;

1 c.Any State-owned parking lot which is leased to the General
 2 Assembly; and

3 d.The bridge between the State Legislative Building and the State
 4 Governmental Mall.

5 (2) In addition, the surface area to the far curblin
 6 of those sections of Jones, Wilmington, Lane, and Salisbury Streets which border the land on which the
 7 State Legislative Building is situated:

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

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

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

16 **"§ 120-32.2. State Legislative Building special police.**

17 All members of the State Legislative Building security force employed by the
 18 Legislative Services Office are special policemen, and within the State Legislative
 19 Building and upon its grounds legislative buildings and grounds, as defined in G.S.
 20 120-32.1(d), they shall have all the powers of policemen of incorporated towns, cities.

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

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

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

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

37
 38 Requested by: Senator Martin of Pitt

39 **RAILROAD ADVISORY COMMISSION MEMBERSHIP CHANGE**

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

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

1 (1) Two members appointed by the Governor, one of whom shall be
2 knowledgeable about the railroad business and one of whom shall be an advocate of
3 passenger rail service;

4 (2) The Speaker of the House of Representatives or another member of the
5 House of Representatives serving as the Speaker's designee, and two other members of
6 the House of Representatives appointed by the Speaker of the House of Representatives;

7 (3) The President Pro Tempore of the Senate or another member of the
8 Senate serving as the President Pro Tempore's designee, and two other members of the
9 Senate appointed by the President Pro Tempore of the Senate;

10 (4) The Secretary of Transportation, or a member of his staff appointed by
11 the Secretary of Transportation; and

12 (5) The State Treasurer, or a member of his staff appointed by the
13 ~~Treasurer; Treasurer.~~

14 ~~(6) Two officers or directors of the North Carolina Railroad Company~~
15 ~~appointed by its Board of Directors.~~

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

19
20 Requested by: Senator Martin of Guilford

21 **JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS/
22 FARMERS MARKET STUDY/WATER RESOURCES PROJECTS STUDY**

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

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

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

34
35 Requested by: Senator Martin of Guilford

36 **TECHNICAL CORRECTIONS/CHAPTER 900 - CURRENT OPERATIONS
37 APPROPRIATIONS ACT OF 1992**

38 Sec. 9.1 (a) Section 41 of Chapter 900, 1991 Session Laws, is amended by
39 deleting the phrase "G.S. 7A-171.1(4)" and substituting the phrase "G.S. 7A-
40 171.1(a)(4)".

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

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

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

6 These funds shall be allocated as follows:

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

8 (2) Services for the developmentally

9 disabled

\$3,00,000;

10 \$3,000,000;

11 and

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

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

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

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

17 (b) Notwithstanding any modifications by this act in the amounts appropriated,
18 except where expressly repealed or amended, the limitations and directions for the
19 1992-93 fiscal year in Chapters 689, 742, 760, 761, and 812 of the 1991 Session Laws
20 that applied to appropriations to particular agencies or for particular purposes apply to
21 the newly enacted appropriations and budget reductions of this act for those same
22 particular purposes."
23

24 Requested by: Representatives Nesbitt, Diamont

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

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

29 (1) The operations of the audio, video, and data communications networks
30 of the Department of Administration Agency for Public
31 Telecommunications;

32 (2) The operations of the audio, video, and data communications networks
33 of the Microelectronics Center of North Carolina;

34 (3) The operations of the audio and video networks of the North Carolina
35 Center for Public Television;

36 (4) The operations of the voice and data communications networks in the
37 Office of State Controller State Telecommunications Office;

38 (5) The operations of the communications networks managed by the
39 Educational Computing Service, University of North Carolina-General
40 Administration;

41 (6) The operations of any data and video communications networks
42 managed by the Department of Public Instruction; and

43 (7) The operations of any data and video communications networks within
44 the Community College System.

1 (b) This study shall address:

2 (1) The governance structures of the networks;

3 (2) The services provided by the networks;

4 (3) The uses of the networks;

5 (4) The alternatives for coordinating the governance, operations,
6 oversight, and funding of the networks to keep them operating in the
7 leading edge of technology insofar as practical and in such a manner to
8 reduce areas of service duplication;

9 (5) The need for funding KU-Band retrofitting in the facilities of the
10 Agency for Public Telecommunications; and

11 (6) The need for purchasing and installing satellite receiving equipment in
12 public libraries throughout the State for use with the Agency for Public
13 Telecommunications and other information technology providers.

14 (c) The Government Performance Audit Committee shall include a final
15 report on the topics mentioned in this section, other findings, and recommendations for
16 legislation in its final report to the 1993 General Assembly. It shall also submit 12
17 copies of its report to the North Carolina Information Resources Management
18 Commission.

19
20 **PART 6.1. DEPARTMENT OF REVENUE**

21
22 Requested by: Representatives Nesbitt, Diamont

23 **CORRECT INVENTORY TAX REIMBURSEMENT AMOUNT**

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

25 "(b) Subsequent Distributions. – As soon as practicable after January 1, 1990, the
26 Secretary shall pay to each county and city the amount it received under subsection (a)
27 in 1989 plus an amount equal to the county or city average rate multiplied by the value
28 of the items described in subdivisions (ii) and (iii) of subsection (a) that were required
29 to be listed and assessed as of January 1, 1987, and were listed on or before September
30 1, 1987, in the county or city, plus or minus the percentage of this product that equals
31 the percentage by which State personal income has increased or decreased during the
32 most recent 12-month period for which State personal income data has been compiled
33 by the Bureau of Economic Analysis of the United States Department of Commerce.
34 As soon as practicable after January 1, 1990, the Secretary shall also pay to each county
35 and city an amount equal to the average rate for each special district for which the
36 county or city collected taxes in 1987, but whose tax rates were not included in the
37 county or city's rates, multiplied by the value of the items described in subdivisions (ii)
38 and (iii) of subsection (a) that were required to be listed and assessed as of January 1,
39 1987, and were listed on or before September 1, 1987, in the district, plus or minus the
40 percentage of this product that equals the percentage by which State personal income
41 has increased or decreased during the most recent 12-month period for which State
42 personal income data has been compiled by the Bureau of Economic Analysis of the
43 United States Department of Commerce. As soon as practicable after January 1, 1991,
44 except as provided in subsection (f), the Secretary shall pay to each county and city the

1 amount it received under this section the preceding year plus an amount equal to the
2 county or city average rate multiplied by the value of the items described in subdivision
3 (v) of subsection (a) contained in the list submitted by the county or city, plus or minus
4 the percentage of this product that equals the percentage by which State personal
5 income has increased or decreased during the most recent 12-month period for which
6 State personal income data has been compiled by the Bureau of Economic Analysis of
7 the United States Department of Commerce. As soon as practical after January 1, 1992,
8 except as provided in subsection (f), the Secretary shall distribute to each county and
9 city the amount it received under this section the preceding year. On or before April 30,
10 1993, except as provided in subsection (f), the Secretary shall distribute to each county
11 and city ninety-nine and eighty-one one-hundredths percent (99.81%) of the amount it
12 received under this section the preceding year. Thereafter, except as provided in
13 subsection (f), ~~as soon as practicable after January 1~~ on or before April 30 of each year,
14 the Secretary shall distribute to each county and city the amount it received under this
15 section the preceding year.

16 Of the funds received by each county and city pursuant to this subsection in 1990,
17 the portion that was received because the county or city was collecting taxes for a
18 special district (either because the district's tax rate was included in the city or county's
19 rate or because the Secretary paid the county or city the product of the district's average
20 rate and the value of the inventories and other items in the district) shall be distributed
21 among the districts in the county or city as soon as practicable after the city or county
22 receives the funds. The county or city shall distribute to each special district in the
23 county or city the amount it distributed to the district in 1989 plus an amount equal to
24 the average rate for the district multiplied by the value of the items, other than
25 inventory, described in subdivisions (ii) and (iii) of subsection (a) that were required to
26 be listed and assessed as of January 1, 1987, and were listed on or before September 1,
27 1987, in the district, plus or minus the percentage of this product that equals the
28 percentage by which State personal income has increased or decreased during the most
29 recent 12-month period for which State personal income data has been compiled by the
30 Bureau of Economic Analysis of the United States Department of Commerce.

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

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

41 "(f) Correction of Errors. – If the Secretary discovers that the amount or value of
42 any inventories or other items listed by a county or city pursuant to subsection (a) of this
43 section was overstated or understated, the Secretary shall adjust the amount to be
44 distributed under subsection (b) as follows. For the distribution to be made in the year

1 following discovery of the overstatement or understatement, the Secretary shall
2 distribute to the county or city the amount it would have received under subsection (b)
3 in ~~1990–1993~~ if it had not overstated or understated the amount or value of any
4 inventories or other items, plus the total amount it failed to receive in 1989 and
5 subsequent years due to understatement of the amount or value of the inventories or
6 other items, or minus the total amount it received in 1989 and subsequent years due to
7 overstatement of the amount or value of the inventories or other items. Thereafter, each
8 year the Secretary shall distribute to the county or city the amount it would have
9 received under subsection (b) in ~~1990–1993~~ if it had not overstated or understated the
10 amount or value of any inventories or other items."

11
12
13 **PART 7. DEPARTMENT OF ADMINISTRATION**

14
15 Requested by: Senator Basnight

16 **NORTH CAROLINA AQUARIUMS COMMISSION**

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

19 **“PART 8C. NORTH CAROLINA AQUARIUMS COMMISSION.**

20 **“§ 143B-390.15. North Carolina Aquariums Commission – creation.**

21 There is hereby created the North Carolina Aquariums Commission.

22 **“§ 143B-390.16. North Carolina Aquariums Commission – organization, powers,**
23 **and duties.**

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

25 (1) Three members appointed by the Governor including one member
26 designated by the Governor to serve as chair of the Commission.

27 (2) Three members appointed by the General Assembly upon the
28 recommendation of the Speaker of the House of Representatives in
29 accordance with G.S. 120-121,

30 (3) Three members appointed by the General Assembly upon the
31 recommendation of the President Pro Tempore of the Senate in
32 accordance with G.S. 120-121, and

33 (4) Three members appointed by the North Carolina Aquarium Society,
34 Inc., each of whom resides in one of the counties where the North
35 Carolina Aquariums are located: Carteret, Dare, and New Hanover.

36 (b) Commission members shall serve for terms of four years, beginning July 1,
37 1992, and may be removed at any time by the appointing authority. If a vacancy on the
38 Commission occurs, the appointing authority shall appoint a replacement to serve for
39 the unexpired term.

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

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

43 (e) The Commission may recommend a schedule of uniform fees for the North
44 Carolina Aquariums to the Secretary of the Department of Administration who may

1 adopt the schedule. The schedule may be revised from time to time by the same
2 procedure.

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

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

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

11 "(59) The North Carolina Aquariums Commission, as established by G.S.
12 143B-15."

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

16 Requested by: Senator Basnight

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

18 Sec. 11. Of the funds appropriated in this act to the Department of Cultural
19 Resources for grants for local arts/historic sites, the sum of thirty thousand dollars
20 (\$30,000) shall be allocated to the Eastern Music Festival to support activities
21 commemorating the thirtieth anniversary of the Festival, the sum of fifty thousand
22 dollars (\$50,000) shall be allocated to the North Carolina Shakespeare Festival for
23 equipment and other purposes, and a sufficient sum shall be allocated for the addition of
24 an auditorium for the Visitors Center at the Charles B. Aycock Historic Site.

27 **PART 8.1. SALARIES AND BENEFITS**

29 Requested by: Senators Basnight, Plyler

30 **SALARY INCREASE CORRECTION**

31 Sec. 11.1. Section 46(e) of Chapter 900 of the 1991 Session Laws reads as
32 rewritten:

33 "(e) Within regular Executive Budget Act procedures as limited by this act, all
34 State agencies and departments ~~may~~ shall increase on an equitable basis the rate of pay
35 of temporary and permanent hourly State employees, subject to availability of funds in
36 the particular agency or department, by pro rata amounts of the forty-three dollars and
37 fifty cents (\$43.50) per month salary increase provided for permanent full-time
38 employees covered by the provisions of subsection (a) of this section, commencing July
39 1, 1992."

41 Requested by: Senators Basnight, Plyler

42 **WRITTEN DISCIPLINARY PROCEEDINGS**

43 Sec. 11.2. Section 49(c) of Chapter 900, Session Laws of 1991, reads as
44 rewritten:

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

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

12
13 Requested by: Senators Basnight, Block

14 **BENEFIT ADJUSTMENTS/DISABILITY INCOME PLAN**

15 Sec. 11.3. Effective on and after July 1, 1992, the Department of State
16 Treasurer and the Board of Trustees of the Teachers' and State Employees' Retirement
17 System shall, under the same terms and conditions as appear in G.S. 135-108, increase
18 the compensation upon which the short-term and long-term benefits are calculated by an
19 amount equal to the same dollar amount granted to employees of the State.

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

22
23 Requested by: Senator Martin of Guilford

24 **VOTER PARTICIPATION AMENDMENTS-MAIL REGISTRATION**

26 **MAIL REGISTRATION**

27 Sec. 11.4. (a) Chapter 163 of the General Statutes is amended by adding a new
28 section to read:

29 **"§ 163-72.4. Registration by mail.**

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

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

36 (b) The State Board of Elections shall develop a registration by mail form, which
37 shall request sufficient information to enable officials of the county where a person
38 resides to satisfactorily process the application for any purpose permitted under
39 subsection (a) of this section. The State Board of Elections shall print sufficient copies
40 of the form so that they may be publicly distributed. Registration forms shall be
41 available from the State Board of Elections and county boards of elections, and may be
42 distributed by any person. The single form shall permit all of the purposes listed under
43 subsection (a) of this section to be carried out by filling in the appropriate information
44 and marking boxes to indicate the action requested.

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

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

11 (e) Reports received under this section of:

12 (1) Change in party affiliation shall be processed as if made under G.S.
13 163-74(b);

14 (2) Change of address within a county shall be processed as if made
15 under G.S. 163-72.2(c); and

16 (3) Change of name shall be processed as if made under G.S. 163-69.1;
17 except for the different deadline imposed under subsection (c) of this section.

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

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

22 (1) An application to register;

23 (2) A change of party affiliation;

24 (3) A report of address change;

25 (4) A report of change of name

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

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

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

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

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

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

7
8 Requested by: Senator Martin of Guilford

9 **VOTER PARTICIPATION AMENDMENTS-MOTOR VOTER**

10
11 **MOTOR VOTER**

12 Sec. 11.5. (a) G.S. 163-81 reads as rewritten:

13 **"§ 163-81. Driver license examiners ~~authorized to accept applications to register~~**
14 **voters.**

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

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

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

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

32 (c) The Division of Motor Vehicles shall, pursuant to the rules ~~and regulations~~
33 adopted by the State Board of Elections, ~~afford a~~ modify its forms so that any eligible
34 person who applies for original issuance, renewal or correction of a driver's license or
35 special identification card issued under G.S. 20-37.7 may, on a part of the form, an
36 ~~opportunity to complete an application to register to vote or to update his registration if~~
37 ~~the voter has changed his address or moved from one precinct to another or from one~~
38 ~~county to another. Any person who willfully and knowingly and with fraudulent intent~~
39 ~~gives false information on the application is guilty of a Class I felony. The application~~
40 ~~shall state in clear language the penalty for violation of this subsection. The necessary~~
41 forms shall be prescribed by the State Board of Elections. All applications shall be
42 forwarded by the Department of Transportation to the appropriate county board of
43 elections. The form must ask for the previous voter registration address of the voter, if
44 any. If a previous address is listed, and it is not in the county of residence of the

1 applicant, the appropriate county board of elections shall treat the application as an
2 authorization to cancel the previous registration and also process it as such under the
3 procedures of G.S. 163-72.1(c) through (e). If a previous address is listed and that
4 address is in the county where the voter applies to register, the application shall be
5 processed as if it had been submitted under G.S. 163-72.2.

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

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

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

14 **"§ 163-80. Officers authorized to register voters.**

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

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

1 school employees to be appointed by the county board of elections
2 as special high school registration commissioners. Only employees
3 who volunteer for this duty, and who are acceptable to the county
4 board of elections, may be designated by boards of education. A
5 special high school registration commissioner may register voters
6 only while on duty as a high school employee and only at times and
7 under arrangements approved by the local school board of
8 education. A person appointed under this subdivision shall take the
9 oath prescribed in G.S. 163-41(b).

10 (b) All election officials authorized to register voters under authority of this
11 section shall not be authorized to register voters who reside outside the boundaries of
12 their respective counties except in those specific instances involving municipalities
13 which lie within the boundaries of two or more counties and except as provided by G.S.
14 163-81. The State Board of Elections shall have authority to promulgate rules for the
15 processing of voters in such instances.

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

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

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

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

30 MANDATED ANNUAL REGISTRATION DRIVE

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

33 "§ 163-82. Mandated registration drive.

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

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

42 PART 9. PUBLIC SCHOOLS

44 Requested by: Senator Basnight

SCHOOL CRITICAL NEEDS FUNDS

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

Requested by: Senator Hunt

OUTCOME-BASED EDUCATION PILOT SITE SELECTION

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

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

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

Requested by: Senator Conder

EDUCATION STAFFING CLARIFIED

Sec. 13.1 (a) G.S. 115C-21(a)(7), as enacted by Section 6(g) of Chapter 812 of the 1991 Session Laws, reads as rewritten:

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

(b) This section is effective upon ratification.

Requested by: Senator Conder

COMPUTER REPLACEMENT FUNDS

Sec. 13.2 The State Board of Education may use up to one million four hundred thousand dollars (\$1,400,000) of the funds appropriated to the Department of Public Education for aid to local school administrative units for the 1992-93 fiscal year

1 to replace computer hardware used to implement the Uniform Education Reporting
2 System at the 30 local school administrative units that are using obsolete computers.

3
4
5 **PART 10. COMMUNITY COLLEGES**

6
7 Requested by: Senator Richardson

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

9 Sec. 14. (a) Funds appropriated in this act to the Department of Community
10 Colleges to provide financial assistance to hospital programs of nursing education
11 leading to diplomas in nursing that are fully accredited by the North Carolina Board of
12 Nursing and operated under the authority of a public or nonprofit hospital licensed by
13 the North Carolina Medical Care Commission shall be distributed, upon application for
14 financial assistance, for each full-time student duly enrolled in the program as of
15 December 1, 1991, and on condition that accreditation is maintained. The amount per
16 student shall not exceed eight hundred fifty dollars (\$850.00). The State Board of
17 Community Colleges shall adopt rules to ensure that this financial assistance is used
18 directly for faculty and instructional needs of diploma nursing programs. These funds
19 shall not be included in the 1993-95 continuation budget request.

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

21
22 **PART 11. COLLEGES AND UNIVERSITIES**

23
24 Requested by: Senator Basnight

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

27 Sec. 15. Of the funds appropriated to the Board of Governors of The
28 University of North Carolina in this act, the sum of ninety-seven thousand dollars
29 (\$97,000) shall be allocated to North Carolina State University for completion of the
30 research and technology transfer of high density polyester for which patent applications
31 are pending. These funds shall be repaid to the General Fund from royalties paid the
32 North Carolina State University Patent Reserve Fund from the companies licensed to
33 use the patents.

34
35 Requested by: Senator Basnight

36 **ELIZABETH CITY STATE UNIVERSITY SCHOLARSHIPS**

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

41
42 Requested by: Senator Conder

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

1 Sec. 16.1. Funds appropriated in this act for the Engineering Graduate
2 Research Center at North Carolina State University may be used with previously
3 appropriated funds to begin Phase I site development and foundation construction on
4 this facility.

5
6
7 **PART 12. DEPARTMENT OF TRANSPORTATION**

8
9 Requested by: Senator Goldston

10 **1992 CAPITAL CONSTRUCTION MODIFICATIONS**

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

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

16
17 **DIVISION OF HIGHWAYS**

18
19 1991-92 1992-93

20				
21	01.	Bridge Maintenance Office Complex		
22		Supplemental - Town of Brunswick	\$224,000	\$ -
23				
24	02.	Equipment Shop - Carthage	- 2,247,000	
25				
26	03.	Bridge Maintenance Complex -		
27		Wadesboro	26,000	439,000
28				
29	04.	Gas Pump Canopies - Statewide	398,000	311,000
30				
31	05.	Fencing - Statewide	171,000	-
32				
33	06.	Land Acquisition - Siler City	54,000	-
34				
35	07.	Land Acquisition/Maintenance		
36		Yard - Halifax	13,000	-
37				
38	08.	Land Acquisition/Maintenance		
39		Yard - Trenton	27,000	-
40				
41	09.	Water and Sewer Connections		
42		- Statewide	308,000	-
43		-Greene County Facility	400,000	-
44				

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

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

DIVISION OF MOTOR VEHICLES

30				
31				
32		<u>1991-92</u>	<u>1992-93</u>	
33				
34	01.	Upgrade Electrical Power,		
35		Communication and Computer		
36		Circuits - Raleigh Division		
37		of Motor Vehicles Building	\$ 216,200	\$ -
38				
39	02.	Building Addition - Wilmington	221,900	-
40				
41	03.	Building Addition - Statesville	170,075	-
42				
43	04.	New Office Building - Asheville	635,100	-
44				

1	05.	Roof Replacement (7 Locations)	100,500	-	
2					
3	06.	Resurface Parking Lots			
4		(6 Locations)	107,500	-	
5					
6	07.	Roof Replacement (7 Locations)	-	103,100	
7					
8	08.	Resurface Parking Lots (6 Locations)	-	111,900	
9					
10	09.	Building Addition - Goldsboro	-	167,630	
11					
12	10.	Building Addition - Whiteville	-	164,770	
13					
14	11.	Building Addition - Hillsborough	-	179,200	
15					
16	12.	Building Addition - Kinston	-	179,200	
17					
18	13.	Building Addition - Jacksonville	-	174,800	
19					
20	14.	Reserve to Make Restrooms			
21		Handicapped Accessible in DMV			
22		Facilities	25,000	25,000	
23					
24					
25	TOTAL DIVISION OF MOTOR VEHICLES			\$1,476,275	
26				\$1,105,600	
27					
28	CRIME CONTROL AND PUBLIC SAFETY				
29					
30	01.	State Highway Patrol - Troop H			
31		Headquarters - New Building	\$190,000	\$1,348,900	
32					
33	02.	State Highway Patrol - Upgrade			
34		and Replace Underground			
35		Fuel Tanks	<u>300,000</u>	<u>300,000</u>	
36					
37	TOTAL CRIME CONTROL AND				
38	PUBLIC SAFETY\$				490,000
39	\$1,648,900				
40					
41	GRAND TOTAL HIGHWAY FUND			\$4,619,275 \$4,565,275	
42				\$8,802,500 <u>\$9,021,966 "</u>	
43					
44	Requested by: Senator Goldston				

1 **DEPARTMENT OF TRANSPORTATION CAPITAL CONSTRUCTION FUNDS**
2 **REVERSIONS**

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

6 (b) The balance of one hundred eleven thousand nine hundred dollars (\$111,900)
7 appropriated to landscape the office and warehouse in Graham in Section 6 of Chapter
8 754 of the 1989 Session Laws is reverted to the Highway Fund to be reappropriated for
9 the 1992-93 fiscal year.

10 (c) The balance of fifty-three thousand five hundred sixty-six dollars (\$53,566)
11 for the maintenance complex in Craggy (Buncombe County) in Section 5 of Chapter
12 480 of the 1985 Session Laws is reverted to the Highway Fund to be reappropriated for
13 the 1992-93 fiscal year.

14
15 Requested by: Senator Murphy

16 **ROADWAY IMPROVEMENTS FOR THE CENTENNIAL CENTER**

17 Sec. 19. From funds appropriated to the Department of Transportation for the
18 1992-93 fiscal year, three million three hundred thousand dollars (\$3,300,000) shall be
19 used for roadway improvements for the Centennial Center. These improvements shall
20 be part of a long-range plan that is to be developed by the Department of Transportation
21 to service the Centennial Center, Carter-Finley Stadium, the State Fairgrounds, and the
22 Government Office Complex (Blue Ridge Road). Included in these improvements shall
23 be widening Edwards Mill Road, a new Wade Avenue Bridge and ramps, and other off-
24 site improvements to Trinity Road, Wade Avenue, and West Chase Boulevard.
25 Authorized uses of these funds include design fees and expenses, surveying, testing, and
26 other contingencies related to construction.

27
28 Requested by: Senator Plyler

29 **MOBILE CRANE STUDY**

30 Sec. 20. 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: Senator Plyler

37 **TRAFFIC CONTROL FUNDS**

38 Sec. 21. 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. 22. 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: Senator Barnes

5 **AIR CARGO APPROPRIATION REIMBURSEMENT REPEALED**

6 Sec. 22.1. Section 2.1 of Chapter 749 of the 1991 Session Laws is repealed.

7

8 Requested by: Senator Goldston

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

10 Sec. 22.2 Section 4 of Chapter 900 of the 1991 Session Laws reads as
11 rewritten:

12 "CURRENT OPERATIONS/HIGHWAY FUND

13 Sec. 4. Appropriations from the Highway Fund of the State for the
14 maintenance and operation of the Department of Transportation, and for other purposes
15 as enumerated, are made for the fiscal year ending June 30, 1993, according to the
16 schedule that follows. The amounts set out in the schedule are in addition to other
17 appropriations from the Highway Fund for these purposes for the 1992-93 fiscal year.
18 Amounts set out in brackets are reductions from Highway Fund appropriations for the
19 1992-93 fiscal year.

20

21 Current Operations-Highway Fund

22 1992-93

23

24 Department of Transportation

25 01. Administration \$ 3,694,922

26 02. Division of Highways

27 a. State Construction

28 (01) Secondary Construction 446,402

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

30 (03) Spot Safety

31 Improvements (2,000,000)

32 b. State Funds to Match Federal

33 Highway Aid

34 (01) Construction (18,000,000)

35 c. State Maintenance

36 (01) Secondary (559,204)

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

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

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

40 04. State Aid to Municipalities

41 446,402

42 05. Salary Adjustments for Highway

43 Fund Employees (59,344)

44 06. Reserve to Continue DOT

1	Merit Salary Increases	(86,143)	
2	07. Reserve for Salary Increases	7,045,254	
3	08. Reserve for State Employee		
4	Health Benefit Plan	(2,675,722)	
5	09. Transfer to General Fund for		
6	Reimbursement for Sales Tax		
7	Exemption	700,000	
8	10. Reserve for Air Cargo	2,500,000	
9	Appropriations for Other State Agencies		
10	01. Crime Control and Public		
11	Safety	(603,913)	
12	02. Revenue		86,968
13	03. Agriculture	169,806	
14	03.04. Environment, Health, and		
15	Natural Resources	(86,968)	<u>(256,774)</u>
16	GRAND TOTAL CURRENT OPERATIONS/ HIGHWAY FUND		
17			\$ (21,898,746)"

18
19 Requested by: Senator Goldston

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

22 Sec. 22.3. For the 1992-93 fiscal year only, all State owned passenger motor
23 vehicles which are permanently assigned to the Division of Highways of the
24 Department of Transportation field personnel only, are exempt from the minimum
25 mileage utilization requirements of G.S. 143-341(8)i.7a. This exemption is allowed in
26 order to study the unique responsibilities of Division of Highways field employees,
27 compared to other State employees, with regard to complying with regulations for
28 having a permanently assigned vehicle.

29 The Department shall report quarterly to the Joint Legislative Commission on
30 Governmental Operations and the Joint Legislative Highway Oversight Committee, and
31 the Fiscal Research Division of the Legislative Services Office, beginning October 1,
32 1992, for the preceding quarter, on:

- 33 (1) The use of these vehicles, including:
34 a. A list of the employees to whom these vehicles are assigned;
35 b. Their job classifications; and
36 c. The round-trip mileage from their home to the nearest official
37 work station other than the project site;
- 38 (2) The number of vehicles not driven the required minimum mileage;
39 (3) The certified overtime hours worked by these employees, listed by
40 highway district; and
41 (4) The savings realized by not having to meet the minimum mileage
42 requirements.
43

44 Requested by: Senator Goldston

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

4 Sec. 22.4. (a) Article 31A of Chapter 143 of the General Statutes is amended by
 5 adding a new section to read:

6 **"§ 143-300.10. Payment of excess damages relating to unconstitutional goals**
 7 **program.**

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

16 (b) This section applies to any litigation challenging the constitutionality of a
 17 goals program and pending before a court on or after the date of ratification of this act.
 18

19
 20 **PART 13. DEPARTMENT OF CORRECTION**

21
 22 Requested by: Senators Plyler, Marvin

23 **PRISON BOND REALLOCATION/ADMINISTRATION CHANGES**

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

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

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

33 DEPARTMENT OF CORRECTION

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

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

23 DEPARTMENT OF HUMAN RESOURCES-DIVISION OF YOUTH SERVICES

24
 25 7 Secure/nonsecure group homes
 26 9 beds added to Pitt Detention Ctr.
 27 Renovate unused dorms & upgrade
 28 to meet American Correctional
 29 Association Standards
 30 Dillon secure unit, counseling
 31 space, & fencing at 5 facilities
 32 Conversion of dorms to individual
 33 rooms
 34 Increase number of transition
 35 beds - step down & independent
 36 living for Training Schools
 37 \$9,119,690"

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

40 "(f) **Administration.** With respect to facilities authorized for the Department of
 41 Correction, the Office of State Budget and Management may contract for and supervise
 42 all aspects of administration, technical assistance, design, construction or demolition of
 43 prison facilities in order to implement the providing of prison facilities under the
 44 provisions of this act without being subject to the requirements of the following statutes

1 and rules implementing those statutes: G.S. 143-135.26(1), 143-128, 143-129, 143-131,
2 143-132, 143-134, 143-135.26, ~~143-64.10 through 143-64.13~~, 113A-1 through 113A-
3 10, 113A-50 through 113A-66, ~~133-1.1(b)~~, 133-1.1(g), and 143-408.1; provided,
4 however, of the funds allocated under the provisions of this act for the construction of
5 prison facilities, the Office of State Budget and Management shall have a verifiable ten
6 percent (10%) goal for participation by minority and women-owned businesses. All
7 contracts for the design, construction, or demolition of prison facilities shall include a
8 penalty for failure to complete the work by a specified date.

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

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

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

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

35 The Office of State Construction, the Department of Insurance, and the Department
36 of Correction shall immediately report any concerns regarding the prison construction
37 program to the Office of State Budget and Management. Any concerns not
38 satisfactorily resolved with the Office of State Budget and Management shall be
39 reported immediately to the Joint Legislative Commission on Governmental Operations.
40 The Office of State Construction, the Department of Insurance, and the Department of
41 Correction shall report quarterly to the Joint Legislative Commission on Governmental
42 Operations on their involvement with the Office of State Budget and Management and
43 the project manager in the prison construction program."
44

1 Requested by: Senator Marvin

2 **COLUMBUS SEWING FACILITY**

3 Sec. 23.1. (a) Section 239(g) of Chapter 689 of the 1991 Session Laws reads as
4 rewritten:

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

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

19

20

21 **PART 14. DEPARTMENT OF HUMAN RESOURCES**

22

23 Requested by: Senators Martin of Guilford, Richardson

24 **MOTOR FLEET MANAGEMENT STUDY**

25 Sec. 24. The Joint Legislative Commission on Governmental Operations shall
26 study the whole issue of motor fleet management. This study shall include:

- 27 (1) The extent to which centralized motor fleet management is needed and
28 appropriate;
- 29 (2) The identification of agencies and agencies' functions that should be
30 subject to centralized management;
- 31 (3) The criteria for exemption from centralized management:
32 a. For agencies;
33 b. For agencies' functions; and
34 c. For specific categories of vehicles; and
35 (4) Other related matters.

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

38

39 Requested by: Senators Richardson, Walker

40 **DOBBS SCHOOL RELOCATION FUNDS**

41 Sec. 25. Notwithstanding any other provisions of law, funds allocated to the
42 Department of Human Resources for renovations to The Dobbs School from the North
43 Carolina Prison and Youth Services Bond Fund by Section 239 of Chapter 689 of the
44 1991 Session Laws, shall be used to begin the process of constructing facilities for the

1 relocation of The Dobbs School to land currently allocated to the Department of Human
2 Resources and adjacent to Caswell Center.

3

4 Requested by: Senators Richardson, Walker

5 **LIFE PLAN TRUST CORRECTION**

6 Sec. 25.1. (a) G.S. 36A-59.21, as enacted by Chapter 786 of the 1991 Session
7 Laws, is repealed.

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

9

10 Requested by: Senators Richadson, Walker

11 **HEAD START FUND ALLOCATION**

12 Sec. 25.2. Of the funds appropriated in this act to the Department of Human
13 Resources for the 1992-93 fiscal year, the sum of one million seven hundred sixty
14 thousand dollars (\$1,760,000) is allocated to the Division of Economic Opportunity to
15 provide grants to local private nonprofit agencies administering Head Start programs.
16 These funds shall be used by the Head Start agencies for the payment of the cost of
17 acquiring, constructing, reconstructing, renovating, equipping, and improving classroom
18 facilities for the existing Head Start programs. The Department of Human Resources
19 shall develop a formula for the distribution of State supplemental Head Start funds to
20 those counties with the greatest relative burden of low-income children who qualify for
21 Head Start. The formula may include factors based on the percentage of North
22 Carolina's children aged birth to 5 who are in poverty in each county, the percentage of
23 North Carolina's Aid to Families with Dependent Children recipients in each county, the
24 percentage of North Carolina's unserved eligible Head Start children in each county, and
25 any other statistical indicator that is in keeping with the legislative intent.

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

30

31 Requested by: Senators Richardson, Walker

32 **MENTAL HEALTH FACILITY PLANS**

33 Sec. 25.3. The funds appropriated in this act for area mental health programs
34 shall be allocated in grants not to exceed two hundred thousand dollars (\$200,000) per
35 grant. The grants are subject to the Department of Human Resources' approval of the
36 grant application. Grant funds shall be matched by local funds on a dollar-for-dollar
37 basis.

38

39 Requested by: Senators Richardson, Walker

40 **RURAL HEALTH RECRUITMENT FUNDS**

41 Sec. 25.4. The funds appropriated in this act to the Office of Rural Health for
42 rural health recruitment shall be used to pay first, second, and third-year residents in
43 family medicine, internal medicine, or general pediatric medicine the sum of ten

1 thousand dollars (\$10,000) upon the resident's agreeing to practice in an area designated
2 by the Office of Rural Health as medically underserved.

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

5 The Office of Rural Health shall report expenditures for this program to the
6 1993 General Assembly by the end of the first week after convening.

7 This item shall not become a part of the continuation budget request for the
8 1993-95 fiscal biennium.

9
10
11 **PART 15. DEPARTMENT OF ECONOMIC AND COMMUNITY**
12 **DEVELOPMENT**

13
14 Requested by: Senator Martin of Pitt

15 **ECONOMIC DEVELOPMENT FUNDS**

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

18 "(f) Of the funds appropriated in this act to the North Carolina Rural Economic
19 Development Center, Inc., six hundred fifty thousand dollars (\$650,000) for the 1992-
20 93 fiscal year shall be used to expand the Microenterprise Loan Program. Of these
21 funds, no less than four hundred thousand dollars (\$400,000) shall be used as loan
22 capital or as loan loss reserves and no more than two hundred fifty thousand dollars
23 (\$250,000) shall be used to cover operational costs. The North Carolina Rural
24 Economic Development Center, Inc., shall report quarterly to the Joint Legislative
25 Commission on Governmental Operations on the use of these funds."

26
27 Requested by: Senator Martin of Pitt

28 **HOUSING TRUST FUND FUNDS**

29 Sec. 26.1. There is appropriated from the funds and interest thereon received
30 from the United States Department of Energy's Stripper Well Litigation (MDL378)
31 which remain in the Special Reserve for Oil Overcharge Funds to the Office of State
32 Budget and Management the sum of one million dollars (\$1,000,000) for the 1992-93
33 fiscal year for the purposes authorized in G.S. 122E-6. Funds appropriated under this
34 section are in addition to any other funds appropriated in this act for these purposes.

35
36 Requested by: Senator Martin of Pitt

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

38 Sec. 26.2. (a) Of the funds appropriated in this act to the Office of State Budget
39 and Management, the sum of two million dollars (\$2,000,000) for the 1992-93 fiscal
40 year shall be allocated to the Center for Community Self-Help to further a statewide
41 program of lending to small businesses and other economic development projects in
42 rural and other depressed or disadvantaged communities throughout North Carolina,
43 provided these funds are matched on the basis of one dollar (\$1.00) of funds from the
44 Center for Community Self-Help or its affiliates for every one dollar (\$1.00) of State

1 funds. The appropriation shall be equally allocated among the eastern, central, and
2 western regions of North Carolina. Loans or loan guarantees made under the program
3 shall be conditioned on the unavailability of loans for the same purposes from private
4 lenders upon reasonably equivalent terms and conditions. Payments of principal shall
5 be available for further loans.

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

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

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

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

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

29
30
31 **PART 16. DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL**
32 **RESOURCES**

33
34 Requested by: Senators Martin of Pitt, Perdue

35 **WATER RESOURCES DEVELOPMENT FUNDS**

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

41 (1) Wilmington Harbor \$ 750,000
42 Deepening Study

43
44 (2) Aquatic Plant Control 35,000

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

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

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

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

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

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

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

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

7
8 Requested by: Senator Martin of Pitt

9 **FUNDS FOR STATE PARKS LAND ACQUISITION**

10 Sec. 28. (a) The proceeds from the grant of the easement authorized by G.S.
11 143-260.10E(a), as enacted by Chapter 907 of the 1991 Session Laws, are appropriated
12 from the General Fund to the Department of Environment, Health, and Natural
13 Resources for the 1992-93 fiscal year for the Division of Parks and Recreation for land
14 acquisition in State parks.

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

19
20 Requested by: Senator Basnight

21 **AGRICULTURE COST SHARE PROGRAM**

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

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

34
35 Requested by: Senator Conder

36 **GOVERNOR'S WASTE MANAGEMENT BOARD/TECHNICAL ASSISTANCE** 37 **GRANTS**

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

42
43 Requested by: Senator Martin of Pitt

44 **ON-SITE WASTEWATER SYSTEMS**

1 Sec. 29.2. (a) Article 11 of Chapter 130A of the General Statutes is amended by
2 adding a new section to read:

3 **"§ 130A-344. North Carolina On-Site Wastewater Systems Institute.**

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

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

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

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

15 (3) One member who is an environmental health supervisor from a local
16 health department, appointed by the General Assembly upon the
17 recommendation of the Speaker of the House of Representatives.

18 (4) One member who is an environmental health specialist, appointed by
19 the General Assembly upon the recommendation of the Speaker of the
20 House of Representatives.

21 (5) Four members who are in the sanitary sewage system business, one of
22 whom is a manufacturer, one of whom is a supplier, one of whom is a
23 pumper or installer, and one of whom is an operator, appointed by the
24 General Assembly upon the recommendation of the President Pro
25 Tempore of the Senate.

26 (6) One member who is actively involved with residential development in
27 North Carolina or has extensive experience in the field of residential
28 development, appointed by the General Assembly upon the
29 recommendation of the Speaker of the House of Representatives.

30 (7) One member from the public at large, appointed by the General
31 Assembly upon the recommendation of the Speaker of the House of
32 Representatives.

33 (8) The President or Executive Director of the North Carolina Septic Tank
34 Association, Inc., appointed by the General Assembly upon the
35 recommendation of the President Pro Tempore of the Senate.

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

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

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

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

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

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

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

28
29 Requested by: Senator Martin of Pitt

30 **PARKS CAPITAL IMPROVEMENTS**

31 Sec. 29.3. (a) Of the funds appropriated in this act to the Department of
32 Environment, Health, and Natural Resources for the 1992-93 fiscal year, the sum of five
33 hundred thousand dollars (\$500,000) shall be used for the repair and maintenance of
34 State parks.

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

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

43
44 Requested by: Senator Martin of Pitt

1 STUDY ACQUISITION OF BIRD ISLAND

2 Sec. 29.4. (a) The Department of Environment, Health, and Natural Resources
3 shall study the feasibility and appropriateness of the State acquiring Bird Island in
4 Brunswick County for the purpose of conservation. The study shall be separate and
5 apart from the consideration of any permit applications or the issuance of any permits
6 for Bird Island pursuant to the Coastal Area Management Act of 1974, Article 7 of
7 Chapter 113A of the General Statutes.

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

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

11
12 Requested by: Senator Martin of Pitt

13 MARINE FISHERIES USE OF LAND PROCEEDS

14 Sec. 29.5. Any net proceeds, as defined in G.S. 146-30, received from the
15 sale of approximately 6.12 acres of State land located on Bogue Sound in Carteret
16 County, this being the property described in the deed dated February 12, 1982, and
17 recorded in Deed Book 464, page 86, Carteret County Registry, shall be allocated to the
18 Department of Environment, Health, and Natural Resources, Division of Marine
19 Fisheries, for the 1992-93 fiscal year to be used:

20 (1) To acquire real property for oyster shell stockpiling and dockage
21 during hurricanes,

22 (2) To renovate or replace the unsafe pier at the Division's Morehead City
23 office, as needed, and

24 (3) To replace the Carolina Coast Research Vessel,

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

29 PART 17. MISCELLANEOUS PROVISIONS

30
31 Requested by: Senators Basnight, Plyler

32 RESERVE FOR ADVANCE PLANNING

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

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

41
42 Requested by: Senators Basnight, Plyler

43 ENCUMBERED APPROPRIATIONS AND PROJECT RESERVE FUND

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

16
17 Requested by: Senators Basnight, Plyler

18 **PROJECT COST INCREASE**

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

28
29 Requested by: Senators Basnight, Plyler

30 **NEW PROJECT AUTHORIZATION**

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

40
41 Requested by: Senators Basnight, Plyler

42 **ADVANCE PLANNING OF CAPITAL IMPROVEMENT PROJECTS**

43 Sec. 34. Funds which become available by gifts, excess patient receipts
44 above those budgeted at University of North Carolina Hospitals at Chapel Hill, federal

1 or private grants, receipts becoming a part of special funds by act of the General
2 Assembly or any other funds available to a State department or institution may be
3 utilized for advance planning through the working drawing phase of capital
4 improvement projects, upon approval of the Director of the Budget. The Director of the
5 Budget may make allocations from the Advance Planning Fund for advance planning
6 through the working drawing phase of capital improvement projects, except that this
7 revolving fund may not be utilized by the Board of Governors of The University of
8 North Carolina or the State Board of Community Colleges.

9
10 Requested by: Senators Basnight, Plyler

11 **APPROPRIATIONS LIMITS/REVERSION OR LAPSE**

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

26
27 Requested by: Senators Basnight, Plyler

28 **1991-92 APPROPRIATIONS LIMITATIONS AND DIRECTIONS APPLY**

29 Sec. 36. (a) Except where expressly repealed or amended by this act, the
30 provisions of Chapters 689, 742, 760, 761, and 900 of the 1991 Session Laws remain in
31 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 900 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: Senators Basnight, Plyler

40 **EFFECTIVE DATE**

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