

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

S

4

SENATE BILL 1205*
Appropriations Committee Substitute Adopted 7/22/92
Third Edition Engrossed 7/22/92
House Committee Substitute Favorable 7/23/92

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**

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

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

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

24 25 **PART 4. CAPITAL IMPROVEMENTS/GENERAL FUND**

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

30 **CAPITAL IMPROVEMENTS**

31			
32	DEPARTMENT OF ADMINISTRATION (Total)		\$8,467,600
33	1. New Revenue Building Equipment and		
34	Furnishings 4,978,900		
35	2. Museum of History-Exhibits,		
36	Furnishings and Equipment 3,438,700		
37	3. Shelters and Seats - Government		
38	Center Complex 50,000		
39	DEPARTMENT OF AGRICULTURE (Total)		\$11,605,600
40	1. Museum of Natural Science - Planning	750,000	
41	2. Western N.C. Agricultural Center		
42	a. Land Purchase 329,200		
43	b. Temporary Stall Building 150,000		
44	3. Western Farmers' Market		

1	a. Winterize 2 Retail Buildings	126,400	
2	4. Agronomics Lab Construction	7,500,000	
3	5. Tidewater Research Station - Completion		1,000,000
4	6. Southeastern Shipping Point Facility	1,000,000	
5	7. Piedmont Triad Farmers' Market -		
6	Development	500,000	
7	8. Mountain Research Station Land Purchase	250,000	
8	DEPARTMENT OF CRIME CONTROL AND		
9	PUBLIC SAFETY (Total)		
			\$ 615,000
10	1. Fayetteville Armory		
11	Requirements	2,295,000	
12	Receipts - Federal		
13	& Local	1,980,000	
14	State Appropriation	315,000	
15	2. National Guard - Underground Storage		
16	Tanks - EPA Requirements	300,000	
17	DEPARTMENT OF CULTURAL RESOURCES		
18	1. Art Museum-Amphitheater		
19	Requirements	1,476,800	
20	Receipts	1,476,800	
21	State Appropriation	-	
22	DEPARTMENT OF ENVIRONMENT, HEALTH, AND		
23	NATURAL RESOURCES (Total)		
			\$ 4,000,000
24	1. Water Resources Development		
25	Projects - Matching Funds	2,000,000	
26	2. State Parks		
27	a. Land purchase	500,000	
28	b. Repairs/Renovations	1,500,000	
29	DEPARTMENT OF HUMAN RESOURCES (Total)		
			\$13,324,300
30	1. Murdoch Center - Meadowview Cottage		
31	Renovation	1,546,500	
32	2. Dix Campus - Male Wing Renovation	3,004,600	
33	3. Umstead Hospital - New Psychiatric Unit	7,872,200	
34	4. Western Carolina Center		
35	a. Reroof Walkways	699,800	
36	b. Boiler Replacement		201,200
37	DEPARTMENT OF JUSTICE (Total)		
			\$ 20,137,745
38	1. State Bureau of Investigations -		
39	Critical Lab Repairs/Renovations	845,300	
40	2. Justice Academy - Repairs and Renovations	692,445	
41	3. SBI Lab Construction	18,600,000	
42	UNIVERSITY BOARD OF GOVERNORS (Total)		
			\$27,877,300
43	1. North Carolina State University		
44	a. Hazardous Waste Facility	2,722,300	

1	b. 4-H Camps Repairs and Renovations	200,000	
2	c. Engineering Graduate Research		
3	Center-Phase I2,200,000		
4	2. University of North Carolina		
5	at Chapel Hill		
6	a. School of Social Work - Site		
7	Development	1,000,000	
8	3. Fayetteville State University		
9	a. Indoor Health and Physical		
10	Education Facility - Restore		
11	Funding	8,880,000	
12	4. East Carolina University		
13	a. Complete Advance Planning for Joyner		
14	Library Addition	300,000	
15	5. Board of Governors		
16	a. Repairs/Renovations Reserve	12,575,000	
17	OFFICE OF STATE BUDGET & MANAGEMENT (Total)		\$4,441,675
18	1. Reserve for Repairs & Renovations -		
19	Statewide	4,191,675	
20	2. Reserve to Match Local Matching Funds		
21	for Prison Chapels	<u>250,000</u>	
22			
23	TOTAL CAPITAL IMPROVEMENTS/GENERAL FUND		\$90,469,220

PART 5. NONRECURRING APPROPRIATIONS/GENERAL FUND

Sec. 5. Appropriations are made from the General Fund for the 1992-93 fiscal year for use by the State departments, institutions, and agencies to provide for one-time expenditures according to the following schedule:

DEPARTMENT OF ADMINISTRATION

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

BOARD OF ELECTIONS

1. Support for Mail Registration 77,500

DEPARTMENT OF COMMUNITY COLLEGES

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

DEPARTMENT OF PUBLIC EDUCATION

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

- 1 DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT
2 1. Industrial Building Renovation Fund -
3 continued economic assistance to local
4 units of government 500,000
- 5 DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES
6 1. Governor's Waste Management Board -
7 Technical assistance grant of \$100,000
8 each to Richmond, Chatham, and Wake
9 counties for their site designation
10 review committee 300,000
11 2. On-site Wastewater - Support for studying
12 on-site wastewater systems and
13 demonstration project 50,000
14 3. Beaver Control Pilot Project for
15 controlling beaver damage 100,000
- 16 DEPARTMENT OF HUMAN RESOURCES
17 1. Head Start Programs - Grants to local
18 nonprofit agencies for facility-related
19 needs 2,000,000
20 2. Community Based Adult Developmental
21 Activity Programs (ADAP) capital need
22 allocation based on \$154.00 per slot
23 for 6,495 slots.
24 Each Program shall submit a budget
25 for these funds for approval to the
26 Department of Human Resources 1,000,000
27 3. Mental Health - First Step Farm
28 for Women - Start-up Costs 202,880
- 29 DEPARTMENT OF TRANSPORTATION
30 1. Motor Voter Registration 55,400
- 31 UNIVERSITY OF NORTH CAROLINA - BOARD OF GOVERNORS
32 1. Funds to link Appalachian State University,
33 UNC-Wilmington, and North Carolina Central
34 University to CONCERT Communications Network
35 operated by MCNC 2,265,000
36 2, North Carolina State University -
37 a. Study of Clean-up requirements for
38 former disposal site for hazardous
39 waste near Carter-Finley Stadium
40 and reimbursement to EPA - Consent
41 Agreement 600,000
42 3. Area Health Education Centers - Funds
43 to contract for additional training
44 of certified, registered nurse

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

PART 6. OFFICE OF STATE BUDGET AND MANAGEMENT

Requested by: Representatives Ethridge, H. Hunter

LOCAL WATER/SEWER FUNDS

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

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

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

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

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

13
 14 Requested by: Representatives Nesbitt, Diamont

15 **BUDGET REFORM STATEMENTS/APPROPRIATIONS ADJUSTMENTS**

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

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

33
 34 Requested by: Representative Pope

35 **NORTH CAROLINA EQUITY/FUND REQUIREMENTS**

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

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

4
5 **PART 7. GENERAL ASSEMBLY**

6
7 Requested by: Representatives Nesbitt, Diamont

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

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

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

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

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

21 These funds shall be allocated as follows:

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

23 (2) Services for the developmentally

24 disabled

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

\$3,000,000;

26 and

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

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

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

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

32 (b) Notwithstanding any modifications by this act in the amounts appropriated,
33 except where expressly repealed or amended, the limitations and directions for the
34 1992-93 fiscal year in Chapters 689, 742, 760, 761, and 812 of the 1991 Session Laws
35 that applied to appropriations to particular agencies or for particular purposes apply to
36 the newly enacted appropriations and budget reductions of this act for those same
37 particular purposes."
38

39 Requested by: Representatives Nesbitt, Diamont

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

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

- 1 (1) The operations of the audio, video, and data communications networks
- 2 of the Department of Administration Agency for Public
- 3 Telecommunications;
- 4 (2) The operations of the audio, video, and data communications networks
- 5 of the Microelectronics Center of North Carolina;
- 6 (3) The operations of the audio and video networks of the North Carolina
- 7 Center for Public Television;
- 8 (4) The operations of the voice and data communications networks in the
- 9 Office of State Controller State Telecommunications Office;
- 10 (5) The operations of the communications networks managed by the
- 11 Educational Computing Service, University of North Carolina-General
- 12 Administration;
- 13 (6) The operations of any data and video communications networks
- 14 managed by the Department of Public Instruction; and
- 15 (7) The operations of any data and video communications networks within
- 16 the Community College System.
- 17 (b) This study shall address:
- 18 (1) The governance structures of the networks;
- 19 (2) The services provided by the networks;
- 20 (3) The uses of the networks;
- 21 (4) The alternatives for coordinating the governance, operations,
- 22 oversight, and funding of the networks to keep them operating in the
- 23 leading edge of technology insofar as practical and in such a manner to
- 24 reduce areas of service duplication;
- 25 (5) The need for funding KU-Band retrofitting in the facilities of the
- 26 Agency for Public Telecommunications; and
- 27 (6) The need for purchasing and installing satellite receiving equipment in
- 28 public libraries throughout the State for use with the Agency for Public
- 29 Telecommunications and other information technology providers.
- 30 (c) The Government Performance Audit Committee shall include a final report
- 31 on the topics mentioned in this section, other findings, and recommendations for
- 32 legislation in its final report to the 1993 General Assembly. It shall also submit 12
- 33 copies of its report to the North Carolina Information Resources Management
- 34 Commission.
- 35

36 **PART 8. DEPARTMENT OF REVENUE**

37
38 Requested by: Representatives Nesbitt, Diamont

39 **CORRECT INVENTORY TAX REIMBURSEMENT AMOUNT**

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

41 "(b) Subsequent Distributions. – As soon as practicable after January 1, 1990, the

42 Secretary shall pay to each county and city the amount it received under subsection (a)

43 in 1989 plus an amount equal to the county or city average rate multiplied by the value

44 of the items described in subdivisions (ii) and (iii) of subsection (a) that were required

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

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

1 recent 12-month period for which State personal income data has been compiled by the
2 Bureau of Economic Analysis of the United States Department of Commerce.

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

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

13 "(f) Correction of Errors. – If the Secretary discovers that the amount or value of
14 any inventories or other items listed by a county or city pursuant to subsection (a) of this
15 section was overstated or understated, the Secretary shall adjust the amount to be
16 distributed under subsection (b) as follows. For the distribution to be made in the year
17 following discovery of the overstatement or understatement, the Secretary shall
18 distribute to the county or city the amount it would have received under subsection (b)
19 in 1990–1993 if it had not overstated or understated the amount or value of any
20 inventories or other items, plus the total amount it failed to receive in 1989 and
21 subsequent years due to understatement of the amount or value of the inventories or
22 other items, or minus the total amount it received in 1989 and subsequent years due to
23 overstatement of the amount or value of the inventories or other items. Thereafter, each
24 year the Secretary shall distribute to the county or city the amount it would have
25 received under subsection (b) in 1990–1993 if it had not overstated or understated the
26 amount or value of any inventories or other items."
27

28 **PART 9. DEPARTMENT OF ADMINISTRATION**

29
30 Requested by: Representatives Nesbitt, Diamont

31 **STATE VETERANS HOME STUDY**

32 Sec. 13. Of the funds appropriated in this act to the Department of
33 Administration, the sum of fifteen thousand dollars (\$15,000) for the State Construction
34 Office shall be used to complete a feasibility study to determine the cost of constructing
35 and operating a 240-bed domiciliary and skilled nursing care State Veterans Home on a
36 site adjacent to the Fayetteville Veterans Administration Medical Center on land
37 donated by the Veterans Administration. This study shall be made in consultation with
38 the Division of Veterans Affairs, Department of Administration. The State
39 Construction Office shall furnish to the 1993 General Assembly and to the Fiscal
40 Research Division of the Legislative Services Office a completed feasibility study along
41 with its recommendations by April 1, 1993.
42

43 **PART 10. DEPARTMENT OF CULTURAL RESOURCES**

1 Requested by: Representative Redwine

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

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

12

13 **PART 11. STATE BOARD OF ELECTIONS**

14

15 Requested by: Representative Michaux

16 **VOTER PARTICIPATION AMENDMENTS**

17

18 **MAIL REGISTRATION**

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

21 **"§ 163-72.4. Registration by mail.**

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

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

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

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

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

3 (e) Reports received under this section of:

4 (1) Change in party affiliation shall be processed as if made under G.S.
5 163-74(b);

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

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

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

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

14 (1) An application to register;

15 (2) A change of party affiliation;

16 (3) A report of address change;

17 (4) A report of change of name

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

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

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

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

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

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

43
44

MOTOR VOTER

1 (d) G.S. 163-81 reads as rewritten:

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

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

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

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

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

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

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

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

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

4 **"§ 163-80. Officers authorized to register voters.**

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

6 (1) Any member of a county board of elections who has been duly
7 appointed pursuant to G.S. 163-22(c) and properly installed as required
8 by G.S. 163-30 and 163-31.

9 (2) The supervisor of elections of a county board of elections appointed
10 pursuant to the provisions of G.S. 163-35.

11 (3) Precinct registrars and judges of election appointed pursuant to the
12 provisions of G.S. 163-41.

13 (4) Special registration commissioners appointed pursuant to the authority
14 and limitation contained in G.S. 163-41(b) , or serving ex officio
15 pursuant to G.S. 163-81.

16 (5) Full-time and salaried deputy supervisors of elections employed by the
17 county board of elections and who work under the direct supervision
18 of the board's supervisor of elections appointed pursuant to the
19 provisions contained in G.S. 163-35.

20 (6) Local public library employees designated by the governing board of
21 such public library to be appointed by the county board of elections as
22 special library registration deputies. Appointment of such deputies is
23 mandatory for libraries covered by G.S. 153A-272; appointment is
24 optional for other libraries. Persons appointed under this subsection
25 shall be given the oath contained in G.S. 163-41(b), and shall be
26 authorized to accept applications to register on those days and during
27 those hours said special deputies are on duty with their respective
28 libraries. If, for good and valid reasons, the local public library director
29 shall request that the county board of elections appoint 'replacement'
30 special library registration deputies before the two-year term ends, the
31 county board of elections shall do so.

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

43 (b) All election officials authorized to register voters under authority of this
44 section shall not be authorized to register voters who reside outside the boundaries of

1 their respective counties except in those specific instances involving municipalities
2 which lie within the boundaries of two or more counties and except as provided by G.S.
3 163-81. The State Board of Elections shall have authority to promulgate rules for the
4 processing of voters in such instances.

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

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

10 (f) Of the funds appropriated from the General Fund to the State Department
11 of Transportation in this act, the sum of fifty-five thousand four hundred dollars
12 (\$55,400) for the 1992-93 fiscal year shall be used to implement the voter registration
13 provisions of subsections (d) and (e) of this section.

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

18 19 **MANDATED ANNUAL REGISTRATION DRIVE**

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

22 **"§ 163-82. Mandated registration drive.**

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

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

30 31 **PART 12. SALARIES AND BENEFITS**

32
33 Requested by: Representatives Nesbitt, Diamont

34 **EMPLOYER FICA SAVINGS TO PAY ADMINISTRATIVE COSTS OF** 35 **DEPENDENT CARE PROGRAM AND FLEXIBLE COMPENSATION** 36 **PROGRAM**

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

38 "(c) The Director of the Budget is authorized to provide eligible officers and
39 employees of State departments, institutions, and agencies not covered by the provisions
40 of G.S. 116-17.2 a program of dependent care assistance as available under Section 129
41 and related sections of the Internal Revenue Code of 1986, as amended. The Director of
42 the Budget may authorize State departments, institutions, and agencies to enter into
43 annual agreements with employees who elect to participate in the program to provide
44 for a reduction in salary. With the approval of the Director of the Budget, savings in the

1 employer's share of contributions under the Federal Insurance Contributions Act on
2 account of the reduction in salary may be used to pay some or all of the administrative
3 expenses of the program. Should the Director decide to contract with a third party to
4 administer the terms and conditions of a program of dependent care assistance, he may
5 select a contractor only upon a thorough and completely competitive procurement
6 process."

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

8 **"§ 115C-441.1. Dependent care assistance program.**

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

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

22 **"§ 115D-25.1. Dependent care assistance program.**

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

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

35 **"§ 116-17.1. Dependent care assistance program.**

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

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

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

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

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

26 "**§ 115C-341.1. Flexible Compensation Plan.**

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

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

2 **"§ 115D-25.2. Flexible Compensation Plan.**

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

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

22 **"§ 116-17.2. Flexible Compensation Plan.**

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

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

42 Subsections (e) through (h) of this section are effective January 1, 1991.

43
44 Requested by: Representative McLaughlin

1 SALARY INCREASE CORRECTION

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

4 "(e) Within regular Executive Budget Act procedures as limited by this act, all
5 State agencies and departments ~~may~~shall increase on an equitable basis the rate of pay
6 of temporary and permanent hourly State employees, subject to availability of funds in
7 the particular agency or department, by pro rata amounts of the forty-three dollars and
8 fifty cents (\$43.50) per month salary increase provided for permanent full-time
9 employees covered by the provisions of subsection (a) of this section, commencing July
10 1, 1992."

11
12 Requested by: Representative Barnes

13 WRITTEN DISCIPLINARY PROCEEDINGS

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

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

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

27
28 Requested by: Representatives Nesbitt, Diamont

29 BENEFIT ADJUSTMENTS/DISABILITY INCOME PLAN

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

36 PART 13. PUBLIC SCHOOLS

37
38 Requested by: Representative Nesbitt

39 EDUCATION STAFFING CLARIFIED

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

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

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

3 (b) This section is effective upon ratification.

4

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

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

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

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

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

17

18 **PART 14. COMMUNITY COLLEGES**

19

20 Requested by: Representative Easterling

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

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

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

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

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

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

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

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

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44

PART 15. COLLEGES AND UNIVERSITIES

Requested by: Representatives Diamont, Nesbitt

NORTH CAROLINA STATE UNIVERSITY ENGINEERING GRADUATE RESEARCH CENTER/FUNDING

Sec. 21. Funds appropriated in this act for the Engineering Graduate Research Center at North Carolina State University may be used with previously appropriated funds to begin Phase I site development and foundation construction on this facility.

Requested by: Representatives Fussell, Payne

NURSE ANESTHETIST TRAINING FUNDS

Sec. 22. Of the funds appropriated to the Board of Governors of The University of North Carolina for the 1992-93 fiscal year, the sum of one hundred fifty thousand dollars (\$150,000) shall be used to allow the Area Health Education Center program to contract with the Raleigh School of Nurse Anesthesia for training of certified, nurse anesthetists.

PART 16. DEPARTMENT OF TRANSPORTATION

Requested by: Representatives McLaughlin, Holt

1992 CAPITAL CONSTRUCTION MODIFICATIONS

Sec. 23. Section 236.1 of Chapter 689 of the 1991 Session Laws reads as rewritten:

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

DIVISION OF HIGHWAYS

1991-92 1992-93

01.	Bridge Maintenance Office Complex Supplemental - Town of Brunswick	\$224,000	\$	-
02.	Equipment Shop - Carthage	-	2,247,000	
03.	Bridge Maintenance Complex - Wadesboro	26,000	439,000	
04.	Gas Pump Canopies - Statewide	398,000	311,000	—
05.	Fencing - Statewide	171,000	-	

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3
 4 Requested by: Representatives McLaughlin, Holt

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

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

8 "CURRENT OPERATIONS/HIGHWAY FUND

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

16
 17 Current Operations-Highway Fund

18 1992-93

19
 20 Department of Transportation

21 01. Administration \$ 3,694,922

22 02. Division of Highways

23 a. State Construction

24 (01) Secondary Construction 446,402

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

26 (03) Spot Safety

27 Improvements (2,000,000)

28 b. State Funds to Match Federal

29 Highway Aid

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

31 c. State Maintenance

32 (01) Secondary (559,204)

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

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

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

36 04. State Aid to Municipalities
 37 446,402

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

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

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

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

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

14
15 Requested by: Representative Diamont

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

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

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

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

39
40 Requested by: Representatives Ethridge, Smith

41 **CARTERET COUNTY NAUTICAL CENTER**

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

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

3
 4 Requested by: Representative Holt

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

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

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

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

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

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

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

26 **PRISON BOND REALLOCATION**

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

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

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

35
 36 DEPARTMENT OF CORRECTION

<u>Project Description</u>	<u>Custodial</u>	<u>Beds</u>
<u>Level</u>		
Nash Correctional Institution	Med Close	128
Marion Correctional Center	Med Close	906 752
Cherry Correctional Center	Min	500
Central Prison	Close	144
<u>Odom Correctional Institution</u>	<u>Close</u>	<u>192</u>

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

DEPARTMENT OF HUMAN RESOURCES-DIVISION OF YOUTH SERVICES

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

Requested by: Representative Nesbitt

PRISON CHAPEL RESERVE

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

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

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

17
18 Requested by: Representative Redwine

19 **COLUMBUS SEWING FACILITY**

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

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

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

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

38
39 Requested by: Representative Holt

40 **LIFE PLAN TRUST CORRECTION**

41 Sec. 35. (a) G.S. 36A-59.21, as enacted by Chapter 768 of the 1991 Session
42 Laws, is repealed.

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

1 Requested by: Representative Ethridge

2 **HEAD START FUND ALLOCATION**

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

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

21

22 Requested by: Representatives Nye, Easterling

23 **DOBBS SCHOOL RELOCATION FUNDS**

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

30

31 Requested by: Representative Flaherty

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

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

41

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

44

1 Requested by: Representatives Ethridge, H. Hunter

2 **ECONOMIC DEVELOPMENT FUNDS**

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

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

14 Requested by: Representatives Ethridge, H. Hunter

15 **HOUSING TRUST FUND FUNDS**

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

23 Requested by: Representatives Ethridge, H. Hunter

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

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

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

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

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

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

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

PART 20. DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES

Requested by: Representatives Ethridge, H. Hunter

WATER RESOURCES DEVELOPMENT FUNDS

Sec. 42. (a) Of the funds appropriated to the Department of Environment, Health, and Natural Resources for the 1992-93 fiscal year, the sum of two million dollars (\$2,000,000) shall be used for water resources development projects. The Department shall fund the following projects, whose estimated costs are as indicated:

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

1 Navigation

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

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

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

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

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

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

18 (1) All projects listed in this section;

19 (2) The estimated cost of each project;

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

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

23 (5) The actual cost of each project.

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

27
28 Requested by: Representatives Ethridge, H. Hunter

29 **ON-SITE WASTEWATER SYSTEMS**

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

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

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

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

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

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

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

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

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

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

14 **POSITIONS TO MONITOR CONTAMINATED SOIL SITES**

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

24
25 Requested by: Representatives Ethridge, H. Hunter

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

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

32
33 Requested by: Representatives DeVane, Hasty

34 **ENVIRONMENTAL IMPACT FUNDS**

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

41
42 Requested by: Representative DeVane

43 **FUNDS FOR STATE PARKS LAND ACQUISITION**

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

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

10
11 Requested by: Representatives Ethridge, H. Hunter

12 **PARKS CAPITAL IMPROVEMENTS**

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

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

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

25
26 Requested by: Representative Redwine

27 **STUDY ACQUISITION OF BIRD ISLAND**

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

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

36
37 Requested by: Representative Ethridge

38 **MARINE FISHERIES USE OF LAND PROCEEDS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

42
43 Requested by: Representative Kimsey

1 **LOCAL APPROVAL OF LAND PURCHASES FROM THE RECREATION**
2 **AND NATURAL HERITAGE TRUST FUND**

3 Sec. 51.1. (a) G.S. 113-77.9(d) reads as rewritten:

4 "~~(d) The~~ Subject to the limitation of subsection (d1), the Department of
5 Administration may, pursuant to G.S. 143-341, acquire by purchase, gift, or devise all
6 lands selected by the Trustees for acquisition pursuant to this Article. Title to any land
7 acquired pursuant to this Article shall be vested in the State. State agencies with
8 management responsibilities for lands acquired pursuant to this Article may enter into
9 management agreements in the form of leases with counties, cities, and towns to act in
10 managing the lands, and such lease agreements shall be executed by the Department of
11 Administration pursuant to G.S. 143-341."

12 (b) G.S. 113-77.9 is amended by adding a new subsection following subsection
13 (d) to read:

14 "(d1) No acquisition of land by purchase may be made without prior approval of
15 the purchase by the board of commissioners of the county in which the land is located."
16

17 **PART 21. MISCELLANEOUS PROVISIONS**
18

19 Requested by: Representatives Nesbitt, Diamont

20 **RESERVE FOR ADVANCE PLANNING**

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

25 The Office of State Budget and Management shall also report the results of
26 any project on which it uses funds from the Reserve for Advance Planning to the Joint
27 Legislative Commission on Governmental Operations and to the Fiscal Research
28 Division.
29

30 Requested by: Representatives Nesbitt, Diamont

31 **ENCUMBERED APPROPRIATIONS AND PROJECT RESERVE FUND**

32 Sec. 53. When each capital improvement project appropriated by the 1992
33 General Assembly, other than those projects under the Board of Governors of The
34 University of North Carolina, is placed under construction contract, direct
35 appropriations shall be encumbered to include all costs for construction, design,
36 investigation, administration, movable equipment, and a reasonable contingency.
37 Unencumbered direct appropriations remaining in the project budget shall be placed in a
38 project reserve fund credited to the Office of State Budget and Management. Funds in
39 the project reserve may be used for emergency repair and renovation projects at State
40 facilities with the approval of the Director of the Budget. The project reserve fund may
41 be used, at the discretion of the Director of the Budget, to allow for award of contracts
42 where bids exceed appropriated funds, if those projects supplemented were designed
43 within the scope intended by the applicable appropriation or any authorized change in it,
44 and if, in the opinion of the Director of the Budget, all means to award contracts within

1 the appropriation were reasonably attempted. At the discretion of the Director of the
2 Budget, any balances in the project reserve fund shall revert to the original source.

3
4 Requested by: Representatives Nesbitt, Diamont

5 **PROJECT COST INCREASE**

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

15
16 Requested by: Representatives Nesbitt, Diamont

17 **NEW PROJECT AUTHORIZATION**

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

27
28 Requested by: Representatives Nesbitt, Diamont

29 **ADVANCE PLANNING OF CAPITAL IMPROVEMENT PROJECTS**

30 Sec. 56. Funds which become available by gifts, excess patient receipts
31 above those budgeted at University of North Carolina Hospitals at Chapel Hill, federal
32 or private grants, receipts becoming a part of special funds by act of the General
33 Assembly or any other funds available to a State department or institution may be
34 utilized for advance planning through the working drawing phase of capital
35 improvement projects, upon approval of the Director of the Budget. The Director of the
36 Budget may make allocations from the Advance Planning Fund for advance planning
37 through the working drawing phase of capital improvement projects, except that this
38 revolving fund may not be utilized by the Board of Governors of The University of
39 North Carolina or the State Board of Community Colleges.

40
41 Requested by: Representatives Nesbitt, Diamont

42 **APPROPRIATIONS LIMITS/REVERSION OR LAPSE**

43 Sec. 57. Except as permitted in previous sections of this act, the
44 appropriations for capital improvements made by the 1991 General Assembly may be

1 expended only for specific projects set out by the 1991 General Assembly and for no
2 other purpose. Construction of all capital improvement projects enumerated by the
3 1992 General Assembly shall be commenced, or self-liquidating indebtedness with
4 respect to them shall be incurred, within 12 months following the first day of the fiscal
5 year in which the funds are available. If construction contracts on those projects have
6 not been awarded or self-liquidating indebtedness has not been incurred within that
7 period, the direct appropriation for those projects shall revert to the original source, and
8 the self-liquidating appropriation shall lapse; except that direct appropriations may be
9 placed in a reserve fund as authorized in this act. This deadline with respect to both
10 direct and self-liquidating appropriations may be extended with the approval of the
11 Director of the Budget up to an additional 12 months if circumstances and conditions
12 warrant such extension.

13

14 Requested by: Representatives Nesbitt, Diamont

15 **1991-92 APPROPRIATIONS LIMITATIONS AND DIRECTIONS APPLY**

16 Sec. 58. (a) Except where expressly repealed or amended by this act, the
17 provisions of Chapters 689, 742, 760, 761, 812, and 900 of the 1991 Session Laws
18 remain in effect.

19 (b) Notwithstanding any modifications by this act in the amounts appropriated,
20 except where expressly repealed or amended, the limitations and directions for the
21 1992-93 fiscal year in Chapters 689, 742, 760, 761, 812, and 900 of the 1991 Session
22 Laws that applied to appropriations to particular agencies or for particular purposes
23 apply to the newly enacted appropriations and budget reductions of this act for those
24 same particular purposes.

25

26 Requested by: Representatives Nesbitt, Diamont

27 **EFFECTIVE DATE**

28 Section 59. This act is effective July 1, 1992. Sec. 51.1 applies only to
29 Macon and Swain Counties.