

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 1273

Short Title: Gov. Capital Budget '93.

(Public)

Sponsors: Senators Daniel and Plyler (by request).

Referred to: Capital Expenditures and Improvements.

June 30, 1993

A BILL TO BE ENTITLED

AN ACT TO MAKE APPROPRIATIONS TO PROVIDE CAPITAL IMPROVEMENTS AND OTHER NONRECURRING EXPENDITURES FOR STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES.

The General Assembly of North Carolina enacts:

**INTRODUCTION**

Section 1. The appropriations made by the 1993 General Assembly for capital improvements are for constructing, repairing, or renovating State buildings, utilities, and other capital facilities, for acquiring sites for them where necessary, and for acquiring buildings and land for State government purposes.

**TITLE**

Sec. 2. This act shall be known as "The Capital Improvement Appropriations Act of 1993".

**PROCEDURES FOR DISBURSEMENTS**

Sec. 3. The appropriations made by the 1993 General Assembly for capital improvements shall be disbursed for the purposes provided by this act. Expenditure of funds shall not be made by any State department, institution, or agency, until an allotment has been approved by the Governor as Director of the Budget. The allotment shall be approved only after full compliance with the Executive Budget Act, Article I of Chapter 143 of the General Statutes. Prior to the award of construction contracts for projects to be financed in whole or in part with self-liquidating appropriations, the

1 Director of the Budget shall approve the elements of the method of financing of those  
 2 projects including the source of funds, interest rate, and liquidation period.

3 Where direct capital improvement appropriations include the purpose of  
 4 furnishing fixed and movable equipment for any project, those funds for equipment  
 5 shall not be subject to transfer into construction accounts except as authorized by the  
 6 Director of the Budget. The expenditure of funds for fixed and movable equipment and  
 7 furnishings shall be reviewed and approved by the Director of the Budget prior to  
 8 commitment of funds.

9 Capital improvement projects authorized by the 1993 General Assembly shall  
 10 be completed, including fixed and movable equipment and furnishings, within the limits  
 11 of the amounts of the direct or self-liquidating appropriations provided, except as  
 12 otherwise provided in this act. Capital improvement projects authorized by the 1993  
 13 General Assembly for the design phase only shall be designed within the scope of the  
 14 project as defined by the approved cost estimate filed with the Director of the Budget,  
 15 including costs associated with site preparation, demolition, movable and fixed  
 16 equipment, and works of art as required by G.S. 143-408.4.

17  
 18 **CAPITAL IMPROVEMENTS/GENERAL FUND**

19 Sec. 4. Appropriations are made from the General Fund for the 1993-94  
 20 fiscal year for use by the State departments, institutions, and agencies to provide for  
 21 capital improvement projects according to the following schedule:

22  
 23 1993-94

24		
25	DEPARTMENT OF ADMINISTRATION (Total)	\$15,038,400
26	1. Reserve for Repairs/Renovations -	
27	Old Education and Old	
28	Revenue Buildings	12,246,500
29	2. State Veterans Cemetery - Fort Bragg	
30	Requirements	\$ 1,219,500
31	Receipts - Federal	<u>751,100</u>
32	State Appropriation	468,400
33	3. Upgrade Satellite System	
34	Requirements	633,700
35	Receipts - Federal	<u>310,200</u>
36	State Appropriation	323,500
37	4. Expansion - Aquariums - Planning	250,000
38	5. Reserve for Western North Carolina Government	
39	Center - Planning	1,000,000
40	6. Reserve for Veterans' Home - State Share	750,000
41		
42	DEPARTMENT OF AGRICULTURE (Total)	19,720,700
43	1. Continued Development of Triad Farmers Market -	
44	Guilford County	4,471,300

1	2.	Medical Waste Incinerators -	
2		Research Stations	712,900
3	3.	Pesticide Storage Buildings -	
4		Research Stations	399,200
5	4.	Reserve for Livestock Facility -	
6		Development	6,500,000
7	5.	Western North Carolina Agricultural Center -	
8		Covered Show Ring	837,300
9	6.	Eastern North Carolina Agricultural Center -	
10		Development	5,400,000
11	7.	Western North Carolina Agricultural Center -	
12		Development and Expansion	1,400,000
13	8.	Shop and Equipment Storage Facility - Upper	
14		Mountain Research Station	
15		Requirements	323,300
16		Timber Receipts	<u>323,300</u>
17		State Appropriation	—
18	9.	Dairy Milking Parlor - Umstead Research Station	
19		Requirements	213,000
20		Timber Receipts	<u>213,000</u>
21		State Appropriation	—
22	10.	Shop/Storage - Horticultural Crops Research	
23		Station	
24		Requirements	168,900
25		Timber Receipts	<u>168,900</u>
26		State Appropriation	—
27			
28		DEPARTMENT OF COMMERCE (Total)	2,841,100
29	1.	Construction of a new I-95 Welcome Center -	
30		Northampton County	
31		Requirements	1,364,400
32		Receipts - Federal	<u>1,023,300</u>
33		State Appropriation	341,100
34	2.	National Institute of Statistical Sciences -	
35		Restore Funds Reverted to the General	
36		Fund in 1991 to Match Construction Funds	2,500,000
37		DEPARTMENT OF COMMERCE - MCNC (Total)	4,500,000
38	1.	Reserve for Capital Needs and Communications	4,500,000
39			
40		DEPARTMENT OF CORRECTION (Total)	1,381,500
41	1.	Add Dayrooms - Odom Correctional Center	381,500
42	2.	Water/Wastewater Improvements - Statewide	1,000,000
43			
44		DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY (Total)	799,700

1	1.	National Guard Armory Replacement - Kinston	
2		Requirements 3,897,700	
3		Receipts - Federal 2,848,300	
4		Receipts - Local <u>524,700</u>	
5		State Appropriation 524,700	
6	2.	National Guard - Aerial Reserve Equipment	
7		for Emergency Support Missions 275,000	
8			
9		DEPARTMENT OF CULTURAL RESOURCES (Total)	12,035,500
10	1.	Fort Fisher State Historic Site - Erosion	
11		Control Measures	
12		Requirements 9,700,000	
13		Receipts - Federal <u>4,850,000</u>	
14		State Appropriation 4,850,000	
15	2.	Museum of History - Core Exhibition	
16		Design and Construction 5,424,100	
17	3.	Museum of the Albemarle - Complete Design	1,000,000
18	4.	Elizabeth II - Master Plan Implementation -	
19		Design 250,000	
20	5.	Somerset Place State Historic Site -	
21		Development - Washington County 100,000	
22	6.	Thomas Wolfe Visitor Center - Supplement	411,400
23			
24		DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL	
25		RESOURCES (Total)	14,706,700
26	1.	Geological Survey Repository -	
27		Core Sample Storage Addition	434,600
28	2.	State Parks - Reserve for Construction Projects	
29		for Health, Safety, Access Improvements, and	
30		Land Acquisition 2,100,000	
31	3.	Small Watershed Grants	1,180,000
32	4.	Forestry - District and County Headquarters	
33		Buildings/Equipment Sheds 738,100	
34	5.	Water Resources (Civil Works) - Reserve for	
35		Planning, Construction Projects, Operations	
36		and Maintenance Projects, and Feasibility	
37		Studies 7,908,000	
38	6.	Oyster Rehabilitation Program -	
39		Facility Development 1,500,000	
40	7.	Partnership for the Sounds - Matching Funds	846,000
41			
42		DEPARTMENT OF HUMAN RESOURCES (Total)	2,957,300
43	1.	Reserve - Life Safety/Certification	
44		Improvements - Statewide 1,000,000	

1	2.	Dorothea Dix Hospital - Male Wing Completion	1,457,300
2	3.	John Umstead Hospital - Sewer Plant Upgrade -	
3		Design	250,000
4	4.	Eastern School for the Deaf - Student	
5		Activity/Recreation Complex - Design	250,000
6			
7		DEPARTMENT OF JUSTICE	
8	1.	Justice Academy-B-Dorm Repairs and Equipment	
9		Requirements	321,800
10		Receipts	<u>321,800</u>
11		State Appropriation	—
12			
13		OFFICE OF STATE CONTROLLER (Total)	4,400,000
14	1.	State Telecommunications System - Communications	
15		Network - Development	4,400,000
16			
17		OFFICE OF STATE BUDGET AND MANAGEMENT (Total)	24,500,000
18	1.	Reserve for Repairs and Renovations and Americans	
19		with Disabilities Act Improvements - Statewide	24,500,000
20			
21		UNIVERSITY - BOARD OF GOVERNORS (Total)	44,000,000
22	1.	Reserve for funding UNC-Board of Governors	
23		Schedule of Priorities for Capital Improvements	44,000,000
24	2.	University of North Carolina Hospitals at	
25		Chapel Hill - North Carolina Children's Hospital,	
26		North Carolina Women's Hospital, and Support	
27		Space - Advance Planning and Design	
28		Requirements	5,758,066
29		Receipts	<u>5,758,066</u>
30		State Appropriation	—
31			
32		TOTAL CAPITAL IMPROVEMENTS/GENERAL FUND	\$ 146,880,900
33			

### CAPITAL IMPROVEMENTS/HIGHWAY FUND

Sec. 5. Appropriations are made from the Highway Fund for the 1993-94 fiscal year for use of the Department of Transportation to provide for capital improvement projects according to the following schedule:

1993-94

#### DIVISION OF HIGHWAYS

- |    |    |  |              |
|----|----|--|--------------|
| 42 | 1. | Upgrade DOT Facilities to Meet ADA Standards - |              |
| 43 |    | Statewide                                      | \$ 1,678,600 |
| 44 | 2. | Highway Building Elevator Replacement -        |              |

1	Raleigh	350,500	
2	3. Roof Replacements - Statewide	391,000	
3	4. Division Traffic Services Office, Shop		
4	and Warehouse - Union	818,000	
5	5. Design Roadside Environmental Office/		
6	Warehouse/Shed - Sylva	31,000	
7	6. Construct Equipment Shop - Sandy Ridge	<u>717,000</u>	
8			
9	TOTAL DIVISION OF HIGHWAYS		\$ 3,986,100
10			
11	DIVISION OF MOTOR VEHICLES		
12	1. Roof Replacements - Statewide	76,100	
13	2. Resurface Six Parking Lots - Statewide	120,900	
14	3. Renovation to Office Building - Wilkesboro	197,000	
15	4. Renovation to Office Building - Marion	<u>197,000</u>	
16			
17	TOTAL DIVISION OF MOTOR VEHICLES		\$ 591,000
18			
19	TOTAL CAPITAL IMPROVEMENTS/HIGHWAY FUND		\$ 4,577,100
20			
21	<b>NONRECURRING APPROPRIATIONS/GENERAL FUND</b>		
22	Sec. 6. Appropriations are made from the General Fund for the 1993-94		
23	fiscal year for use by the State departments, institutions, and agencies to provide for		
24	nonrecurring expenditures according to the following schedule:		
25			
26	<u>1993-94</u>		
27	1. DEPARTMENT OF COMMERCE		
28	a. Rural Economic Development Act -		
29	Implementation	\$ 2,750,000	
30	b. Investment in Manufacturing Technology -		
31	Match Federal Funds	1,000,000	
32	c. Reserve for Industrial Equipment,		
33	Industrial Training, and Economic Development	15,750,000	
34			
35	2. DEPARTMENT OF CULTURAL RESOURCES		
36	a. Andrew Jackson Memorial - Grant	100,000	
37	b. The Lost Colony - Matching Funds	500,000	
38	c. Historical Preservation Commission - Grant	100,000	
39			
40	3. DEPARTMENT OF PUBLIC INSTRUCTION		
41	Tech Prep Program		2,900,000
42			
43	4. DEPARTMENT OF ENVIRONMENT, HEALTH, AND		
44	NATURAL RESOURCES		

1	Piedmont Triad Regional Water Authority -	
2	Grant to Purchase Land for Randleman Dam	3,000,000
3		
4	5. OFFICE OF THE GOVERNOR	
5	Reserve for Education Technology and	
6	Education Technology to Attract Industry	20,000,000
7		
8	6. NORTH CAROLINA HOUSING FINANCE AGENCY	
9	Housing Trust Fund	1,000,000
10		
11	7. OFFICE OF STATE BUDGET AND MANAGEMENT	
12	a. Reserve - A.A. Cunningham Air Museum	2,500,000
13	b. Science and Math Alliance - Development	<u>800,000</u>
14		
15	TOTAL NONRECURRING/GENERAL FUND	\$ 50,400,000

#### 17 WATER RESOURCES DEVELOPMENT FUNDS

18 Sec. 7. A reserve for Water Resources (Civil Works) is established within the  
 19 Department of Environment, Health, and Natural Resources. The funds shall be  
 20 allocated by the Division of Water Resources for the following types of projects in  
 21 accordance with the Department's Water Resources Development Plan:

- 22 (1) Planning;
- 23 (2) Construction projects;
- 24 (3) Operations and maintenance projects; and
- 25 (4) Feasibility studies.

#### 27 FEDERAL MATCHING FUNDS

28 Sec. 8. Where allocations made in Sections 4 and 6 of this act are contingent  
 29 upon federal matching funds being available, and federal matching funds do not become  
 30 available by July 1, 1994, these allocations may be transferred to the Office of State  
 31 Budget and Management and placed in the Reserve for Repairs and Renovations.

#### 33 ENCUMBERED APPROPRIATIONS AND PROJECT RESERVE FUND

34 Sec. 9. When each capital improvement project appropriated by the 1993  
 35 General Assembly, other than those projects under The University of North Carolina  
 36 Board of Governors, is placed under construction contract, direct appropriations shall be  
 37 encumbered to include all costs for construction, design, investigation, administration,  
 38 movable equipment, and a reasonable contingency. Unencumbered direct  
 39 appropriations remaining in the project budget shall be placed in a project reserve fund  
 40 credited to the Office of State Budget and Management. Funds in the Project Reserve  
 41 may be used for emergency repair and renovation projects at State facilities with the  
 42 approval by the Director of the Budget. The Project Reserve Fund may be used, at the  
 43 discretion of the Director of the Budget, to allow for award of contracts where bids  
 44 exceed appropriated funds, if those projects supplemented were designed within the

1 physical scope intended by the applicable appropriation or any authorized change in it,  
2 and if, in the opinion of the Director of the Budget, all means to award contracts within  
3 the appropriation were reasonably attempted. At the discretion of the Director of the  
4 Budget any balances in the Project Reserve Fund shall revert to the original source.

#### 5 6 **PROJECT COST INCREASE**

7       Sec. 10. Upon the request of the administration of a State department or  
8 institution, the Director of the Budget may, when in his opinion it is in the best interest  
9 of the State to do so, increase the cost of a capital improvement project. The increase  
10 may be funded from gifts, federal or private grants, special fund receipts, excess patient  
11 receipts above those budgeted at University of North Carolina Hospitals at Chapel Hill,  
12 or direct capital improvement appropriations to that department or institution.

#### 13 14 **NEW PROJECT AUTHORIZATION**

15       Sec. 11. Upon the request of the administration of any State department or  
16 institution, the Governor may authorize the construction of a capital improvement  
17 project not specifically authorized by the General Assembly if such project is to be  
18 funded by gifts, federal or private grants, special fund receipts, excess patient receipts  
19 above those budgeted at University of North Carolina Hospitals at Chapel Hill, or self-  
20 liquidating indebtedness.

#### 21 22 **ADVANCE PLANNING OF CAPITAL IMPROVEMENT PROJECTS**

23       Sec. 12. Funds which become available by gifts, excess patient receipts  
24 above those budgeted at University of North Carolina Hospitals at Chapel Hill, federal  
25 or private grants, receipts becoming a part of special funds by act of the General  
26 Assembly or any other funds available to a State department or institution may be  
27 utilized for advance planning through the working drawing phase of capital  
28 improvement projects, upon approval of the Director of the Budget. The Director of the  
29 Budget may make allocations from the Advance Planning Fund for advance planning  
30 through the working drawing phase of capital improvement projects, except that this  
31 revolving fund may not be utilized by the Board of Governors of The University of  
32 North Carolina or the State Board of Community Colleges.

#### 33 34 **APPROPRIATIONS LIMITS/REVERSION OR LAPSE**

35       Sec. 13. Except as permitted in previous sections of this act, the  
36 appropriations for capital improvements made by the 1993 General Assembly may be  
37 expended only for specific projects set out by the 1993 General Assembly and for no  
38 other purpose. Construction of all capital improvement projects enumerated by the  
39 1993 General Assembly shall be commenced, or self-liquidating indebtedness with  
40 respect to them shall be incurred, within 12 months following the first day of the fiscal  
41 year in which the funds are available. If construction contracts on those projects have  
42 not been awarded or self-liquidating indebtedness has not been incurred within that  
43 period, the direct appropriation for those projects shall revert to the original source, and  
44 the self-liquidating appropriation shall lapse; except that direct appropriations may be



1 placed in a reserve fund as authorized by this act. This deadline with respect to both  
2 direct and self-liquidating appropriations may be extended with the approval of the  
3 Director of the Budget up to an additional 12 months if circumstances and conditions  
4 warrant such extension.

#### 6 **HIGHWAY 264 REST AREA**

7 Sec. 14. Funds appropriated in Chapter 900, Section 106, 1991 Session Laws  
8 (Regular Session 1992) for the construction of a rest area at U.S. Highway 264 in  
9 Beaufort County may also be used for the purchase of land to be used as a site for the  
10 rest area.

#### 12 **MUSEUM OF THE ALBEMARLE**

13 Sec. 15. Funds appropriated for the Museum of the Albemarle in Section 4 of  
14 this act shall be used for design and construction of new facilities for the Museum of the  
15 Albemarle. The facility shall be sited in downtown Elizabeth City and funds  
16 appropriated under Section 4 of this act for this project may be used for the purchase of  
17 land if necessary.

#### 19 **STATE PARKS**

20 Sec. 16. Of the funds appropriated in Section 4 of this act to the Department  
21 of Environment, Health, and Natural Resources for land purchase in the State Parks  
22 System, the sum of up to one hundred thousand dollars (\$100,000) may be spent by the  
23 Division of Parks and Recreation for operating expenses associated with the acquisition  
24 of land.

#### 26 **TRAINING FACILITY-COMMUNITY COLLEGE SYSTEM**

27 Sec. 17. Notwithstanding any other provision of law, of the funds  
28 appropriated in Section 4 of this act to the Office of State Budget and Management in a  
29 Reserve for Repairs, Renovations and Americans with Disabilities Act Improvements,  
30 the Director of the Budget may authorize the use of up to ten million dollars  
31 (\$10,000,000) to design, develop, construct, and equip a workforce training facility at a  
32 site to be determined by the Director of the Budget. Prior to making expenditures for  
33 this purpose, the Governor shall report to the President Pro Tempore of the Senate and  
34 the Speaker of the House of Representatives on the proposed expenditures. To the  
35 extent that these funds are not made available or used for this purpose, they shall revert  
36 to the Reserve from which they were allocated.

#### 38 **DEPARTMENT OF AGRICULTURE LIVESTOCK FACILITY-** 39 **DESIGN/BUILD**

40 Sec. 18. Notwithstanding any other provision of law, the Department of  
41 Agriculture may use the design/build construction process to construct the six million  
42 five hundred thousand dollar (\$6,500,000) Livestock Facility as authorized in Section 4  
43 of this act.

1 **EFFECTIVE DATE**

2           Sec. 19. This act becomes effective July 1, 1993.