

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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2

SENATE BILL 26

Capital Expenditures & Improvements Committee Substitute Adopted 7/17/93

Short Title: Capital Budget.

(Public)

Sponsors:

Referred to: Appropriations.

February 1, 1993

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE APPROPRIATIONS TO PROVIDE CAPITAL
3 IMPROVEMENTS FOR STATE DEPARTMENTS, INSTITUTIONS, AND
4 AGENCIES, AND FOR OTHER PURPOSES.

5 The General Assembly of North Carolina enacts:

6
7 **PART 1. INTRODUCTION**

8
9 Section 1. The appropriations made by the 1993 General Assembly for
10 capital improvements are for constructing, repairing, or renovating State buildings,
11 utilities, and other capital facilities, for acquiring sites for them where necessary, and for
12 acquiring buildings and land for State government purposes.

13
14 **PART 2. TITLE**

15
16 Sec. 2. This act shall be known as "The Capital Improvements
17 Appropriations Act of 1993".

18
19 **PART 3. PROCEDURES FOR DISBURSEMENTS**

20
21 Sec. 3. The appropriations made by the 1993 General Assembly for capital
22 improvements shall be disbursed for the purposes provided by this act. Expenditure of

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

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

17 Capital improvement projects authorized by the 1993 General Assembly shall
 18 be completed, including fixed and movable equipment and furnishings, within the limits
 19 of the amounts of the direct or self-liquidating appropriations provided, except as
 20 otherwise provided in this act.

21 22 **PART 4. CAPITAL IMPROVEMENTS/GENERAL FUND**

23
24 Sec. 4. Appropriations are made from the General Fund for the 1993-94
 25 fiscal year for use by the State departments, institutions, and agencies to provide for
 26 capital improvement projects according to the following schedule:

27 28 Department of Administration

29	(Total)	\$14,468,400	
30	1.	Reserve for Repairs/Renovations -	
31		a. Old Education Building - Design and Feasibility Study	1,000,000
32		b. Old Revenue Building	4,000,000
33	2.	State Veterans' Cemetery - Fort Bragg	
34		Requirements	\$1,219,500
35		Receipts - Federal	751,100
36		State Appropriation	468,400
37	3.	Reserve for Veterans' Home - State Share	3,000,000
38	4.	Polk Youth Center Replacement -	
39		Design and Site Preparation	4,000,000
40	5.	GPAC Prison Facility Consolidation	
41		- Planning and Design	2,000,000

42 43 Department of Agriculture

44	(Total)	8,983,400
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1	1.	Continued Development of Triad	
2		Farmers' Market - Guilford County	4,221,300
3	2.	Medical Waste Incinerators -	
4		Research Stations	712,900
5	3.	Pesticide Storage Buildings -	
6		Research Stations	399,200
7	4.	Eastern North Carolina	
8		Agricultural Center Development	3,400,000
9	5.	Livestock Facility - Planning	
10		Funds	250,000
11	6.	Shop and Equipment Storage	
12		Facility - Upper Mountain Research Station	
13		Requirements	323,300
14		Timber Receipts	323,300
15		State Appropriation	0
16	7.	Dairy Milking Parlor - Umstead	
17		Research Station	
18		Requirements	213,000
19		Timber Receipts	213,000
20		State Appropriation	0
21	8.	Shop/Storage - Horticultural Crops	
22		Research Station	
23		Requirements	168,900
24		Timber Receipts	168,900
25		State Appropriation	0
26			
27		Department of Correction	
28		(Total)	1,381,500
29	1.	Add Dayrooms - Odom Correctional	
30		Center	381,500
31	2.	Water/Wastewater Improvements -	
32		Statewide	1,000,000
33			
34		Department of Crime Control and Public Safety	
35		(Total)	799,700
36	1.	National Guard Armory Replacement	
37		- Kinston	
38		Requirements	3,897,700
39		Receipts - Federal	2,848,300
40		Receipts - Local	524,700
41		State Appropriation	524,700
42	2.	National Guard - Aerial Reserve	
43		Equipment for Emergency Support Missions	275,000
44			

1	Department of Cultural Resources		
2	(Total)	6,774,100	
3	1. Museum of History - Core		
4	Exhibition Design and Construction	5,424,100	
5	2. Museum of the Albemarle - Complete		
6	Design	1,000,000	
7	3. Elizabeth II State Historic Site -		
8	Master Plan Implementation - Design	250,000	
9	4. Somerset Place State Historic Site		
10	- Development - Washington County	100,000	
11			
12	Department of Environment, Health, and Natural Resources		
13	(Total)	14,666,700	
14	1. Geological Survey Repository -		
15	Core Sample Storage Addition	434,600	
16	2. State Parks - Reserve for		
17	Construction Projects for Health, Safety, Access Improvements, and Land		
18	Acquisition	2,100,000	
19	3. Small Watershed and Solid Waste		
20	Grants	1,680,000	
21	4. Forestry - District and County		
22	Headquarters Buildings/ Equipment Sheds	1,448,100	
23	5. Water Resources (Civil Works) -		
24	Reserve for Planning, Construction Projects, Operations and Maintenance		
25	Projects, and Feasibility Studies	7,908,000	
26	6. Partnership for the Sounds -		
27	Matching Funds	846,000	
28	7. Expansion - Aquariums - Planning	250,000	
29			
30	Department of Human Resources		
31	(Total)	4,957,300	
32	1. Reserve - Life Safety/		
33	Certification Improvements - Statewide	1,000,000	
34	2. Dorothea Dix Hospital - Male Wing		
35	Completion	1,457,300	
36	3. John Umstead Hospital - Sewer		
37	Plant Upgrade - Design	250,000	
38	4. Eastern School for the Deaf -		
39	Student Activity/Recreation Complex - Design	250,000	
40	5. Mental Health Facility Funds	2,000,000	
41			
42	Department of Justice		
43	(Total)	18,600,000	
44	1. Justice Academy - B-Dorm Repairs		

1	and Equipment	
2	Requirements	321,800
3	Receipts	321,800
4	State Appropriation	0
5	2. SBI Lab - New Construction	18,600,000
6		
7	Office of State Controller	
8	(Total)	4,400,000
9	1. State Telecommunications System -	
10	Communications Network - Development	4,400,000
11		
12	Department of Commerce	
13	(Total)	10,000,000
14	1. Workforce Training Facility -	
15	Design, Construction, and Equipment	10,000,000
16		
17	Department of Commerce - MCNC	
18	(Total)	1,653,000
19	1. MCNC Reserve for Capital Needs and	
20	Communications	
21	a. Conduct a joint telecommunications Research and Development	
22	Project with MCI Corporation	1,000,000
23	b. Purchase and Installation of upgraded equipment for the MCNC	
24	Supercomputer	300,000
25	2. Elizabeth City State University -	
26	Funds to Connect this Campus to the MCNC CONCERT	
27	Telecommunications Network	353,000
28		
29	North Carolina Ports Railway Commission	
30	(Total)	250,000
31	1. Planning Funds - Replacement of	
32	Beaufort-Morehead Trestle	250,000
33		
34	University - Board of Governors	
35	(Total)	27,406,175
36	1. University of North Carolina -	
37	Chapel Hill - School of Business	6,750,000
38	2. Elizabeth City State University -	
39	Restoration of Butler Hall	2,000,000
40	3. East Carolina University - State	
41	support for the renovation of Minges Coliseum	2,500,000
42	4. North Carolina State University -	
43	State Match for the Centennial Center	5,000,000
44	5. University of North Carolina -	

1	Center for Public Television - Replace and upgrade the Transmitting Tower	
2	in Winston-Salem 1,006,175	
3	6. UNC-Asheville - Land Purchase	4,000,000
4	7. East Carolina University - Medical	
5	School - Planning for Capital Improvement Needs	50,000
6	8. School of the Arts - Education	
7	Building for Film School	5,900,000
8	9. North Carolina State University -	
9	Capital Costs Needed to Effect a Transfer of the Agricultural Education	
10	Program from the College of Education and Psychology to the College	
11	of Agriculture and Life Sciences	200,000
12		
13	Total Capital Improvements/General Fund	\$114,340,275

PART 5. CAPITAL IMPROVEMENTS/HIGHWAY FUND

Sec. 5. There is appropriated from the Highway Fund for the 1993-94 fiscal year the listed funds for use of the Department of Transportation to provide for capital improvement projects according to the following schedule:

1993-94

23	1. Upgrade facilities to meet the Americans	
24	With Disabilities Act Standards	\$1,678,600
25	2. Replace the two elevators in the Highway	
26	Building	350,500
27	TOTAL - DEPARTMENTWIDE	\$2,029,100

DIVISION OF HIGHWAYS

30	1. Replace roofs statewide	391,000
31	2. Construct traffic service facility -	
32	Town of Union (Hertford County)	818,000
33	3. Design roadside environmental facility	
34	(office, warehouse, shed) in Sylva	31,000
35	4. Construct equipment shop in Sandy Ridge	717,000
36	TOTAL - DIVISION OF HIGHWAYS	\$1,957,000

DIVISION OF MOTOR VEHICLES

39	1. Replace roofs statewide	76,100
40	2. Resurface six parking lots statewide	120,900
41	3. Renovate DMV Office Building in Durham	197,000
42	4. Renovate DMV Office Building in Salisbury	197,000
43	TOTAL - DIVISION OF MOTOR VEHICLES	\$591,000

1	HIGHWAY PATROL		
2	1. Replace underground storage tank		350,000
3			
4	GRAND TOTAL HIGHWAY FUND		\$4,927,100
5			
6	PART 6. NONRECURRING APPROPRIATIONS/GENERAL FUND		
7			
8	Sec. 6. Appropriations are made from the General Fund for the 1993-94		
9	fiscal year for use by the State departments, institutions, and agencies to provide for		
10	one-time expenditures according to the following schedule:		
11			
12	Department of Administration		
13	(Total)		95,433
14	1. Domestic Violence Program - To Fully		
15	Fund all 67 Programs	95,433	
16			
17	Department of Agriculture		
18	(Total)		160,000
19	1. Funds to Provide Mycotoxin Research	160,000	
20			
21	Department of Commerce		
22	(Total)		18,375,000
23	1. Investment in Manufacturing		
24	Technology - Match Federal Funds	1,000,000	
25	2. Reserve to Industrial Equipment,		
26	Industrial Training, and Economic		
27	Development	17,025,000	
28	3. Institute for Minority Economic		
29	Development	350,000	
30			
31	Department of Commerce - Rural Economic		
32	Development Center		
33	(Total)		5,925,000
34	1. Rural Economic Development Act		
35	Implementation	2,825,000	
36	2. Community Development Corporations	2,900,000	
37	3. Credit Union Support Center	200,000	
38			
39	Department of Cultural Resources		
40	(Total)		600,000
41	1. Andrew Jackson Memorial - Grant	100,000	
42	2. The Lost Colony - Matching Funds	500,000	
43			
44	Department of Public Instruction		

GENERAL ASSEMBLY OF NORTH CAROLINA

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1	(Total)		600,565
2	1.	Funds to Hold Harmless Ashe and	
3		Jackson County Schools in the Small	
4		School Formula	600,565
5			
6		Department of Human Resources	
7	(Total)		200,000
8	1.	Medicaid Planning Funds - Redesign	
9		of Eligibility System	200,000
10			
11		Department of Environment, Health, and	
12		Natural Resources	
13	(Total)		1,560,000
14	1.	Piedmont Triad Regional Water	
15		Authority - Grant to Purchase Land	
16		for Randleman Dam	1,500,000
17	2.	Child Protective Services - Grant for	
18		Equipment	60,000
19			
20		General Assembly	
21	(Total)		1,326,163
22	1.	LRC/Independent Studies	250,000
23	2.	Reserve for GPAC Recommendations	1,076,163
24			
25		Office of the Governor	
26	(Total)		15,000,000
27	1.	Reserve for Education Technology and	
28		Education Technology to Attract Industry	15,000,000
29			
30		Department of Secretary of State	
31	(Total)		262,612
32	1.	Business License Office - Computer	
33		System Development and Equipment	262,612
34			
35		Office of State Budget and Management	
36	(Total)		2,250,000
37	1.	Science and Math Alliance - Development	800,000
38	2.	Children's Home Society of N.C.,	
39		Inc. - Grant to Establish an Adoption	
40		Resource Center	500,000
41	3.	Funds to Provide for a State Government	
42		Disparity Study	950,000
43			
44		Office of State Controller	

1	(Total)		4,200,000
2	1.	Reserve to Continue the Implementation	
3		of the State Accounting System	4,200,000
4			
5	University - Board of Governors		
6	(Total)		9,176,000
7	1.	North Carolina State University - To	
8		Study the Abatement of Odors from	
9		Swine Farms and the Impact of Swine	
10		Farms on Ground and Surface Water Supplies	200,000
11	2.	North Carolina State University -	
12		Agricultural Research Service -	
13		To Study Alternative Disposal Systems	
14		for Residential Sewage in Those Parts	
15		of the State Where Soil Absorption	
16		Qualities are Poor	50,000
17	3.	University of North Carolina - Funds	
18		to Support the Bicentennial Observance	250,000
19	4.	North Carolina A & T University -	
20		State support for the Applied	
21		Manufacturing and Education Center	5,500,000
22	5.	Winston-Salem State University -	
23		State support for the cooperative	
24		effort of North Carolina A & T,	
25		UNC-Greensboro, N.C. State University,	
26		and Winston-Salem State University	
27		in the establishment of research	
28		parks in the Winston-Salem area	3,026,000
29	6.	UNC-Chapel Hill Educational Consortium	150,000
30			
31	TOTAL NONRECURRING/GENERAL FUND		\$59,730,773

33 PART 7. TECHNICAL CORRECTIONS

35 Requested by: Senators Daniel, Plyler, Kaplan

36 TECHNICAL CORRECTIONS/CHAPTER 321-CURRENT OPERATIONS 37 APPROPRIATIONS ACT OF 1993

38 Sec. 7. MEDICAL SCHOOL ASSISTANCE FUNDING.

39 Section 78(b) of Chapter 321 of the 1993 Session Laws reads as rewritten:

40 "(b) The Board of Governors of The University of North Carolina shall set goals
41 for the Schools of Medicine at the University of North Carolina at Chapel Hill and the
42 School of Medicine at East Carolina University for increasing the percentage of
43 graduates who enter residencies and careers in primary care. A minimum goal should
44 be at least fifty percent (50%) of graduates entering primary care disciplines. Each

1 school shall submit a plan with strategies to reach these goals of increasing the number
2 of graduates entering primary care disciplines to the Board by April 15, 1994. The
3 Board of Governors shall report to the Joint Legislative Education Oversight Committee
4 by May 15, 1994, on the status of these efforts to strengthen primary health care in
5 North Carolina.

6 Primary care shall include the disciplines of ~~family~~, family medicine, general
7 pediatric medicine, general internal medicine, internal medicine/pediatrics, and
8 obstetrics/gynecology."

9 Sec. 8. UNC LIBRARIES FUNDING.

10 Section 91 of Chapter 321 of the 1993 Session Laws reads as rewritten:

11 "Sec. 91. Of the funds appropriated in this act to the Board of Governors of The
12 University of North Carolina for Institutional Programs, the Board of Governors shall
13 allocate at least eleven million eighty-four thousand dollars (\$11,084,000) for the 1993-
14 94 fiscal year and at least two million six hundred five thousand six hundred seventy-
15 seven dollars (\$2,605,677) for the 1994-95 fiscal year for Lines 2 and 4 of the Schedule
16 of Priorities, to enhance library networks and library operations."

17 Sec. 9. ECONOMIC DEVELOPMENT BOARD.

18 G.S. 143B-434(b) as rewritten by Section 313(a) of Chapter 321 of the 1993
19 Session Laws reads as rewritten:

20 "(b) Membership. – The Economic Development Board shall consist of 36
21 members. The Secretary of Commerce shall serve ex officio as a member and as the
22 secretary of the Economic Development Board. Four members of the House of
23 Representatives appointed by the ~~General Assembly upon the recommendation of the~~
24 Speaker of the House of Representatives, four members of the Senate appointed by the
25 ~~General Assembly upon the recommendation of the~~ President Pro Tempore of the
26 Senate, the President of The University of North Carolina, or designee, the President of
27 the North Carolina Community College System, or designee, the Secretary of State, and
28 the Lieutenant Governor, shall serve as members of the Board. The Governor shall
29 appoint the remaining 23 members of the Board, provided that effective with the terms
30 beginning July 1, 1997, one of those appointees shall be a representative of a nonprofit
31 organization involved in economic development and two of those appointees shall be
32 county economic development representatives. The Governor shall designate a chair
33 and a vice-chair from among the members of the Board. Appointments to the Board
34 made by the Governor for terms beginning July 1, 1997, and appointments to the Board
35 made by the ~~General Assembly~~ Speaker of the House of Representatives and the
36 President Pro Tempore of the Senate for terms beginning July ~~1,~~ 9, 1993, should reflect
37 the ethnic and gender diversity of the State as nearly as practical.

38 The initial appointments to the Board shall be for terms beginning on ~~the date of~~
39 ~~ratification of the Current Operations Appropriations Act of 1993.~~ July 9, 1993. Of the
40 initial appointments made by the Governor, the terms shall expire July 1, 1997. Of the
41 initial appointments made by the ~~General Assembly,~~ two terms made upon the
42 ~~recommendation of the~~ Speaker of the House of Representatives and ~~two terms made~~
43 ~~upon the recommendation of~~ by the President Pro Tempore of the Senate two

1 appointments of each shall be designated to expire on July 1, 1995; the remaining terms
2 shall expire July 1, 1997. Thereafter, all appointments shall be for a term of four years.

3 The ~~Governor appointing officer~~ shall make a replacement appointment to serve for
4 the unexpired term in the case of a ~~vacancy, provided that a vacancy in a term appointed~~
5 ~~by the General Assembly shall be filled in accordance with G.S. 120-122.~~ vacancy.

6 The members of the Economic Development Board shall receive per diem and
7 necessary travel and subsistence expenses payable to members of State Boards and
8 agencies generally pursuant to G.S. 138-5 and 138-6, as the case may be. The members
9 of the Economic Development Board who are members of the General Assembly shall
10 not receive per diem but shall receive necessary travel and subsistence expenses at rates
11 prescribed by G.S. 120-3.1."

12 Sec. 10. EARLY CHILDHOOD EDUCATION AND DEVELOPMENT
13 INITIATIVES.

14 Section 254(b) of Chapter 321 of the 1993 Session Laws reads as rewritten:

15 "(b) Of the funds appropriated to the Department of Human Resources, the sum of
16 twenty million dollars (\$20,000,000) for the 1993-94 fiscal year and the sum of ~~twenty-~~
17 ~~eight million four hundred forty thousand dollars (\$28,440,000)~~ twenty-seven million
18 six hundred forty thousand dollars (\$27,640,000) for the 1994-95 fiscal year to
19 implement subsection (a) of this section. From the funds appropriated by this
20 subsection, the Department shall provide funds for services prescribed in subsection (a)
21 of this section, for necessary State, regional, and local administration of this Part, and
22 for the activities of the North Carolina Partnership for Children, Inc., consistent with the
23 provisions of subsection (a) of this section."

24 Sec. 11. CHILD PROTECTIVE SERVICES.

25 Section 234(a) of Chapter 321 of the 1993 Session Laws reads as rewritten:

26 "(a) Funds appropriated to the Division of Social Services, Department of Human
27 Resources, in this act for Child Protective Services shall be allocated for the 1993-94
28 fiscal year and for the 1994-95 fiscal year as follows:

29 (1) Each county department of social services shall receive an amount
30 based on a formula that takes into consideration the number of Child
31 Protective Services cases in that county and the number of Child
32 Protective Services workers required to meet a ratio of no more than
33 20 active cases per one Child Protective Services worker. The
34 allocation of these funds to each county shall not be less than that
35 county's allocation in the 1992-93 fiscal year unless the General
36 Assembly appropriates less funds for the 1993-94 fiscal year and the
37 1994-95 fiscal year for Child Protective Services than it appropriated
38 in the 1992-93 fiscal year; and

39 (2) Each county department of social services shall receive a portion of the
40 remainder of these funds, if any, on a proportional basis determined by
41 the amount of funds necessary in that county to enable that county to
42 achieve the caseload prescribed in subdivision (1) of this subsection.
43 Counties that have achieved the caseload ratios prescribed by
44 subdivision (1) of this section ~~pursuant to funds allocated in that~~

1 subdivision in either the 1993-94 fiscal year or the 1994-95 fiscal year
2 shall not receive any funds pursuant to this subdivision in that fiscal
3 year."

4 Sec. 12. JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON EARLY
5 CHILDHOOD EDUCATION AND DEVELOPMENT INITIATIVES

6 G.S. 120-70.91, as enacted by Section 259 of Chapter 321 of the 1993
7 Session Laws, reads as rewritten:

8 "**§ 120-70.91. Purpose and powers of Committee.**

9 (a) The Committee shall examine, on a continuing basis, the Early Childhood
10 Education and Development Initiatives established by Section 254 of ~~this act, Chapter~~
11 321 of the 1993 Session Laws, in order to make ongoing recommendations to the
12 General Assembly on ways to improve the provision of these programs and services. In
13 this examination, the Committee shall study the budgets, programs, and policies of the
14 12 local projects, their development and implementation by the North Carolina
15 Partnership for Children, Inc., and their oversight by the Department of Human
16 Resources, to determine whether to recommend that the General Assembly should
17 continue the Initiatives, expand them, or make them statewide and, if the Initiatives are
18 continued, expanded, or made statewide, continue to study the budgets, programs, and
19 policies of the Initiatives, their continued development and their oversight, to determine
20 how to enable the Initiatives to provide the best, most cost-effective, and most equitable
21 early childhood education and development services within the scope of the Initiatives'
22 services and programs.

23 (b) At the same times and intervals the Department reports to the General
24 Assembly pursuant to Section 257 of ~~this act, Chapter 321 of the 1993 Session Laws~~,
25 the Department shall report to the Committee on the implementation of the Initiatives.
26 After the final report presented pursuant to Section 257, the Department shall continue
27 to report to the Committee every three months. If the Initiatives are discontinued, the
28 Committee terminates.

29 (c) The Committee may make interim reports to the General Assembly on
30 matters for which it may report to a regular session of the General Assembly. A report
31 to the General Assembly may contain any legislation needed to implement a
32 recommendation of the Committee."

33 Sec. 13. REPAIRS AND RENOVATIONS RESERVE ACCOUNT.

34 G.S. 143-15.3A(b), as enacted by Section 17.1(b) of Chapter 321 of the 1993
35 Session Laws, reads as rewritten:

36 "(b) The funds in the Repairs and Renovations Reserve Account shall be used
37 only for the repair and renovation of State ~~buildings-facilities~~ and related infrastructure
38 that are supported from the General Fund. The Director of the Budget shall not use
39 funds in the Repairs and Renovations Reserve Account unless the use has been
40 approved by an act of the General Assembly."

41
42 **PART 8. GENERAL ASSEMBLY**

43
44 Requested by: Senators Daniel, Plyler, Kaplan

GPAC RECOMMENDATIONS

Sec. 14. G.S. 143-16.3 does not apply to any purpose because that purpose was included in a bill to implement recommendations of the Government Performance Audit Committee.

PART 9. OFFICE OF STATE BUDGET AND MANAGEMENT

Requested by: Senators Daniel, Plyler, Kaplan

EXPENDITURE OF FUNDS FROM RESERVE FOR REPAIRS AND RENOVATIONS

Sec. 15. Of the funds in the Reserve for Repairs and Renovations for the 1993-94 fiscal year, forty-five percent (45%) shall be allocated to the Board of Governors of The University of North Carolina for repairs and renovations to General Fund supported facilities and related infrastructure in The University of North Carolina, including the North Carolina School of Science and Math, and fifty-five percent (55%) shall be allocated to the Office of State Budget and Management for necessary repairs and renovations to all other General Fund supported facilities and related infrastructure. From this Reserve the Board of Governors may expend twenty-five million six hundred fifty thousand dollars (\$25,650,000), and the Office of State Budget and Management may expend thirty-one million three hundred fifty thousand dollars (\$31,350,000) for repairs and renovation, improvements to roads and walks, architectural barrier removal, and North Carolina Occupational Safety and Health Act projects.

The Board of Governors and the Office of State Budget and Management shall submit to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division of the Legislative Services Office, for their review, the proposed allocation of these funds. Subsequent changes in the proposed allocations shall be reported prior to expenditure to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division of the Legislative Services Office.

Requested by: Senators Daniel, Plyler, Kaplan

LOCAL WATER/SEWER FUNDS

Sec. 16. (a) Notwithstanding the provisions of Section 3 of Chapter 321 of the 1993 Session Laws, the Office of State Budget and Management shall transfer the sum of six million eight hundred thousand dollars (\$6,800,000), from the funds appropriated to the Reserve for Local Government Shared Tax Revenue for the 1993-94 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, 1993, pursuant to G.S. 105-116(d), by an amount equal to six million eight hundred thousand dollars (\$6,800,000). The Secretary of Revenue shall allocate this reduction on a pro rata basis among the municipalities entitled to receive a quarterly installment pursuant to G.S. 105-116(d) on or before December 15, 1993.

1 (c) Notwithstanding the provisions of G.S. 105-113.82, the Secretary of Revenue
2 shall reduce the amount to be distributed to counties and cities for the 1993-94 fiscal
3 year pursuant to G.S. 105-113.82 by an amount equal to six million eight hundred
4 thousand dollars (\$6,800,000). The Secretary of Revenue shall allocate this reduction
5 on a pro rata basis among the counties and cities entitled to receive a distribution
6 pursuant to G.S. 105-113.82 for the 1993-94 fiscal year.

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

10
11 Requested by: Senators Daniel, Plyler, Kaplan

12 **RESERVE FOR GPAC RECOMMENDATIONS**

13 Sec. 17. Funds appropriated in this act to the Reserve for GPAC
14 Recommendations shall be used to implement GPAC recommendations related to the
15 following:

- 16 (1) Program budget and evaluation;
- 17 (2) Personnel classification and compensation;
- 18 (3) Personnel policy; and
- 19 (4) Legislative peer review, classification, and compensation.

20 21 **PART 9A. EMPLOYEE BENEFITS**

22 23 **STATE FICA SAVINGS USE EXTENSION**

24 Sec. 17.1. Section 14(i) of Chapter 1044 of the 1991 Session Laws reads as
25 rewritten:

26 "(i) Subsections (a) through (d) of this section are effective January 1, 1990.
27 Subsections (e) through (h) of this section are effective January 1, 1991. Subsections
28 (a) through (h) of this section shall expire December 31, ~~1993-1994.~~"

29 30 **PART 10. DEPARTMENT OF ADMINISTRATION**

31
32 Requested by: Senators Daniel, Plyler, Kaplan

33 **EVALUATION OF DESIGN AND CONTRACT WORK FOR COMMUNITY** 34 **COLLEGE BUILDINGS**

35 Sec. 18. G.S. 143-135.26(4) reads as rewritten:

- 36 "(4) To develop procedures for evaluating the work performed by designers
37 and contractors on State capital improvement projects and those
38 community college buildings, as defined in G.S. 143-336, requiring the
39 estimated expenditure for construction or repair work for which public
40 bidding is required under G.S. 143-129, and for use of the evaluations
41 as a factor affecting designer selections and determining qualification
42 of contractors to bid on State capital improvement ~~projects-projects~~
43 and community college buildings."

1 Requested by: Senators Daniel, Plyler, Kaplan

2 **MUSEUM OF THE ALBEMARLE**

3 Sec. 19. Funds appropriated from the General Fund to the Department of
4 Cultural Resources for the Museum of the Albemarle in this act shall be used for design
5 and construction of new facilities for the Museum of the Albemarle. The facility shall
6 be sited in downtown Elizabeth City and funds appropriated in this act for this project
7 may be used for the purchase of land if necessary.

8

9 Requested by: Senator Plexico

10 **DOMESTIC VIOLENCE CENTER FUNDS**

11 Sec. 20. Section 31 of Chapter 321 of the 1993 Session Laws reads as
12 rewritten:

13 "Sec. 31. The funds appropriated in this act to the Department of Administration,
14 the North Carolina Council for Women, for the 1993-94 fiscal year and for the 1994-95
15 fiscal year for domestic violence centers shall be allocated equally among domestic
16 violence centers in operation on July 1, ~~1990, 1993,~~ that offer services including a
17 hotline, transportation services, community education programs, daytime services, and
18 call forwarding during the night and that fulfill other criteria established by the
19 Department of Administration. Grants shall be awarded based on criteria established by
20 the Department of Administration and disbursed on a quarterly basis. The North
21 Carolina Coalition against Domestic Violence, Incorporated, is eligible for a grant of ten
22 thousand dollars (\$10,000) under this section."

23

24 Requested by: Senators Daniel, Plyler, Kaplan

25 **STATE VETERANS HOME**

26 Sec. 21. It is the intent of the General Assembly that no State funds shall be
27 appropriated in future years to support operational costs of the State Veterans Home in
28 Fayetteville.

29

30 Requested by: Senators Daniel, Plyler, Kaplan

31 **LEGISLATIVE REVIEW REQUIRED FOR CERTAIN CONVEYANCES OF**
32 **STATE LAND**

33 Sec. 22. (a) G.S. 146-27 reads as rewritten:

34 "**§ 146-27. The role of the Department of Administration in sales, leases, and**
35 **rentals.**

36 Every sale, lease, ~~or rental~~ rental, or gift of land owned by the State or by any State
37 agency shall be made by the Department of Administration and approved by the
38 Governor and Council of State; provided that if the proposed disposition is a sale or gift
39 of land with an appraised value of at least twenty-five thousand dollars (\$25,000), the
40 sale or gift ~~may only be~~ shall not be made until after consultation with the Joint
41 Legislative Commission on Governmental Operations. The Department of
42 Administration may initiate proceedings for sales, leases, ~~and rentals~~ rentals, and gifts
43 of land owned by the State or by any State agency."

44 (b) G.S. 146-74 reads as rewritten:

1 **"§ 146-74. Approval of conveyances.**

2 Every proposed conveyance in ~~fee-fee~~, including conveyances by gift, of State lands
3 shall be submitted to the Governor and Council of State for their approval. If the
4 proposed conveyance is of State lands with an appraised value of at least twenty-five
5 thousand dollars (\$25,000), and it is for other than a transportation purpose, the Council
6 of State shall consult with the Joint Legislative Commission on Governmental
7 Operations before making a final decision on the proposed conveyance. Upon approval
8 of the proposed conveyance in fee by the Governor and Council of State, a deed for the
9 land being conveyed shall be executed in the manner prescribed in this Article."

10 (c) G.S. 146-29.1 reads as rewritten:

11 **"§ 146-29.1. Lease or sale of real property for less than fair market value.**

12 (a) Real property owned by the State or any State agency may not be sold,
13 leased, or rented at less than fair market value to any private entity that operates, or is
14 established to operate for profit.

15 (b) Real property owned by the State or by any State agency may be sold, leased,
16 or rented at less than fair market value to a public entity. 'Public entity' means a county,
17 municipal corporation, local board of education, community college, special district or
18 other political subdivision of the State and the United States or any of its agencies. Any
19 such sale, lease, or rental shall be reported at least 30 days prior to the sale, lease, or
20 rental to the Joint Legislative Commission on Governmental Operations and the Fiscal
21 Research Division of the Legislative Services Office, with the details of such
22 transaction.

23 (c) Real property owned by the State or by any State agency may be sold, leased,
24 or rented at less than market value to a private, nonprofit corporation, association,
25 organization or society upon a determination by the Department of Administration that
26 such transaction is in consideration of public service rendered or to be rendered. The
27 transaction shall be reported in detail at least 30 days prior to the sale, lease, or rental to
28 the Joint Legislative Commission on Governmental Operations and the Fiscal Research
29 Division of the Legislative Services Office. In the case of a private, nonprofit
30 corporation, association, organization, or society that engages in some for-profit
31 activities, the amount of the sale, lease, or rent shall be not less than the fair market
32 value of the property times the percentage of the total activities of the corporation,
33 association, organization, or society that are for profit.

34 (d) Any sale, lease, or rental of real property made in conformity with the
35 provisions of this section is not a violation of G.S. 66-58(a).

36 (e) All sales, leases, or rentals, prior to July 15, 1986, of real property owned by
37 the State or any State agency are not invalid because of a conflict with G.S. 66-58(a) or
38 with a prior version of this section, but any renewal of any such lease or rental
39 agreement on or after July 15, 1986, shall conform to the requirements of this section."
40

41 Requested by: Senator Odom

42 **POLK YOUTH CENTER REPLACEMENT/PRISON CONSOLIDATION**

43 Sec. 23. (a) Of the funds appropriated to the Department of Administration,
44 Office of State Construction, for the 1993-94 fiscal year, the sum of four million dollars

1 (\$4,000,000) shall be used for design, for site preparation, and to begin construction as
2 funds are available, of a replacement for Polk Youth Institution.

3 (b) Of the funds appropriated to the Department of Administration, Office of
4 State Construction, for the 1993-94 fiscal year, the sum of two million dollars
5 (\$2,000,000) shall be used for planning and site development to effect the consolidation
6 of Granville, Halifax, Person, Warren, and Vance prison units.

7 (c) The Office of State Construction of the Department of Administration may
8 contract for and supervise all aspects of administration, technical assistance, design,
9 construction, or demolition of prison facilities in order to implement the providing of
10 prison facilities under the provisions of this section.

11 The facilities authorized under this section shall be constructed in accordance
12 with the provisions of general law applicable to the construction of State facilities. If
13 the Secretary of Administration, after consultation with the Secretary of Correction,
14 finds that the delivery of prison facilities must be expedited for good cause, the Office
15 of State Construction of the Department of Administration may use alternative delivery
16 systems and shall be exempt from the following statutes and rules implementing those
17 statutes, to the extent necessary to expedite delivery: G.S. 143-135.26(1), 143-128, 143-
18 129, 143-131, 143-132, 143-134, 143-135.26, 113A-1 through 113A-10, 113A-50
19 through 113A-66, 133-1.1(g), and 143-408.1.

20 Prior to exercising the exemptions allowable under this section, the Secretary
21 of Administration shall give reasonable notice in writing of the Department's intent to
22 exercise the exemptions to the Speaker of the House, the President Pro Tempore of the
23 Senate, the Chairs of the House and Senate Appropriations Committees, the Chairs of
24 the House and Senate Appropriations Subcommittees on Justice and Public Safety, and
25 the Fiscal Research Division. The written notice shall contain at least the following
26 information: (i) the specific statutory requirement or requirements from which the
27 Department intends to exempt itself; (ii) the reason the exemption is necessary to
28 expedite delivery of prison facilities; (iii) the way in which the Department anticipates
29 the exemption will expedite the delivery of prison facilities; and (iv) a brief summary of
30 the proposed contract for the project which is to be exempted.

31 The Office of State Construction of the Department of Administration shall
32 have a verifiable ten percent (10%) goal for participation by minority and women-
33 owned businesses. All contracts for the design, construction, or demolition of prison
34 facilities shall include a penalty for failure to complete the work by a specified date.

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

41 The Office of State Construction of the Department of Administration shall
42 involve the Department of Correction in all aspects of the projects to the extent that
43 such involvement relates to the Department's program needs and to its responsibility for
44 the care of the prison population.

1 (d) The Office of State Construction of the Department of Administration shall
2 provide quarterly reports to the Chair of the Appropriations Committee and the Base
3 Budget Committee in the Senate, the Chairs of the Appropriations Committee in the
4 House, the Joint Legislative Commission on Governmental Operations, and the Fiscal
5 Research Division as to any changes in projects and allocations made under this section.
6 The report shall include any changes in the projects and allocations made pursuant to
7 this section, information on which contractors have been selected, what contracts have
8 been entered into, the projected and actual occupancy dates of facilities contracted for,
9 the number of beds to be constructed on each project, the location of each project, and
10 the projected and actual cost of each project.

11 The Department of Insurance and the Department of Correction shall report
12 quarterly to the Joint Legislative Commission on Governmental Operations on their
13 involvement in the prison construction program.

14
15 Requested by: Senators Daniel, Plyler, Kaplan

16 **FEASIBILITY STUDY/RENOVATION OF OLD EDUCATION BUILDING**

17 Sec. 24. The Office of State Construction of the Department of
18 Administration shall conduct a feasibility study on the renovation and repair of the Old
19 Education Building. In conducting the study the Office of State Construction shall
20 review to what extent the Old Education Building should be renovated in order to render
21 it suitable for office space, and whether that part of the Old Education Building that is
22 not on the National Historic Register should be demolished and reconstructed. The
23 Office of State Construction shall report its findings and recommendations to the Joint
24 Legislative Commission on Governmental Operations and to the Fiscal Research
25 Division of the Legislative Services Office not later than March 1, 1994.

26 27 **PART 11. OFFICE OF THE GOVERNOR**

28
29 Requested by: Senators Daniel, Plyler, Kaplan

30 **LIMITATIONS ON CERTAIN FUNDS**

31 Sec. 25. If the funds appropriated in this act to the Department of Commerce
32 and to the Office of the Governor for the following purposes are not expended for those
33 purposes by June 30, 1994, the funds shall revert to the General Fund:

- 34 (1) Department of Commerce for:
- 35 a. Workforce Training Facility - Design, Construction, and
36 Equipment;
 - 37 b. Reserve to Industrial Equipment, Industrial Training, and
38 Economic Development; and
- 39 (2) Office of the Governor to Reserve for Education Technology and
40 Education Technology to Attract Industry.

41
42 Requested by: Senators Daniel, Plyler, Kaplan

43 **GOVERNOR'S OFFICE ECONOMIC INITIATIVES**

1 Sec. 26. For the 1993-94 fiscal year only, the provisions of G.S. 143-16.3 do
2 not apply to the following programs in the Office of the Governor:

- 3 (1) The Total Quality Management Program,
- 4 (2) The Governor's Executive Institute, and
- 5 (3) The Economic Development Institute.

6
7 **PART 12. COLLEGES AND UNIVERSITIES**

8
9 Requested by: Senators Daniel, Plyler, Kaplan

10 **ENGINEERING GRADUATE RESEARCH CENTER FUNDS**

11 Sec. 27. Of the funds appropriated in Chapter 1044 of the 1991 Session
12 Laws, Regular Session 1992, from the General Fund to the Board of Governors of The
13 University of North Carolina for the Engineering Graduate Research Center (EGRC) at
14 North Carolina State University, up to one million five hundred thousand dollars
15 (\$1,500,000) may be released and expended for equipment that will be located in the
16 EGRC upon its completion.

17
18 Requested by: Senators Winner of Buncombe, Daniel, Plyler, Kaplan

19 **UNC ASHEVILLE LAND FUNDS**

20 Sec. 28. Of the funds appropriated in this act from the General Fund to the
21 Board of Governors of The University of North Carolina, the sum of four million
22 dollars (\$4,000,000) for the 1993-94 fiscal year shall be used for the purchase of the
23 Highland Hospital property, if that property is available for purchase, for the University
24 of North Carolina at Asheville to allow for future campus growth.

25
26 Requested by: Senator Lee

27 **UNC-CH EDUCATIONAL CONSORTIUM**

28 Sec. 29. Of the funds appropriated in this act to The Board of Governors of
29 The University of North Carolina, the sum of one hundred fifty thousand dollars
30 (\$150,000) shall be allocated by the Board for a new cooperative educational
31 consortium at the University of North Carolina at Chapel Hill. This consortium shall
32 comply with the requirements of Section 101.2 of Chapter 321 of the 1993 Session
33 Laws.

34
35 Requested by: Senators Daniel, Plyler, Kaplan

36 **LIMITATION ON UNC-CH SCHOOL OF BUSINESS FUNDS**

37 Sec. 30. The six million seven hundred fifty thousand dollars (\$6,750,000)
38 appropriated to the Board of Governors of The University of North Carolina in this act
39 for the University of North Carolina at Chapel Hill School of Business shall not be
40 obligated or expended prior to certification by the State Board of Elections of the results
41 of the election on the question of issuing University Improvement Bonds in the election
42 held as provided in the Education, Clean Water, and Parks Bond Act of 1993. If the
43 qualified voters of the State approve the issuance of University Improvement Bonds in
44 that election, then the six million seven hundred fifty thousand dollars (\$6,750,000)

1 appropriated to the Board of Governors of The University of North Carolina in this act
2 for the School of Business at the University of North Carolina at Chapel Hill shall not
3 be obligated or expended and shall revert to the General Fund at the end of the 1993-94
4 fiscal year.

6 **PART 13. DEPARTMENT OF COMMUNITY COLLEGES**

8 Requested by: Senator Perdue

9 **COMMUNITY COLLEGES' CAPITAL PROJECTS REPORT ADDITION**

10 Sec. 31. In addition to the other considerations required in the State Board of
11 Community Colleges' study and evaluation of the capital needs of the Community
12 College System mandated by Section 11 of the Education, Clean Water, and Parks Bond
13 Act of 1993, Senate Bill 14, if enacted, the State Board of Community Colleges shall
14 also consider, in evaluating the rank order for capital projects, the following criteria,
15 which are included in the Board's capital outlay resource allocation funding formula:

- 16 (1) Space to population ratio;
- 17 (2) Population served ratio;
- 18 (3) Capacity enrollment ratio;
- 19 (4) Local to State and Voc-Ed ratios;
- 20 (5) Type of project; and
- 21 (6) Readiness to implement.

23 **PART 14. PUBLIC SCHOOLS**

25 Requested by: Senators Daniel, Plyler, Kaplan

26 **SMALL SCHOOL FORMULA/HOLD HARMLESS PROVISION**

27 Sec. 32. Notwithstanding the provisions of Section 138.1 of Chapter 321 of
28 the 1993 Session Laws, for the 1993-94 school year only, the State Board of Education
29 shall allocate funds appropriated for small school system supplemental funding in this
30 act to any county school administrative units that:

- 31 (1) Received funds appropriated for small school supplemental funding
32 for the 1992-93 fiscal year,
- 33 (2) Are located in a county in which the total average daily membership of
34 all local school administrative units located within the county is from
35 3,000 to 4,000, and
- 36 (3) Are located in a county in which the county adjusted property tax base
37 per student is not below the State adjusted property tax base per
38 student.

39 Each such county school administrative unit shall receive for the 1993-94 fiscal year the
40 same amount it received for the 1992-93 fiscal year.

42 **PART 15. DEPARTMENT OF TRANSPORTATION**

44 Requested by: Senator Lee

DOT TO DEVELOP CRITERIA FOR NONBETTERMENT CONTRIBUTIONS

Sec. 33. The Department of Transportation shall study and implement a program for the payment of nonbetterment costs for the relocation of water and sewer lines within existing State highway rights-of-way required by G.S. 136-27.1 and shall develop criteria for State participation in the relocation of water and sewer lines owned by counties and water and sewer districts based on:

- (1) Their ability to pay;
- (2) The per capita income of the populations served; and
- (3) The supporting tax base.

The Department of Transportation shall report on the criteria developed to the Joint Legislative Highway Oversight Committee and the Fiscal Research Division of the Legislative Services Office by October 1, 1993.

Requested by: Senator Lee

SMALL HIGHWAY FUND AND HIGHWAY TRUST FUND PROJECT BIDDING

Sec. 34. (a) Notwithstanding the provisions of G.S. 136-28.4(b), for Highway Fund or Highway Trust Fund projects of three hundred thousand dollars (\$300,000) or less, the Board of Transportation may, after soliciting at least three informal bids in writing from Small Business Enterprises, award contracts to the lowest responsible bidder. The Department of Transportation may identify projects likely to attract increased participation by Small Business Enterprises, and restrict the solicitation and award to those bidders. The Board of Transportation may delegate full authority to award contracts, adopt necessary rules, and administer the provisions of this section to the Secretary of Transportation.

(b) The letting of contracts under this section is not subject to any of the provisions of G.S. 136-28.1 relating to the letting of contracts. The Department may waive the bonding requirements of Chapter 44A of the General Statutes and the licensing requirements of Chapter 87 for contracts awarded under this subsection.

(c) The Secretary of Transportation shall report quarterly to the Joint Legislative Transportation Oversight Committee on the implementation of this section.

Requested by: Senator Lee

MANAGEMENT ASSESSMENT AND COMPLIANCE POSITIONS RECREATED

Sec. 35. From funds available to the Department of Transportation from funding codes 84210, 84220, and 84260, the Department of Transportation may recreate three positions in Management Assessment and Compliance that were eliminated in the Current Operations Appropriations Act of 1993, Chapter 321 of the 1993 Session Laws.

Requested by: Senators Daniel, Plyler, Kaplan, Perdue

PLANNING FUNDS FOR REPLACEMENT TRESTLE

Sec. 36. Of the funds appropriated in this act from the General Fund to the North Carolina Ports Railway Commission, the sum of two hundred fifty thousand

1 dollars (\$250,000) for the 1993-94 fiscal year shall be used to plan for the replacement
2 of the wooden trestle over the Newport River on the Beaufort and Morehead Railroad
3 with a modern concrete trestle.

4 The Attorney General and the Department of Transportation shall identify
5 legal issues related to the design, construction, and operation of the new trestle and shall
6 report to the Joint Legislative Commission on Governmental Operations and to the
7 Fiscal Research Division of the Legislative Services Office not later than March 1,
8 1994, on options available to resolve those issues.

9

10 Requested by: Senators Daniel, Plyler, Kaplan

11 **HIGHWAY 264 REST AREA**

12 Sec. 37. Funds appropriated in Chapter 900, Section 106, 1991 Session
13 Laws, Regular Session 1992, for the construction of a rest area at U.S. Highway 264 in
14 Beaufort County may also be used for the purchase of land to be used as a site for the
15 rest area.

16

17 Requested by: Senators Daniel, Plyler, Kaplan

18 **DOT VEHICLES EXEMPTION**

19 Sec. 38. All State-owned passenger motor vehicles which are permanently
20 assigned to the Department of Transportation or its individual employees are exempt
21 from the minimum mileage requirements of G.S. 143-341(8)i.7a. The Department shall
22 report on the utilization of these vehicles to the Joint Legislative Commission on
23 Governmental Operations and to the Joint Legislative Highway Oversight Committee
24 on a quarterly basis beginning October 1, 1993.

25

26 Requested by: Senator Lee

27 **TRANSPORTATION OVERSIGHT STUDY DIESEL FUEL CONSUMPTION**

28 Sec. 39. (a) The Joint Legislative Transportation Oversight Committee created
29 in G.S. 120-70.50 shall study the issue of the level of consumption of diesel fuel in this
30 State as compared to surrounding states. This study shall include all of the following:

31 (1) Investigation of the extent to which the 1989 diesel fuel tax increase to
32 a rate above that in other South Atlantic states may have resulted in a
33 shift of truck fueling to other states, noncompliance with the tax law
34 by interstate truckers, or both.

35 (2) Analysis of the impact of the diesel fuel tax rate upon the level of
36 consumption of liquid diesel fuel in this State and, as a result, upon
37 Highway Fund revenues and North Carolina Highway Trust Fund
38 revenues and upon the truckstop business in North Carolina.

39 (3) Comparison of other states that have raised in-state fuel consumption
40 by placing part of the fuel tax at the pump and collecting the remainder
41 by reporting or otherwise.

42 (4) Evaluation of the diesel fuel tax proposal outlined in Senate Bill 1088,
43 Second Edition, 1993 Session, A BILL TO BE ENTITLED AN ACT
44 TO PROVIDE THAT THE TAX ON DIESEL FUEL SHALL BE

1 PAID PARTLY AT THE PUMP AND PARTLY BY EITHER
2 REPORTING OR ANNUAL REGISTRATION TAX.

3 (5) Study of how these and other compliance measures can be used to
4 enhance consumption of diesel fuel in this State.

5 (6) Consideration of any other issues the Committee considers relevant.

6 (b) The Department of Transportation and the Department of Revenue shall
7 provide the Committee any information it requires to conduct this study. The
8 Committee may make an interim report to the 1994 Session of the 1993 General
9 Assembly and shall make a final report of the results of its study and any
10 recommendations to the 1995 Session of the 1995 General Assembly on this study."

11 12 **PART 16. DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY**

13
14 Requested by: Senators Daniel, Plyler, Kaplan

15 **ALCOHOL LAW ENFORCEMENT OFFICER ACCESS TO PUBLIC** 16 **INFORMATION NETWORK**

17 Sec. 40. The Department of Crime Control and Public Safety may use up to
18 forty-six thousand eight hundred dollars (\$46,800) from forfeiture funds available in the
19 1993-94 fiscal year to provide access to the public information network by alcohol law
20 enforcement officers.

21 22 **PART 17. DEPARTMENT OF JUSTICE**

23
24 Requested by: Senators Ballance, Odom

25 **CENTRALIZED UTILIZATION OF LEGAL PUBLICATIONS**

26 Sec. 41. The Attorney General and the Director of the Budget shall conduct a
27 review of the proliferation of legal publications used by State agencies, departments,
28 and institutions to determine:

29 (1) The most efficient utilization of legal publications; and

30 (2) The feasibility of providing centralized access to legal publications,
31 including the fiscal impact of providing for the centralized use and
32 availability of legal publications.

33 The Attorney General and the Director of the Budget shall report their
34 findings and recommendations to the General Assembly by March 31, 1994, by
35 submitting a copy of the report to the Speaker of the House of Representatives, the
36 President Pro Tempore of the Senate, and the Fiscal Research Division.

37 38 **PART 18. DEPARTMENT OF HUMAN RESOURCES**

39
40 Requested by: Senator Richardson

41 **DISTRIBUTION SPECIFICATIONS FOR AREA MENTAL HEALTH** 42 **PROGRAM CAPITAL FUNDS**

1 Sec. 42. (a) No area program shall receive more than ten percent (10%) of
2 the total funds appropriated in the 1993-94 fiscal year by the General Assembly for area
3 program capital needs.

4 (b) Capital funds awarded by the Department of Human Resources to area
5 programs for projects in counties that fall within the last quartile of either per capita
6 income, according to the North Carolina Data System 1990 Ranking, or of property
7 valuation, according to the North Carolina Data System Ranking of 1990, shall not
8 require a local match. The Department shall require a dollar-for-dollar local match for
9 capital funds awarded for projects in all other counties.

10 (c) All area program capital grants are subject to the Department of Human
11 Resources' approval of the grant application.

12
13 Requested by: Senators Richardson, Walker

14 **MEDICAID PLANNING FUNDS**

15 Sec. 43. Of the funds appropriated in this act from the General Fund to the
16 Department of Human Resources for the 1993-94 fiscal year, the sum of two hundred
17 thousand dollars (\$200,000) may be used to plan and design an eligibility system to
18 provide Medicaid coverage to all Supplemental Security Income recipients, elderly, and
19 disabled persons with incomes below seventy-five percent (75%) of the federal poverty
20 guidelines, and additional children. Nothing in this section shall be construed to
21 obligate the State to provide Medicaid coverage to these individuals without further
22 State appropriations for that purpose.

24 **PART 19. DEPARTMENT OF AGRICULTURE**

25
26 Requested by: Senator Martin of Pitt

27 **WAREHOUSE ACT FUNDS**

28 Sec. 44. (a) G.S. 106-435 reads as rewritten:

29 **"§ 106-435. Fund for support of system; collection and investment.**

30 In order to provide a sufficient indemnifying or guarantee fund to cover any loss not
31 covered by the bonds hereinbefore mentioned, in order to provide the financial backing
32 which is essential to make the warehouse receipt universally acceptable as collateral,
33 and in order to provide that a State warehouse system intended to benefit all cotton
34 growers in North Carolina shall be supported by the class it is designed to benefit, it is
35 hereby declared: that on each bale of cotton ginned in North Carolina during the period
36 from the ratification of this bill until June 30, 1922, twenty-five cents (25¢) shall be
37 collected through the ginner of the bale and paid into the State treasury, to be held there
38 as a special guarantee or indemnifying fund to safeguard the State warehouse system
39 against any loss not otherwise covered. The State Tax Commission shall provide and
40 enforce the machinery for the collection of this tax, which shall be held in the State
41 treasury to the credit of the State warehouse system. Not less than ten per centum (10%)
42 of the entire amount collected from the per bale tax shall be invested in United States
43 government or farm loan bonds or North Carolina bonds, and the remainder may be
44 invested in amply secured first mortgage notes or bonds to aid and encourage the

1 establishment of warehouses operating under this system, and to aid and encourage the
2 establishment of farm markets designed to serve the marketing, packaging, and grading
3 needs for the sale and distribution of unprocessed farm commodities when adequate
4 markets are not otherwise provided. Such investments shall be made by the Board of
5 Agriculture, with the approval of the Governor and Attorney General: Provided, such
6 first mortgages shall be for not more than one-half the actual value of the warehouse
7 property covered by such mortgages, and run not more than 10 years: Provided further,
8 that the interest received from all investments shall be available for appropriation for
9 capital projects and nonrecurring expenditures as provided in the bill making the
10 appropriation, and for the administrative expense of carrying into effect the provisions
11 of this law, including the employment of such persons and such means as the State
12 Board of Agriculture in its discretion may deem necessary: Provided further, that the
13 guarantee fund, raised under the provisions of sections 4907 to 4925 of the Consolidated
14 Statutes of 1919, shall become to all intents and purposes a part of guarantee fund to be
15 raised under this law and subject to all the provisions hereof."

16 (b) Of the funds available in accumulated interest from the North Carolina
17 Warehouse Act Fund, the sum of five hundred thousand dollars (\$500,000) shall be
18 deposited into the General Fund as nontax revenues for the 1993-94 fiscal year to be
19 used to support expenditures for capital projects or nonrecurring expenditures as
20 provided in this act.

21 22 **PART 20. DEPARTMENT OF COMMERCE**

23
24 Requested by: Senators Daniel, Plyler, Kaplan

25 **CENTER FOR ADVANCED AUTOMOTIVE TECHNOLOGY**

26 Sec. 45. (a) Funds appropriated in this act from the General Fund for the
27 1993-94 fiscal year for the Center for Advanced Automotive Technology shall be
28 allocated as follows:

- 29 (1) \$10,000,000 to the Department of Commerce for the design and
30 construction of a facility for the Center for Advanced Automotive
31 Technology.
- 32 (2) \$15,750,000 to the Department of Commerce to be placed in a reserve
33 for the purchase and installation of advanced automotive industrial
34 equipment, for office and other equipment, instructional materials, and
35 for salary and support of eleven training instructors.
- 36 (3) \$10,000,000 to the Office of the Governor, Reserve for Education
37 Technology, for the purchase and installation of telecommunications
38 equipment and for computer network use and line charges for the
39 facility.

40 (b) The Department of Commerce and the Office of the Governor shall provide
41 quarterly reports, beginning October 1, 1993, to the Joint Legislative Commission on
42 Governmental Operations and the Joint Legislative Education Oversight Committee.
43 The quarterly reports shall include:

- 1 (1) Status reports on the design, construction, and equipping of the
- 2 facility;
- 3 (2) Information on the planned training, curriculum, and faculty costs;
- 4 (3) Projected enrollment at the facility;
- 5 (4) Anticipated number and type of jobs to be created in North Carolina
- 6 by operation of this facility;
- 7 (5) The long-range operating costs of the facility and training program
- 8 over a five-year period beginning in 1994-95;
- 9 (6) Information on cooperation with and involvement of the Community
- 10 College system in items listed in subsection (a) of this section; and
- 11 (7) Specific information on the expenditure of the Reserve for Education
- 12 Technology in subsection (a)(3) of this section.
- 13

14 Requested by: Senators Daniel, Plyler, Kaplan

15 **ECONOMIC DEVELOPMENT FUNDS**

16 Sec. 46. (a) Of the funds appropriated in this act from the General Fund to the

17 Rural Economic Development Center, Inc., the sum of two million nine hundred

18 thousand dollars (\$2,900,000) for the 1993-94 fiscal year shall be used to support

19 community development projects and activities within the State's minority community.

20 Any community development corporation as defined in this section is eligible

21 to apply for funds under this section. The Rural Economic Development Center, Inc.,

22 shall establish and implement criteria for new and emerging community development

23 corporations to receive grants. The Rural Economic Development Center, Inc., shall

24 allocate these funds as follows:

- 25 (1) \$900,000 for grants to new and emerging community development
- 26 corporations for support and project activity. These grants shall be
- 27 based on performance.
- 28 (2) \$2,000,000 shall be allocated to the North Carolina Community
- 29 Development Initiative, Inc. The Initiative shall provide operating and
- 30 project activity grants to mature community development corporations
- 31 that have demonstrated project and organizational capacity.

32 The Rural Economic Development Center, Inc., and the North Carolina

33 Community Development Initiative, Inc. shall each report quarterly to the Joint

34 Legislative Commission on Governmental Operations on the use of the funds allocated

35 in this section.

36 For purposes of this section, the term "community development corporation"

37 means a nonprofit corporation:

- 38 (1) Chartered pursuant to Chapter 55A of the General Statutes;
- 39 (2) Tax-exempt pursuant to section 501(c)(3) of the Internal Revenue
- 40 Code of 1986;
- 41 (3) Whose primary mission is to develop and improve low-income
- 42 communities and neighborhoods through economic and related
- 43 development;

- 1 (4) Whose activities and decisions are initiated, managed, and controlled
2 by the constituents of those local communities; and
3 (5) Whose primary function is to act as deal-maker and packager of
4 projects and activities that will increase their constituencies'
5 opportunities to become owners, managers, and producers of small
6 businesses, affordable housing, and jobs designed to produce positive
7 cash flow and curb blight in the target community.

8 (b) Of the funds appropriated in this act from the General Fund to the
9 Department of Commerce, the sum of three hundred fifty thousand dollars (\$350,000)
10 for the 1993-94 fiscal year shall be allocated to the North Carolina Institute of Minority
11 Economic Development to foster minority economic development within the State
12 through policy analysis, information and technical assistance, and resource expansion.
13 The North Carolina Institute of Minority Economic Development shall:

- 14 (1) Update, maintain, and disseminate the annual survey and directory of
15 minority-owned businesses;
16 (2) Update, maintain, and disseminate the minority profile of the State;
17 (3) Support a model minority business technical assistance program in
18 conjunction with the Fuqua School of Business at Duke University;
19 (4) Support a specialized and targeted training program on the unique
20 needs and requirements of minority-owned businesses; and
21 (5) Increase the number of Institute-sponsored interns.

22 The North Carolina Institute of Minority Economic Development shall report
23 quarterly to the Joint Legislative Commission on Governmental Operations on the use
24 of these funds.

25 (c) Of the funds appropriated in this act from the General Fund to the Rural
26 Economic Development Center, Inc., the sum of two hundred thousand dollars
27 (\$200,000) for the 1993-94 fiscal year shall be allocated to the North Carolina Minority
28 Credit Union Support Center, Inc., to provide technical assistance to minority-owned
29 and other small credit unions. The Rural Economic Development Center, Inc., shall
30 report quarterly to the Joint Legislative Commission on Governmental Operations on
31 the use of these funds.

32 33 **PART 21. DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL** 34 **RESOURCES**

35
36 Requested by: Senators Daniel, Plyler, Kaplan

37 **PARTNERSHIP FOR THE SOUNDS**

38 Sec. 47. The funds appropriated in this act to the Department of
39 Environment, Health, and Natural Resources for the 1993-94 fiscal year for the
40 Partnership for the Sounds shall be used to provide architectural, engineering, and
41 development services for the design and construction of the Estuarine Educational
42 Center in Beaufort County, the Lake Mattamuskeet Lodge in Hyde County, and the
43 Walter B. Jones Center for the Sounds in Tyrrell County. Up to sixty thousand dollars
44 (\$60,000) of these funds may be used for contracted personal services.

1

2 Requested by: Senators Daniel, Plyler, Kaplan

3 **PARKS CAPITAL IMPROVEMENTS**

4 Sec. 48. Of the funds appropriated in this act to the Department of
5 Environment, Health, and Natural Resources for the 1993-94 fiscal year, the sum of two
6 million one hundred thousand dollars (\$2,100,000) shall be used for improvements
7 related to health, safety, and access, and for land acquisitions in State parks. Prior to
8 expending or obligating any of the funds allocated by this section, the Department shall
9 report to the Joint Legislative Commission on Governmental Operations and to the
10 Office of State Budget and Management on the proposed use of the funds.

11

12 Requested by: Senators Daniel, Plyler, Kaplan

13 **STATE PARKS**

14 Sec. 49. Of the funds appropriated in this act to the Department of
15 Environment, Health, and Natural Resources for land purchase in the State Parks
16 System, the sum of up to one hundred thousand dollars (\$100,000) may be spent by the
17 Division of Parks and Recreation for operating expenses associated with the acquisition
18 of land.

19

20 Requested by: Senators Cochrane, Smith, Tally, Daniel, Plyler, Kaplan

21 **FORESTRY HEADQUARTERS**

22 Sec. 50. Of the funds appropriated in this act from the General Fund to the
23 Department of Environment, Health, and Natural Resources, the sum of one million
24 four hundred forty-eight thousand one hundred dollars (\$1,448,100) for the 1993-94
25 fiscal year shall be used to replace District 6 Headquarters in Fayetteville and for county
26 headquarters in Davidson, Henderson, Mitchell, Scotland, and Wayne counties. Funds
27 remaining after these expenditures shall be used for needed repair or replacement of
28 county headquarters in other counties.

29

30 Requested by: Senators Daniel, Plyler, Kaplan

31 **WATER RESOURCES DEVELOPMENT PROJECTS FUNDS**

32 Sec. 51. (a) Of the funds appropriated in this act to the Department of
33 Environment, Health, and Natural Resources for the 1993-94 fiscal year the sum of
34 seven million nine hundred eight thousand dollars (\$7,908,000) shall be used for water
35 resources development projects, and the sum of one million one hundred eighty
36 thousand dollars (\$1,180,000) shall be used for small watershed projects. The
37 Department shall allocate funds for the following projects whose estimated costs are as
38 indicated:

39

(1) Wilmington Harbor

40

Deepening Study

\$ 612,000

41

42

(2) Morehead City

43

Harbor Deepening

3,825,000

44

1	(3)	Jordan Lake Water		
2		Supply Repayment		130,000
3				
4	(4)	Wilmington Harbor		
5		Ocean Bar Deepening		1,016,000
6				
7	(5)	Aquatic Plant		
8		Control		150,000
9				
10	(6)	Wrightsville Beach		
11		Renourishment		400,000
12				
13	(7)	Wanchese Channel		
14		Maintenance		280,000
15				
16	(8)	State-Local Projects	300,000	
17				
18	(9)	North Channel		
19		Maintenance Dredging		523,000
20				
21	(10)	Hamlet City Lake	377,000	
22				
23	(11)	Cape Fear Above		
24		Wilmington Channel		
25		Maintenance		100,000
26				
27	(12)	Wilmington Harbor		
28		25-foot Project		125,000
29				
30	(13)	Dare County Beaches	70,000	
31				
32	(14)	Limestone Creek	180,000	
33		(Duplin County)		
34				
35	(15)	Deep Creek	250,000	
36		(Yadkin County)		
37				
38	(16)	Town Fork	400,000	
39		(Stokes County)		
40				
41	(17)	Meadow Branch	350,000.	
42		(Robeson County)		

43 (b) Where the actual costs are different from the estimated costs under subsection
 44 (a) of this section, the Department may adjust the allocations among projects as needed.

1 If any projects listed in subsection (a) of this section are delayed and the budgeted State
2 funds cannot be used during the 1993-94 fiscal year, or if the projects listed in
3 subsection (a) of this section are accomplished at a lower cost, the Department may use
4 the resulting fund availability to fund:

- 5 (1) Corps of Engineers project feasibility studies, or
- 6 (2) Corps of Engineers projects whose schedules have advanced and
7 require State matching funds in fiscal year 1993-94, or
- 8 (3) State-local Water Resources Development Projects.

9 Funds not expended or encumbered for these purposes shall revert to the General Fund
10 at the end of the 1994-95 fiscal year.

11 (c) Beginning October 1, 1993, the Department shall make quarterly reports on
12 the use of these funds to the Joint Legislative Commission on Governmental
13 Operations, the Fiscal Research Division, and the Office of State Budget and
14 Management. Each report shall include:

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

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

24 **PART 22. MISCELLANEOUS PROVISIONS**

25 Requested by: Senators Daniel, Plyler, Kaplan

26 **RESERVE FOR ADVANCE PLANNING**

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

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

35 Requested by: Senators Daniel, Plyler, Kaplan

36 **ENCUMBERED APPROPRIATIONS AND PROJECT RESERVE FUND**

37 Sec. 53. When each capital improvement project appropriated by the 1993
38 General Assembly, other than those projects under the Board of Governors of The
39 University of North Carolina, is placed under construction contract, direct
40 appropriations shall be encumbered to include all costs for construction, design,
41 investigation, administration, movable equipment, and a reasonable contingency.
42
43
44

1 Unencumbered direct appropriations remaining in the project budget shall be placed in a
2 project reserve fund credited to the Office of State Budget and Management. Funds in
3 the project reserve may be used for emergency repair and renovation projects at State
4 facilities with the approval of the Director of the Budget. The project reserve fund may
5 be used, at the discretion of the Director of the Budget, to allow for award of contracts
6 where bids exceed appropriated funds, if those projects supplemented were designed
7 within the scope intended by the applicable appropriation or any authorized change in it,
8 and if, in the opinion of the Director of the Budget, all means to award contracts within
9 the appropriation were reasonably attempted. At the discretion of the Director of the
10 Budget, any balances in the project reserve fund shall revert to the original source.

11
12 Requested by: Senators Daniel, Plyler, Kaplan

13 **PROJECT COST INCREASE**

14 Sec. 54. Upon the request of the administration of a State department or
15 institution, the Director of the Budget may, when in the Director's opinion it is in the
16 best interest of the State to do so, increase the cost of a capital improvement project.
17 Provided, however, that if the Director of the Budget increases the cost of a project, the
18 Director shall report that action to the Joint Legislative Commission on Governmental
19 Operations at its next meeting. The increase may be funded from gifts, federal or
20 private grants, special fund receipts, excess patient receipts above those budgeted at
21 University of North Carolina Hospitals at Chapel Hill, or direct capital improvement
22 appropriations to that department or institution.

23
24 Requested by: Senators Daniel, Plyler, Kaplan

25 **NEW PROJECT AUTHORIZATION**

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

35
36 Requested by: Senators Daniel, Plyler, Kaplan

37 **ADVANCE PLANNING OF CAPITAL IMPROVEMENT PROJECTS**

38 Sec. 56. Funds which become available by gifts, excess patient receipts
39 above those budgeted at University of North Carolina Hospitals at Chapel Hill, federal
40 or private grants, receipts becoming a part of special funds by act of the General
41 Assembly or any other funds available to a State department or institution may be
42 utilized for advance planning through the working drawing phase of capital
43 improvement projects, upon approval of the Director of the Budget. The Director of the
44 Budget may make allocations from the Advance Planning Fund for advance planning

1 through the working drawing phase of capital improvement projects, except that this
2 revolving fund may not be utilized by the Board of Governors of The University of
3 North Carolina or the State Board of Community Colleges.

4

5 Requested by: Senators Daniel, Plyler, Kaplan

6 **APPROPRIATIONS LIMITS/REVERSION OR LAPSE**

7 Sec. 57. Except as permitted in previous sections of this act, the
8 appropriations for capital improvements made by the 1993 General Assembly may be
9 expended only for specific projects set out by the 1993 General Assembly and for no
10 other purpose. Construction of all capital improvement projects enumerated by the
11 1993 General Assembly shall be commenced, or self-liquidating indebtedness with
12 respect to them shall be incurred, within 12 months following the first day of the fiscal
13 year in which the funds are available. If construction contracts on those projects have
14 not been awarded or self-liquidating indebtedness has not been incurred within that
15 period, the direct appropriation for those projects shall revert to the original source, and
16 the self-liquidating appropriation shall lapse; except that direct appropriations may be
17 placed in a reserve fund as authorized in this act. This deadline with respect to both
18 direct and self-liquidating appropriations may be extended with the approval of the
19 Director of the Budget up to an additional 12 months if circumstances and conditions
20 warrant such extension.

21

22 Requested by: Senators Daniel, Plyler, Kaplan

23 **1993-94 APPROPRIATIONS LIMITATIONS AND DIRECTIONS APPLY**

24 Sec. 58. Except where expressly repealed or amended by this act, the
25 provisions of Chapter 321 of the 1993 Session Laws remain in effect.

26

27 Requested by: Senators Daniel, Plyler, Kaplan

28 **EFFECTIVE DATE**

29 Sec. 59. Except as otherwise provided, this act becomes effective July 1,
30 1993.