

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 492\*

Short Title: Capital Improvements Approp. Act/AB.

(Public)

Sponsors: Representatives Holmes, Crawford, Creech, and Esposito.

Referred to: Appropriations.

March 10, 1997

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

5 The General Assembly of North Carolina enacts:

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7 **PART I. INTRODUCTION**

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9 Section 1. The appropriations made by the 1997 General Assembly for capital  
10 improvements are for constructing, repairing, or renovating State buildings, utilities, and  
11 other capital facilities, for acquiring sites for them where necessary, and acquiring  
12 buildings and land for State government purposes.

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14 **PART II. TITLE**

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16 Section 2. This act shall be known as "The Capital Improvements  
17 Appropriations Act of 1997".

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19 **PART III. PROCEDURES FOR DISBURSEMENTS**

Section 3. The appropriations made by the 1997 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 Director of the Budget shall approve the elements of the method of financing of those projects including the source of funds, interest rate, and liquidation period.

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

Capital improvement projects authorized by the 1997 General Assembly shall be completed, including fixed and movable equipment and furnishings, within the limits of the amounts of the direct or self-liquidating appropriations provided, except as otherwise provided in this act. Capital improvement projects authorized by the 1997 General Assembly for the design phase only shall be designed within the scope of the project as defined by the approved cost estimate filed with the Director of the Budget, including costs associated with site preparation, demolition, movable and fixed equipment, and works of art as required by G.S. 143-408.4.

#### PART IV. CAPITAL IMPROVEMENTS/GENERAL FUND

Section 4. Appropriations are made from the General Fund for the 1997-99 biennium for use by the State departments, institutions, and agencies to provide for capital improvement projects according to the following schedule:

	<u>1997-98</u>	<u>1998-99</u>
DEPARTMENT OF ADMINISTRATION (Total)	\$ 1,000,000	\$ -
1. State Government Visitors Center	1,000,000	-
DEPARTMENT OF AGRICULTURE (Total)	\$ 11,600,000	\$ -
1. Multipurpose Events Building - State Fair	600,000	-
2. Eastern North Carolina Agricultural Center		
- Continued Development	3,500,000	-
3. Cattle and Livestock Exposition Center	6,000,000	-
4. Maritime Museum - Land Acquisition	1,500,000	-

DEPARTMENT OF COMMERCE - STATE PORTS AUTHORITY

1	(Total)	\$ 5,000,000	\$ -
2	1. State Port - Wilmington	2,500,000	-
3	2. State Port - Morehead City	2,500,000	-
4			
5	DEPARTMENT OF CORRECTION	\$ 300,000	\$ -
6	1. Planning Funds for Single Cell Facility		
7	- Alexander County	300,000	-
8			
9	DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY		
10	(Total)	\$ 1,260,300	\$ -
11	1. Charlotte National Guard Armory	1,260,300	-
12	2. State Highway Patrol - Underground Fuel Tank		
13	Removal and Remediation	650,000	-
14	Less Highway Fund	650,000	-
15	Appropriation	-	-
16			
17	DEPARTMENT OF CULTURAL RESOURCES		
18	(Total)	\$ 3,900,000	\$ -
19	1. Museum of History - Restaurant	1,800,000	-
20	2. Museum of the Cape Fear - Branch of		
21	the State Museum of History	1,100,000	-
22	3. Museum of the Albemarle - Branch of the State		
23	Museum of History	1,000,000	-
24			
25	DEPARTMENT OF ENVIRONMENT, HEALTH, AND		
26	NATURAL RESOURCES (Total)	\$ 10,000,000	\$ -
27	1. Water Resources Development and Watershed		
28	Projects	4,000,000	-
29	2. Blue Ridge Parkway - Scenic Vistas	2,000,000	-
30	3. Amphibious Water Scooping Tanker		
31	Aircraft	4,000,000	-
32			
33	DEPARTMENT OF HUMAN		
34	RESOURCES (Total)	\$ 500,000	\$ -
35	1. Eastern North Carolina School for the		
36	Deaf - Independent Living Complex -		
37	Planning	500,000	-
38			
39	UNIVERSITY OF NORTH CAROLINA -		
40	BOARD OF GOVERNORS (Total)	\$ 20,000,000	\$ -
41	1. Reserve for Capital Improvements, Land Acquisition,		
42	and Information Technology Equipment	20,000,000	-
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1	OFFICE OF STATE BUDGET AND MANAGEMENT		
2	(Total)	\$ 9,000,000	\$ -
3	1. Reserve for Museum Exhibits	9,000,000	-
4		_____	_____
5			
6	TOTAL CAPITAL IMPROVEMENTS -		
7	GENERAL FUND	\$ 62,560,300	\$ -

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9 **PART V. CAPITAL IMPROVEMENTS/HIGHWAY FUND**

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11 Section 5. Appropriations are made from the Highway Fund for the 1997-99

12 biennium for use of the Department of Transportation to provide for capital improvement

13 projects according to the following schedule:

14		<b>1997-98</b>	<b>1998-99</b>
15			
16			
17	DEPARTMENT OF TRANSPORTATION		
18	(Total)	\$ 12,000,000	\$ -
19	1. Reserve for Capital Improvements	12,000,000	-
20		_____	_____
21	TOTAL CAPITAL IMPROVEMENTS -		
22	HIGHWAY FUND	\$12,000,000	\$ -

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24 **PART VI. SPECIAL PROVISIONS**

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26 **WATER RESOURCES DEVELOPMENT FUNDS**

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28 Section 6. The funds appropriated in Section 4 of this act to the Department of

29 Environment, Health, and Natural Resources as a Reserve for Water Resources (Civil

30 Works) shall be allocated by the Division of Water Resources for the following types of

31 projects in accordance with the Department's Water Resources Development Plan:

- 32 (1) Planning;
- 33 (2) Construction projects;
- 34 (3) Operations and maintenance projects; and
- 35 (4) Feasibility studies.

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37 **FEDERAL MATCHING FUNDS**

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39 Section 7. Where allocations made in Section 4 of this act are contingent upon

40 federal matching funds being available, and federal matching funds do not become

41 available by July 1, 1999, these allocations may be transferred to the Office of State

42 Budget and Management and placed in the Reserve for Repairs and Renovations.

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**PART VII. MISCELLANEOUS PROVISIONS****ENCUMBERED APPROPRIATIONS AND PROJECT RESERVE FUND**

Section 8. When each capital improvement project appropriated by the 1997 General Assembly, other than those projects under The University of North Carolina Board of Governors, is placed under construction contract, direct appropriations shall be encumbered to include all costs for construction, design, investigation, administration, movable equipment, and a reasonable contingency. Unencumbered direct appropriations remaining in the project budget shall be placed in a project reserve fund credited to the Office of State Budget and Management. Funds in the Project Reserve may be used for emergency repair and renovation projects at State facilities with the approval by the Director of the Budget. The project reserve fund may be used, at the discretion of the Director of the Budget, to allow for award of contracts where bids exceed appropriated funds, if those projects supplemented were designed within the physical scope intended by the applicable appropriation or any authorized change in it, and if, in the opinion of the Director of the Budget, all means to award contracts within the appropriation were reasonably attempted. At the discretion of the Director of the Budget, any balances in the project reserve fund shall revert to the original source.

**PROJECT COST INCREASE**

Section 9. Upon the request of the administration of a State department or institution, the Director of the Budget may, when in his opinion it is in the best interest of the State to do so, increase the cost of a capital improvement project. The increase may be funded from gifts, federal or private grants, special fund receipts, direct capital improvement appropriations to that department or institution, or any other funds available to that department or institution.

**NEW PROJECT AUTHORIZATION**

Section 10. Upon the request of the administration of any State department or institution, the Governor may authorize the construction of a capital improvement project not specifically authorized by the General Assembly if such project is to be funded by gifts, federal or private grants, special fund receipts, or self-liquidating indebtedness.

**ADVANCE PLANNING OF CAPITAL IMPROVEMENT PROJECTS**

Section 11. Funds which become available by gifts, federal or private grants, receipts becoming a part of special funds by act of the General Assembly, or any other funds available to a State department or institution may be utilized for advance planning through the working drawing phase of capital improvement projects, upon approval of the Director of the Budget.

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2 **APPROPRIATIONS LIMITS/REVERSION OR LAPSE**  
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4           Section 12. Construction of all capital improvement projects enumerated by the  
5 1997 General Assembly, shall be commenced, or self-liquidating indebtedness with  
6 respect to them shall be incurred, within 12 months following the first day of the fiscal  
7 year in which the funds are available. If construction contracts on those projects have not  
8 been awarded or self-liquidating indebtedness has not been incurred within that period,  
9 the direct appropriation for those projects shall revert to the original source, and the self-  
10 liquidating appropriation shall lapse; except that direct appropriations may be placed in a  
11 reserve fund as authorized by this act. This deadline with respect to both direct and self-  
12 liquidating appropriations may be extended with the approval of the Director of the  
13 Budget up to an additional 24 months if circumstances and conditions warrant such  
14 extension.

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16 **EFFECT OF HEADINGS**  
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18           Section 13. The headings to the parts and sections of this act are a convenience  
19 to the reader and are for reference only. The headings do not expand, limit, or define the  
20 text of this act.

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22 **SEVERABILITY CLAUSE**  
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24           Section 14. If any section or provision of this act is declared unconstitutional  
25 or invalid by the courts, it does not affect the validity of this act as a whole or any part  
26 other than the part so declared to be unconstitutional or invalid.

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28 **EFFECTIVE DATE**  
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30           Section 15. Except as otherwise provided, this act becomes effective July 1,  
31 1997.