

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021**

**SESSION LAW 2022-15
HOUSE BILL 1068**

AN ACT TO AUTHORIZE THE ACQUISITION OR CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, AND TO MAKE TECHNICAL CORRECTIONS FOR APPROPRIATIONS RELATED TO CERTAIN CAPITAL IMPROVEMENT PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA.

The General Assembly of North Carolina enacts:

SECTION 1.(a) The purpose of this section is to authorize (i) the acquisition or construction of the capital improvement projects listed in this section for the respective institutions of The University of North Carolina and (ii) the financing of these projects with funds available to the institutions from gifts, grants, receipts, self-liquidating indebtedness, Medicare reimbursements for education costs, hospital receipts from patient care, or other funds, or any combination of these funds, but not including funds received for tuition or appropriated from the General Fund of the State unless previously authorized by General Statute.

SECTION 1.(b) The capital improvement projects, and their respective costs, authorized by this section to be acquired or constructed and financed as provided in subsection (a) of this section, including by revenue bonds, by special obligation bonds as authorized in subsection (d) of this section, or by both, are as follows:

| | |
|--|---------------|
| Appalachian State University Holmes Convocation Center Parking Deck | \$20,000,000 |
| Elizabeth City State University New Residence Hall | \$5,000,000 |
| North Carolina State University Integrative Sciences (S.T.E.M.) Building | \$90,000,000 |
| North Carolina Agricultural and Technical State University Bluford Street Residence Hall | \$58,000,000 |
| University of North Carolina Wilmington Acquisition of P3 Housing Project | \$167,000,000 |
| Western Carolina University Acquisition of P3 Housing Project | \$28,500,000 |

SECTION 1.(c) At the request of the Board of Governors of The University of North Carolina and upon determining that it is in the best interest of the State to do so, the Director of the Budget may authorize an increase or decrease in the cost of, or a change in the method of, funding the projects authorized by this section. In determining whether to authorize a change in



cost or funding, the Director of the Budget may consult with the Joint Legislative Commission on Governmental Operations.

SECTION 1.(d) Pursuant to G.S. 116D-26, the Board of Governors may issue, subject to the approval of the Director of the Budget, at one time or from time to time, special obligation bonds of the Board of Governors for the purpose of paying all or any part of the cost of acquiring, constructing, or providing for the projects authorized by subsection (b) of this section. The maximum principal amount of bonds to be issued shall not exceed the specified project costs in subsection (b) of this section plus five percent (5%) of such amount to pay issuance expenses, fund reserve funds, pay capitalized interest, and pay other related additional costs plus any increase in the specific project costs authorized by the Director of the Budget pursuant to subsection (c) of this section.

SECTION 2.(a) Section 40.1(b) of S.L. 2021-180, as amended by Section 9.1(a) of S.L. 2021-189, reads as rewritten:

"SECTION 40.1.(b) This subsection authorizes the following capital projects and allocates funding in the 2021-2023 fiscal biennium based upon projected cash flow needs for the authorized projects. The authorizations provided in this subsection represent the maximum amount of funding from the State Capital and Infrastructure Fund that may be expended on each project. An additional action by the General Assembly is required to increase the maximum authorization for any of the projects listed.

There is allocated from the State Capital and Infrastructure Fund to the Office of State Budget and Management for the 2021-2023 fiscal biennium the following amounts for capital improvement project codes, as defined in subsection (a) of this section:

Capital Improvements–

| State Capital and Infrastructure Fund | Total Project Authorization | FY 2021-2022 | FY 2022-2023 |
|--|--|---------------------|---------------------|
| AOC21-1 | \$135,000 | \$135,000 | – |
| DACS21-1 | 1,632,000 | 1,632,000 | – |
| ... | | | |
| UNC/CH20-1 | 150,000,000 | 10,000,000 | 18,750,000 |
| UNC/CH20-2 | 60,000,000 | 21,250,000 | 25,500,000 |
| UNC/ECS21-1 | 40,000,000 | 10,000,000 | |
| 30,000,000 <u>25,000,000</u> | | | |
| UNC/ECS21-2 | 2,500,000 | 2,500,000 | – |
| UNC/ECS21-3 | 7,500,000 <u>15,000,000</u> | 7,500,000 | – |
| UNC/ECS21-4 | 34,000,000 | 4,000,000 | 10,000,000 |
|" | | | |

SECTION 2.(b) Section 40.1(c2) of S.L. 2021-180, as amended by Section 9.1(c) of S.L. 2021-189, reads as rewritten:

"SECTION 40.1.(c2) Of the funds allocated for project code UNC/R&R21, the following sums shall be allocated for the following projects:

- (1) Thirty million dollars (\$30,000,000) for each fiscal year of the 2021-2023 fiscal biennium to North Carolina State University for repairs and renovations to Dabney Hall.
- (2) Ten million dollars (\$10,000,000) for the 2021-2022 fiscal year to North Carolina State University for repairs and renovations to Polk Hall.
- (3) Two million five hundred thousand dollars (\$2,500,000) for the 2022-2023 fiscal year to Elizabeth City State University for costs associated with project code UNC/ECS21-3."

SECTION 2.(c) Section 40.1(d) of S.L. 2021-180 reads as rewritten:

"SECTION 40.1.(d) Notwithstanding G.S. 143C-8-13(a), the Board of Governors of The University of North Carolina is authorized to utilize funds allocated for project code

UNC/R&R21 in subsection (b) of this section for the projects listed in this subsection. The Board of Governors may reallocate funds in accordance with G.S. 143C-8-13(b); provided, however, reallocation of funds intended for a project located at a particular constituent institution may only be reallocated for repairs and renovations projects at that particular constituent institution. The Board of Governors is authorized to utilize funds allocated for project code UNC/R&R21 that are available after allocation for specific projects authorized in this Part and that exceed the amount needed to fund intended projects at the constituent institutions as listed in this subsection. The provisions of G.S. 143C-8-13(b)(4), as enacted by Section 40.10(b) of this act, shall not apply to the projects listed in this subsection. The Board of Governors may prioritize funding for the following proposed projects that the General Assembly intends to fund through the 2023-2025 fiscal biennium:

| UNC Constituent Institution | Proposed Project Cost |
|--|------------------------------|
| ... | |
| Elizabeth City State University– | |
| Repair Campus Main Switch | 700,000 |
| Repair Campus Pump Station | 650,000 |
| Infrastructure Upgrades–Water & Electrical, Phase 1 | 12,000,000 |
| Emergency Generator Power–Operations | 4,900,000 |
| Emergency Generator Power–Residence Halls | 2,100,000 |
| Campus-Wide Lockdown System | 2,000,000 |
| Building Demolition (4 Buildings) | 1,500,000 |
| Butler Residence Hall Renovations | 2,500,000 |
| Underground Infrastructure– | |
| (Replace all campus plumbing gate valves/infrastructure for fire pump) | 150,000 |
| Underground Infrastructure– | |
| (Replace 6-in. with 8-in. line to improve water volume/Campus North) | 300,000 |
| Jenkins Hall, Phase 2–Renovation of Laboratory and Classroom | 400,000 |
| Vaughn Center–Repair Student Phys. Ed. Learning Spaces– | |
| (Pool, flooring, ceilings & building envelope) | 550,000 |
| Fine Arts–Roof Replacement | 200,000 |
| Dixon Hall–Classroom & Laboratory Renovations | 400,000 |
| ITC–Air Handler Replacement | 300,000 |
| Lester Hall–Demolition | 495,000 |
| Infrastructure Upgrades–Water & Electrical, Phase 2 | 27,000,000 |

Total Proposed Project Authorizations- Elizabeth City State University

~~56,145,000~~**53,645,000**

...."

SECTION 2.(d) Section 40.2 of S.L. 2021-180 reads as rewritten:

"**SECTION 40.2.** It is the intent of the General Assembly to fund capital improvement projects on a cash flow basis and to plan for future project funding based upon projected availability in the State Capital and Infrastructure Fund. Nothing in this section shall be construed (i) to appropriate funds or (ii) as an obligation by the General Assembly to appropriate funds for the projects listed in future years. The following schedule lists capital improvement projects that will begin or be completed in fiscal years outside of the 2021-2023 fiscal biennium and estimated amounts (in thousands) needed for completion of those projects:

| Project Code | FY21-22 | FY22-23 | FY23-24 | FY24-25 | FY25-26 | FY26-27 |
|---------------------|---------------------------------|---------------------------------|---------------------------------|----------------|----------------|----------------|
| ... | | | | | | |
| UNC/NCS20-1 | 18,250 | 36,500 | 18,250 | – | – | – |
| UNC/CH20-1 | 21,250 <u>10,000</u> | 25,500 <u>18,750</u> | 10,750 <u>20,000</u> | – | – | – |

| | | | | | | |
|-------------|---------------------------------|---------------------------------|---------------------------------|---------|-------|----|
| UNC/CH20-2 | 13,750 <u>21,250</u> | 18,000 <u>25,500</u> | 10,750 | – | – | – |
| UNC/PEM21-1 | 9,100 | 22,750 | 36,400 | 22,750 | – | – |
| UNC/ECS21-4 | 4,000 | 10,000 | 10,000 | 10,000 | – | – |
| UNC/FSU21-1 | 4,000 | 10,000 | 16,000 | 10,000 | – | – |
| UNC/FSU21-2 | 6,300 | 13,750 | 25,200 <u>27,200</u> | 15,750 | – | – |
| UNC/WSS21-1 | 5,700 | 14,250 | 22,800 | 14,250 | – | – |
| UNC/BOG21-1 | – | 3,750 | 3,750 | 3,750 | 3,750 | – |
| CC | 100,000 | 100,000 | 100,000 | 100,000 | – | –" |

SECTION 3. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 23rd day of June, 2022.

s/ Phil Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Roy Cooper
Governor

Approved 3:33 p.m. this 29th day of June, 2022