

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 860
SENATE BILL 30

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

The General Assembly of North Carolina enacts:

—TITLE/PURPOSES

Section 1. This act shall be known as "The Capital Improvement Appropriations Act of 1981".

Sec. 2. The appropriations made by the 1981 General Assembly for capital improvements are for constructing or renovating State buildings, utilities, and other capital facilities, for acquiring sites for them where necessary, and for acquiring buildings and land for State government purposes.

—PROCEDURES FOR DISBURSEMENTS

Sec. 3. The appropriations made by the 1981 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 and the Advisory Budget Commission 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 are provided for the purpose of furnishing 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.

Capital Improvement projects authorized by the 1981 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 the act.

—GENERAL FUND APPROPRIATIONS/SCHEDULE OF CAPITAL IMPROVEMENTS

Sec. 4. There is appropriated from the General Fund the sum of twenty-four million three hundred forty-eight thousand seven hundred twenty-seven dollars (\$24,348,727) effective July 1, 1981, and sixty-two million three hundred forty-one thousand nine hundred thirty-six dollars (\$62,341,936) effective July 1, 1982, for use by the State departments, institutions, and agencies to provide for capital improvement projects according to the following schedule:

<u>Capital Improvements — General Fund</u>	1981-82	1982-83
GENERAL ASSEMBLY (TOTAL)	1,000,000	-
.01 Reserve for Renovations and Repairs	1,000,000	-
DEPARTMENT OF ADMINISTRATION (TOTAL)	\$ 6,806,903	\$ 2,281,936
01. Renovations and Repairs-		
Government Center	100,000	100,000
02. Energy Retrofit-Government		
Center	220,000	226,000

General Assembly of North Carolina		Error! Reference source not found.	
03.	Asbestos Control Projects	250,000	250,000
04.	Architectural Barrier Removal		
	- Government Center	125,000	125,000
05.	State Office Building -		
	Charlotte	4,100,000	-
06.	Renovations at the North		
	Carolina School of Science		
	and Math	Total	2,350,000
		Less Receipts	<u>338,097</u>
		General Fund	2,011,903
			1,580,936
DEPARTMENT OF AGRICULTURE (TOTAL)		4,165,000	1,192,000
01.	Development of Horse and		
	Livestock Facility-Raleigh	2,500,000	-
02.	Development of Horse and		
	Livestock Facility-Asheville	1,650,000	
03.	Hampton Mariner's Museum-		
	Beaufort	-	1,000,000
03.	Wholesale Fruit and		
	Vegetable Building-Western		
	Farmer's Market	15,000	192,000
THE UNIVERSITY OF NORTH CAROLINA			
BOARD OF GOVERNORS (TOTAL)		2,720,000	45,600,000
Funds to be Applied Toward Schedule of Priorities-Capital			
Improvements:			
01.	Reserve for Planning	2,400,000	-
02.	Reserve for Construction	-	45,600,000
AGRICULTURAL PROGRAMS			
01.	Land Acquisition-Mountain		
	Horticultural Crops Station	320,000	-
DEPARTMENT OF COMMERCE (TOTAL)		10,000	-
01.	Supplemental Construction		
	Funds- 1-77 South Welcome		
	Center	Total	100,000
		Less Receipts	<u>90,000</u>
		General Fund	10,000
DEPARTMENT OF CORRECTION (TOTAL)		750,000	8,700,000
01.	196-Bed Single Cell Facility-		
	Central Prison	-	8,600,000
02.	Sewer Renovations	750,000	100,000
DEPARTMENT OF CULTURAL RESOURCES (TOTAL)		1,000,000	-
01.	Reserve for State Aid for		
	Library Construction,		
	Additions, and Renovation	1,000,000	-
DEPARTMENT OF HUMAN RESOURCES (TOTAL)		4,347,000	4,568,000
01.	Renovation of Vocational		
	Rehabilitation		
	Building-Caswell Center	100,000	-
02.	Renovations to R&S Wards		
	and Air Conditioning to		
	Center Building- Broughton		
	Hospital	200,000	3,000,000

03.	Renovations to B-3 Building- Murdoch Center	1,482,000	-
04.	Renovations to B-4 Building- Murdoch Center	-	1,568,000
05.	Child and Youth Complex, Phase I-Murdoch Center	2,510,000	-
06.	Laurel Medical Facility - Movable Equipment	55,000	-
DEPARTMENT OF NATURAL RESOURCES AND COMMUNITY DEVELOPMENT (TOTAL)			
01.	Commercial Fisheries Aircraft Hangar-Morehead City	149,824	-
02.	Reserve for Beach Restoration, Hurricane Flood Protection, Beach Erosion Control and Beach Access	3,400,000	-
GRAND TOTAL GENERAL FUND APPROPRIATION		\$24,348,727	\$62,341,936
—ENCUMBERED APPROPRIATIONS AND PROJECT RESERVE FUND			

Sec. 5. When each capital improvement project appropriated by the 1981 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 Department of Administration. This project reserve fund shall be used, at the discretion of the Director of the Budget, solely 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. The project reserve fund shall not be used in connection with any projects under the Board of Governors of The University of North Carolina or the State Board of Community Colleges. At the discretion of the Director of the Budget any balances in the project reserve fund shall revert to the original source.

—UNIVERSITY OF NORTH CAROLINA BOARD OF GOVERNORS AND OTHER LUMP SUM APPROPRIATIONS

Sec. 6. There is appropriated in Section 4 of this act a lump sum to the Board of Governors of The University of North Carolina. Expenditure of funds in this appropriation shall be in accordance with the provisions of G.S. 116-11(9)a and G.S. 116-11(9)b, and of this act, except where specifically excluded. Other lump sums designated as reserves appropriated in Section 4 of this act shall be used for specific capital improvement projects in accordance with the priority needs of the respective agencies and as approved by the Director of the Budget and the Advisory Budget Commission. Any funds remaining in a project account following encumbrance of all construction and equipment costs and reasonable contingency shall revert to the respective reserve.

—POSTPONEMENT OF PROJECTS

Sec. 7. Upon the request of a department, institution, or agency for which a capital improvement appropriation is made in this act, the Director of the Budget may postpone any capital improvement project as provided in this act upon finding that the project cannot be carried out as originally intended by the General Assembly.

—APPROPRIATION—MODIFICATIONS

Sec. 8. The Director of the Budget may, when he considers it in the best interest of the State to do so, and upon the request of the pertinent department, agency or institution,

authorize an increase or decrease in size and scope of a direct or self-liquidating capital appropriation. Changes to a project established under this act or by acts of the 1981 General Assembly may come from gifts, federal or private grants, from excess patient receipts collected above those budgeted by the North Carolina Memorial Hospital, from special fund receipts, or, from the funds appropriated for capital improvements by the 1981 General Assembly to that department, agency or institution. The Director of the Budget is authorized to increase from the sources of funds referred to in this section the cost of a project established by the 1981 General Assembly, but solely to allow for award of contracts where bids exceed appropriated funds, and on condition that the projects supplemented were designed within the size and physical scope intended by the applicable appropriation or any authorized changes in it, and, in the opinion of the Director of the Budget all means to award contracts within the appropriation were reasonably attempted.

—GOVERNOR AND ADVISORY BUDGET COMMISSION/NEW PROJECT

Sec. 9. The Director of the Budget and the Advisory Budget Commission may, when in their opinion it is in the best interest of the State to do so, and upon the request of a department, institution or agency, authorize the construction of a capital improvement project not specifically provided for or authorized by the General Assembly. Funds which become available by gifts, excess patient receipts collected above those budgeted by the North Carolina Memorial Hospital, federal or private grants, or receipts becoming a part of special funds by act of the General Assembly may be used for this purpose. No funds appropriated under this act for a specific capital improvement shall be used or expended for any capital improvement not specifically provided for or authorized by the General Assembly.

—ADVANCE PLANNING OF CAPITAL IMPROVEMENT PROJECTS

Sec. 10. Funds which become available by gifts, excess patient receipts collected above those budgeted by the North Carolina Memorial Hospital, federal or private grants, or receipts becoming a part of special funds by act of the General Assembly may be utilized for advance planning through the working drawing phase of capital improvement projects upon approval of the Director of the Budget. The Director of the Budget may make allocations from the Advance Planning Revolving Fund for advance planning through the working drawing phase of capital improvement projects, except that this revolving fund shall not be utilized by the Board of Governors of The University of North Carolina or the State Board of Community Colleges.

—AID TO PUBLIC LIBRARIES/CONSTRUCTION, ADDITIONS AND RENOVATIONS

Sec. 11. Funds are appropriated in Section 4 of this act in the amount of one million dollars (\$1,000,000) for a Reserve for State Aid for Library Construction, Additions and Renovations. Up to one hundred thousand dollars (\$100,000) per library shall be available to local public libraries on an equal matching basis, subject to the approval of the Governor and the Advisory Budget Commission upon recommendation of the Department of Cultural Resources.

—GENERAL ASSEMBLY/REPAIRS AND RENOVATIONS

Sec. 11.1. Funds are appropriated to the General Assembly, effective July 1, 1981, in Section 4 of this act in the amount of one million dollars (\$1,000,000) for a Reserve for Repairs and Renovations. Notwithstanding any other provisions of law, the Legislative Services Commission may expend these funds as it deems appropriate.

—DEPARTMENT OF ADMINISTRATION/CHARLOTTE OFFICE BUILDING

Sec. 11.2. Funds appropriated in Section 4 of this act to the Department of Administration, effective July 1, 1981, for the acquisition and renovation of a State office building in Charlotte are contingent on agreement by the City of Charlotte to make available to the State adjacent property which the city owns for parking, or to lease such property to the State at one dollar (\$1.00) per year on a long-term lease basis.

—DEPARTMENT OF AGRICULTURE/ASHEVILLE HORSE SHOW FACILITY

Sec. 11.3. Funds are appropriated in Section 4 of this act to the Department of Agriculture, effective July 1, 1981, for development of a horse show facility at Asheville. The facility shall be built on land presently owned or controlled by the Department of Agriculture.

—DEPARTMENT OF NATURAL RESOURCES AND COMMUNITY DEVELOPMENT/BEACH EROSION FUNDS

Sec. 11.4. Funds are appropriated in Section 4 of this act to the Department of Natural Resources and Community Development, effective July 1, 1981, for the purpose of funding a beach access program to assure acquisition, construction and maintenance of a system of pedestrian public access to public ocean beaches in areas where nearby public roads make pedestrian access feasible. The program should be carried out in cooperation with local governments where possible. The program should be designed to provide and maintain within the limitations of the resources available to the Department reasonable public access and necessary parking to all areas of the North Carolina coast where public roads are in close proximity to the ocean beaches and where reasonable access is not already available as of June 30, 1981. These funds may be used to meet matching requirements for federal or other funds. The Department of Natural Resources and Community Development shall make every effort to obtain funds from sources other than the General Fund for these purposes. Funds provided in this act may be used to acquire or develop land for pedestrian access including parking or to make grants to local governments to accomplish the purposes of this section. Land purchased or developed may be conveyed, without charge, to the county or municipality in which the property is located, subject to the requirement that the local government utilize and maintain the property for public pedestrian access to the public ocean beach.

—WATER TOWER, JOHN UMSTEAD HOSPITAL

Sec. 11.5. The Director of the Budget may use any funds appropriated by the 1977 General Assembly for Sewage System Improvements, John Umstead Hospital, which are not obligated on June 30, 1981, for a new project—Water Tower.

—SCIENCE AND TECHNOLOGY CENTER/FUNDS REVERSION

Sec. 11.6. The unencumbered balance on June 30, 1981, of funds for capital improvement projects at the Science and Technology Research Center in the Department of Commerce shall revert to the General Fund.

—TERMINATION OF DESIGN CONTRACTS

Sec. 12. A new sentence is added to G.S. 143-31.1 to read:

"The Director of the Budget may, when he considers it in the best interest of the State to do so, terminate design contracts when it is documented that the designer has failed to perform the conditions enumerated in the contract."

—FORCE ACCOUNT CONSTRUCTION

Sec. 13. G.S. 143-135 is amended in the second sentence by deleting the phrase "and the Advisory Budget Commission".

—APPROPRIATIONS LIMITS/REVERSION OR LAPSE

Sec. 14. Subject to any transfers and changes between appropriations as permitted in previous sections of this act, the appropriations for capital improvements made by the 1981 General Assembly shall be expended only for specific projects set out by the 1981 General Assembly. Construction of all capital improvement projects enumerated by the 1981 General Assembly shall be commenced or self-liquidating indebtedness with respect to them shall be incurred within 12 months following the first day of the fiscal year in which the funds are available. If construction contracts on those projects have not been awarded or self-liquidating indebtedness has not been incurred within that period, the direct appropriation for those projects shall revert to the original source, and the self-liquidating appropriation shall lapse; except that direct appropriations may be placed in the project reserve fund. This deadline with respect to both direct and self-liquidating appropriations may be extended up to an additional 12 months with the approval of the Director of the Budget and the Advisory Budget

Commission when, in their discretion, existing circumstances and conditions warrant such extension.

EFFECTIVE DATE

Sec. 15. This act shall become effective July 1, 1981.

In the General Assembly read three times and ratified, this the 8th day of July, 1981.