

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 757
SENATE BILL 22

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 1983".

Sec. 2. The appropriations made by the 1983 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 1983 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 with the advice of 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 1983 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.

—CAPITAL IMPROVEMENTS/GENERAL FUND —STATEWIDE GOVERNMENT COMPLEX MALL

Sec. 3.1. Appropriations are made from the General Fund for use by the State departments, institutions and agencies to provide for capital improvement projects according to the following schedule:

Office of State Budget

	1983 84	1984-85
And Management		
01. Reserve for Repairs and Renovations	\$ 15,000,000	\$45,000,000
Department of Administration		
01. Renovations of Old Art Museum	1,000,000	-0-
Department of Crime Control and		
Public Safety (Total)	1,063,184	-0-
01. Construction of Butner Fire Station	836,000	-0-
02. Construction of National Guard Armories		
a. Franklin Armory Macon County		
Total	785,019	
Local	103,901	
Federal	570,014	
Appropriation	111,104	
b. Armory at Jackson Training Center- Cabarrus County		
Total	884,900	
Local	105,145	
Federal	663,675	
Appropriation	116,080	
University of North Carolina		
(Total)	35,780,440	47,914,000
A. To comply with consent decree:		
1. Construction of Engineering School Classroom/Lab Facility-Agricultural and Technical State University	8,396,000	-0-
2. Acquisition and Renovation of Anderson Jr. High School Building/ Winston-Salem	2,964,000	-0-
3. Construction of Administrative Office Building-Elizabeth City	-0-	3,876,000
4. Construction of New Library- Fayetteville State		8,371,000
B. UNC-G Physical Education Facility	6,000,000	7,364,000
C. UNC-Chapel Hill-Computer Science Building Program Development, 1st year	750,000	8,500,000
D. Appalachian State-Land Purchase	900,000	-0-
E. UNC-Charlotte-Physical Science Bldg.	5,000,000	4,680,000
F. NCSU		

1. Williams Hall- Extension	4,000,000	3,523,000
2. Fletcher Research Station	305,000	-0-
3. Natural Resource Research Center		
Program Development	250,000	-0-
4. Upper Piedmont Research Station-Reidsville	70,000	-0-
5. Bull Testing Facility- relocate		
from Rocky Mount to Butner	145,440	-0-
G. N.C. Memorial Hospital- Critical Care Center	7,000,000	11,600,000
Department of Natural Resources		
(Total)	1,283,620	100,000
01. Reserve for Water Resources Projects	1,100,000	-0-
02. Reserve for Beach Access Projects	100,000	100,000
03. Construction of Forest Resources		
Headquarters Building in Granville County	83,620	-0-
Department of Agriculture (Total)	4,197,000	195,000
01. Addition to Rollins Animal Disease		
Diagnostic Lab in Raleigh	1,992,000	-0-
02. Expansion and Improvements		
Raleigh Consumer Standards Lab	573,000	-0-
03. Construction at Duke Homestead Museum	250,000	-0-
04. Construction of Automated Forage		
Testing Lab at Constable Laboratory, Raleigh	437,000	-0-
05. Construction, Hampton Mariner's Museum	400,000	-0-
06. Construction of Regional Farmer's		
Market at Charlotte	195,000	195,000
07. Improvements and Site preparation		
at Western North Carolina Farmer's Market	350,000	-0-
GRAND TOTAL - GENERAL FUND	\$58,324,244	\$93,209,000

Sec. 4. Funds in the Reserve for Repairs and Renovations appropriated to the Office of State Budget and Management in Section 3.1 of this act shall be allocated to State departments, institutions and agencies, including the Board of Governors of The University of North Carolina, with the approval of the Governor and the advice of the Advisory Budget Commission, except that four hundred fifty-two thousand four hundred dollars (\$452,400) of these funds shall be allocated for the State Government Complex Mall. —CAPITAL IMPROVEMENTS/HIGHWAY FUND

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

<u>Division of Highways</u>	<u>1983-84</u>	<u>1984-85</u>
01. Maintenance Complex – Warrenton	\$ 150,000	\$ –
02. Security Fencing - Statewide Locations	150,000	150,000
03. Energy Saving Improvements - Statewide	–	108,359
04. Ferry Maintenance Facility - Manns Harbor	3,500,000	–

Division of Motor Vehicles

01. Motor Vehicles/Highway Patrol Buildings:		
A. Chocowinity	\$ 431,600	\$ -
B. Kenansville/ Carteret County	-	286,115
GRAND TOTAL - HIGHWAY FUND	\$ 4,231,600	\$ 544,474

—ENCUMBERED APPROPRIATIONS AND PROJECT RESERVE FUND

Sec. 6. When each capital improvement project appropriated by the 1983 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. Funds remaining in the General Fund Project Reserve and Federal Revenue Sharing 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 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.

—APPROPRIATION MODIFICATIONS

Sec. 7. The Director of the Budget, when it is considered in the best interest of the State to do so, and upon the request of the pertinent department, agency or institution, may 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 other acts of the 1983 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 1983 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 1983 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. 8. The Director of the Budget may with the advice of the Advisory Budget Commission, when it is considered 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.

—ADVANCE PLANNING OF CAPITAL IMPROVEMENT PROJECTS

Sec. 9. 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.

Sec. 9.1. Notwithstanding the changes permitted in previous sections of this act, the appropriations in Section 3.1 of this act to the Department of Agriculture shall be expended only for those specific projects. Construction of those projects 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. 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, with the advice of the Advisory Budget Commission, when existing circumstances and conditions warrant such extension. The Tobacco History Corporation is to supplement by the sum of forty thousand dollars (\$40,000) monies to fund the design of the exhibits in the proposed addition to the Duke Homestead Museum.

—APPROPRIATIONS LIMITS/REVERSION OR LAPSE

Sec. 10. Notwithstanding the changes permitted in previous sections of this act, the appropriations for capital improvements made by the 1983 General Assembly shall be expended only for specific projects set out by the 1983 General Assembly. Construction of all capital improvement projects enumerated by the 1983 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, with the advice of the Advisory Budget Commission, when existing circumstances and conditions warrant such extension.

—MUSEUM OF HISTORY RENOVATION

Sec. 11. The funds appropriated in Section 3.1 of this act for renovation of the old art museum building may be expended as matched on a two-to-one basis by the North Carolina Museum of History Associates.

—UNC-CHAPEL HILL COMPUTER SCIENCE FUNDS/NCSU NATURAL RESOURCES CENTER

Sec. 12. As a principal component in the State's effort to attract high technology industry, the appropriations in Section 3.1 of this act to the Board of Governors of The University of North Carolina for capital improvements include seven hundred fifty thousand dollars (\$750,000) for the 1983-84 fiscal year for program development and eight million five hundred thousand dollars (\$8,500,000) for the 1984-85 fiscal year for construction of the computer science building at The University of North Carolina at Chapel Hill.

—BEACH ACCESS PROGRAM

Sec. 13. G.S. 113A-134.3 is amended by adding a new sentence at the end to read:

"All grants to local governments pursuant to this Article for land acquisitions shall be made on the condition that the local government agrees to transfer title to any real property acquired with the grant funds to the State if the local government uses the property for a purpose other than beach access."

Sec. . (a) The title of Article 7A of Chapter 113A of the General Statutes is amended to read: "Coastal and Estuarine Water Beach Access Program".

(b) The first sentence of G.S. 113A-134.1 is amended by adding after the words "Atlantic Ocean" the words "and the estuarine waters".

(c) The first sentence of G.S. 113A-134.1 is amended by adding after the words "the coastal" the words "and estuarine water".

(d) The second paragraph of G.S. 113A-134.1 is amended by deleting the words "ocean beaches" wherever they appear and substituting "ocean and estuarine beaches".

(e) G.S. 113A-134.2 is amended by deleting the words "Coastal Beach" and substituting "Coastal and Estuarine Water Beach".

(f) G.S. 113A-134.2 is amended by adding after the words "Atlantic Ocean" the words "and estuarine waters".

(g) G.S. 113A-134.2 is amended by adding a second paragraph to read:

"The Coastal Resources Commission and the Department of Natural Resources and Community Development shall use the definition of 'estuarine water' used under Article 7 of this Chapter to administer this program."

(h) The first sentence of G.S. 113A-134.3 is amended by adding after the word "ocean" the words "and estuarine water".

(i) The fourth sentence of G.S. 113A-134.3 is amended by adding after the word "coastal" the words "and estuarine water".

(j) The fifth sentence of G.S. 113A-134.3 is amended by adding after the word "coast" the words "and estuarine waters".

(k) The sixth sentence of G.S. 113A-134.3 is amended by adding after the word "coastal" the words "and estuarine water".

—WATER RESOURCES PROJECTS

Sec. 14. Of the one million one hundred thousand dollars (\$1,100,000) appropriated for fiscal year 1983-84 in Section 3.1 of this act for a reserve for Water Resources Projects, up to one-third may be used for small watershed projects. Notwithstanding the provisions of G.S. 139-54, no funds appropriated herein shall be used for State participation in the costs of land rights acquisition for small watershed projects.

—HIGHWAY PATROL STATION FUNDS

Sec. 15. The Department of Crime Control and Public Safety may use the unobligated funds appropriated by Chapter 1351 of the 1981 Session Laws (1982 Session) together with any other available funds to purchase and renovate an existing building to construct a highway patrol station in any highway patrol district headquarters that does not have a permanent station.

—EFFECTIVE DATE

Sec. 16. This act is effective July 1, 1983.

In the General Assembly read three times and ratified, this the 14th day of July, 1983.