

GENERAL ASSEMBLY OF NORTH CAROLINA
1985 SESSION

CHAPTER 865
SENATE BILL 1024

AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING OF A
CERTAIN CAPITAL IMPROVEMENT PROJECT BY THE UNIVERSITY OF
NORTH CAROLINA AT CHAPEL HILL.

The General Assembly of North Carolina enacts:

Section 1. The purpose of this act is to authorize construction, by The University of North Carolina at Chapel Hill, of a capital improvement project described herein, and to authorize the financing of this capital improvement project through the issuance of bonds to be repaid from income from utilities sales to appropriated fund activities, and utility sales to other utilities consumers supported by receipts, gifts, grants, or other funds, or any combination of such funds. Prior to the execution of contracts for the projects authorized herein, the Director of the Budget, provided the Director of the Budget may consult with the Advisory Budget Commission, shall approve the method of funding the project.

Sec. 2. The project hereby authorized to be constructed and financed as provided in Section 1 of this act is the construction of an economically and environmentally more efficient power plant to service The University of North Carolina at Chapel Hill and North Carolina Memorial Hospital and supporting systems, as well as the construction of an addition to the North Chiller Plant presently in operation in Chapel Hill, the demolition of the current boilers, generator and assorted equipment, the replacement of asbestos and gilsulate insulation and piping, the installation of air pollution control equipment and other related construction and maintenance to the power plant in operation in Chapel Hill.

Sec. 3. For the purposes of contracting for the design, construction and financing of the project authorized in Section 1 of this act, The University of North Carolina shall be exempt from the requirements of G.S. 143-128 and G.S. 143-129 and may enter into combined contracts for the design of the project, combined contracts for the construction of the project or combined contracts for the design, construction and construction management of the project.

Sec. 4. For the purpose of financing the construction of the project authorized in Section 1 of this act, the Board of Governors of The University of North Carolina ("the Board") is authorized to issue, subject to the approval of the Director of the Budget, provided the Director of the Budget may consult with the Advisory Budget Commission, revenue bonds of The University of North Carolina according to the procedures and under the terms mandated by G.S. 116-41.1 through 116-41.12, except as those terms are modified by this act.

The Board in the resolution authorizing the issuance of bonds under this act may provide for a pledge to the payment of such revenue bonds and the interest thereon of the revenue derived from the project and also for a pledge of the revenues derived from any system, facility, plant, works, instrumentalities or properties improved, bettered, or extended by The University of North Carolina in connection with The University of North Carolina at Chapel Hill, the revenues derived from any future improvements, betterments or extensions of the project, the revenues derived from utility sales to all utilities consumers which shall include but not be limited to the revenues derived from utility sales to the auxiliary enterprises, or any part thereof, the revenues derived from any appropriations for utilities by the General Assembly to either The University of North Carolina or The University of North Carolina at Chapel Hill or both or the revenues from the project and any or all of the revenues mentioned in this sentence, without regard to whether the operations involved are deemed governmental or proprietary, it being the purpose hereof to vest in the Board broad powers which shall be liberally construed. So long as any revenues of the University mentioned in this paragraph are pledged for the payment of the principal of or interest on any bonds issued hereunder, such revenues shall be deposited in a special fund and shall be applied and used only as provided in the resolution authorizing such bonds, subject, however, to any prior pledge or encumbrance thereof.

Sec. 5. The Director of the Budget, provided the Director of the Budget may consult with the Advisory Budget Commission, may, when in his opinion it is in the best interest of the State to do so, and upon the request of The University of North Carolina Board of Governors, authorize a decrease in the scope or a change in the method of funding of any project authorized by this act.

Sec. 6. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1986.