

GENERAL ASSEMBLY OF NORTH CAROLINA  
1987 SESSION

CHAPTER 1101  
HOUSE BILL 781

AN ACT TO MAKE FURTHER APPROPRIATIONS FOR THE 1988-89 FISCAL YEAR.

The General Assembly of North Carolina enacts:

**Section 1.** The appropriations made in this act are for maximum amounts necessary to provide the services and accomplish the purposes described in the budget. Savings shall be effected where the total amounts appropriated are not required to perform these services and accomplish these purposes and, except as allowed by the Executive Budget Act, or this act, the savings shall revert to the appropriate fund at the end of each fiscal year.

PART I—CURRENT OPERATIONS/HIGHWAY FUND

**Sec. 2.** Section 3 of Chapter 738 of the 1987 Session Laws reads as rewritten:

"Sec. 3. Appropriations from the Highway Fund of the State for the maintenance and operation of the Department of Transportation, and for other purposes as enumerated, are made for the biennium ending June 30, 1989, according to the following schedule:

<u>Current Operations - Highway Fund</u>	<u>1987-88</u>	<u>1988-89</u>
Department of Transportation		
01. Administration	\$ 22,613,994	\$ <del>22,658,495</del> <u>25,049,244</u>
02. Highways		
a. Administration and Operations	29,221,555	<del>29,032,534</del> <u>29,330,021</u>
b. State Construction		
(01) Primary Construction	-	-
(02) Secondary Construction	62,851,923	<del>65,773,077</del> <u>66,656,370</u>

	(03)	Urban Construction	20,000,000	20,000,000
	(04)	Access and Public Service Roads	2,000,000	2,000,000
	(05)	Special Appropriation for Highways	60,000,000	60,000,000
	(06)	Spot Safety Improvements	6,200,000	6,200,000
c.		State Funds to Match Federal Highway Aid		
	(01)	Construction	66,128,400	66,395,000
	(02)	Planning Survey and Highway Planning Research	1,696,000	<del>1,705,000</del> <u>1,142,300</u>
d.		State Maintenance		
	(01)	Primary	72,746,958	72,661,450
	(02)	Secondary	129,600,000	129,600,000
	(03)	Urban	20,246,958	20,161,449
	(04)	Contract Resurfacing	100,912,425	<del>92,567,150</del> <u>100,567,150</u>
e.		Ferry Operations	12,562,458	12,562,458
03.		Division of Motor Vehicles	62,936,065	<del>61,888,170</del> <u>63,032,516</u>
04.		Governor's Highway Safety Program	256,902	257,375
05.		Reserve for Salary Increments	2,438,664	2,438,664
06.		Reserve for Hospital- Medical Benefits	4,800,000	6,500,000

07.	Salary Adjustments for Highway Fund Employees	220,000	<del>220,000</del> <u>670,000</u>
08.	Reserve to Correct Occupational Safety and Health Conditions	350,000	350,000
09.	Debt Service	37,955,215	37,295,105
10.	Reserve for Salary Increases	13,400,000	<del>13,400,000</del> <u>26,600,000</u>
Appropriations for Other State Agencies			
01.	Crime Control and Public Safety	71,862,969	74,113,646
	(a) <u>Drug Detection Dogs (6)</u>	—	<u>85,236</u>
	(b) <u>Bar Lights - Highway Patrol</u>	—	<u>420,000</u>
02.	Other Agencies		
a.	Department of Agriculture	2,185,748	2,188,706
b.	Department of Revenue	1,392,457	1,397,608
c.	Department of Human Resources	306,585	306,972
d.	Department of Correction	1,750,000	1,750,000
e.	<u>Department of Natural Resources and Community Development</u>		
	(1) <u>Stallings Airfield</u>		<u>312,000</u>
	Contingency and Emergency Fund	100,000	100,000
GRAND TOTAL CURRENT OPERATIONS—HIGHWAY FUND			
		\$ 806,735,276	\$ <del>803,522,859</del> <u>830,143,270"</u>
PART II—STATE AID/HIGHWAY FUND			

**Sec. 3.** Section 3 of Chapter 830 of the 1987 Session Laws reads as rewritten:

"Sec. 3. Appropriations from the Highway Fund of the State for the maintenance and operation of the Department of Transportation, and for other purposes as enumerated, are made for the biennium ending June 30, 1989, according to the following schedule:

<u>Highway Fund</u>	<u>1987-88</u>	<u>1988-89</u>
Department of Transportation		
Highways		
.01 State Aid - Public Transportation	2,500,000	<u>2,500,000</u>
		<u>2,625,000</u>
.02 State Aid to Municipalities	62,851,923	<u>65,773,077</u>
		<u>66,656,370</u>
GRAND TOTAL <u>STATE AID/HIGHWAY</u>		
FUND	\$65,351,923	<u>\$68,273,077</u>
		<u>69,281,370"</u>

#### PART III—CAPITAL IMPROVEMENTS/HIGHWAY FUND

**Sec. 4.** Section 5 of Chapter 795 of the 1987 Session Laws reads as rewritten:

"Sec. 5. Appropriations are made from the Highway Fund for use by the State departments, institutions, and agencies to provide for capital improvements according to the following schedule:

	<u>1987-88</u>	<u>1988-89</u>
Division of Motor Vehicles		
.01 Driver License - Patrol Office, Newton	\$102,400	-
.02 Renovation of Motor Vehicles Building, Raleigh	36,400	-
.03 Roof Replacements at Three Locations	124,800	-
.04 Building Additions at Nine Locations	903,600	<u>1,002,000</u>
.05 Building Addition, Elizabeth City	56,900	-

.06	Building Addition, Gastonia	-	106,500
.07	Resurface Parking Lots at Four Locations	-	49,300
.08	Building Addition, Rocky Mount	-	106,800
.09	Electrical Renovations, C and L Garage, Raleigh	-	45,200
.10	<u>Division of Motor Vehicles Building-Roof Replacement</u>	-	147,100
.11	<u>Division of Motor Vehicles Building-Salisbury-Replace Septic System</u>	-	<u>55,650</u>
.12	<u>New Division of Motor Vehicles Building-Taylorsville</u>	-	308,000
.13	<u>New Division of Motor Vehicles Building-Aberdeen</u>	-	440,300
.14	<u>New Division of Motor Vehicles Building-Charlotte</u>	-	922,100
.15	<u>Handicap Modification to Division of Motor Vehicles Buildings (Statewide)</u>	-	<u>146,900</u>

#### Division of Highways

.01	Division Equipment Shop, North Wilkesboro	2,734,000	-
.02	Maintenance Headquarters, Taylorsville	450,000	<u>150,000</u>
.03	Equipment Repair Shop, Spruce Pine	32,000	598,000
.04	Division Equipment Shop, Fayetteville	115,000	2,142,500

.05	Division Sign Shop, Albemarle	32,000	610,000
.06	Equipment Repair Shop, Andrews	43,000	814,200
.07	Maintenance Warehouse, Sandy Ridge	14,000	218,000
.08	Equipment Repair Shop, Selma	46,000	870,600
.09	Salt Storage Facilities, Statewide	-	292,000
.10	Ferry Replacement and Facility Renovation	2,500,000	<del>3,500,000</del> <u>7,000,000</u>
.11	Boiler Replacement H & T Central Lab, Raleigh	58,000	-
.12	Sewer Line, Division Complex, Wilmington	112,000	-
.13	Renovation to Thompson Building, Raleigh	21,000	387,800
.14	Bridge Maintenance Office, Boone	-	11,000
.15	Equipment Repair Shop, Burnsville	-	36,000
.16	Equipment Repair Shop, Shallote	-	27,000
.17	Equipment Repair Shop, Williamston	-	45,000
.18	Consolidation of Currituck/Dare Counties Bridge Maintenance Yards	-	500,000

.19	Maintenance Headquarters, Monroe	-	34,000
.20	<u>Rowan County Bridge Maintenance Relocation</u>	-	550,000
.21	<u>Cedar Island Mini Rest Area</u>	-	<u>150,000</u>
.22	<u>Highway Building-Roof Replacement</u>	-	188,854
.23	<u>New Division Office-Wilson Supplemental Funds</u>	-	60,000
.24	<u>Division Office-Greensboro Supplemental Funds</u>	-	150,000
.25	<u>Division Office Annex- Albemarle</u>	-	200,000
.26	<u>Maintenance Office Addition -Beaufort County</u>	-	70,000
.27	<u>Division Shop-Furnace Replacement-Shelby Division Office</u>	-	<u>17,500</u>
.28	<u>Materials and Test Lab -Replacement-Statesville</u>	-	25,000
.29	<u>Method Complex-Raleigh -Supplemental Funds</u>	-	700,000

#### Other Agencies

.01	Department of Crime Control and Public Safety - Law Enforcement Precision Driving Track	2,654,000	-
.02	Highway Patrol - Upgrade Communications Tower And Radio System, Greensboro	250,000	-
.03	Renovation of Highway Patrol		

	Station-Robeson County	—	<u>46,152</u>
.04	Renovation of Highway Patrol		
	Station-Gaston County	—	<u>69,828</u>
GRAND TOTAL - HIGHWAY FUND		\$10,285,100	\$10,393,900 <u>\$19,293,284"</u>

#### PART IV—DEPARTMENT OF TRANSPORTATION

Requested by: Senator Basnight

##### —URBAN CONSTRUCTION FUNDS

**Sec. 5.** Section 167 of Chapter 738 of the 1987 Session Laws reads as rewritten:

"Sec. 167. Of the funds appropriated in Section 2 of this act to the Department of Transportation for fiscal year ~~1987-88~~ 1988-89, twenty million dollars (\$20,000,000) shall be allocated for small urban construction projects. Fourteen million dollars (\$14,000,000) shall be allocated equally among the 14 Highway Divisions for the Small Urban Construction Program for small urban construction projects that are located within the area covered by a one-mile radius of the municipal corporate limits. The remaining six million dollars (\$6,000,000) shall be used statewide for rural or small urban highway improvements as approved by the Secretary of the Department of Transportation.

None of these funds used for rural secondary road construction are subject to the county formula allocation as provided by G.S. 136-44.5."

Requested by: Sen. Goldston

##### —HIGHWAY FUNDS/ADJUSTMENT TO REFLECT ACTUAL REVENUE

**Sec. 6.** Section 168 of Chapter 738 of the 1987 Session Laws reads as rewritten:

"Sec. 168. Any unreserved credit balance in the Highway Fund on June 30 of each of the fiscal years shall support appropriations in the succeeding fiscal year. If all of the balance is not needed for these appropriations, the Director of the Budget may use the remaining excess to establish a reserve for access and public roads, a reserve for unforeseen happening of state of affairs requiring prompt action as provided for by G.S. 136-44.2. and other required reserves. Actual revenue in excess of estimated revenue shall be placed in the reserve for highway construction and maintenance. If all of the remaining excess is not used to establish these reserves, the remainder shall be allocated to the State-funded maintenance or construction appropriations in the manner approved by the Board of Transportation. The Board of Transportation shall report monthly to the Joint Legislative Commission on Governmental Operations about the use of the reserve for highway construction and maintenance. The Board of Transportation shall send copies of the monthly reports to the Chairmen of the House and Senate Appropriations Committees on Natural and Economic Resources, and to the Chairmen of the Senate and House Committees on Transportation."



Requested by: Representative Hightower

—STATE AID TO ANSON COUNTY AIRPORT

**Sec. 7.** Of the funds appropriated for State Aid to Airports in G.S. 136-16.4 for fiscal year 1988-89, the sum of fifty-eight thousand dollars (\$58,000) shall be allocated to the Anson County Airport for runway maintenance and airport construction.

Requested by: Senator Plyler

—AGING TRANSPORTATION SERVICES FUNDS

**Sec. 8.** Two million dollars (\$2,000,000) of the funds transferred from the General Fund to the Highway Fund under G.S. 105-164.44A are transferred back to the General Fund. These funds shall be used to fund the North Carolina Elderly and Handicapped Transportation Assistance Program created pursuant to G.S. 136-44.27.

Requested by: Representative Nesbitt

—LEAKING PETROLEUM STORAGE TANK CLEAN-UP FUND

**Sec. 8.1.** (a) Four million dollars (\$4,000,000) of the funds transferred from the General Fund to the Highway Fund under G.S. 105-164.44A are transferred to the Noncommercial Leaking Petroleum Underground Storage Tank Clean-Up Fund created by Part 2A of Article 21A of Chapter 143 of the General Statutes.

(b) Section 6 of Chapter 1035 of the 1987 Session Laws is repealed.

**Sec. 8.2.** Section 1(b) of Chapter 1095, Session Laws of 1987 is amended by deleting "pursuant to G.S. 105-164.44A to the Department of Transportation" and substituting "from the Highway Fund to the General Fund".

PART V—JUSTICE AND PUBLIC SAFETY

Requested by: Representative Nesbitt

—USE OF DRUG DETECTION DOGS BY HIGHWAY PATROL

**Sec. 8.2.** The six drug detection dogs funded in the Department of Crime Control and Public Safety in the Current Operations–Highway Fund Budget for the fiscal year 1988-89 shall be used primarily on the interstate highways to interdict drugs transported into and through the State. They may be used on highways throughout the State if they are needed.

Requested by: Representative Holt, Senator Marvin

—HIGHWAY PATROL BAR LIGHT REPLACEMENTS/REPORT ON  
COMMUNICATION EQUIPMENT

**Sec. 10.** (a) Of the funds appropriated from the Highway Fund for the 1988-89 fiscal year to the Department of Crime Control and Public Safety, the sum of four hundred twenty thousand dollars (\$420,000) shall be used to purchase bar lights for highway patrol cars to replace older emergency warning lights and sirens on the cars.

(b) The Department of Crime Control and Public Safety shall report monthly to the Joint Legislative Commission on Governmental Operations and the

Fiscal Research Division on the number of bar lights purchased, the number of bar lights installed, and the anticipated completion date of the replacement process.

(c) The Department of Crime Control and Public Safety shall report to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division by September 1988, and monthly thereafter if so requested, as to the number of walkie/talkie repeater radios purchased since July 1, 1987, and the number of cars equipped with the new communication equipment. The Department shall account for funds remaining from the appropriation to the Department in Section 3 of Chapter 738 of the 1987 Session Laws that were designated for the purchase of the walkie/talkie repeater radios.

## PART VI—DEPARTMENT OF HUMAN RESOURCES

Requested by: Representative Nye, Senators Walker, Plyler, Rand  
—DOMICILIARY HOME RATE INCREASE

**Sec. 11.** Section 77 of Chapter 738 of the 1987 Session Laws reads as rewritten:

"Sec. 77. Effective ~~October 1, 1987,~~ January 1, 1989, the maximum monthly rate increase for ambulatory residents in domiciliary care facilities shall be ~~six hundred fifty-four dollars (\$654.00)~~ six hundred eighty-seven dollars (\$687.00) and the maximum monthly rate for semi-ambulatory residents shall be ~~six hundred eighty-seven dollars (\$687.00)~~ seven hundred twenty-one dollars (\$721.00)."

Requested by: Representative Nye, Senator Walker  
—STATE/COUNTY SPECIAL ASSISTANCE FOR ADULTS

**Sec. 12.** There is appropriated from the General Fund to the Department of Human Resources, Division of Social Services the sum of seven hundred thirty-six thousand twenty-one dollars (\$736,021) for fiscal year 1988-89 and to the Department of Human Resources, Division of Services for the Blind the sum of thirty-one thousand thirty-four dollars (\$31,034) for fiscal year 1988-89. These funds shall be used to meet rising costs in the Special Assistance for the Blind Program.

Requested by: Senators Walker, Plyler  
—SEPTAGE MANAGEMENT FEES

**Sec. 13.** Receipts collected by the Department of Human Resources during fiscal year 1988-89 pursuant to legislatively mandated septage management fees are appropriated to the Department of Human Resources to establish and implement the North Carolina Septage Management Program.

Requested by: Senators Walker, Plyler, Representative Locks  
—BIRTH DEFECTS REGISTRY FUNDING

**Sec. 14.** The Division of Health Services may use up to thirty-six thousand dollars (\$36,000) of Vital Records receipts to fund the operations of the North Carolina Birth Defects Registry during fiscal year 1988-89.

## PART XI—MISCELLANEOUS PROVISIONS

### —EXECUTIVE BUDGET ACT APPLIES

**Sec. 15.** The provisions of the Executive Budget Act, Chapter 143, Article 1, of the General Statutes, are reenacted and shall remain in full force and effect and are incorporated in this act by reference.

**Sec. 16.** The July 11, 1988 Report of the Senate Appropriations Committee which was distributed in the Senate and the House of Representatives and used to explain this act, shall indicate action by the General Assembly on this act and shall therefore be used to construe this act, as provided in G.S. 143-15 of the Executive Budget Act, and for such purposes shall be considered a part of this act.

### —MOST TEXT APPLIES ONLY TO 1988-89

**Sec. 17.** Except for statutory changes or other provisions that clearly indicate an intention to have effects beyond the 1988-89 fiscal year, the textual provisions of this act apply only to funds appropriated for, and activities occurring during, the 1988-89 fiscal year.

### —1987-88 APPROPRIATIONS LIMITATIONS AND DIRECTIONS APPLY

**Sec. 18.** Except where expressly repealed or amended by this act, the provisions of Chapters 738, 795, 830, 876, 886, 1036, and 1086 of the 1987 Session Laws as amended remain in effect.

**Sec. 19.** Notwithstanding any modifications by this act in the amounts appropriated, except where expressly repealed or amended, the limitations and directions for the 1987-89 fiscal biennium in Chapters 738, 795, 830, 876, 886, 1036, and 1086 of the 1987 Session Laws that applied to appropriations to particular agencies or for particular purposes apply to the newly enacted appropriations of this act for those same particular purposes.

**Sec. 20.** Section 15 of Chapter 1036 of the 1987 Session Laws, as amended, is repealed.

### —EFFECT OF HEADINGS

**Sec. 21.** The headings to the parts and sections of this act are a convenience to the reader and are for reference only. The headings do not expand, limit, or define the text of this act.

### —SEVERABILITY CLAUSE

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

### —EFFECTIVE DATE

**Sec. 23.** Except as otherwise provided, this act shall become effective July 1, 1988.

In the General Assembly read three times and ratified this the 12th day of July, 1988.