

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1993**

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**HOUSE BILL 1666\***

Short Title: Governor's 1994 Capital Approp. (Public)

Sponsors: Representatives Nesbitt, Diamont; Crawford, Gottovi, Green, Kennedy, and McLawhorn.

Referred to: Appropriations.

May 26, 1994

1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE APPROPRIATIONS TO PROVIDE CAPITAL  
3 IMPROVEMENTS FOR STATE DEPARTMENTS, INSTITUTIONS, AND  
4 AGENCIES, AND FOR OTHER PURPOSES.

5 The General Assembly of North Carolina enacts:

6  
7 **PART 1. INTRODUCTION**

8  
9 Section 1. The appropriations made by the 1993 General Assembly, Regular  
10 Session 1994, for capital improvements are for constructing, repairing or renovating  
11 State buildings, utilities, and other capital facilities, for acquiring sites for them where  
12 necessary, and acquiring buildings and land for State government purposes.

13  
14 **PART 2. TITLE**

15  
16 Sec. 2. This act shall be known as "The Capital Improvements  
17 Appropriations Act of 1994".

18  
19 **PART 3. PROCEDURES FOR DISBURSEMENTS**

20  
21 Sec. 3. The appropriations made by the 1993 General Assembly, Regular  
22 Session 1994, for capital improvements shall be disbursed for the purposes provided by  
23 this act. Expenditure of funds shall not be made by any State department, institution, or

1 agency, until an allotment has been approved by the Governor as Director of the  
 2 Budget. The allotment shall be approved only after full compliance with the Executive  
 3 Budget Act, Article 1 of Chapter 143 of the General Statutes. Prior to the award of  
 4 construction contracts for projects to be financed in whole or in part with self-  
 5 liquidating appropriations, the Director of the Budget shall approve the elements of the  
 6 method of financing of those projects including the source of funds, interest rate, and  
 7 liquidation period.

8 Where direct capital improvements appropriations include the purpose of  
 9 furnishing fixed and movable equipment for any project, those funds for equipment  
 10 shall not be subject to transfer into construction accounts except as authorized by the  
 11 Director of the Budget. The expenditure of funds for fixed and movable equipment and  
 12 furnishings shall be reviewed and approved by the Director of the Budget prior to  
 13 commitment of funds.

14 Capital improvements projects authorized by the 1993 General Assembly,  
 15 Regular Session 1994, shall be completed, including fixed and movable equipment and  
 16 furnishings, within the limits of the amounts of the direct or self-liquidating  
 17 appropriations provided, except as otherwise provided in the act. Capital improvements  
 18 projects authorized by the 1993 General Assembly, Regular Session 1994, for the  
 19 design phase only shall be designed within the scope of the project as defined by the  
 20 approved cost estimate filed with the Director of the Budget, including costs associated  
 21 with site preparation, demolition, movable and fixed equipment, and works of art as  
 22 required by G.S. 143-408.4.

23  
 24 **PART 4. CAPITAL IMPROVEMENTS/GENERAL FUND**

25  
 26 Sec. 4. Appropriations are made from the General Fund for the 1994-95  
 27 fiscal year for use by the State departments, institutions, and agencies to provide for  
 28 capital improvements projects according to the following schedule:

29  
 30 **1994-95**

31

32	DEPARTMENT OF ADMINISTRATION (Total)	\$ 51,364,500
33	1. Reserve for Repairs/Renovation of the Old	
34	Education and Revenue Buildings	20,000,000
35	2. State Government Visitors' Center	430,000
36	3. Natural Science Museum and Wet Lab Collection	30,934,500
37		
38	DEPARTMENT OF AGRICULTURE (Total)	10,979,600
39	1. Eastern North Carolina Agricultural	
40	Center-Phase I Completion	3,600,000
41	2. Cattle and Livestock Exposition Center	7,379,600
42	3. Dairy Milking Parlor-Umstead Research	
43	Station-Supplement Requirements	\$387,000
44	Timber Receipts	<u>387,000</u>

1	State Appropriation	-	
2			
3	UNIVERSITY-BOARD OF GOVERNORS (Total)		70,000,000
4	1. Reserve for Funding UNC-Board of Governors Schedule		
5	of Priorities for Capital Improvements	70,000,000	
6			
7	DEPARTMENT OF CULTURAL RESOURCES (Total)		15,470,000
8	1. Fort Fisher State Historic Site Erosion Control Measures		
9	Requirements	8,340,000	
10	Receipts-Federal	<u>4,170,000</u>	
11	State Appropriation	4,170,000	
12	2. Elizabeth II State Historic Site		10,000,000
13	3. Museum of the Graveyard of the Atlantic		800,000
14	4. Museum of the Cape Fear-Branch of the State		
15	Museum of History	500,000	
16			
17	DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL		
18	RESOURCES (Total)		23,383,000
19	1. North Carolina Aquariums-Planning		950,000
20	2. Water Resources (Civil Works) Development Projects	2,000,000	
21	3. Wilmington Harbor Ocean Bar Deepening		10,906,000
22	4. Falls Lake Recreation/Jordan Lake Water		
23	Supply-Repayment	9,527,000	
24			
25	DEPARTMENT OF JUSTICE (Total)		12,404,300
26	1. State Bureau of Investigation Operations Building	12,404,300	
27			
28	OFFICE OF STATE BUDGET AND MANAGEMENT (Total)	5,000,000	
29	1. National Institute of Statistical Sciences-Grant		
30	for Capital Improvements	2,500,000	
31	2. Randleman Dam/Lake Project-Grant for Land Acquisition		<u>2,500,000</u>
32			
33	TOTAL CAPITAL IMPROVEMENTS/GENERAL FUND		\$188,601.400
34			

### 35 PART 5. SPECIAL PROVISIONS

#### 37 EXPENDITURE OF FUNDS FROM RESERVE FOR REPAIRS AND 38 RENOVATIONS

39 Sec. 5. Of the funds in the Reserve for Repairs and Renovations for the  
40 1994-95 fiscal year, fifty-five percent (55%) shall be allocated to the Board of  
41 Governors of The University of North Carolina for repairs and renovations to General  
42 Fund supported facilities and related infrastructure in The University of North Carolina,  
43 including the North Carolina School of Science and Mathematics, and forty-five percent  
44 (45%) shall be allocated to the Office of State Budget and Management for necessary

1 repairs and renovations to all other General Fund supported facilities and related  
2 infrastructure. From this Reserve, the Board of Governors may expend thirty-three  
3 million dollars (\$33,000,000), and the Office of State Budget and Management may  
4 expend twenty-seven million dollars (\$27,000,000) for repairs and renovations,  
5 improvements to roads and walks, architectural barrier removal, and North Carolina  
6 Occupational Safety and Health Act projects.

7 Any such finding shall be included in the Board's submission to the Joint  
8 Legislative Commission on Governmental Operations on the proposed allocation of  
9 funds.

#### 10 11 **WATER RESOURCES DEVELOPMENT FUNDS**

12 Sec. 6. The funds appropriated in Section 4 of this act to the Department of  
13 Environment, Health, and Natural Resources as a Reserve for Water Resources (Civil  
14 Works) shall be allocated by the Division of Water Resources for the following types of  
15 projects in accordance with the Department's Water Resources Development Plan:

- 16 (1) Planning;
- 17 (2) Construction projects;
- 18 (3) Operations and maintenance projects; and
- 19 (4) Feasibility studies.

#### 20 21 **FEDERAL MATCHING FUNDS**

22 Sec. 7. Where allocations made in Section 4 of this act are contingent upon  
23 federal matching funds being available, and federal matching funds do not become  
24 available by July 1, 1996, these allocations may be transferred to the Office of State  
25 Budget and Management and placed in the Reserve for Repairs and Renovations.

#### 26 27 **DOLLAR-FOR-DOLLAR MATCHING FUND**

28 Sec. 8. Of the funds appropriated to the Department of Cultural Resources in  
29 Section 4 of this act, the sum of eight hundred thousand dollars (\$800,000) shall be used  
30 to provide a dollar-for-dollar matching fund for non-State funds made available to the  
31 Graveyard of the Atlantic Museum, Inc., for planning, developing, and constructing the  
32 Graveyard of the Atlantic Museum, its exhibits, and its support facilities. The  
33 Department of Cultural Resources and the North Carolina Historical Commission, under  
34 the provisions of G. S. 121-11, shall adopt reasonable procedures, rules, and regulations  
35 regarding the provision and use of these funds in order to ensure that the best interests  
36 of the general citizenry of North Carolina are represented and that all State and  
37 matching funds are properly expended and accounted for. Any funds remaining  
38 unexpended as of June 30, 1999, shall be reverted to the General Fund of the State of  
39 North Carolina. The Department shall not disburse any funds until the Graveyard of the  
40 Atlantic Museum, Inc., has sufficiently certified to the Department that the National  
41 Park Service has made available land on which to construct the Museum.

#### 42 43 **ADVANCE PLANNING - NEW EMPLOYMENT SECURITY COMMISSION** 44 **BUILDING**

1           Sec. 9. The Employment Security Commission of North Carolina may use up  
2 to one million dollars (\$1,000,000) from the Special Employment Security  
3 Administrative Fund for advance planning of a new office building to be located in the  
4 Blue Ridge Road area of Raleigh. The Employment Security Commission shall report  
5 to the Capital Planning Commission as to the scope, site, and construction schedule of  
6 the project no later than December 30, 1994. The Department of Administration shall  
7 incorporate this building, and the subsequent availability of the Kendall Complex, into  
8 its long-range plan for the use of office space in the Raleigh area.

#### 9 10 **ART MUSEUM AMPHITHEATER**

11           Sec. 10. The Department of Cultural Resources, North Carolina Museum of  
12 Art, is authorized to use additional gifts and grants to supplement the Art Museum  
13 Amphitheater capital project authorized in Chapter 1044, Section 4 of the 1992 Session  
14 Laws. The total scope of the project shall not exceed two million dollars (\$2,000,000)  
15 and shall not include any funds appropriated from the General Fund of the State.

#### 16 17 **PART 6. MISCELLANEOUS PROVISIONS**

#### 18 19 **ENCUMBERED APPROPRIATIONS AND PROJECT RESERVE FUND**

20           Sec. 11. When each capital improvements project appropriated by the 1993  
21 General Assembly, Regular Session 1994, other than those projects under The  
22 University of North Carolina Board of Governors, is placed under construction contract,  
23 direct appropriations shall be encumbered to include all costs for construction, design,  
24 investigation, administration, movable equipment, and a reasonable contingency.  
25 Unencumbered direct appropriations remaining in the project budget shall be placed in a  
26 Project Reserve Fund credited to the Office of State Budget and Management. Funds in  
27 the Project Reserve may be used for emergency repair and renovation projects at State  
28 facilities with the approval by the Director of the Budget. The Project Reserve Fund  
29 may be used, at the discretion of the Director of the Budget, to allow for award of  
30 contracts where bids exceed appropriated funds, if those projects supplemented were  
31 designed within the physical scope intended by the applicable appropriation or any  
32 authorized change in it, and if, in the opinion of the Director of the Budget, all means to  
33 award contracts within the appropriation were reasonably attempted. At the discretion  
34 of the Director of the Budget, any balances in the Project Reserve Fund shall revert to  
35 the original source.

#### 36 37 **PROJECT COST INCREASE**

38           Sec. 12. Upon the request of the administration of a State department or  
39 institution, the Director of the Budget may, when in his opinion it is in the best interest  
40 of the State to do so, increase the cost of a capital improvement project. The increase  
41 may be funded from gifts, federal or private grants, special fund receipts, excess patient  
42 receipts above those budgeted at University of North Carolina Hospitals at Chapel Hill,  
43 or direct capital improvements appropriations to that department or institution.

**1 NEW PROJECT AUTHORIZATION**

2           Sec. 13. Upon the request of the administration of any State department or  
3 institution, the Governor may authorize the construction of a capital improvements  
4 project not specifically authorized by the General Assembly if such project is to be  
5 funded by gifts, federal or private grants, special fund receipts, excess patient receipts  
6 above those budgeted at University of North Carolina Hospitals at Chapel Hill, or self-  
7 liquidating indebtedness.

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**9 ADVANCE PLANNING OF CAPITAL IMPROVEMENTS PROJECTS**

10           Sec. 14. Funds which become available by gifts, excess patient receipts  
11 above those budgeted at University of North Carolina Hospitals at Chapel Hill, federal  
12 or private grants, receipts become a part of special funds by act of the General  
13 Assembly or any other funds available to a State department or institution may be  
14 utilized for advance planning through the working drawing phase of capital  
15 improvements projects, upon approval of the Director of the Budget. The Director of  
16 the Budget may make allocations from the Advance Planning Fund for advance  
17 planning through the working drawing phase of capital improvements projects, except  
18 that this revolving fund may not be utilized by the Board of Governors of The  
19 University of North Carolina or the State Board of Community Colleges.

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**21 APPROPRIATIONS LIMITS/REVERSION OR LAPSE**

22           Sec. 15. Except as permitted in previous sections of this act, the  
23 appropriations for capital improvements made by the 1993 General Assembly, Regular  
24 Session 1994, may be expended only for specific projects set out by the 1993 General  
25 Assembly, Regular Session 1994, and for no other purpose. Construction of all capital  
26 improvements projects enumerated by the 1993 General Assembly, Regular Session  
27 1994, shall be commenced, or self-liquidating indebtedness with respect to them shall  
28 be incurred, within 12 months following the first day of the fiscal year in which the  
29 funds are available. If construction contracts on those projects have not been awarded  
30 or self-liquidating indebtedness has not been incurred within that period, the direct  
31 appropriation for those projects shall revert to the original source, and the self-  
32 liquidating appropriation shall lapse; except that direct appropriations may be placed in  
33 a reserve fund as authorized by this act. This deadline with respect to both direct and  
34 self-liquidating appropriations may be extended with the approval of the Director of the  
35 Budget up to an additional 12 months if circumstances and conditions warrant such  
36 extension.

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**38 1993-94 APPROPRIATIONS LIMITATIONS AND DIRECTIONS APPLY**

39           Sec. 16. Except where expressly repealed or amended by this act, the  
40 provisions of Chapters 451, 542, 550, and 561 of the 1993 Session Laws and the  
41 provisions of Chapter 24 of the 1994 Extra Session Laws remain in effect.

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**43 EFFECT OF HEADINGS**

1           Sec. 17. The headings to the Parts and sections of this act are a convenience  
2 to the reader and are for reference only. The headings do not expand, limit, or define  
3 the text of this act.

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5 **SEVERABILITY CLAUSE**

6           Sec. 18. If any section or provision of this act is declared unconstitutional or  
7 invalid by the courts, it does not affect the validity of this act as a whole or any part  
8 other than the part so declared to be unconstitutional or invalid.

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10 **EFFECTIVE DATE**

11           Sec. 19. Except as otherwise provided, this act becomes effective July 1,  
12 1994.