

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1991**

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SENATE BILL 1205\*  
Appropriations Committee Substitute Adopted 7/22/92  
Third Edition Engrossed 7/22/92

Short Title: Capital Improvements/1992.

(Public)

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Sponsors:

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Referred to:

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June 4, 1992

1 A BILL TO BE ENTITLED

2 AN ACT TO MODIFY THE CAPITAL IMPROVEMENTS APPROPRIATIONS FOR  
3 NORTH CAROLINA FOR THE 1992-93 FISCAL YEAR, TO MAKE OTHER  
4 CHANGES IN THE BUDGET OPERATION OF THE STATE, AND TO MAKE  
5 TECHNICAL CORRECTIONS NECESSARY TO EFFECT THE BUDGET  
6 OPERATION OF THE STATE.

7 The General Assembly of North Carolina enacts:

8  
9 **PART 1. INTRODUCTION**

10  
11 Section 1. The appropriations made by the 1992 General Assembly for  
12 capital improvements are for constructing, repairing, or renovating State buildings,  
13 utilities, and other capital facilities, for acquiring sites for them where necessary, and for  
14 acquiring buildings and land for State government purposes.

15  
16 **PART 2. TITLE**

17  
18 Sec. 2. This act shall be known as "The Capital Improvements  
19 Appropriations Act of 1992".

20  
21 **PART 3. PROCEDURES FOR DISBURSEMENTS**

22

1           Sec. 3. The appropriations made by the 1992 General Assembly for capital  
2 improvements shall be disbursed for the purposes provided by this act. Expenditure of  
3 funds shall not be made by any State department, institution, or agency, until an  
4 allotment has been approved by the Governor as Director of the Budget. The allotment  
5 shall be approved only after full compliance with the Executive Budget Act, Article 1 of  
6 Chapter 143 of the General Statutes. Prior to the award of construction contracts for  
7 projects to be financed in whole or in part with self-liquidating appropriations, the  
8 Director of the Budget shall approve the elements of the method of financing of those  
9 projects including the source of funds, interest rate, and liquidation period. Provided,  
10 however, that if the Director of the Budget approves the method of financing a project,  
11 he shall report that action to the Joint Legislative Commission on Governmental  
12 Operations at its next meeting.

13           Where direct capital improvement appropriations include the purpose of  
14 furnishing fixed and movable equipment for any project, those funds for equipment  
15 shall not be subject to transfer into construction accounts except as authorized by the  
16 Director of the Budget. The expenditure of funds for fixed and movable equipment and  
17 furnishings shall be reviewed and approved by the Director of the Budget prior to  
18 commitment of funds.

19           Capital improvement projects authorized by the 1992 General Assembly shall  
20 be completed, including fixed and movable equipment and furnishings, within the limits  
21 of the amounts of the direct or self-liquidating appropriations provided, except as  
22 otherwise provided in this act.

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

25  
26           Sec. 4. Appropriations are made from the General Fund for the 1992-93  
27 fiscal year for use by the State departments, institutions, and agencies to provide for  
28 capital improvement projects according to the following schedule:

29		
30	Department of Administration	
31	(Total)	\$8,555,600
32	1. New Revenue Building Equipment and	
33	Furnishings      4,978,900	
34	2. Museum of History-Exhibits,	
35	Furnishings and Equipment   2,963,700	
36	3. Museum of History-N.C. Sports Hall	
37	of Fame   475,000	
38	4. Acquisition of Charlotte Johnson	
39	Property-State Government Complex   138,000	
40		
41	Department of Agriculture	
42	(Total)	10,550,000
43	1. New Agronomic Lab   7,500,000	
44	2. Tidewater Research and Extension Center	

1	Restore Funding for completion of the Center	1,000,000	
2	3. Museum of Natural Science - Planning	750,000	
3	4. Piedmont Triad Farmers Market - Restore		
4	Funding	500,000	
5	5. Southeastern Farmers Market - Partially		
6	Restore Funding for Shipping Point		
7	Facility	500,000	
8	6. Eastern N.C. Agricultural Center-Planning Funds	300,000	
9	Department of Crime Control and Public Safety		
10	(Total)		615,000
11	1. Fayetteville Armory		
12	Requirements	2,295,000	
13	Receipts-Federal & Local	1,980,000	
14	State Appropriation	315,000	
15	2. National Guard-Underground Storage		
16	Tanks-EPA Requirements	300,000	
17			
18	Department of Cultural Resources		
19	(Total)		795,000
20	1. Art Museum-Amphitheater		
21	Requirements	1,476,800	
22	Receipts-Donations	1,476,800	
23	State Appropriations	-	
24	2. State Museum of the Albemarle - Restore		
25	Funding to Continue Development	150,000	
26	3. Thomas Wolfe Memorial - Visitor's Center	645,000	
27			
28	Department of Environment, Health, and Natural Resources		
29	(Total)		12,949,400
30	1. N.C. Zoo - Final Phase of North America		
31	Requirements	6,887,800	
32	Receipts - Private	1,061,800	
33	State Appropriation	5,826,000	
34	2. Water Resources Development Projects-		
35	Matching Funds	5,680,000	
36	3. County Forestry Headquarters-Equipment/		
37	Office Buildings-Warren County	228,300	
38	-Cumberland County	215,100	
39	4. State Parks-Land Purchases	500,000	
40	-Repairs and Renovations	500,000	
41			
42	Department of Human Resources		
43	(Total)		13,251,800
44	1. Murdoch Center-Meadowview Cottage		

1	Renovation	1,546,500	
2	2. Dix Campus-Male Wing Renovation	3,004,600	
3	3. Umstead Hospital-New Psychiatric Unit	7,499,700	
4	4. Western Carolina Center		
5	a. Reroof Walkways	699,800	
6	b. Boiler Replacement		201,200
7	5. Eastern Regional Vocational Rehabilitation		
8	Facility - Repairs and Renovations	300,000	
9			
10	Department of Justice		
11	(Total)		1,537,745
12	1. State Bureau of Investigation-Critical		
13	Lab Repairs & Renovations	845,300	
14	2. Justice Academy-Repairs & Renovations	692,445	
15			
16	University Board of Governors		
17	(Total)		26,452,300
18	1. North Carolina State University		
19	a. Centennial Center-Restore Funds for		
20	Site Preparation	2,000,000	
21	b. Hazardous Waste Facility	2,722,300	
22	c. Engineering Graduate Research		
23	Center - Phase I	2,200,000	
24	d. Castle Hayne Horticultural Research		
25	Station-Restore Funds for Greenhouse		
26	and Support Facility	350,000	
27	e. 4-H Camps-Repairs and Renovations	200,000	
28	2. University of North Carolina at Chapel		
29	Hill - School of Social Work	9,800,000	
30	3. Fayetteville State University - Indoor		
31	Health and Physical Education Facility	8,880,000	
32	4. East Carolina University - Complete		
33	Advance Planning for Joyner Library		
34	Addition	300,000	
35			
36	Community Colleges		
37	1. Anson/Stanly - Restore funds for Union County		
38	Satellite	930,000	
39			
40	Office of State Budget & Management		
41	(Total)		17,746,150
42	1. Reserve for Repairs & Renovations-Statewide	15,746,150	
43	2. Critical School Facility Needs Fund - To		
44	correct a discrepancy in the manner in		



- 1           b. Vocational Rehabilitation Facilities -  
2            Funds for capital needs at community-based  
3            facilities that operate vocational rehabili-  
4            tation services or Adult Developmental Activity  
5            Programs (ADAP). \$305.00 per slot for 6,495  
6            slots. 1,980,975
- 7           c. Mental Health-First Step Farm for  
8            Women-Start-up Costs           202,880
- 9           d. Rural Health Recruitment Funds-Stipends  
10           for general medicine residents who serve  
11           underserved areas of the State       200,000
- 12           e. Mental Health Facility Funds-Grants to  
13           Area Mental Health programs up to a  
14           maximum of \$200,000 per grant. Requires  
15           \$1 for \$1 county matching funds and  
16           departmental approval of applications       2,000,000
- 17       7. Department of Economic and Community  
18        Development:  
19        Industrial Building Renovation  
20        Fund - Continue economic assistance to local  
21        units of government.       750,000
- 22       8. Department of Agriculture:  
23        a. Provide for the development of a  
24        Grassroots Science Program by the Museum  
25        of Natural Sciences to serve local museums  
26        and nature centers (one-time  
27        grant-in-aid of \$50,000 to each of the  
28        State's nine science museums). 450,000
- 29       9. Board of Elections:  
30        One-time appropriation for support for  
31        mail registration. 39,500
- 32       10. Office of State Budget and Management:  
33        a. Reserve for expenses involved in moving  
34        the Departments of Education, Revenue, and  
35        Secretary of State and the Office of State  
36        Construction and Office of State  
37        Controller 1,000,000
- 38        b. Center for Community Self-Help  
39        Funds for Statewide Lending program for  
40        small businesses and economic development  
41        in rural, depressed, and disadvantaged  
42        communities       2,000,000
- 43        c. N.C. Equity - Grant-in-aid for support  
44        of health and economic development

1	activities 65,000	
2	d. Housing Trust Funds - Support to	
3	provide housing for persons of very low,	
4	low, and moderate income (\$1,000,000 from	
5	petroleum overcharge funds) 2,000,000	
6	e. Reserve for the implementation of	
7	federal OSHA standards regarding	
8	bloodborne pathogens 1,000,000	
9		
10	TOTAL NONRECURRING/GENERAL FUND	\$ 25,417,005
11		
12	GRAND TOTAL GENERAL FUND	\$118,800,000

### 14 PART 5. OFFICE OF STATE BUDGET AND MANAGEMENT

15  
16 Requested by: Senators Basnight, Plyler

#### 17 LOCAL WATER/SEWER FUNDS

18 Sec. 5. (a) Notwithstanding the provisions of Sections 3 and 28 of Chapter  
19 689 of the 1991 Session Laws, the Office of State Budget and Management shall  
20 transfer four million four hundred thousand dollars (\$4,400,000), from the funds  
21 appropriated to the Reserve for Reimbursements to Local Governments and Shared Tax  
22 Revenues for the 1992-93 fiscal year, to the Clean Water Revolving Loan and Grant  
23 Fund created in G.S. 159G-5.

24 (b) Notwithstanding the provisions of G.S. 105-116, the Secretary of Revenue  
25 shall reduce the amount to be transferred to municipalities on or before December 15,  
26 1992, pursuant to G.S. 105-116(d), by an amount equal to three million three hundred  
27 thousand dollars (\$3,300,000). The Secretary of Revenue shall allocate this reduction  
28 on a pro rata basis among the municipalities entitled to receive a quarterly installment  
29 pursuant to G.S. 105-116(d) on or before December 15, 1992.

30 (c) Notwithstanding the provisions of G.S. 105-113.82, the Secretary of Revenue  
31 shall reduce the amount to be distributed to counties and cities for the 1992-93 fiscal  
32 year pursuant to G.S. 105-113.82 by an amount equal to one million one hundred  
33 thousand dollars (\$1,100,000). The Secretary of Revenue shall allocate this reduction  
34 on a pro rata basis among the counties and cities entitled to receive a distribution  
35 pursuant to G.S. 105-113.82 for the 1992-93 fiscal year.

36 (d) The General Assembly finds that the purpose of the allocation provided in  
37 this section is to meet the funding needs of local governments for water supply and  
38 wastewater treatment facilities, as requested by local governmental units.

39  
40 Requested by: Senators Basnight, Plyler

#### 41 REPAIRS AND RENOVATIONS/OLD EDUCATION AND REVENUE 42 BUILDINGS

43 Sec. 6. The Joint Legislative Commission on Governmental Operations may  
44 study and make recommendations to the Office of State Budget and Management and to

1 the Office of State Construction of the Department of Administration on repairs and  
2 renovations to the Old Education and Old Revenue Buildings. In conducting its study,  
3 the Commission shall make recommendations pertaining to the following:

- 4 (1) The amount to be expended from the Reserve for Repairs and  
5 Renovations for expediting the relocation of State agencies currently  
6 occupying leased space into the Old Education and Old Revenue  
7 Buildings;  
8 (2) Which of the State agencies currently occupying leased space should  
9 be moved into the Old Education and Old Revenue Buildings;  
10 (3) The extent to which repairs and renovations are needed immediately  
11 and those that may be needed in the future, and whether such repairs  
12 and renovations may be phased in over a period of time; and  
13 (4) Any other recommendations the Commission deems appropriate for  
14 ensuring that repairs and renovations to the Old Education and Old  
15 Revenue Buildings are carried out expeditiously and efficiently.  
16

17 Requested by: Senator Perdue

18 **PERFORMANCE AUDIT RESERVE**

19 Sec. 6.1. The Office of State Budget and Management shall transfer the sum  
20 of five hundred thousand dollars (\$500,000) for the 1992-93 fiscal year from funds  
21 appropriated to the Reserve for Repairs and Renovations to the General Assembly for a  
22 reserve fund for the Government Performance Audit Committee, established pursuant to  
23 Section 347 of Chapter 689 of the 1991 Session Laws.  
24

25 Requested by: Senator Martin of Guilford

26 **NORTH CAROLINA EQUITY/FUND REQUIREMENTS**

27 Sec. 6.2. (a) Funds appropriated in this act to the Office of State Budget and  
28 Management for a grant-in-aid to North Carolina Equity shall not be used by North  
29 Carolina Equity for engaging in advocacy or lobbying activities to support or oppose  
30 legislation proposed, pending, or otherwise under consideration by the General  
31 Assembly or any of its study committees or commissions. This section shall not prohibit  
32 representatives of North Carolina Equity from testifying before or providing  
33 information requested by the General Assembly or any of its study committees or  
34 commissions.

35 (b) North Carolina Equity shall report quarterly to the Joint Legislative  
36 Commission on Governmental Operations on the use of funds allocated to it under this  
37 act.  
38

39 Requested by: Senators Basnight, Plyler

40 **BUDGET REFORM STATEMENTS/APPROPRIATIONS ADJUSTMENTS**

41 Sec. 6.3. The General Fund appropriations availability upon which the  
42 modifications contained in this act to the General Fund budget for the 1992-93 fiscal  
43 year are based is one hundred eighteen million eight hundred thousand dollars  
44 (\$118,800,000). This amount is comprised of the following components:



1	(1)	1991-92 Revenue Collections:	
2		a. Budgeted	\$ 7,647,025,000
3		b. Actual (latest estimate)	7,638,025,000
4		c. Difference	(9,000,000)
5	(2)	1991-92 Unexpended Appropriations	
6		a. Reversions	<u>169,000,000</u>
7		Estimated June 30, 1992 Credit	
8		Balance	160,000,000
9			
10	(3)	Earmarked for Savings Reserve	(40,000,000)
11	(4)	Credit Balance used in Chapter	
12		900, 1991 Session Laws	(1,200,000).

## 14 PART 6. GENERAL ASSEMBLY

16 Requested by: Senators Basnight, Plyler

### 17 EXTENSION OF THE TERRITORIAL JURISDICTION OF THE 18 LEGISLATIVE SERVICES COMMISSION

19 Sec. 7. (a) G.S. 120-32.1 reads as rewritten:

#### 20 "§ 120-32.1. Use and maintenance of buildings and grounds.

21 (a) ~~The Legislative Services Commission shall determine policy governing the~~  
 22 ~~use of the State Legislative Building and the State office building located at the~~  
 23 ~~northeast corner of Lane and Salisbury streets. The Commission shall allocate space~~  
 24 ~~within those buildings and the grounds encompassed by Jones, Wilmington, Lane and~~  
 25 ~~Salisbury streets; be responsible for the maintenance, security, control and care of those~~  
 26 ~~buildings; and promulgate rules and regulations governing the use of those buildings~~  
 27 ~~and their facilities. The Commission may delegate the actual work of maintenance of~~  
 28 ~~those buildings to the Department of Administration, which shall provide such~~  
 29 ~~maintenance services as may be delegated, subject to the direction of the Commission.~~  
 30 shall:

31 (1) Establish policy for the use of the State legislative buildings and  
 32 grounds;

33 (2) Maintain and care for the State legislative buildings and grounds, but  
 34 the Commission may delegate the actual work of the maintenance of those buildings  
 35 and grounds to the Department of Administration, which shall perform the work as  
 36 delegated;

37 (3) Provide security for the State legislative buildings and grounds;

38 (4) Allocate space within the State legislative buildings and grounds; and

39 (5) Have the exclusive authority to assign parking space in the State  
 40 legislative buildings and grounds.

41 ~~The rules and regulations promulgated~~ The Legislative Administrative  
 42 Officer shall have posted the rules adopted by the Legislative Services Commission  
 43 under the authority of this section shall be posted in a conspicuous place in the State  
 44 Legislative Building, and in the State office building located at the northeast corner of

1 ~~Lane and Salisbury streets, and Building and the Legislative Office Building. The~~  
2 ~~Legislative Administrative Officer shall have filed a copy of the rules and regulations~~  
3 ~~and all amendments thereto, certified by the chairman of the Legislative Services~~  
4 ~~Commission, shall be filed in the office of the Secretary of State and in the office of the~~  
5 ~~Clerk of the Superior Court of Wake County. When so posted and filed, these rules and~~  
6 ~~regulations shall constitute notice to all persons of the existence and text of the rules and~~  
7 ~~regulations.~~ rules. Any person, whether on his own behalf or for another, or acting as an  
8 agent or representative of any person, firm, corporation, partnership or association, who  
9 knowingly violates any of the rules ~~or regulations promulgated, adopted, posted and~~  
10 filed under the authority of this section is guilty of a ~~misdemeanor, misdemeanor~~ and  
11 upon conviction ~~or a plea of guilty~~ shall be punished by a fine or imprisonment in the  
12 discretion of the court, or by both such fine and imprisonment. Any person, firm,  
13 corporation, partnership or association who combines, confederates, conspires, aids,  
14 abets, solicits, urges, instigates, counsels, advises, encourages or procures another or  
15 others to knowingly violate any of the rules ~~and regulations promulgated, adopted,~~  
16 posted and filed under the authority of this section is guilty of a misdemeanor and upon  
17 conviction ~~or a plea of guilty~~ shall be punished by a fine or imprisonment in the  
18 discretion of the court, or by both such fine and imprisonment.

19 (c) ~~When the General Assembly is in regular or extra session, the Legislative~~  
20 ~~Services Commission shall have exclusive authority to assign parking space in the State~~  
21 ~~Legislative Building and upon its grounds, as "grounds" is defined in G.S. 120-32.3~~  
22 ~~[120-32.2], and the State Legislative Building security force shall have exclusive~~  
23 ~~authority and responsibility for enforcing the parking rules and regulations of the~~  
24 ~~Legislative Services Commission. The Legislative Services Commission may cause to~~  
25 ~~be removed at the owner's expense any vehicle parked in the State Legislative Building~~  
26 ~~or on its grounds legislative buildings and grounds in violation of the rules and~~  
27 ~~regulations of the Legislative Services Commission, Commission and during regular or~~  
28 ~~extra sessions of the General Assembly may cause to be removed any vehicle parked in~~  
29 any State-owned parking space leased to an employee of the General Assembly where  
30 the vehicle is parked without the consent of the employee to whom the space is leased.

31 (d) For the purposes of this section, the term 'State legislative buildings and  
32 grounds' means:

33 (1) At all times:

34 a. The State Legislative Building and the area between outer walls of  
35 the State Legislative Building and the near curbline of those sections of Jones,  
36 Wilmington, Lane, and Salisbury Streets which border land on which the State  
37 Legislative Building is situated;

38 b. The Legislative Office Building and the areas between its outer  
39 walls and the near curbline of those sections of Lane and Salisbury Streets that border  
40 the land on which it is situated;

41 c. Any State-owned parking lot which is leased to the General  
42 Assembly; and

43 d. The bridge between the State Legislative Building and the State  
44 Governmental Mall.

1           (2) In addition, the surface area to the far curblin  
2 of those sections of Jones, Wilmington, Lane, and Salisbury Streets which border the land on which the  
3 State Legislative Building is situated:

4           a. When the General Assembly is in regular or extra session; and  
5           b. On other days on which one or more standing committees of either  
6 or both houses of the General Assembly are meeting and the Legislative Administrative  
7 Officer determines that additional parking is needed for the functioning of the General  
8 Assembly and files notice of the committee's or committees' meetings and his finding  
9 that additional parking is needed in the office of the Secretary of State and that of Clerk  
10 of the Superior Court of Wake County."

11           (b) G.S. 120-32.2 reads as rewritten:

12 **"§ 120-32.2. State Legislative Building special police.**

13           All members of the State Legislative Building security force employed by the  
14 Legislative Services Office are special policemen, and within the State Legislative  
15 Building and upon its grounds legislative buildings and grounds, as defined in G.S.  
16 120-32.1(d), they shall have all the powers of policemen of incorporated towns, cities.

17           ~~As used in this section, "grounds" means the area between the outer walls of the State~~  
18 ~~Legislative Building and the near curblin~~ of those sections of Jones, Wilmington, Lane  
19 ~~and Salisbury streets which border the land on which the State Legislative Building is~~  
20 ~~situated. When the General Assembly is in regular or extra session, the term~~  
21 ~~"grounds" also includes the surface to the far curblin~~ of those sections of Jones,  
22 ~~Wilmington, Lane and Salisbury streets which border the land on which the State~~  
23 ~~Legislative Building is situated and any state-owned parking lot which is leased to the~~  
24 ~~General Assembly while the General Assembly is in session.~~

25           ~~The jurisdiction of the State Legislative Building security force shall also include the~~  
26 ~~State office building located at the northeast corner of Lane and Salisbury streets and~~  
27 ~~the area between the outer walls of that building and the near curblin~~ of those sections  
28 ~~of Lane and Salisbury streets that border the land on which the building is located.~~

29           The Legislative Building security force has the exclusive authority and responsibility  
30 for enforcing the parking rules of the Legislative Services Commission."

31           (c) This section becomes effective October 1, 1992, but does not affect the  
32 validity of rules adopted by the Legislative Services Commission under the prior law.

33  
34 Requested by: Senator Martin of Pitt

35 **RAILROAD ADVISORY COMMISSION MEMBERSHIP CHANGE**

36           Sec. 8. Section 3.1 of Chapter 754 of the 1991 Session Laws reads as  
37 rewritten:

38           "Sec. 3.1. There is created the Railroad Advisory Commission. The Commission  
39 shall consist of ~~12-10~~ members, appointed as follows:

40           (1) Two members appointed by the Governor, one of whom shall be  
41 knowledgeable about the railroad business and one of whom shall be an advocate of  
42 passenger rail service;

1 (2) The Speaker of the House of Representatives or another member of the  
2 House of Representatives serving as the Speaker's designee, and two other members of  
3 the House of Representatives appointed by the Speaker of the House of Representatives;

4 (3) The President Pro Tempore of the Senate or another member of the  
5 Senate serving as the President Pro Tempore's designee, and two other members of the  
6 Senate appointed by the President Pro Tempore of the Senate;

7 (4) The Secretary of Transportation, or a member of his staff appointed by  
8 the Secretary of Transportation; and

9 (5) The State Treasurer, or a member of his staff appointed by the  
10 ~~Treasurer;~~ Treasurer.

11 ~~(6) Two officers or directors of the North Carolina Railroad Company~~  
12 ~~appointed by its Board of Directors.~~

13 The Attorney General or the Attorney General's designee shall also  
14 participate and attend meetings of the Commission in accordance with Section 3.12 of  
15 this Part."  
16

17 Requested by: Senator Martin of Guilford

18 **JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS/  
19 FARMERS MARKET STUDY/WATER RESOURCES PROJECTS STUDY**

20 Sec. 9. The Joint Legislative Commission on Governmental Operations may  
21 study the feasibility of funding farmers markets and water resources development  
22 projects for which appropriations have been previously requested. The study may  
23 include but is not limited to the following:

24 (1) Piedmont Triad Farmers Market,

25 (2) Southeastern Farmers Market,

26 (3) Northeastern Farmers Market,

27 (4) Randleman Dam, and

28 (5) Oregon Inlet Jetties.

29 The Commission may report its findings and recommendations to the 1993 General  
30 Assembly.  
31

32 Requested by: Senator Martin of Guilford

33 **TECHNICAL CORRECTIONS/CHAPTER 900 - CURRENT OPERATIONS  
34 APPROPRIATIONS ACT OF 1992**

35 Sec. 9.1 (a) Section 41 of Chapter 900, 1991 Session Laws, is amended by  
36 deleting the phrase "G.S. 7A-171.1(4)" and substituting the phrase "G.S. 7A-  
37 171.1(a)(4)".

38 (b) This section is effective July 1, 1992.

39 Sec. 9.2. (a) Section 136(a) of Chapter 900, 1991 Session Laws, reads as  
40 rewritten:

41 "(a) Of the funds appropriated in this act to the Department of Human Resources,  
42 Division of Mental Health, Developmental Disabilities, and Substance Abuse Services,  
43 the sum of nine million dollars (\$9,000,000) for the 1992-93 fiscal year shall be

1 expended in accordance with the plans developed by the Mental Health Study  
2 Commission and adopted by the General Assembly.

3 These funds shall be allocated as follows:

4 (1) Services for the mentally ill \$3,000,000;

5 (2) Services for the developmentally

6 disabled

\$3,00,000;

7 \$3,000,000;

8 and

9 (3) Services for substance abusers \$3,000,000.

10 (b) This section is effective July 1, 1992.

11 Sec. 9.3. Section 180 of Chapter 900, 1991 Session Laws, reads as rewritten:

12 "(a) Except where expressly repealed or amended by this act, the provisions of  
13 Chapters 689, 742, 760, 761, and 812 of the 1991 Session Laws remain in effect.

14 (b) Notwithstanding any modifications by this act in the amounts appropriated,  
15 except where expressly repealed or amended, the limitations and directions for the  
16 1992-93 fiscal year in Chapters 689, 742, 760, 761, and 812 of the 1991 Session Laws  
17 that applied to appropriations to particular agencies or for particular purposes apply to  
18 the newly enacted appropriations and budget reductions of this act for those same  
19 particular purposes."  
20

21 Requested by: Representatives Nesbitt, Diamont

## 22 **PERFORMANCE AUDIT AUDIO AND VIDEO NETWORK STUDY**

23 Sec. 9.4. (a) As part of its audit and evaluation of State Information processing  
24 and telecommunications system policy, organization, and management, the Government  
25 Performance Audit Committee shall study:

26 (1) The operations of the audio, video, and data communications networks  
27 of the Department of Administration Agency for Public  
28 Telecommunications;

29 (2) The operations of the audio, video, and data communications networks  
30 of the Microelectronics Center of North Carolina;

31 (3) The operations of the audio and video networks of the North Carolina  
32 Center for Public Television;

33 (4) The operations of the voice and data communications networks in the  
34 Office of State Controller State Telecommunications Office;

35 (5) The operations of the communications networks managed by the  
36 Educational Computing Service, University of North Carolina-General  
37 Administration;

38 (6) The operations of any data and video communications networks  
39 managed by the Department of Public Instruction; and

40 (7) The operations of any data and video communications networks within  
41 the Community College System.

42 (b) This study shall address:

43 (1) The governance structures of the networks;

44 (2) The services provided by the networks;

- 1 (3) The uses of the networks;  
2 (4) The alternatives for coordinating the governance, operations,  
3 oversight, and funding of the networks to keep them operating in the  
4 leading edge of technology insofar as practical and in such a manner to  
5 reduce areas of service duplication;  
6 (5) The need for funding KU-Band retrofitting in the facilities of the  
7 Agency for Public Telecommunications; and  
8 (6) The need for purchasing and installing satellite receiving equipment in  
9 public libraries throughout the State for use with the Agency for Public  
10 Telecommunications and other information technology providers.

11 (c) The Government Performance Audit Committee shall include a final  
12 report on the topics mentioned in this section, other findings, and recommendations for  
13 legislation in its final report to the 1993 General Assembly. It shall also submit 12  
14 copies of its report to the North Carolina Information Resources Management  
15 Commission.

## 16 17 **PART 6.1. DEPARTMENT OF REVENUE**

18  
19 Requested by: Representatives Nesbitt, Diamont

### 20 **CORRECT INVENTORY TAX REIMBURSEMENT AMOUNT**

21 Sec. 9.5. (a) G.S. 105-275.1(b) reads as rewritten:

22 "(b) Subsequent Distributions. – As soon as practicable after January 1, 1990, the  
23 Secretary shall pay to each county and city the amount it received under subsection (a)  
24 in 1989 plus an amount equal to the county or city average rate multiplied by the value  
25 of the items described in subdivisions (ii) and (iii) of subsection (a) that were required  
26 to be listed and assessed as of January 1, 1987, and were listed on or before September  
27 1, 1987, in the county or city, plus or minus the percentage of this product that equals  
28 the percentage by which State personal income has increased or decreased during the  
29 most recent 12-month period for which State personal income data has been compiled  
30 by the Bureau of Economic Analysis of the United States Department of Commerce.  
31 As soon as practicable after January 1, 1990, the Secretary shall also pay to each county  
32 and city an amount equal to the average rate for each special district for which the  
33 county or city collected taxes in 1987, but whose tax rates were not included in the  
34 county or city's rates, multiplied by the value of the items described in subdivisions (ii)  
35 and (iii) of subsection (a) that were required to be listed and assessed as of January 1,  
36 1987, and were listed on or before September 1, 1987, in the district, plus or minus the  
37 percentage of this product that equals the percentage by which State personal income  
38 has increased or decreased during the most recent 12-month period for which State  
39 personal income data has been compiled by the Bureau of Economic Analysis of the  
40 United States Department of Commerce. As soon as practicable after January 1, 1991,  
41 except as provided in subsection (f), the Secretary shall pay to each county and city the  
42 amount it received under this section the preceding year plus an amount equal to the  
43 county or city average rate multiplied by the value of the items described in subdivision  
44 (v) of subsection (a) contained in the list submitted by the county or city, plus or minus

1 the percentage of this product that equals the percentage by which State personal  
2 income has increased or decreased during the most recent 12-month period for which  
3 State personal income data has been compiled by the Bureau of Economic Analysis of  
4 the United States Department of Commerce. As soon as practical after January 1, 1992,  
5 except as provided in subsection (f), the Secretary shall distribute to each county and  
6 city the amount it received under this section the preceding year. On or before April 30,  
7 1993, except as provided in subsection (f), the Secretary shall distribute to each county  
8 and city ninety-nine and eighty-one one-hundredths percent (99.81%) of the amount it  
9 received under this section the preceding year. Thereafter, except as provided in  
10 subsection (f), ~~as soon as practicable after January 1~~ on or before April 30 of each year,  
11 the Secretary shall distribute to each county and city the amount it received under this  
12 section the preceding year.

13 Of the funds received by each county and city pursuant to this subsection in 1990,  
14 the portion that was received because the county or city was collecting taxes for a  
15 special district (either because the district's tax rate was included in the city or county's  
16 rate or because the Secretary paid the county or city the product of the district's average  
17 rate and the value of the inventories and other items in the district) shall be distributed  
18 among the districts in the county or city as soon as practicable after the city or county  
19 receives the funds. The county or city shall distribute to each special district in the  
20 county or city the amount it distributed to the district in 1989 plus an amount equal to  
21 the average rate for the district multiplied by the value of the items, other than  
22 inventory, described in subdivisions (ii) and (iii) of subsection (a) that were required to  
23 be listed and assessed as of January 1, 1987, and were listed on or before September 1,  
24 1987, in the district, plus or minus the percentage of this product that equals the  
25 percentage by which State personal income has increased or decreased during the most  
26 recent 12-month period for which State personal income data has been compiled by the  
27 Bureau of Economic Analysis of the United States Department of Commerce.

28 Each year thereafter, as soon as practicable after receiving funds under this  
29 subsection, every county and city shall distribute among the special districts for which  
30 the county or city collects tax an amount equal to the amount it distributed among such  
31 districts the previous year. The Local Government Commission may adopt rules for the  
32 resolution of disputes and correction of errors in the distribution among special districts  
33 provided in this subsection. In addition, the Local Government Commission may adopt  
34 rules for the reallocation of funds when a special district is dissolved, merged, or  
35 consolidated, or when a special district ceases to levy tax, either temporarily or  
36 permanently."

37 (b) G.S. 105-275.1(f) reads as rewritten:

38 "(f) Correction of Errors. – If the Secretary discovers that the amount or value of  
39 any inventories or other items listed by a county or city pursuant to subsection (a) of this  
40 section was overstated or understated, the Secretary shall adjust the amount to be  
41 distributed under subsection (b) as follows. For the distribution to be made in the year  
42 following discovery of the overstatement or understatement, the Secretary shall  
43 distribute to the county or city the amount it would have received under subsection (b)  
44 in 1990–1993 if it had not overstated or understated the amount or value of any

1 inventories or other items, plus the total amount it failed to receive in 1989 and  
2 subsequent years due to understatement of the amount or value of the inventories or  
3 other items, or minus the total amount it received in 1989 and subsequent years due to  
4 overstatement of the amount or value of the inventories or other items. Thereafter, each  
5 year the Secretary shall distribute to the county or city the amount it would have  
6 received under subsection (b) in ~~1990-1993~~ if it had not overstated or understated the  
7 amount or value of any inventories or other items."  
8

## 9 PART 7. DEPARTMENT OF ADMINISTRATION

10  
11 Requested by: Senator Basnight

### 12 NORTH CAROLINA AQUARIUMS COMMISSION

13 Sec. 10. (a) Chapter 143B of the General Statutes is amended by adding a  
14 new Part to read:

#### 15 "PART 8C. NORTH CAROLINA AQUARIUMS COMMISSION.

#### 16 "§ 143B-390.15. North Carolina Aquariums Commission – creation.

17 There is hereby created the North Carolina Aquariums Commission.

#### 18 "§ 143B-390.16. North Carolina Aquariums Commission – organization, powers, 19 and duties.

20 (a) The Commission shall consist of 12 members appointed as follows:

21 (1) Three members appointed by the Governor including one member  
22 designated by the Governor to serve as chair of the Commission,

23 (2) Three members appointed by the General Assembly upon the  
24 recommendation of the Speaker of the House of Representatives in  
25 accordance with G.S. 120-121,

26 (3) Three members appointed by the General Assembly upon the  
27 recommendation of the President Pro Tempore of the Senate in  
28 accordance with G.S. 120-121, and

29 (4) Three members appointed by the North Carolina Aquarium Society,  
30 Inc., each of whom resides in one of the counties where the North  
31 Carolina Aquariums are located: Carteret, Dare, and New Hanover.

32 (b) Commission members shall serve for terms of four years, beginning July 1,  
33 1992, and may be removed at any time by the appointing authority. If a vacancy on the  
34 Commission occurs, the appointing authority shall appoint a replacement to serve for  
35 the unexpired term.

36 (c) The Commission shall meet upon the call of the chair.

37 (d) The Secretary of Administration shall provide staff support for Commission  
38 activities and travel reimbursement for Commission members.

39 (e) The Commission may recommend a schedule of uniform fees for the North  
40 Carolina Aquariums to the Secretary of the Department of Administration who may  
41 adopt the schedule. The schedule may be revised from time to time by the same  
42 procedure.

43 (f) The North Carolina Special Aquariums Fund, hereafter 'Fund', is hereby  
44 created, and shall be a special and nonreverting fund. The Fund shall be used only for



1 repair, maintenance, and educational exhibit construction at existing aquariums. The  
2 Fund may also be used to match private funds that are raised for these purposes.

3 (g) All entrance fee receipts shall be credited to the Fund. The Secretary of  
4 Administration may expend monies from the Fund only upon the authorization of the  
5 General Assembly."

6 (b) G.S. 120-123 is amended by adding a new subdivision to read:

7 "(59) The North Carolina Aquariums Commission, as established by G.S.  
8 143B-15."

9  
10 Requested by: Senator Lee

### 11 **STUDY COMMUTING BY STATE EMPLOYEES**

12 Sec. 10.1. The Department of Administration shall, in consultation with the  
13 Department of Transportation, study and recommend methods for encouraging State  
14 employees to use public transit, including carpools and vanpools, in commuting to  
15 work. The Department of Administration shall report its findings and recommendations  
16 to the 1993 General Assembly by March 15, 1993.

## 17 18 **PART 8. DEPARTMENT OF CULTURAL RESOURCES**

19  
20 Requested by: Senator Basnight

### 21 **GRANTS FOR LOCAL ARTS/HISTORIC SITES**

22 Sec. 11. Of the funds appropriated in this act to the Department of Cultural  
23 Resources for grants for local arts/historic sites, the sum of thirty thousand dollars  
24 (\$30,000) shall be allocated to the Eastern Music Festival to support activities  
25 commemorating the thirtieth anniversary of the Festival, the sum of fifty thousand  
26 dollars (\$50,000) shall be allocated to the North Carolina Shakespeare Festival for  
27 equipment and other purposes, and a sufficient sum shall be allocated for the addition of  
28 an auditorium for the Visitors Center at the Charles B. Aycock Historic Site.

## 29 30 **PART 8.1. SALARIES AND BENEFITS**

31  
32 Requested by: Senators Basnight, Plyler

### 33 **SALARY INCREASE CORRECTION**

34 Sec. 11.1. Section 46(e) of Chapter 900 of the 1991 Session Laws reads as  
35 rewritten:

36 "(e) Within regular Executive Budget Act procedures as limited by this act, all  
37 State agencies and departments ~~may~~ shall increase on an equitable basis the rate of pay  
38 of temporary and permanent hourly State employees, subject to availability of funds in  
39 the particular agency or department, by pro rata amounts of the forty-three dollars and  
40 fifty cents (\$43.50) per month salary increase provided for permanent full-time  
41 employees covered by the provisions of subsection (a) of this section, commencing July  
42 1, 1992."

43  
44 Requested by: Senators Basnight, Plyler

**WRITTEN DISCIPLINARY PROCEEDINGS**

Sec. 11.2. Section 49(c) of Chapter 900, Session Laws of 1991, reads as rewritten:

"(c) The salary increases provided in this Part are to be effective July 1, 1992, do not apply to persons separated from State service due to resignation, dismissal, reduction in force, death, or retirement, whose last workday is prior to July 1, 1992, or to employees involved in a final written disciplinary procedure. ~~procedures.~~ The employee shall receive the increase on a current basis when the final written disciplinary procedure is resolved.

Payroll checks issued to employees after July 1, 1992, which represent payment for services provided prior to July 1, 1992, shall not be eligible for salary increases provided for in this act. This subsection shall apply to all employees, subject to or exempt from the State Personnel Act, paid from State funds, including public schools, community colleges, and The University of North Carolina."

Requested by: Senators Basnight, Block

**BENEFIT ADJUSTMENTS/DISABILITY INCOME PLAN**

Sec. 11.3. Effective on and after July 1, 1992, the Department of State Treasurer and the Board of Trustees of the Teachers' and State Employees' Retirement System shall, under the same terms and conditions as appear in G.S. 135-108, increase the compensation upon which the short-term and long-term benefits are calculated by an amount equal to the same dollar amount granted to employees of the State.

**PART 8.2. STATE BOARD OF ELECTIONS**

Requested by: Senator Martin of Guilford

**VOTER PARTICIPATION AMENDMENTS-MAIL REGISTRATION****MAIL REGISTRATION**

Sec. 11.4. (a) Chapter 163 of the General Statutes is amended by adding a new section to read:

**"§ 163-72.4. Registration by mail.**

(a) In addition to any other procedure provided by this Article, a person may apply by mail under this section to do any or all of the following:

- (1) Register to vote;
- (2) Change party affiliation or unaffiliated status;
- (3) Report a change of address within a county;
- (4) Report a change of name.

(b) The State Board of Elections shall develop a registration by mail form, which shall request sufficient information to enable officials of the county where a person resides to satisfactorily process the application for any purpose permitted under subsection (a) of this section. The State Board of Elections shall print sufficient copies of the form so that they may be publicly distributed. Registration forms shall be available from the State Board of Elections and county boards of elections, and may be

1 distributed by any person. The single form shall permit all of the purposes listed under  
2 subsection (a) of this section to be carried out by filling in the appropriate information  
3 and marking boxes to indicate the action requested.

4 (c) In order to be valid, the registration form shall be signed by the applicant. To  
5 be valid for an election, the form must be postmarked at least 30 days before the  
6 election. The application form shall request the applicant's telephone number to assist  
7 the appropriate board of elections in contacting the voter if needed in processing the  
8 application. The application shall require the voter to state if the voter is currently  
9 registered to vote anywhere, and at what address, so that any prior registration can be  
10 cancelled. If that address is in the county where the voter applies to register, the  
11 application shall be processed as if it had been submitted under G.S. 163-72.2.

12 (d) The application shall ask for political party affiliation and briefly explain the  
13 law relating to party affiliation with respect to voting in primary elections.

14 (e) Reports received under this section of:

15 (1) Change in party affiliation shall be processed as if made under G.S.  
16 163-74(b);

17 (2) Change of address within a county shall be processed as if made  
18 under G.S. 163-72.2(c); and

19 (3) Change of name shall be processed as if made under G.S. 163-69.1;  
20 except for the different deadline imposed under subsection (c) of this section.

21 (f) Any person who willfully and knowingly and with fraudulent intent gives  
22 false information on the application is guilty of a Class I felony. The application shall  
23 state in clear language the penalty for violation of this subsection.

24 (g) Upon receipt of any or all of the following:

25 (1) An application to register;

26 (2) A change of party affiliation;

27 (3) A report of address change;

28 (4) A report of change of name

29 under this section, the county board of elections shall send to the postal address on the  
30 registration form a notice of registration, or a notice of change of party affiliation,  
31 address, or name. The notice shall include an assignment of precinct and polling place,  
32 or a reminder of precinct and polling place if the voter is reporting only a change of  
33 party affiliation or name. The county board of elections shall send the notice by  
34 nonforwardable first-class mail. If the notice is returned as undeliverable, the county  
35 board of elections shall send a second nonforwardable first-class mailing. If that notice  
36 is returned as undeliverable, the county board of elections shall cancel the registration if  
37 it has been approved and shall reject it if it has not yet been approved.

38 (h) If a registration form is a duplicate of a registration already made, it shall not  
39 be processed, and the applicant shall be so notified. The notification shall include the  
40 voter's precinct and polling place.

41 (i) If the voter has listed a previous registration not in that county, the county  
42 board of elections shall treat it as an authorization to cancel the previous registration and  
43 also process it as such under the procedures of G.S. 163-72.1(c) through (e).

1 (j) The application shall require that the applicant pay the full postage required  
2 by federal law, except that if federal law provides that it may be carried without  
3 postage, the application shall contain the appropriate franking language to allow it to be  
4 carried without postage."

5 (b) Of the funds appropriated from the General Fund to the State Board of  
6 Elections in this act, the sum of seventy-seven thousand five hundred dollars (\$77,500)  
7 for the 1992-93 fiscal year shall be used to implement the mail registration provisions of  
8 subsection (a) of this section.

9 (c) Subsection (a) of this section becomes effective July 1, 1993. Subsection (b)  
10 of this section is effective July 1, 1992.

11  
12 Requested by: Senator Martin of Guilford

13 **VOTER PARTICIPATION AMENDMENTS-MOTOR VOTER**

14  
15 **MOTOR VOTER**

16 Sec. 11.5. (a) G.S. 163-81 reads as rewritten:

17 "**§ 163-81. Driver license examiners ~~authorized to accept applications to register~~**  
18 **voters.**

19 (a) ~~Notwithstanding any other provision of law, the State Board of Elections is~~  
20 ~~authorized to appoint as special registration commissioners duly appointed driver~~  
21 ~~license examiners of the Division of Motor Vehicles.~~

22 ~~The State Board of Elections may appoint such number of license examiners as it~~  
23 ~~deems necessary as special registration commissioners, and the persons appointed shall~~  
24 ~~serve at the pleasure of the State Board of Elections, and may be removed as a~~  
25 ~~registration commissioner at any time for any reason satisfactory to the Board.~~

26 ~~Before entering upon the duties of the office each special registration commissioner~~  
27 ~~shall take the oath of office prescribed in Section 7 of Article VI of the North Carolina~~  
28 ~~Constitution. drivers license examiners are ex officio special registration commissioners~~  
29 ~~for the purpose of this section. No additional oath is required.~~

30 (b) Special registration commissioners appointed under this section are  
31 authorized to accept applications to register persons who are qualified for registration  
32 regardless of that person's voting precinct or county of residence in the State. The  
33 special registration commissioners appointed pursuant to this section ~~shall possess those~~  
34 ~~qualifications set forth in G.S. 163-41(b), and shall have the same authority to accept~~  
35 ~~applications to register voters as is conferred upon registration officials in this Chapter.~~

36 (c) The Division of Motor Vehicles shall, pursuant to the rules ~~and regulations~~  
37 ~~adopted by the State Board of Elections, afford a modify its forms so that any eligible~~  
38 ~~person who applies for original issuance, renewal or correction of a driver's license or~~  
39 ~~special identification card issued under G.S. 20-37.7 may, on a part of the form, an~~  
40 ~~opportunity to complete an application to register to vote or to update his registration if~~  
41 ~~the voter has changed his address or moved from one precinct to another or from one~~  
42 ~~county to another. Any person who willfully and knowingly and with fraudulent intent~~  
43 ~~gives false information on the application is guilty of a Class I felony. The application~~  
44 ~~shall state in clear language the penalty for violation of this subsection. The necessary~~

1 forms shall be prescribed by the State Board of Elections. All applications shall be  
2 forwarded by the Department of Transportation to the appropriate county board of  
3 elections. The form must ask for the previous voter registration address of the voter, if  
4 any. If a previous address is listed, and it is not in the county of residence of the  
5 applicant, the appropriate county board of elections shall treat the application as an  
6 authorization to cancel the previous registration and also process it as such under the  
7 procedures of G.S. 163-72.1(c) through (e). If a previous address is listed and that  
8 address is in the county where the voter applies to register, the application shall be  
9 processed as if it had been submitted under G.S. 163-72.2.

10 Registration shall become effective as provided in G.S. 163-67(a). Applications to  
11 register to vote accepted by a special registration commissioner under this section until  
12 the deadline established in G.S. 163-67(a) shall be treated as timely made for an  
13 election, and no person who applies to that special registration commissioner shall be  
14 denied the vote in that election for failure to apply earlier than that deadline.

15 (d) The State Board of Elections is authorized to promulgate rules ~~and~~  
16 ~~regulations~~-necessary to implement the provisions of this section."

17 (b) G.S. 163-80 reads as rewritten:

18 **"§ 163-80. Officers authorized to register voters.**

19 (a) Only the following election officials shall be authorized to register voters:

- 20 (1) Any member of a county board of elections who has been duly  
21 appointed pursuant to G.S. 163-22(c) and properly installed as  
22 required by G.S. 163-30 and 163-31.
- 23 (2) The supervisor of elections of a county board of elections  
24 appointed pursuant to the provisions of G.S. 163-35.
- 25 (3) Precinct registrars and judges of election appointed pursuant to the  
26 provisions of G.S. 163-41.
- 27 (4) Special registration commissioners appointed pursuant to the  
28 authority and limitation contained in G.S. 163-41(b), or serving ex  
29 officio pursuant to G.S. 163-81.
- 30 (5) Full-time and salaried deputy supervisors of elections employed by  
31 the county board of elections and who work under the direct  
32 supervision of the board's supervisor of elections appointed  
33 pursuant to the provisions contained in G.S. 163-35.
- 34 (6) Local public library employees designated by the governing board  
35 of such public library to be appointed by the county board of  
36 elections as special library registration deputies. Appointment of  
37 such deputies is mandatory for libraries covered by G.S. 153A-272;  
38 appointment is optional for other libraries. Persons appointed under  
39 this subsection shall be given the oath contained in G.S. 163-41(b),  
40 and shall be authorized to accept applications to register on those  
41 days and during those hours said special deputies are on duty with  
42 their respective libraries. If, for good and valid reasons, the local  
43 public library director shall request that the county board of  
44 elections appoint 'replacement' special library registration deputies

1 before the two-year term ends, the county board of elections shall  
2 do so.

3 (7) Public high school employees appointed under this subdivision. A  
4 local board of education may, but is not required to, designate high  
5 school employees to be appointed by the county board of elections  
6 as special high school registration commissioners. Only employees  
7 who volunteer for this duty, and who are acceptable to the county  
8 board of elections, may be designated by boards of education. A  
9 special high school registration commissioner may register voters  
10 only while on duty as a high school employee and only at times and  
11 under arrangements approved by the local school board of  
12 education. A person appointed under this subdivision shall take the  
13 oath prescribed in G.S. 163-41(b).

14 (b) All election officials authorized to register voters under authority of this  
15 section shall not be authorized to register voters who reside outside the boundaries of  
16 their respective counties except in those specific instances involving municipalities  
17 which lie within the boundaries of two or more counties and except as provided by G.S.  
18 163-81. The State Board of Elections shall have authority to promulgate rules for the  
19 processing of voters in such instances.

20 (c) All election officials authorized by this section to register voters shall register  
21 any qualified voter without regard to political party affiliation and without  
22 discrimination in any manner whatsoever.

23 (d) The State Board of Elections shall promulgate rules for the proper training of  
24 those persons qualifying under this section as registrars."

25 (c) Of the funds appropriated from the General Fund to the State Department of  
26 Transportation in this act, the sum of fifty-five thousand four hundred dollars (\$55,400)  
27 for the 1992-93 fiscal year shall be used to implement the voter registration provisions  
28 of subsections (a) and (b) of this section.

29 (d) Subsections (a) and (b) of this section become effective on January 1, 1994,  
30 or the date on which the Division of Motor Vehicles has in place the necessary  
31 equipment to enforce those sections, whichever date is earlier. Subsection (c) of this  
32 section is effective July 1, 1992.

### 34 MANDATED ANNUAL REGISTRATION DRIVE

35 (e) Article 7 of Chapter 163 of the General Statutes is amended by adding a  
36 new section to read:

#### 37 "§ 163-82. Mandated registration drive.

38 The Governor shall proclaim as Citizens Awareness Month the month designated by  
39 the State Board of Elections during every even-numbered year. During that month, the  
40 State Board of Elections shall initiate a statewide voter registration drive and shall adopt  
41 rules under which county boards of elections shall conduct the drives. Each county  
42 board of elections shall participate in the statewide registration drive in accordance with  
43 the rules adopted by the State Board."

44 (f) Subsection (e) of this section becomes effective January 31, 1993.

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**PART 9. PUBLIC SCHOOLS**

Requested by: Senator Basnight

**SCHOOL CRITICAL NEEDS FUNDS**

Sec. 12. The General Assembly finds that when the Commission on School Facility Needs established a schedule in 1988 for making grants from the Critical School Facility Needs Fund, in accordance with G.S. 115C-489.2(b), the data, although lawful, that the Commission used to determine per capita income was not the most current data available at the time that the Commission established the schedule. As a result of discrepancies in the data, the Tyrrell County School Administrative Unit was ranked 57th on the schedule instead of 32nd, and the Tyrrell County School Administrative Unit has not received the grant it would have received had the most current data been used. To remedy this problem, funds are appropriated in this act from the General Fund to the Office of State Budget and Management for the Critical School Facility Needs Fund in the sum of two million dollars (\$2,000,000) for the 1992-93 fiscal year for a grant for the Tyrrell County Schools.

Requested by: Senator Hunt

**OUTCOME-BASED EDUCATION PILOT SITE SELECTION**

Sec. 13. G.S. 115C-238.14(e) reads as rewritten:

"(e) The State Board of Education shall select four of the project sites no later than June 15, 1992. The State Board shall base its decision on the local school administrative units' plans for, ability to, and commitment to complying with the requirements for local programs set out in subsection (c) of this section.

Because there is not enough time for the State Board of Education to select the additional two pilot sites authorized by the 1992 Regular Session of the 1991 General Assembly and for those two sites to begin implementation of the program during the 1992-93 school year, the remaining two pilot sites are hereby designated as the sites recommended to the Board by the State Superintendent at its regular July meeting."

Requested by: Senator Conder

**EDUCATION STAFFING CLARIFIED**

Sec. 13.1 (a) G.S. 115C-21(a)(7), as enacted by Section 6(g) of Chapter 812 of the 1991 Session Laws, reads as rewritten:

"(7) To have solely under his direction and control all matters relating to provision of staff services and support to the State Board of Education, including implementation of federal programs on behalf of the State Board of Education, except as otherwise provided in the Current Operations Appropriations Act."

(b) This section is effective upon ratification.

Requested by: Senator Conder

**COMPUTER REPLACEMENT FUNDS**

1           Sec. 13.2 The State Board of Education may use up to one million four  
2 hundred thousand dollars (\$1,400,000) of the funds appropriated to the Department of  
3 Public Education for aid to local school administrative units for the 1992-93 fiscal year  
4 to replace computer hardware used to implement the Uniform Education Reporting  
5 System at the 30 local school administrative units that are using obsolete computers.  
6

## 7 **PART 10. COMMUNITY COLLEGES**

8  
9 Requested by: Senator Richardson

### 10 **ASSISTANCE TO HOSPITAL NURSING/FUND DISTRIBUTION CONTINUED**

11       Sec. 14. (a) Funds appropriated in this act to the Department of Community  
12 Colleges to provide financial assistance to hospital programs of nursing education  
13 leading to diplomas in nursing that are fully accredited by the North Carolina Board of  
14 Nursing and operated under the authority of a public or nonprofit hospital licensed by  
15 the North Carolina Medical Care Commission shall be distributed, upon application for  
16 financial assistance, for each full-time student duly enrolled in the program as of  
17 December 1, 1991, and on condition that accreditation is maintained. The amount per  
18 student shall not exceed eight hundred fifty dollars (\$850.00). The State Board of  
19 Community Colleges shall adopt rules to ensure that this financial assistance is used  
20 directly for faculty and instructional needs of diploma nursing programs. These funds  
21 shall not be included in the 1993-95 continuation budget request.

22           (b) This section expires June 30, 1993.  
23

## 24 **PART 11. COLLEGES AND UNIVERSITIES**

25  
26 Requested by: Senator Basnight

### 27 **HIGH DENSITY POLYESTER PATENT RESEARCH AND TECHNOLOGY** 28 **TRANSFER COMPLETION**

29       Sec. 15. Of the funds appropriated to the Board of Governors of The  
30 University of North Carolina in this act, the sum of ninety-seven thousand dollars  
31 (\$97,000) shall be allocated to North Carolina State University for completion of the  
32 research and technology transfer of high density polyester for which patent applications  
33 are pending. These funds shall be repaid to the General Fund from royalties paid the  
34 North Carolina State University Patent Reserve Fund from the companies licensed to  
35 use the patents.  
36

37 Requested by: Senator Conder

### 38 **NORTH CAROLINA STATE UNIVERSITY ENGINEERING GRADUATE** 39 **RESEARCH CENTER/FUNDING**

40       Sec. 16.1. Funds appropriated in this act for the Engineering Graduate  
41 Research Center at North Carolina State University may be used with previously  
42 appropriated funds to begin Phase I site development and foundation construction on  
43 this facility.  
44



1 **PART 12. DEPARTMENT OF TRANSPORTATION**

2  
3 Requested by: Senator Goldston

4 **1992 CAPITAL CONSTRUCTION MODIFICATIONS**

5 Sec. 17. Section 236.1 of Chapter 689 of the 1991 Session Laws reads as  
6 rewritten:

7 "Sec. 236.1. Appropriations are made from the Highway Fund for the 1991-92  
8 fiscal year and the 1992-93 fiscal year for use of the Department of Transportation to  
9 provide for capital improvement projects according to the following schedule:

10  
11 **DIVISION OF HIGHWAYS**

12  
13 1991-92 1992-93

14				
15	01.	Bridge Maintenance Office Complex		
16		Supplemental - Town of Brunswick	\$224,000	\$ -
17				
18	02.	Equipment Shop - Carthage	- 2,247,000	
19				
20	03.	Bridge Maintenance Complex -		
21		Wadesboro	26,000	439,000
22				
23	04.	Gas Pump Canopies - Statewide	398,000	<del>311,000</del>
24				
25	05.	Fencing - Statewide	171,000	-
26				
27	06.	Land Acquisition - Siler City	<del>54,000</del>	-
28				
29	07.	Land Acquisition/Maintenance		
30		Yard - Halifax	13,000	-
31				
32	08.	Land Acquisition/Maintenance		
33		Yard - Trenton	27,000	-
34				
35	09.	Water and Sewer Connections		
36		- Statewide	308,000	-
37		-Greene County Facility	400,000	-
38				
39	10.	Division Office Complex Phase		
40		II - Fayetteville	- 1,688,000	
41				
42	11.	Division Office Addition		
43		- Greensboro		
44		Requirements	589,000	

1	Less Receipts (Sale of Land)	<u>-589,000</u>	
2	Appropriation	-	-
3			
4	12. Landscape Office, Warehouse		
5	and Truck Shed - Asheville		
6	Requirements	472,000	
7	Less Receipts (Sale of Land)	<u>-472,000</u>	
8	Appropriation	-	-
9			
10	13. Salt Storage Buildings		
11	- Statewide	405,000	<del>67,000</del> =
12			
13	14. Equipment Shop - Mocksville	511,000	-
14			
15	15. District Office Building		
16	- Albemarle	49,000	<del>247,000</del> <u>333,000</u>
17			
18	16. Division of Highways/Division		
19	of Motor Vehicles Office		
20	Complex - Graham	67,000	-
21			
22	17. Sign Shop - Town of Union	-	<del>725,000</del> =
23			
24	18. Design Equipment Shop - Meadows	-	41,000 <u>52,000</u>
25			
26	19. Design Equipment Shop - Spindale	-	24,000 <u>40,000</u>
27			
28	20. Design Equipment Shop - Washington	-	40,000 <u>49,000</u>
29			
30	21. Design Equipment Shop - Wentworth	-	44,000 <u>54,000</u>
31			
32	22. Bridge Maintenance Warehouse/Shed		
33	- Town of Union	-	<del>81,000</del> =
34			
35	23. Design Sign Shop - Carthage	-	<del>33,000</del> <u>42,000</u>
36			
37	24. Design <u>District/Resident</u> Engineer		
38	Office - Marion	-	<del>18,000</del> <u>49,000</u>
39			
40	25. Design Equipment Shop - Kinston	-	43,000 <u>49,000</u>
41			
42	<u>26. Land Purchase - Robbinsville</u>	-	<u>17,000</u>
43			
44	<u>27. Land Purchase - Roxboro</u>	-	<u>17,000</u>

1				
2	28.	<u>District/Resident Engineers Office</u>		
3		<u>- Wilmington</u>	<u>-</u>	<u>434,000</u>
4				
5	29.	<u>Roadside Environmental Warehouse/</u>		
6		<u>Office - Marion</u>	<u>-</u>	<u>188,000</u>
7				
8	30.	<u>Maintenance Office/Assembly</u>		
9		<u>- Hudson</u>	<u>-</u>	<u>309,466</u>
10				
11	31.	<u>Division Office (Supplement)</u>		
12		<u>- Durham</u>	<u>-</u>	<u>85,000</u>
13				
14	32.	<u>Materials and Test Lab Design-Asheville</u>	<u>-</u>	<u>34,000</u>
15				
16	33.	<u>Highway Building - Fire Alarm</u>		
17		<u>System - Raleigh</u>	<u>-</u>	<u>141,000</u>
18				
19				
20	TOTAL DIVISION OF HIGHWAYS			<del>\$2,653,000</del> <u>\$2,599,000</u>
21				<del>\$6,048,000</del> <u>\$6,267,466</u>
22				

### DIVISION OF MOTOR VEHICLES

		<u>1991-92</u>	<u>1992-93</u>	
26				
27				
28	01.	Upgrade Electrical Power,		
29		Communication and Computer		
30		Circuits - Raleigh Division		
31		of Motor Vehicles Building	\$ 216,200	\$ -
32				
33	02.	Building Addition - Wilmington	221,900	-
34				
35	03.	Building Addition - Statesville	170,075	-
36				
37	04.	New Office Building - Asheville	635,100	-
38				
39	05.	Roof Replacement (7 Locations)	100,500	-
40				
41	06.	Resurface Parking Lots		
42		(6 Locations)	107,500	-
43				
44	07.	Roof Replacement (7 Locations)	-	103,100

1			
2	08.	Resurface Parking Lots (6 Locations) -	111,900
3			
4	09.	Building Addition - Goldsboro -	167,630
5			
6	10.	Building Addition - Whiteville -	164,770
7			
8	11.	Building Addition - Hillsborough -	179,200
9			
10	12.	Building Addition - Kinston -	179,200
11			
12	13.	Building Addition - Jacksonville -	174,800
13			
14	14.	Reserve to Make Restrooms	
15		Handicapped Accessible in DMV	
16		Facilities 25,000	25,000
17			
18			
19	TOTAL DIVISION OF MOTOR VEHICLES		\$1,476,275
20			\$1,105,600
21			
22	CRIME CONTROL AND PUBLIC SAFETY		
23			
24	01.	State Highway Patrol - Troop H	
25		Headquarters - New Building \$190,000	\$1,348,900
26			
27	02.	State Highway Patrol - Upgrade	
28		and Replace Underground	
29		Fuel Tanks <u>300,000</u>	<u>300,000</u>
30			
31	TOTAL CRIME CONTROL AND		
32	PUBLIC SAFETY\$		490,000
33	\$1,648,900		
34			
35	GRAND TOTAL HIGHWAY FUND		<del>\$4,619,275</del> \$4,565,275
36			<del>\$8,802,500</del> \$9,021,966 "
37			

Requested by: Senator Goldston

**DEPARTMENT OF TRANSPORTATION CAPITAL CONSTRUCTION FUNDS REVERSIONS**

Sec. 18. (a) The balance of fifty-four thousand dollars (\$54,000) appropriated for land acquisition in Siler City in Section 236.1 of Chapter 689 of the 1991 Session Laws is reverted to the Highway Fund to be reappropriated for the 1992-93 fiscal year.

1 (b) The balance of one hundred eleven thousand nine hundred dollars (\$111,900)  
2 appropriated to landscape the office and warehouse in Graham in Section 6 of Chapter  
3 754 of the 1989 Session Laws is reverted to the Highway Fund to be reappropriated for  
4 the 1992-93 fiscal year.

5 (c) The balance of fifty-three thousand five hundred sixty-six dollars (\$53,566)  
6 for the maintenance complex in Craggy (Buncombe County) in Section 5 of Chapter  
7 480 of the 1985 Session Laws is reverted to the Highway Fund to be reappropriated for  
8 the 1992-93 fiscal year.

9  
10 Requested by: Senator Murphy

#### 11 **ROADWAY IMPROVEMENTS FOR THE CENTENNIAL CENTER**

12 Sec. 19. From funds appropriated to the Department of Transportation for the  
13 1992-93 fiscal year, three million three hundred thousand dollars (\$3,300,000) shall be  
14 used for roadway improvements for the Centennial Center. These improvements shall  
15 be part of a long-range plan that is to be developed by the Department of Transportation  
16 to service the Centennial Center, Carter-Finley Stadium, the State Fairgrounds, and the  
17 Government Office Complex (Blue Ridge Road). Included in these improvements shall  
18 be widening Edwards Mill Road, a new Wade Avenue Bridge and ramps, and other off-  
19 site improvements to Trinity Road, Wade Avenue, and West Chase Boulevard.  
20 Authorized uses of these funds include design fees and expenses, surveying, testing, and  
21 other contingencies related to construction.

22  
23 Requested by: Senator Plyler

#### 24 **MOBILE CRANE STUDY**

25 Sec. 20. The Department of Transportation shall study the requests of the  
26 mobile crane industry as compared to current rules, regulations, and policies regarding  
27 permitted movement of self-propelled truck cranes. A report detailing the results of this  
28 study shall be submitted to the Joint Legislative Highway Oversight Committee prior to  
29 the convening of the 1993 Session of the General Assembly.

30  
31 Requested by: Senator Plyler

#### 32 **TRAFFIC CONTROL FUNDS**

33 Sec. 21. G.S. 20-79.7 reads as rewritten:

#### 34 **"§ 20-79.7. Special Registration Plate Fund.**

35 (a) Fund. – The Special Registration Plate Fund is established. The Fund  
36 consists of the revenue derived from one-half of the additional fee collected for a  
37 personalized registration plate and all of the additional fee collected for any other  
38 special registration plate issued under G.S. 20-79.4. The Commissioner shall deduct the  
39 costs of the registration plates, including the costs of issuing, handling, and advertising  
40 the availability of the special plates from the Fund.

41 ~~(b) Initial Distribution of Proceeds.—After deducting the costs of the special~~  
42 ~~registration plates from the Fund, the Secretary of Transportation may allocate and~~  
43 ~~reserve up to one hundred thousand dollars (\$100,000) to the Department of~~  
44 ~~Transportation each fiscal year for the purpose of traffic control at major events as~~

1 ~~provided for by G.S. 136-44.2. Any funds allocated for traffic control that are neither~~  
2 ~~used nor obligated at the end of the fiscal year shall remain in the Fund and be used in~~  
3 ~~accordance with subsection (c) of this section.~~

4 (c) Use of ~~Remaining Proceeds Funds.~~ – The ~~remaining~~ revenue in the Fund  
5 shall be transferred quarterly as follows:

6 (1) Thirty-three percent (33%) to the account of the Department of  
7 Economic and Community Development to aid in financing out-of-  
8 state print and other media advertising under the program for the  
9 promotion of travel and industrial development in this State.

10 (2) Fifty percent (50%) to the Department of Transportation to be used  
11 solely for the purpose of beautification of highways other than those  
12 designated as interstate. These funds shall be administered by the  
13 Department of Transportation for beautification purposes not  
14 inconsistent with good landscaping and engineering principles.

15 (3) Seventeen percent (17%) to the account of the Department of Human  
16 Resources to promote travel accessibility for disabled persons in this  
17 State. These funds shall be used to collect and update site information  
18 on travel attractions designated by the Department of Economic and  
19 Community Development in its publications, to provide technical  
20 assistance to travel attractions concerning accommodation of disabled  
21 tourists, and to develop, print, and promote the publication ACCESS  
22 NORTH CAROLINA as provided in G.S.168-2. Any funds allocated  
23 for these purposes that are neither spent nor obligated at the end of the  
24 fiscal year shall be transferred to the Department of Administration for  
25 removal of man-made barriers to disabled travelers at State-funded  
26 travel attractions. Guidelines for the removal of man-made barriers  
27 shall be developed in consultation with the Department of Human  
28 Resources."

29 Sec. 22. G.S. 136-44.2 reads as rewritten:

30 **"§ 136-44.2. Budget and appropriations.**

31 The Director of the Budget shall include in the 'Current Operations Appropriations  
32 Bill' an enumeration of the purposes or objects of the proposed expenditures for each of  
33 the construction and maintenance programs for that budget period for the State primary,  
34 secondary, urban, and State parks road systems. The State primary system shall include  
35 all portions of the State highway system located outside municipal corporate limits  
36 which are designated by N.C., U.S. or Interstate numbers. The State secondary system  
37 shall include all of the State highway system located outside municipal corporate limits  
38 that is not a part of the State primary system. The State urban system shall include all  
39 portions of the State highway system located within municipal corporate limits. The  
40 State parks system shall include all State parks roads which are not also part of the State  
41 highway system.

42 All construction and maintenance programs for which appropriations are requested  
43 shall be enumerated separately in the budget. Programs that are entirely State funded  
44 shall be listed separately from those programs involving the use of federal-aid funds.

1 Proposed appropriations of State matching funds for each of the federal-aid construction  
2 programs shall be enumerated separately as well as the federal-aid funds anticipated for  
3 each program in order that the total construction requirements for each program may be  
4 provided for in the budget. Also, proposed State matching funds for the highway  
5 planning and research program shall be included separately along with the anticipated  
6 federal-aid funds for that purpose.

7 Other program categories for which appropriations are requested, such as, but not  
8 limited to, maintenance, channelization and traffic control, bridge maintenance, public  
9 service and access road construction, and ferry operations shall be enumerated in the  
10 budget.

11 The Department of Transportation shall have all powers necessary to comply fully  
12 with provisions of present and future federal-aid acts. No federally eligible construction  
13 project may be funded entirely with State funds unless the Department of Transportation  
14 has first consulted with the Joint Legislative Commission on Governmental Operations.  
15 For purposes of this section, 'federally eligible construction project' means any  
16 construction project except secondary road projects developed pursuant to G.S. 136-  
17 44.7 and 136-44.8 eligible for federal funds under any federal-aid act, whether or not  
18 federal funds are actually available.

19 The 'Current Operations Appropriations Bill' shall also contain the proposed  
20 appropriations of State funds for use in each county for maintenance and construction of  
21 secondary roads, to be allocated in accordance with G.S. 136-44.5 and 136-44.6. State  
22 funds appropriated for secondary roads shall not be transferred nor used except for the  
23 construction and maintenance of secondary roads in the county for which they are  
24 allocated pursuant to G.S. 136-44.5 and 136-44.6.

25 In the event receipts and increments to the State Highway Fund shall be more than  
26 the appropriations made for the preceding fiscal year, such excesses shall be allocated  
27 by the Director of the Budget to the Department of Transportation for school and  
28 industrial access roads and unforeseen happenings or state of affairs requiring prompt  
29 action, with fifty percent (50%) of the balance to be allocated to the State secondary  
30 roads program on the basis of need as determined by the Department of Transportation  
31 and the remaining fifty percent (50%) to be allocated in accordance with G.S. 136-44.5.

32 The Department of Transportation may provide for costs incurred or accrued for  
33 traffic control measures to be taken by the Department at major events which involve a  
34 high degree of traffic concentration on State highways, and which cannot be funded  
35 from regular budgeted items. This authorization applies only to events which are  
36 expected to generate 30,000 vehicles or more per day. The Department of  
37 Transportation shall provide for this funding by allocating and reserving up to one  
38 hundred thousand dollars (\$100,000) before any other allocations from the  
39 appropriations for State maintenance for primary, secondary, and urban road systems  
40 are made, based upon the same proportion as is appropriated to each system."

41  
42 Requested by: Senator Barnes

43 **AIR CARGO APPROPRIATION REIMBURSEMENT REPEALED**

44 Sec. 22.1. Section 2.1 of Chapter 749 of the 1991 Session Laws is repealed.

1

2 Requested by: Senator Goldston

3 **MODIFICATION TO CURRENT OPERATIONS – HIGHWAY FUND**4 Sec. 22.2 Section 4 of Chapter 900 of the 1991 Session Laws reads as  
5 rewritten:

## 6 "CURRENT OPERATIONS/HIGHWAY FUND

7 Sec. 4. Appropriations from the Highway Fund of the State for the  
8 maintenance and operation of the Department of Transportation, and for other purposes  
9 as enumerated, are made for the fiscal year ending June 30, 1993, according to the  
10 schedule that follows. The amounts set out in the schedule are in addition to other  
11 appropriations from the Highway Fund for these purposes for the 1992-93 fiscal year.  
12 Amounts set out in brackets are reductions from Highway Fund appropriations for the  
13 1992-93 fiscal year.

14

15 Current Operations-Highway Fund16 1992-93

17

## 18 Department of Transportation

19 01. Administration \$ 3,694,922

20 02. Division of Highways

21 a. State Construction

22 (01) Secondary Construction 446,402

23 (02) Urban Construction (1,000,000)

24 (03) Spot Safety

25 Improvements (2,000,000)

26 b. State Funds to Match Federal

27 Highway Aid

28 (01) Construction (18,000,000)

29 c. State Maintenance

30 (01) Secondary (559,204)

31 (02) Contract Resurfacing (15,000,000)

32 d. Ferry Operations (1,000,000)

33 03. Division of Motor Vehicles 4,252,600

34 04. State Aid to Municipalities

35 446,402

36 05. Salary Adjustments for Highway

37 Fund Employees (59,344)

38 06. Reserve to Continue DOT

39 Merit Salary Increases (86,143)

40 07. Reserve for Salary Increases 7,045,254

41 08. Reserve for State Employee

42 Health Benefit Plan (2,675,722)

43 09. Transfer to General Fund for

44 Reimbursement for Sales Tax



1	Exemption	700,000	
2	10. Reserve for Air Cargo	2,500,000	
3	Appropriations for Other State Agencies		
4	01. Crime Control and Public		
5	Safety	(603,913)	
6	02. Revenue		86,968
7	<u>03. Agriculture</u>	<u>169,806</u>	
8	<del>03.04.</del> Environment, Health, and		
9	Natural Resources	<del>(86,968)</del>	<u>(256,774)</u>
10	GRAND TOTAL CURRENT OPERATIONS/ HIGHWAY FUND		
11			\$ (21,898,746)"

12  
13 Requested by: Senator Goldston

14 **ASSIGNMENT OF DEPARTMENT OF TRANSPORTATION MOTOR**  
15 **VEHICLES WITHOUT MINIMUM MILEAGE REQUIREMENTS**

16 Sec. 22.3. For the 1992-93 fiscal year only, all State owned passenger motor  
17 vehicles which are permanently assigned to the Division of Highways of the  
18 Department of Transportation field personnel only, are exempt from the minimum  
19 mileage utilization requirements of G.S. 143-341(8)i.7a. This exemption is allowed in  
20 order to study the unique responsibilities of Division of Highways field employees,  
21 compared to other State employees, with regard to complying with regulations for  
22 having a permanently assigned vehicle.

23 The Department shall report quarterly to the Joint Legislative Commission on  
24 Governmental Operations and the Joint Legislative Highway Oversight Committee, and  
25 the Fiscal Research Division of the Legislative Services Office, beginning October 1,  
26 1992, for the preceding quarter, on:

- 27 (1) The use of these vehicles, including:
  - 28 a. A list of the employees to whom these vehicles are assigned;
  - 29 b. Their job classifications; and
  - 30 c. The round-trip mileage from their home to the nearest official  
31 work station other than the project site;
- 32 (2) The number of vehicles not driven the required minimum mileage;
- 33 (3) The certified overtime hours worked by these employees, listed by  
34 highway district; and
- 35 (4) The savings realized by not having to meet the minimum mileage  
36 requirements.

37  
38 Requested by: Senator Goldston

39 **EXTEND LIABILITY PROTECTION FOR DEPARTMENT OF**  
40 **TRANSPORTATION PERSONNEL AND BOARD OF TRANSPORTATION**  
41 **MEMBERS**

42 Sec. 22.4. (a) Article 31A of Chapter 143 of the General Statutes is amended by  
43 adding a new section to read:

**§ 143-300.10. Payment of excess damages relating to unconstitutional goals program.**

In an action to which this Article applies, the State shall pay the excess amount of a judgment or settlement under G.S. 143-300.6 for damages against a State employee or member of a State board or commission for enforcing or administering a goals program promoting participation by disadvantaged businesses, minority businesses, and women businesses, in contracts let by a State department or agency that is held unconstitutional. The excess amount is the amount of the judgment or settlement over (i) the limit provided in G.S. 143-300.6(a) and (ii) any coverage under G.S. 58-32-15. This section does not waive the sovereign immunity of the State with respect to any claim."

(b) This section applies to any litigation challenging the constitutionality of a goals program and pending before a court on or after the date of ratification of this act.

**PART 13. DEPARTMENT OF CORRECTION**

Requested by: Senators Plyler, Marvin

**PRISON BOND REALLOCATION/ADMINISTRATION CHANGES**

Sec. 23. (a) Section 239(c) of Chapter 689 of the 1991 Session Laws reads as rewritten:

"(c) **Descriptions, Custodial Levels, Beds, Projected Allocations.** Appropriations are made from bond proceeds for use by the Departments of Correction and Human Resources to provide for capital improvement projects as herein provided.

The proceeds of bonds and notes shall be expended for paying the cost, as defined in the bond act, of prison and youth services facilities, to the extent and as provided in this section and subject to change as herein provided, for the following projects:

DEPARTMENT OF CORRECTION

<u>Project Description</u>	<u>Custodial</u>	<u>Beds</u>
<u>Level</u>		
Nash Correctional Institution	<del>Med</del> Close	128
Marion Correctional Center	<del>Med</del> Close	<del>906</del> 752
Cherry Correctional Center	Min	500
<del>Central Prison</del>	<del>Close</del>	<del>144</del>
<u>Odom Correctional Institution</u>	<u>Close</u>	<u>192</u>
Pasquotank Youth Institution	<del>Med</del> Close	<del>440</del> 664
NCCIW	Close/Med	256
NCCIW - Repairs and Renovations		
Lumberton Correctional Center	Med	312
Fountain Correctional Center	Min	100
Greene Correctional Center	Min	200
<del>Hyde Correctional Center</del>	<del>Med</del>	<del>312</del>
Brown Creek Sewing Plant		

1 Pender Furniture Refurbishing  
 2 Facility  
 3 ~~Columbus Sewing Facility~~  
 4 Caswell Sewing and Tailoring  
 5 Equipment  
 6 Harnett Dining Hall  
 7 Provide dayrooms at 49 units  
 8 to comply with Small v.  
 9 Martin lawsuit  
 10 Subtotal ~~3,298~~ 3,104 ~~\$96,980,702~~ \$101,380,310  
 11  
 12 Contingencies  
 13 TOTAL  
 14  
 15 0,310 \$103,38  
 16

17 DEPARTMENT OF HUMAN RESOURCES-DIVISION OF YOUTH SERVICES

18  
 19 7 Secure/nonsecure group homes  
 20 9 beds added to Pitt Detention Ctr.  
 21 Renovate unused dorms & upgrade  
 22 to meet American Correctional  
 23 Association Standards  
 24 Dillon secure unit, counseling  
 25 space, & fencing at 5 facilities  
 26 Conversion of dorms to individual  
 27 rooms  
 28 Increase number of transition  
 29 beds - step down & independent  
 30 living for Training Schools  
 31 \$9,119,690"

32 (b) Section 239(f) of Chapter 689 of the 1991 Session Laws reads as  
 33 rewritten:

34 "(f) **Administration.** With respect to facilities authorized for the Department of  
 35 Correction, the Office of State Budget and Management may contract for and supervise  
 36 all aspects of administration, technical assistance, design, construction or demolition of  
 37 prison facilities in order to implement the providing of prison facilities under the  
 38 provisions of this act without being subject to the requirements of the following statutes  
 39 and rules implementing those statutes: G.S. 143-135.26(1), 143-128, 143-129, 143-131,  
 40 143-132, 143-134, 143-135.26, ~~143-64.10 through 143-64.13~~, 113A-1 through 113A-  
 41 10, 113A-50 through 113A-66, ~~133-1.1(b)~~, 133-1.1(g), and 143-408.1; provided,  
 42 however, of the funds allocated under the provisions of this act for the construction of  
 43 prison facilities, the Office of State Budget and Management shall have a verifiable ten  
 44 percent (10%) goal for participation by minority and women-owned businesses. All

1 contracts for the design, construction, or demolition of prison facilities shall include a  
2 penalty for failure to complete the work by a specified date.

3 The proposals for prison facilities authorized in this section shall be invited by  
4 advertisement in newspapers having general circulation in the State. The form of  
5 advertisement shall be prepared in the form of Section 301 of the State Construction  
6 Manual of the Department of Administration, and shall be published in one issue of the  
7 newspaper. A minimum of at least seven full days shall lapse between the date of  
8 publication and the date of the opening of bids. Initiation of the advertisement shall be  
9 by the Office of State Budget and Management.

10 The Office of State Budget and Management shall consider alternative delivery  
11 systems that could expedite the delivery of prison facilities. Such delivery systems as  
12 design-build, using modular or conventional building systems, shall be considered.  
13 However, in order for such alternatives to be used, the Department of Correction must  
14 approve the proposed design for operational programming and cost of operations and  
15 maintenance.

16 The Office of State Budget and Management shall involve the Office of State  
17 Construction of the Department of Administration in all aspects of the projects to ensure  
18 that all prison facilities are constructed consistent with Office of State Construction  
19 standards and procedures. Such involvement shall include but not be limited to the  
20 review of plans and specifications for each project prior to the award of contracts,  
21 attendance at scheduled project meetings, on-site inspections, review of all change  
22 orders, final inspections, review of punch lists of project deficiencies and written  
23 verification of the correction of such deficiencies, and certification of the identity of the  
24 designer of record on each project.

25 The Office of State Budget and Management shall involve the Department of  
26 Correction in all aspects of the projects to the extent that such involvement relates to the  
27 Department's Program needs and to its responsibility for the care of the prison  
28 population.

29 The Office of State Construction, the Department of Insurance, and the Department  
30 of Correction shall immediately report any concerns regarding the prison construction  
31 program to the Office of State Budget and Management. Any concerns not  
32 satisfactorily resolved with the Office of State Budget and Management shall be  
33 reported immediately to the Joint Legislative Commission on Governmental Operations.  
34 The Office of State Construction, the Department of Insurance, and the Department of  
35 Correction shall report quarterly to the Joint Legislative Commission on Governmental  
36 Operations on their involvement with the Office of State Budget and Management and  
37 the project manager in the prison construction program."

38  
39 Requested by: Senator Marvin

#### 40 COLUMBUS SEWING FACILITY

41 Sec. 23.1. (a) Section 239(g) of Chapter 689 of the 1991 Session Laws reads as  
42 rewritten:

43 "(g) **Changes.** To the extent that funds are not required to be expended for the  
44 specific projects described in this section, appropriations authorized herein may be used

1 to construct, reconstruct, or renovate prison industrial and forestry enterprise, facilities,  
2 as mentioned in G.S. 148-2, at prison facilities statewide, as replacement projects, and  
3 to make necessary prison facility repairs and renovations but no such funds may be used  
4 for operating expenditures. The first priority for the use of funds not required to be  
5 expended for the specific projects described in this section shall be for the construction  
6 of the sewing facility at Columbus Correctional Center. Prior to taking any action under  
7 subsection (g), the Governor may consult with the Advisory Budget Commission."

8 (b) In the event that funds are not available from the prison bond allocations  
9 made in Section 239 of the 1991 Session Laws to construct the sewing facility at  
10 Columbus Correctional Center, the Department of Correction shall make available from  
11 the profits of the North Carolina Correction Enterprises Revolving Fund funds sufficient  
12 for the construction of the sewing facility at Columbus Correctional Center.

13  
14 Requested by: Senator \_\_\_\_\_

15 **PERMIT DEPARTMENT OF CORRECTION TO HIRE TEMPORARY**  
16 **EMPLOYEES**

17 Sec. 23.2. Notwithstanding G.S. 143-16.3, for the 1992-93 fiscal year only,  
18 the Director of the Budget may authorize the Department of Correction, Division of  
19 Adult Probation and Parole, to hire temporary employees to work on data entry.

20  
21 **PART 14. DEPARTMENT OF HUMAN RESOURCES**

22  
23 Requested by: Senators Martin of Guilford, Richardson

24 **MOTOR FLEET MANAGEMENT STUDY**

25 Sec. 24. The Joint Legislative Commission on Governmental Operations shall  
26 study the whole issue of motor fleet management. This study shall include:

- 27 (1) The extent to which centralized motor fleet management is needed and  
28 appropriate;  
29 (2) The identification of agencies and agencies' functions that should be  
30 subject to centralized management;  
31 (3) The criteria for exemption from centralized management:  
32 a. For agencies;  
33 b. For agencies' functions; and  
34 c. For specific categories of vehicles; and  
35 (4) Other related matters.

36 The Commission shall include the results of this study, together with any  
37 legislative proposals, in its report to the 1993 General Assembly.

38  
39 Requested by: Senators Richardson, Walker

40 **DOBBS SCHOOL RELOCATION FUNDS**

41 Sec. 25. Notwithstanding any other provisions of law, funds allocated to the  
42 Department of Human Resources for renovations to The Dobbs School from the North  
43 Carolina Prison and Youth Services Bond Fund by Section 239 of Chapter 689 of the  
44 1991 Session Laws, shall be used to begin the process of constructing facilities for the

1 relocation of The Dobbs School to land currently allocated to the Department of Human  
2 Resources and adjacent to Caswell Center.

3

4 Requested by: Senators Richardson, Walker

5 **LIFE PLAN TRUST CORRECTION**

6 Sec. 25.1. (a) G.S. 36A-59.21, as enacted by Chapter 786 of the 1991 Session  
7 Laws, is repealed.

8 (b) This section is effective July 1, 1992.

9

10 Requested by: Senators Richardson, Walker

11 **HEAD START FUND ALLOCATION**

12 Sec. 25.2. Of the funds appropriated in this act to the Department of Human  
13 Resources for the 1992-93 fiscal year, the sum of one million seven hundred sixty  
14 thousand dollars (\$1,760,000) is allocated to the Division of Economic Opportunity to  
15 provide grants to local private nonprofit agencies administering Head Start programs.  
16 These funds shall be used by the Head Start agencies for the payment of the cost of  
17 acquiring, constructing, reconstructing, renovating, equipping, and improving classroom  
18 facilities for the existing Head Start programs. The Department of Human Resources  
19 shall develop a formula for the distribution of State supplemental Head Start funds to  
20 those counties with the greatest relative burden of low-income children who qualify for  
21 Head Start. The formula may include factors based on the percentage of North  
22 Carolina's children aged birth to 5 who are in poverty in each county, the percentage of  
23 North Carolina's Aid to Families with Dependent Children recipients in each county, the  
24 percentage of North Carolina's unserved eligible Head Start children in each county, and  
25 any other statistical indicator that is in keeping with the legislative intent.

26 Each Head Start program that is allocated State supplemental Head Start  
27 funds pursuant to this section shall submit a budget for review by the State. The budget  
28 will itemize the program's expenditure of State funds. The expenditure needs shall fall  
29 under the allowable expenditure categories identified above.

30

31 Requested by: Senators Richardson, Walker

32 **MENTAL HEALTH FACILITY PLANS**

33 Sec. 25.3. The funds appropriated in this act for area mental health programs  
34 shall be allocated in grants not to exceed two hundred thousand dollars (\$200,000) per  
35 grant. The grants are subject to the Department of Human Resources' approval of the  
36 grant application. Grant funds shall be matched by local funds on a dollar-for-dollar  
37 basis.

38

39 Requested by: Senators Richardson, Walker

40 **RURAL HEALTH RECRUITMENT FUNDS**

41 Sec. 25.4. The funds appropriated in this act to the Office of Rural Health for  
42 rural health recruitment shall be used to pay first, second, and third-year residents in  
43 family medicine, internal medicine, or general pediatric medicine the sum of ten

1 thousand dollars (\$10,000) upon the resident's agreeing to practice in an area designated  
2 by the Office of Rural Health as medically underserved.

3 Repayment of the stipend is forgiven if the resident completes the full year of  
4 service in a medically underserved area of North Carolina.

5 The Office of Rural Health shall report expenditures for this program to the  
6 1993 General Assembly by the end of the first week after convening.

7 This item shall not become a part of the continuation budget request for the  
8 1993-95 fiscal biennium.

9  
10 **PART 15. DEPARTMENT OF ECONOMIC AND COMMUNITY**  
11 **DEVELOPMENT**

12  
13 Requested by: Senator Martin of Pitt

14 **ECONOMIC DEVELOPMENT FUNDS**

15 Sec. 26. Section 157(f) of Chapter 900 of the 1991 Session Laws, 1992  
16 Regular Session, reads as rewritten:

17 "(f) Of the funds appropriated in this act to the North Carolina Rural Economic  
18 Development Center, Inc., six hundred fifty thousand dollars (\$650,000) for the 1992-  
19 93 fiscal year shall be used to expand the Microenterprise Loan Program. Of these  
20 funds, no less than four hundred thousand dollars (\$400,000) shall be used as loan  
21 capital or as loan loss reserves and no more than two hundred fifty thousand dollars  
22 (\$250,000) shall be used to cover operational costs. The North Carolina Rural  
23 Economic Development Center, Inc., shall report quarterly to the Joint Legislative  
24 Commission on Governmental Operations on the use of these funds. These funds shall  
25 be disbursed by the Office of State Budget and Management upon written request by the  
26 Rural Economic Development Center. The request shall include documentation that the  
27 funds have been committed prior to the request."

28  
29 Requested by: Senator Martin of Pitt

30 **HOUSING TRUST FUND FUNDS**

31 Sec. 26.1. There is appropriated from the funds and interest thereon received  
32 from the United States Department of Energy's Stripper Well Litigation (MDL378)  
33 which remain in the Special Reserve for Oil Overcharge Funds to the Office of State  
34 Budget and Management the sum of one million dollars (\$1,000,000) for the 1992-93  
35 fiscal year for the purposes authorized in G.S. 122E-6. Funds appropriated under this  
36 section are in addition to any other funds appropriated in this act for these purposes.

37  
38 Requested by: Senator Martin of Pitt

39 **CENTER FOR COMMUNITY SELF-HELP FUNDS**

40 Sec. 26.2. (a) Of the funds appropriated in this act to the Office of State Budget  
41 and Management, the sum of two million dollars (\$2,000,000) for the 1992-93 fiscal  
42 year shall be allocated to the Center for Community Self-Help to further a statewide  
43 program of lending to small businesses and other economic development projects in  
44 rural and other depressed or disadvantaged communities throughout North Carolina,

1 provided these funds are matched on the basis of one dollar (\$1.00) of funds from the  
2 Center for Community Self-Help or its affiliates for every one dollar (\$1.00) of State  
3 funds. The appropriation shall be equally allocated among the eastern, central, and  
4 western regions of North Carolina. Loans or loan guarantees made under the program  
5 shall be conditioned on the unavailability of loans for the same purposes from private  
6 lenders upon reasonably equivalent terms and conditions. Payments of principal shall  
7 be available for further loans.

8 (b) The Center for Community Self-Help shall submit, within 180 days after the  
9 close of its fiscal year, audited financial statements to the State Auditor. All records  
10 pertaining to the use of State funds shall be made available to the State Auditor upon  
11 request. The Center for Community Self-Help shall make quarterly reports on the use  
12 of State funds to the State Auditor, in form and format prescribed by the State Auditor  
13 or his designee. The Center for Community Self-Help shall make a written report by  
14 May 1 of each year for the next three years to the General Assembly on the use of the  
15 funds appropriated by this act.

16 (c) The Center for Community Self-Help shall report to the Joint Legislative  
17 Commission on Governmental Operations, the House Appropriations Subcommittee on  
18 Environment, Health, and Natural Resources, the Senate Appropriations Committee on  
19 Natural and Economic Resources, and the Department of Economic and Community  
20 Development on a quarterly basis for the next three years.

21 (d) The Office of the State Auditor may conduct an annual end-of-year audit of  
22 the revolving fund for economic development lending created by this appropriation for  
23 each year of the life of the revolving fund.

24 (e) If the Center for Community Self-Help dissolves, the corporation shall  
25 transfer the remaining assets of the revolving fund to the State and shall refrain from  
26 disposing of the revolving fund assets without approval of the State Treasurer.

27 (f) The Office of State Budget and Management shall disburse this  
28 appropriation within 15 working days of the receipt of a request for the funds from the  
29 Center for Community Self-Help. The request shall include a commitment of the  
30 matching funds by the Center for Community Self-Help or its affiliates and shall also  
31 include documentation that the State funds have been committed prior to the request.

## 32 33 **PART 16. DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL** 34 **RESOURCES**

35  
36 Requested by: Senators Martin of Pitt, Perdue

### 37 **WATER RESOURCES DEVELOPMENT FUNDS**

38 Sec. 27. (a) Of the funds appropriated to the Department of Environment,  
39 Health, and Natural Resources for the 1992-93 fiscal year, the sum of five million six  
40 hundred eighty thousand dollars (\$5,680,000) shall be used for water resources  
41 development projects. The Department shall fund the following projects, whose  
42 estimated costs are as indicated:

- 43 (1) Wilmington Harbor \$ 750,000  
44 Deepening Study



- 1
- 2 (2) Aquatic Plant Control 35,000
- 3
- 4 (3) Jordan Lake Water Supply 110,000
- 5 Repayment & Operation
- 6
- 7 (4) Lower Creek Flood 161,000
- 8 Control-Lenoir
- 9
- 10 (5) Beaufort Harbor 80,000
- 11
- 12 (6) Wilmington Harbor 449,000
- 13 Navigation
- 14
- 15 (7) Cape Fear River Above Wilmington
- 16 Navigation 100,000
- 17
- 18 (8) State-Local Water Resources Development
- 19 Projects 150,000
- 20
- 21 (9) Morehead City 3,845,000
- 22 Harbor Deepening
- 23

24 (b) Where the actual costs are different from the estimated costs under  
25 subdivisions (1) through (8) of subsection (a) of this section, the Department may adjust  
26 the allocations among projects as needed. If any projects listed in subdivisions (1)  
27 through (8) of subsection (a) of this section are delayed and the budgeted State funds  
28 cannot be used during the 1992-93 fiscal year, or if the projects listed in subsection (a)  
29 of this section are accomplished at a lower cost, the Department may use the resulting  
30 fund availability to fund:

- 31 (1) Corps of Engineers project feasibility studies, or
- 32 (2) Corps of Engineers projects whose schedules have advanced and
- 33 require State matching funds in fiscal year 1992-93, or
- 34 (3) State-local Water Resources Development Projects.

35 Funds not expended or encumbered for these purposes shall revert to the General Fund  
36 at the end of the 1993-94 fiscal year.

37 (c) Beginning October 1, 1992, the Department shall make quarterly reports on  
38 the use of these funds to the Joint Legislative Commission on Governmental  
39 Operations, the Director of the Fiscal Research Division of the Legislative Services  
40 Office, and the Office of State Budget and Management. Each report shall include:

- 41 (1) All projects listed in this section;
- 42 (2) The estimated cost of each project;
- 43 (3) The date work on each project began or is expected to begin;

1 (4) The date work on each project was completed or is expected to be  
2 completed; and

3 (5) The actual cost of each project.

4 The quarterly reports shall also show those projects advanced in schedule, those projects  
5 delayed in schedule, and an estimate of the amount of funds expected to revert to the  
6 General Fund.

7 (d) Of the funds allocated under this section for the Morehead City Harbor  
8 Deepening Project, not more than three hundred forty-five thousand dollars (\$345,000)  
9 may be expended until all federal funds available for the project have become available.

10

11 Requested by: Senator Martin of Pitt

## 12 FUNDS FOR STATE PARKS LAND ACQUISITION

13 Sec. 28. (a) The proceeds from the grant of the easement authorized by G.S.  
14 143-260.10E(a), as enacted by Chapter 907 of the 1991 Session Laws, are appropriated  
15 from the General Fund to the Department of Environment, Health, and Natural  
16 Resources for the 1992-93 fiscal year for the Division of Parks and Recreation for land  
17 acquisition in State parks.

18 (b) Prior to expending or obligating any of the funds allocated by this section, the  
19 Department shall report to the Joint Legislative Commission on Governmental  
20 Operations and to the Office of State Budget and Management on the proposed use of  
21 the funds.

22

23 Requested by: Senator Basnight

## 24 AGRICULTURE COST SHARE PROGRAM

25 Sec. 29. Section 165 of Chapter 689 of the 1991 Session Laws reads as  
26 rewritten:

27 "Sec. 165. Of the funds appropriated in this Title to the Department of Environment,  
28 Health, and Natural Resources for the Agriculture Cost Share Program for Nonpoint  
29 Source Pollution Control, a sum not to exceed ~~\$40,000~~ forty thousand dollars (\$40,000)  
30 for the 1991-92 fiscal year ~~and a sum not to exceed \$40,000 for the 1992-93 fiscal year~~  
31 shall be used to fund tide gates in Hyde County in accordance with the match  
32 requirements specified in ~~G.S. 143-215.74(b)(6)~~ G.S. 143-215.74(b)(6), and a sum not  
33 to exceed forty thousand dollars (\$40,000) for the 1992-93 fiscal year shall be used for  
34 water control structures in the counties bordering the Alligator River, under the Rural  
35 Clean Water Demonstration Program, and in accordance with the match requirements  
36 specified in G.S. 143-215.74(b)(6)."

37

38 Requested by: Senator Conder

## 39 GOVERNOR'S WASTE MANAGEMENT BOARD/TECHNICAL ASSISTANCE 40 GRANTS

41 Sec. 29.1. Notwithstanding the limitations of G.S. 104G-19(d), funds  
42 appropriated in Section 4.1 of this act may be used to provide technical assistance grants  
43 in the amount of one hundred thousand dollars (\$100,000) each to Richmond, Chatham,  
44 and Wake Counties for their site designation review committee.

1  
2 Requested by: Senator Martin of Pitt

3 **ON-SITE WASTEWATER SYSTEMS**

4 Sec. 29.2. (a) Article 11 of Chapter 130A of the General Statutes is amended by  
5 adding a new section to read:

6 **"§ 130A-344. North Carolina On-Site Wastewater Systems Institute.**

7 (a) The North Carolina On-Site Wastewater Systems Institute is created. The  
8 Department shall provide staff for the Institute. The Institute shall gather information,  
9 study problems, and prepare reports on sanitary sewage systems.

10 (b) The North Carolina On-Site Wastewater Systems Institute shall have a Board  
11 of Directors consisting of 11 members. The members shall serve on a voluntary basis at  
12 no cost to the State. The members shall be appointed as follows:

- 13 (1) One member from the On-Site Sewage Program of the Department,  
14 appointed by the Governor.
- 15 (2) One member who is a local health director, appointed by the General  
16 Assembly upon the recommendation of the Speaker of the House of  
17 Representatives.
- 18 (3) One member who is an environmental health supervisor from a local  
19 health department, appointed by the General Assembly upon the  
20 recommendation of the Speaker of the House of Representatives.
- 21 (4) One member who is an environmental health specialist, appointed by  
22 the General Assembly upon the recommendation of the Speaker of the  
23 House of Representatives.
- 24 (5) Four members who are in the sanitary sewage system business, one of  
25 whom is a manufacturer, one of whom is a supplier, one of whom is a  
26 pumper or installer, and one of whom is an operator, appointed by the  
27 General Assembly upon the recommendation of the President Pro  
28 Tempore of the Senate.
- 29 (6) One member who is actively involved with residential development in  
30 North Carolina or has extensive experience in the field of residential  
31 development, appointed by the General Assembly upon the  
32 recommendation of the Speaker of the House of Representatives.
- 33 (7) One member from the public at large, appointed by the General  
34 Assembly upon the recommendation of the Speaker of the House of  
35 Representatives.
- 36 (8) The President or Executive Director of the North Carolina Septic Tank  
37 Association, Inc., appointed by the General Assembly upon the  
38 recommendation of the President Pro Tempore of the Senate.

39 (c) Legislative appointments shall be made in accordance with G.S. 120-121. A  
40 vacancy in a legislative appointment shall be filled in accordance with G.S. 120-122.

41 (d) Each member shall serve for a two-year term that begins on July 1 of an odd-  
42 numbered year and ends on June 30 of the next odd-numbered year. Appointments to  
43 fill vacancies in the membership of the Board that occur due to resignation, dismissal,

1 death, or disability of a member shall be for the balance of the unexpired term and shall  
2 be made by the same appointing authority that made the initial appointment.

3 (e) The member from the North Carolina Septic Tank Association, Inc., shall  
4 serve as Chair of the Board for the first two years after the Board is created. Thereafter,  
5 the Board shall elect a Chair annually at its first meeting of the year.

6 (f) The Board shall hold at least one meeting each year to conduct its business.  
7 Subsequent meetings shall be at the call of the Chair or a majority of the Board  
8 members. A majority of the members is a quorum."

9 (b) Notwithstanding G.S. 130A-344(d), as enacted by this section, the terms of  
10 the initial appointees to the North Carolina On-Site Wastewater Systems Institute end  
11 June 30, 1995.

12 (c) Of the funds appropriated by this act to the Department of Environment,  
13 Health, and Natural Resources for the 1992-93 fiscal year the sum of twenty-five  
14 thousand dollars (\$25,000) shall be used by the Department to contract with a regionally  
15 or nationally recognized consulting firm to conduct a comprehensive study of  
16 appropriate wastewater and sewage disposal technologies that could be used in soils  
17 unsuitable for a conventional septic tank in areas of North Carolina that have a high  
18 water table. In selecting a consulting firm to conduct the study, the Department shall  
19 consult with the North Carolina On-Site Wastewater Systems Institute. The contract  
20 with the consulting firm shall require the consulting firm to complete the study and  
21 submit a report to the Department and to the North Carolina On-Site Wastewater  
22 Systems Institute by June 30, 1993.

23 (d) Of the funds appropriated by this act to the Department of Environment,  
24 Health, and Natural Resources for the 1992-93 fiscal year, the sum of twenty-five  
25 thousand dollars (\$25,000) shall be used to support county alternative on-site sewage  
26 system demonstration projects in Eastern North Carolina established prior to 1990.  
27 Such projects shall have a technical advisory committee and shall develop and monitor  
28 innovative and alternative on-site sewage treatment systems and proper management  
29 operating schemes.

30  
31 Requested by: Senator Martin of Pitt

### 32 **PARKS CAPITAL IMPROVEMENTS**

33 Sec. 29.3. (a) Of the funds appropriated in this act to the Department of  
34 Environment, Health, and Natural Resources for the 1992-93 fiscal year, the sum of five  
35 hundred thousand dollars (\$500,000) shall be used for the repair and maintenance of  
36 State parks.

37 (b) Of the funds appropriated in this act to the Department of Environment,  
38 Health, and Natural Resources for the 1992-93 fiscal year, the sum of five hundred  
39 thousand dollars (\$500,000) shall be used to acquire critical parcels of inholdings and  
40 corridor linkages for inclusion in the State parks system.

41 (c) Prior to expending or obligating any of the funds allocated by this section, the  
42 Department shall report to the Joint Legislative Commission on Governmental  
43 Operations and to the Office of State Budget and Management on the proposed use of  
44 the funds.

1

2 Requested by: Senator Martin of Pitt

3 **STUDY ACQUISITION OF BIRD ISLAND**

4 Sec. 29.4. (a) The Department of Environment, Health, and Natural Resources  
5 shall study the feasibility and appropriateness of the State acquiring Bird Island in  
6 Brunswick County for the purpose of conservation. The study shall be separate and  
7 apart from the consideration of any permit applications or the issuance of any permits  
8 for Bird Island pursuant to the Coastal Area Management Act of 1974, Article 7 of  
9 Chapter 113A of the General Statutes.

10 (b) No later than May 31, 1993, the Department shall report its findings and  
11 recommendations pertaining to this study to the 1993 General Assembly.

12 (c) This section becomes effective November 15, 1992.

13

14 Requested by: Senator Martin of Pitt

15 **MARINE FISHERIES USE OF LAND PROCEEDS**

16 Sec. 29.5. Any net proceeds, as defined in G.S. 146-30, received from the  
17 sale of approximately 6.12 acres of State land located on Bogue Sound in Carteret  
18 County, this being the property described in the deed dated February 12, 1982, and  
19 recorded in Deed Book 464, page 86, Carteret County Registry, shall be allocated to the  
20 Department of Environment, Health, and Natural Resources, Division of Marine  
21 Fisheries, for the 1992-93 fiscal year to be used:

22 (1) To acquire real property for oyster shell stockpiling and dockage  
23 during hurricanes,

24 (2) To renovate or replace the unsafe pier at the Division's Morehead City  
25 office, as needed, and

26 (3) To replace the Carolina Coast Research Vessel,  
27 to ensure the continuation of the Division's shellfish rehabilitation and artificial reef  
28 programs and the biological sampling programs.

29

30 Requested by: Senator Plexico

31 **CERTAIN REIMBURSEMENTS FROM WILDLIFE RESOURCES**  
32 **COMMISSION FUNDS**

33 Sec. 29.6. G.S. 113-77.9 is amended by adding a new subsection to read:

34 "(d1) In any county in which real property was purchased pursuant to subsection  
35 (d) of this section as additions to the fish and wildlife management areas and where less  
36 than twenty-five percent (25%) of the land area is privately owned at the time of  
37 purchase, that county and any other local taxing unit shall be annually reimbursed, for a  
38 period of 20 years, from funds available to the North Carolina Wildlife Resources  
39 Commission in an amount equal to the amount of ad valorem taxes that would have  
40 been paid to the taxing unit if the property had remained subject to taxation."

41

42 **PART 17. MISCELLANEOUS PROVISIONS**

43

44 Requested by: Senators Basnight, Plyler

**RESERVE FOR ADVANCE PLANNING**

Sec. 30. The Office of State Budget and Management shall report to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division on how it intends to spend funds from the Reserve for Advance Planning at least 45 days before it spends the funds.

The Office of State Budget and Management shall also report the results of any project on which it uses funds from the Reserve for Advance Planning to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division.

Requested by: Senators Basnight, Plyler

**ENCUMBERED APPROPRIATIONS AND PROJECT RESERVE FUND**

Sec. 31. When each capital improvement project appropriated by the 1992 General Assembly, other than those projects under the Board of Governors of The University of North Carolina, 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 Office of State Budget and Management. Funds in the project reserve may be used for emergency repair and renovation projects at State facilities with the approval of the Director of the Budget. The project reserve fund may be used, at the discretion of the Director of the Budget, to allow for award of contracts where bids exceed appropriated funds, if those projects supplemented were designed within the 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. At the discretion of the Director of the Budget, any balances in the project reserve fund shall revert to the original source.

Requested by: Senators Basnight, Plyler

**PROJECT COST INCREASE**

Sec. 32. Upon the request of the administration of a State department or institution, the Director of the Budget may, when in his opinion it is in the best interest of the State to do so, increase the cost of a capital improvement project. Provided, however, that if the Director of the Budget increases the cost of a project, he shall report that action to the Joint Legislative Commission on Governmental Operations at its next meeting. The increase may be funded from gifts, federal or private grants, special fund receipts, excess patient receipts above those budgeted at University of North Carolina Hospitals at Chapel Hill, or direct capital improvement appropriations to that department or institution.

Requested by: Senators Basnight, Plyler

**NEW PROJECT AUTHORIZATION**

Sec. 33. Upon the request of the administration of any State department or institution, the Governor may authorize the construction of a capital improvement

1 project not specifically authorized by the General Assembly if such project is to be  
2 funded by gifts, federal or private grants, special fund receipts, excess patient receipts  
3 above those budgeted at University of North Carolina Hospitals at Chapel Hill, or self-  
4 liquidating indebtedness. Provided, however, that if the Director of the Budget  
5 authorizes the construction of such a capital improvement project, he shall report that  
6 action to the Joint Legislative Commission on Governmental Operations at its next  
7 meeting.

8

9 Requested by: Senators Basnight, Plyler

#### 10 **ADVANCE PLANNING OF CAPITAL IMPROVEMENT PROJECTS**

11 Sec. 34. Funds which become available by gifts, excess patient receipts  
12 above those budgeted at University of North Carolina Hospitals at Chapel Hill, federal  
13 or private grants, receipts becoming a part of special funds by act of the General  
14 Assembly or any other funds available to a State department or institution may be  
15 utilized for advance planning through the working drawing phase of capital  
16 improvement projects, upon approval of the Director of the Budget. The Director of the  
17 Budget may make allocations from the Advance Planning Fund for advance planning  
18 through the working drawing phase of capital improvement projects, except that this  
19 revolving fund may not be utilized by the Board of Governors of The University of  
20 North Carolina or the State Board of Community Colleges.

21

22 Requested by: Senators Basnight, Plyler

#### 23 **APPROPRIATIONS LIMITS/REVERSION OR LAPSE**

24 Sec. 35. Except as permitted in previous sections of this act, the  
25 appropriations for capital improvements made by the 1991 General Assembly may be  
26 expended only for specific projects set out by the 1991 General Assembly and for no  
27 other purpose. Construction of all capital improvement projects enumerated by the  
28 1992 General Assembly shall be commenced, or self-liquidating indebtedness with  
29 respect to them shall be incurred, within 12 months following the first day of the fiscal  
30 year in which the funds are available. If construction contracts on those projects have  
31 not been awarded or self-liquidating indebtedness has not been incurred within that  
32 period, the direct appropriation for those projects shall revert to the original source, and  
33 the self-liquidating appropriation shall lapse; except that direct appropriations may be  
34 placed in a reserve fund as authorized in this act. This deadline with respect to both  
35 direct and self-liquidating appropriations may be extended with the approval of the  
36 Director of the Budget up to an additional 12 months if circumstances and conditions  
37 warrant such extension.

38

39 Requested by: Senators Basnight, Plyler

#### 40 **1991-92 APPROPRIATIONS LIMITATIONS AND DIRECTIONS APPLY**

41 Sec. 36. (a) Except where expressly repealed or amended by this act, the  
42 provisions of Chapters 689, 742, 760, 761, and 900 of the 1991 Session Laws remain in  
43 effect.

1 (b) Notwithstanding any modifications by this act in the amounts appropriated,  
2 except where expressly repealed or amended, the limitations and directions for the  
3 1992-93 fiscal year in Chapters 689, 742, 760, 761, and 900 of the 1991 Session Laws  
4 that applied to appropriations to particular agencies or for particular purposes apply to  
5 the newly enacted appropriations and budget reductions of this act for those same  
6 particular purposes.

7

8 Requested by: Senators Basnight, Plyler

9 **EFFECTIVE DATE**

10 Sec. 37. This act becomes effective July 1, 1992.