

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H.B. 1162
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HOUSE PRINCIPAL CLERK

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HOUSE DRH30744-MDa-111 (05/12)

Short Title: Flexibility for NCNG Capital Projects.

(Public)

Sponsors: Representative Burr.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW THE NORTH CAROLINA NATIONAL GUARD TO AUTHORIZE
3 CERTAIN CAPITAL EXPENDITURES FOR PROJECTS THAT WILL BE ENTIRELY
4 FUNDED WITH FEDERAL FUNDS AND TO PROVIDE THE NATIONAL GUARD
5 WITH GREATER FLEXIBILITY TO RESPOND TO FEDERAL CHANGES WITH
6 RESPECT TO ARMORY PROJECT FUNDING PRIORITIES.

7 The General Assembly of North Carolina enacts:

8 SECTION 1. G.S. 143C-8-12 reads as rewritten:

9 "~~§ 143C-8-12. University system capital~~Capital improvement projects from sources that
10 ~~are not General Fund sources: approval of new project or change in scope of~~
11 ~~existing project.~~other than the General Fund.

12 (a) University Projects. – Notwithstanding any other provision of this Chapter, the
13 Board of Governors of The University of North Carolina may ~~approve: (i) expenditures to plan~~
14 ~~a capital improvement project of The University of North Carolina the planning for which is to~~
15 ~~be funded entirely with non-General Fund money, (ii) expenditures for a capital improvement~~
16 ~~project of The University of North Carolina that is to be funded and operated entirely with~~
17 ~~non-General Fund money, or (iii) a change in the scope of any previously approved capital~~
18 ~~improvement project of The University of North Carolina provided that both the project and~~
19 ~~change in scope are funded entirely with non-General Fund money. The Board of Governors~~
20 ~~shall report any expenditure made pursuant to this section to the Office of State Budget and~~
21 ~~Management and to the Joint Legislative Commission on Governmental Operations.~~approve
22 any of the following:

23 (1) Expenditures to plan a capital improvement project of The University of
24 North Carolina, the planning for which is to be funded entirely with
25 non-General Fund money.

26 (2) Expenditures for a capital improvement project of The University of North
27 Carolina that is to be funded and operated entirely with non-General Fund
28 money.

29 (3) A change in the scope of any previously approved capital improvement
30 project of The University of North Carolina provided that both the project
31 and change in scope are funded entirely with non-General Fund money.

32 (b) National Guard Projects. – Notwithstanding any other provision of this Chapter, the
33 North Carolina National Guard may approve expenditures for a capital project of the North
34 Carolina National Guard but only if (i) the project will be funded entirely with federal funds
35 and (ii) any operating costs associated with the project will be paid entirely with federal funds.



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1 (c) Reporting. – The Board of Governors and the National Guard shall report any
2 expenditure made pursuant to this section to the Office of State Budget and Management and to
3 the Joint Legislative Commission on Governmental Operations."

4 **SECTION 2.** Section 36.11(c) of S.L. 2013-360 reads as rewritten:

5 **"SECTION 36.11.(c)** Where the actual costs are different from the estimated costs under
6 subsection (a) of this section, the Adjutant General of the National Guard may adjust the
7 allocations among projects as needed. However, State funds shall not be allocated to a project
8 in excess of the maximum amount of State funds authorized to be allocated to the project under
9 subsection (a) of this section. If any projects funded under subsection (a) of this section are
10 delayed or cancelled and the budgeted State funds cannot be used during the 2013-2015 fiscal
11 biennium, or if the projects funded under subsection (a) of this section are accomplished at a
12 lower cost, the Department may use the resulting fund availability to fund any of the following:

- 13 (1) Future project feasibility studies.
14 (2) Survey, testing, and permitting.
15 (3) Planning and execution for reversion of facilities no longer in use.
16 (4) Armory and facilities projects approved by the Congress of the United States
17 that are not listed in subsection (a) of this section and that require State
18 matching funds."

19 **SECTION 3.** Article 8 of Chapter 143 of the General Statutes is amended by
20 adding a new section to read:

21 **"§ 143-129.6. Exemption for certain training projects of the North Carolina National**
22 **Guard.**

23 Expenditures for a capital project (i) that is for training purposes and for a single exercise or
24 undertaking at a National Guard facility; (ii) that has a total cost that does not exceed one
25 hundred thousand dollars (\$100,000); and (iii) that will be funded entirely with federal funds
26 shall not be subject to this Article."

27 **SECTION 4.** This act is effective when it becomes law.