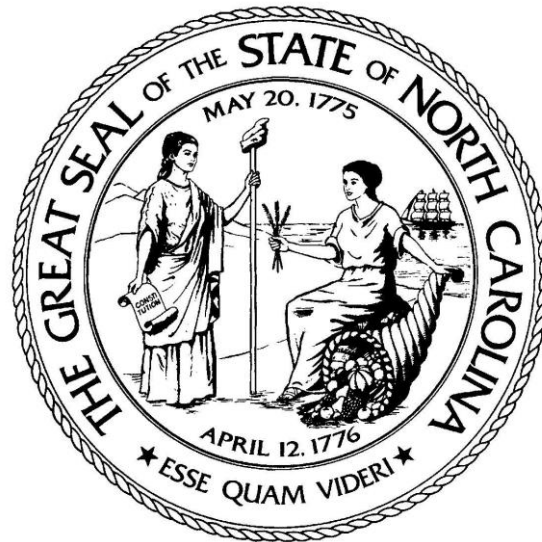


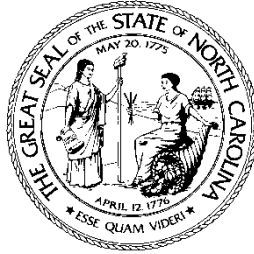
House Appropriations Committee on Capital

Proposed Special Provisions for S.B. 257, Appropriations Act of 2017



May 25, 2017

GENERAL ASSEMBLY OF NORTH CAROLINA



SPECIAL PROVISIONS
HOUSE APPROPRIATIONS, CAPITAL REPORT

MAY 24, 2017

Report Last Updated: May 24, 2017 9:23 p.m.

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GENERAL ASSEMBLY OF NORTH CAROLINA

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2017-CAP-H1(S36.1)i

Capital
House Appropriations, Capital

1 **GENERAL FUND CAPITAL APPROPRIATIONS/INTRODUCTION**

2 **SECTION 36.1.** The appropriations made by the 2017 General Assembly for
3 capital improvements are for constructing, repairing, or renovating State buildings, utilities, and
4 other capital facilities, for acquiring sites for them where necessary, and for acquiring buildings
5 and land for State government purposes.

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2017-CAP-H5(S36.2)-P

Capital
House Appropriations, Capital

1 **CAPITAL APPROPRIATIONS/GENERAL FUND**

2 **SECTION 36.2.(a)** There is appropriated from the General Fund for the 2017-2019
3 fiscal biennium the following amounts for capital improvements:

4			
5	Capital Improvements – General Fund	2017-2018	2018-2019
6			
7	Department of Environment and Natural Resources		
8	Water Resources Development	\$10,763,000	–
9			
10	Department of Public Safety		
11	Greenville Office Building & Garage	2,000,000	\$1,917,993
12	National Guard- Joint Forces HQ Helipad	1,000,000	–
13			
14	Department of Natural and Cultural Resources		
15	Fort Fisher Museum and Visitor Center	5,000,000	–
16	Planning for Fayetteville Civil War Museum project	500,000	–
17			
18	East Carolina University		
19	Planning funds for new building at		
20	Brody School of Medicine	2,263,440	–
21			
22	Western Carolina University		
23	Energy production facility replacement project	–	9,477,200
24			
25	TOTAL CAPITAL IMPROVEMENTS –		
26	GENERAL FUND	\$21,526,440	\$11,395,193
27			

28 **SECTION 36.2.(b)** Notwithstanding G.S. 143C-3-3(b), East Carolina University
29 shall use the funds appropriated in subsection (a) of this section to develop plans for the
30 construction of a new medical education building at the Brody School of Medicine.

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2017-CAP-H8A(S36.3)-P

Capital
House Appropriations, Capital

WATER RESOURCES DEVELOPMENT PROJECTS

SECTION 36.3.(a) The Department of Environmental Quality shall allocate funds for water resources development projects in accordance with the schedule that follows. The amounts set forth in the schedule include funds appropriated in this act for water resources development projects and funds carried forward from previous fiscal years in accordance with subsection (b) of this section. These funds will provide a State match for an estimated fourteen million eighty-five thousand dollars (\$14,085,000) in federal funds.

Name of Project	2017-2018
(1) Princeville Flood Damage Reduction	\$431,000
(2) Carolina Beach CSDR (Next cycle plans & specs.)	300,000
(3) Kure Beach CSDR (Next cycle plans & specs.)	300,000
(4) Wrightsville Storm Damage Reduction – Constr. Cycle 12	3,000,000
(5) Wrightsville Storm Damage Reduction – Post-Auth. Change Report	135,000
(6) Planning Assistance	25,000
(7) Wilmington Harbor Maintenance	-
(8) Morehead City Harbor Maintenance	-
(9) Surf City/North Topsail Preconstruction Activities	218,000
(10) West Onslow Beach Preconstruction Activities	218,000
(11) NRCS EQIP	2,000,000
(12) State-Local Projects	1,500,000
(13) Eastern NC Storm Debris Removal	1,000,000
(14) Cape Fear River Lock & Dam/Fish Ramp Construction	840,000
(15) Carolina Beach CSDR	1,158,000
(16) North Topsail Shoreline Protection – Phase 2	500,000
(17) Kunz Farm Park Riverwalk	250,000
TOTALS	\$11,875,000

SECTION 36.3.(b) It is the intent of the General Assembly that funds carried forward from previous fiscal years be used to supplement the ten million seven hundred sixty-three thousand dollars (\$10,763,000) appropriated for water resources development projects in Section 36.2 of this act. Therefore, the following funds carried forward from previous fiscal years shall be used for the following projects:

Name of Project	Amount Carried Forward
(1) Carolina Beach CSDR (Next cycle plans & specs.)	\$50,000
(2) Kure Beach CSDR (Next cycle plans & specs.)	50,000
(3) Wrightsville Storm Damage Reduction – Constr.	700,000

1	(4) Wrightsville Storm Damage Reduction – Post-Auth. Change Report	22,000
2	(5) Planning Assistance	25,000
3	(6) Surf City/North Topsail Preconstruction Activities	135,000
4	(7) West Onslow Beach Preconstruction Activities	130,000

5
6 **TOTALS** **\$1,112,000**

7
8 **SECTION 36.3.(c)** Where the actual costs are different from the estimated costs
9 under subsection (a) of this section, the Department may adjust the allocations among projects
10 as needed. If any projects funded under subsection (a) of this section are delayed and the
11 budgeted State funds cannot be used during the 2017-2018 fiscal year or if the projects funded
12 under subsection (a) of this section are accomplished at a lower cost, the Department may use
13 the resulting fund availability to fund any of the following:

- 14 (1) U.S. Army Corps of Engineers project feasibility studies.
- 15 (2) U.S. Army Corps of Engineers projects whose schedules have advanced and
16 require State matching funds in the 2017-2018 fiscal year.
- 17 (3) State-local water resources development projects.

18 Funds subject to this subsection that are not expended or encumbered for the purposes set forth
19 in subdivisions (1) through (3) of this subsection shall revert to the General Fund at the end of
20 the 2017-2018 fiscal year.

21 **SECTION 36.3.(d)** The Department shall submit semiannual reports on the use of
22 these funds to the Joint Legislative Oversight Committee on Agriculture and Natural and
23 Economic Resources, the Fiscal Research Division, and the Office of State Budget and
24 Management on or before March 1 and September 1. Each report shall include all of the
25 following:

- 26 (1) All projects listed in this section.
- 27 (2) The estimated cost of each project.
- 28 (3) The date that work on each project began or is expected to begin.
- 29 (4) The date that work on each project was completed or is expected to be
30 completed.
- 31 (5) The actual cost of the project.

32 The semiannual reports also shall show those projects advanced in schedule, those projects
33 delayed in schedule, and an estimate of the amount of funds expected to revert to the General
34 Fund.

35 **SECTION 36.3.(e)** Of the funds allocated for State-Local Projects in this section,
36 the Department shall allocate the sum of five hundred thousand dollars (\$500,000) for the
37 2017-2018 fiscal year to be used for phase III of the Joseph McDowell Historical Catawba
38 Greenway restoration project.

39 **SECTION 36.3.(f)** Of the funds allocated for State-Local Projects in this section,
40 the Department shall allocate the sum of five hundred thousand dollars (\$500,000) for the
41 2017-2018 fiscal year to be used for phase VI-2 of the Ararat River Greenway and Stream
42 Restoration project.

43 **SECTION 36.3.(g)** Section 37.2(e) of S.L. 2016-94 reads as rewritten:

44 **"SECTION 37.2.(e)** Notwithstanding any provision of law to the contrary, funds
45 appropriated for a water resources development project shall be used to provide no more than
46 fifty percent (50%) of the nonfederal portion of funds for the project. This subsection applies to
47 funds appropriated in this act and to funds appropriated prior to the 2015-2017 fiscal biennium
48 that are unencumbered and proposed for reallocation to provide the nonfederal portion of funds
49 for water resources development projects. The limitation on fund usage contained in this
50 subsection applies only to projects in which a local government or local governments

1 participate. This subsection shall not apply to, and there shall be no local match required for,
2 any of the following, notwithstanding any other provision of law:

- 3 (1) The Environmental Quality Incentives Program. Furthermore, Section
4 36.3(e) of S.L. 2013-360, Section 36.2(e) of S.L. 2014-100, and Section
5 31.3(e) of S.L. 2015-241 shall not apply to funds made available as part of
6 the Environmental Quality Incentives Program in any fiscal year. Any
7 remaining balance of funds appropriated prior to the 2015-2017 fiscal
8 biennium for Environmental Quality Incentives Program projects shall be
9 paid out to each of the original grantees for the full grant award amount,
10 except that the Secretary may retain ten percent (10%) of the State share of
11 funding until the Natural Resources Conservation Service of the United
12 States Department of Agriculture has provided a final practice approval for
13 the project.

14"

15 **SECTION 36.3.(h)** G.S. 143-215.72 is amended by adding two new subsections to
16 read:

17 "**(c)** When the Secretary issues new or revised policies for review of grant applications
18 and fund disbursement under this Part, those policies shall not apply to a project already
19 approved for funding unless the project applicant agrees to the new or revised policy. For
20 purposes of this section, a project is approved for funding when the Department enters into a
21 contract or other binding agreement to provide any share of State funding for the project.
22 Nothing in this subsection is intended to preclude the Secretary from issuing or enforcing
23 policies applicable to projects approved for funding in order to comply with a requirement of
24 State law or federal law or regulations.

25 **(d)** The following procedures apply only to grants for the purpose set forth in
26 G.S. 143-215.71(8):

- 27 (1) A nongovernmental entity managing, administering, or executing the grant
28 on behalf of a unit of local government may apply as a co-applicant for the
29 grant and may be included as a responsible party on any required resolution
30 issued by the unit of local government.
31 (2) The Department may make periodic payments for its share of nonfederal
32 costs of a project prior to receipt of a final practice approval from the
33 Natural Resources Conservation Service if the grantee has submitted a
34 certified reimbursement request or invoice."

35 **SECTION 36.3.(i)** G.S. 143-215.72(d), as enacted by subsection (h) of this section,
36 becomes effective July 1, 2017, and applies to projects approved for funding on or after that
37 date.

GENERAL ASSEMBLY OF NORTH CAROLINA

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Drafting
SPECIAL PROVISION



2017-CAP-H10(S36.4)i

Capital
House Appropriations, Capital

NON-GENERAL FUND CAPITAL IMPROVEMENT AUTHORIZATIONS

SECTION 36.4.(a) The General Assembly authorizes the following capital projects to be funded with receipts or from other non-General Fund sources available to the appropriate department:

Name of Project	Amount of Non-General Fund Funding Authorized	
	FY 2017-2018	FY 2018-2019
Department of Natural and Cultural Resources		
Museum of Art- New Park and Pavilion Building	915,300	—
Wildlife Resources Commission		
Land Acquisition	7,000,000	3,000,000
Infrastructure Repair/Renovation	1,500,000	—
Setzer Hatchery Building Replacement	750,000	—
Boating Access	900,000	900,000
Setzer Hatchery Raceways Replacement	4,500,000	—
Outer Banks Education Center Air Handlers	—	300,000
Burnsville Depot	500,000	—
Butner Lab & Storage Building	500,000	—
Bolivia Depot	750,000	—
New Shooting Ranges	1,000,000	1,000,000
TOTAL AMOUNT OF NON-GENERAL FUND CAPITAL PROJECTS AUTHORIZED	\$18,315,300	\$5,200,000

SECTION 36.4.(b) From funds deposited with the State Treasurer in a capital improvement account to the credit of the Department of Agriculture and Consumer Services pursuant to G.S. 146-30, the sum of seventy-five thousand dollars (\$75,000) for the 2017-2018 fiscal year and the sum of seventy-five thousand dollars (\$75,000) for the 2018-2019 fiscal year shall be transferred to the Department of Agriculture and Consumer Services to be used, notwithstanding G.S. 146-30, by the Department for its plant conservation program under Article 19B of Chapter 106 of the General Statutes for costs incidental to the acquisition of land, such as land appraisals, land surveys, title searches, and environmental studies, and for the management of the plant conservation program preserves owned by the Department.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

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SPECIAL PROVISION



2017-CAP-H9(S36.5)-P

Capital
House Appropriations, Capital

1 **REPAIRS AND RENOVATIONS RESERVE ALLOCATION**

2 **SECTION 36.5.(a)** Of the funds in the Reserve for Repairs and Renovations for
3 the 2017-2018 fiscal year, the following allocations shall be made to the following agencies for
4 repairs and renovations pursuant to G.S. 143C-4-3:

- 5 (1) One-half of the funds shall be allocated to the Board of Governors of The
6 University of North Carolina.
7 (2) One-half of the funds shall be allocated to the Office of State Budget and
8 Management.

9 The Office of State Budget and Management shall consult with or report to the Joint
10 Legislative Commission on Governmental Operations, as appropriate, in accordance with
11 G.S. 143C-4-3(d). The Board of Governors shall report to the Joint Legislative Commission on
12 Governmental Operations in accordance with G.S. 143C-4-3(d).

13 **SECTION 36.5.(b)** Notwithstanding G.S. 143C-4-3(d), of the funds allocated to
14 the Board of Governors of The University of North Carolina in subsection (a) of this section, a
15 portion shall be used each fiscal year by the Board of Governors for the installation of fire
16 sprinklers in University residence halls. This portion shall be in addition to funds otherwise
17 appropriated in this act for the same purpose. Such funds shall be allocated among the
18 University's constituent institutions by the President of The University of North Carolina, who
19 shall consider the following factors when allocating those funds:

- 20 (1) The safety and well-being of the residents of campus housing programs.
21 (2) The current level of housing rents charged to students and how that
22 compares to an institution's public peers and other UNC institutions.
23 (3) The level of previous authorizations to constituent institutions for the
24 construction or renovation of residence halls funded from the General Fund
25 or from bonds or certificates of participation supported by the General Fund
26 since 1996.
27 (4) The financial status of each constituent institution's housing system,
28 including debt capacity, debt coverage ratios, credit rankings, required
29 reserves, the planned use of cash balances for other housing system
30 improvements, and the constituent institution's ability to pay for the
31 installation of fire sprinklers in all residence halls.
32 (5) The total cost of each proposed project, including the cost of installing fire
33 sprinklers and the cost of other construction, such as asbestos removal and
34 additional water supply needs.

35 The Board of Governors shall submit progress reports to the Joint Legislative
36 Commission on Governmental Operations. Reports shall include the status of completed,
37 current, and planned projects. Reports also shall include information on the financial status of
38 each constituent institution's housing system, the constituent institution's ability to pay for fire
39 protection in residence halls, and the timing of installation of fire sprinklers. Reports shall be
40 submitted on January 1 and July 1 until all residence halls have fire sprinklers.

1 **SECTION 36.5.(c)** Notwithstanding G.S. 143C-4-3(d), of the funds allocated to
2 the Board of Governors of The University of North Carolina in subsection (a) of this section, a
3 portion shall be used each fiscal year by the Board of Governors for campus public safety
4 improvements allowable under G.S. 143C-4-3(b).

5 **SECTION 36.5.(d)** In making campus allocations of funds allocated to the Board
6 of Governors of The University of North Carolina in subsection (a) of this section, the Board of
7 Governors shall negatively weight the availability of non-State resources and carryforward
8 funds available for repair and renovations and shall include information about the manner in
9 which this subsection was complied within any report submitted pursuant to G.S. 143C-4-3(d).

10 **SECTION 36.5.(e)** Notwithstanding G.S. 143C-4-3, of the funds allocated from
11 the Reserve for Repairs and Renovations for the 2017-2018 fiscal year in subsection (a) of this
12 section, the following sums shall be allocated for the following projects:

- 13 (1) Two million dollars (\$2,000,000) shall be allocated to the Department of
14 Public Safety to be provided to the North Carolina National Guard for the
15 demolition of Western Youth Correctional Facility.
- 16 (2) Two million dollars (\$2,000,000) shall be allocated to the Department of
17 Natural and Cultural Resources for the repairs and renovation projects
18 involving the U.S.S. North Carolina Battleship.
- 19 (3) Five million dollars (\$5,000,000) shall be allocated to the Department of
20 Administration for the roof replacement project for the Administration
21 Building.
- 22 (4) Three hundred thousand dollars (\$300,000) shall be allocated to
23 weatherproof Goodwin Hall and Joiner Hall at the North Carolina School for
24 the Deaf in Morganton.
- 25 (5) Thirteen million two hundred thousand dollars (\$13,200,000) shall be
26 allocated to the Department of Public Safety to renovate the Stonewall
27 Jackson Youth Development Center to create additional bed space.
- 28 (6) Ten million dollars (\$10,000,000) shall be allocated for the comprehensive
29 renovation and repurposing of West Hall at the University of North Carolina
30 at Pembroke.
- 31 (7) Three million five hundred thousand dollars (\$3,500,000) shall be allocated
32 to the Department of Natural and Cultural Resources, Division of Parks &
33 Recreation, for repair and renovation projects at Morrow Mountain State
34 Park in Stanly County.
- 35 (8) Four million five hundred thousand dollars (\$4,500,000) shall be allocated to
36 the Department of Natural and Cultural Resources for repair and renovation
37 projects at the North Carolina Zoological Park.
- 38 (9) Two million two hundred thousand dollars (\$2,200,000) shall be allocated to
39 the Department of Public Safety to renovate the Swannanoa Correctional
40 Center for Women to allow for portions to be used for a female Confinement
41 Response to Violation (CRV) facility.
- 42 (10) Five million five hundred thousand dollars (\$5,500,000) shall be allocated to
43 Fayetteville State University for a health fitness center.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Drafting
SPECIAL PROVISION



2017-CAP-H2(S36.6)i

Capital
House Appropriations, Capital

1 ***PROCEDURES FOR DISBURSEMENT OF CAPITAL FUNDS***

2 **SECTION 36.6.** The appropriations made by the 2017 General Assembly for
3 capital improvements shall be disbursed for the purposes provided by this act. Expenditure of
4 funds shall not be made by any State department, institution, or agency until an allotment has
5 been approved by the Governor as Director of the Budget. The allotment shall be approved
6 only after full compliance with the State Budget Act, Chapter 143C of the General Statutes.
7 Prior to the award of construction contracts for projects to be financed in whole or in part with
8 self-liquidating appropriations, the Director of the Budget shall approve the elements of the
9 method of financing of those projects, including the source of funds, interest rate, and
10 liquidation period. Provided, however, that if the Director of the Budget approves the method
11 of financing a project, the Director shall report that action to the Joint Legislative Commission
12 on Governmental Operations at its next meeting.

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

18 Capital improvement projects authorized by the 2017 General Assembly shall be
19 completed, including fixed and movable equipment and furnishings, within the limits of the
20 amounts of the direct or self-liquidating appropriations provided, except as otherwise provided
21 in this act. Capital improvement projects authorized by the 2017 General Assembly for the
22 design phase only shall be designed within the scope of the project as defined by the approved
23 cost estimate filed with the Director of the Budget, including costs associated with site
24 preparation, demolition, and movable and fixed equipment.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

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SPECIAL PROVISION



2017-CAP-H3(S36.7)i

Capital
House Appropriations, Capital

1 **REPORTING ON CAPITAL PROJECTS**

2 **SECTION 36.7.(a)** Definitions. – The following definitions apply in this section:

- 3 (1) Capital project. – Any capital improvement, as that term is defined in
4 G.S. 143C-1-1, that is not complete by the effective date of this section and
5 that is funded in whole or in part with State funds, including receipts,
6 non-General Fund sources, or statutorily or constitutionally authorized
7 indebtedness of any kind. This term includes only projects with a total cost
8 of one hundred thousand dollars (\$100,000) or more.
- 9 (2) Construction phase. – The status of a particular capital project as described
10 using the terms customarily employed in the design and construction
11 industries.
- 12 (3) New capital project. – A capital project that is authorized in this act or
13 subsequent to the effective date of this act.

14 **SECTION 36.7.(b)** Reporting. – The following reports are required:

- 15 (1) By October 1, 2017, and every six months thereafter, each State agency shall
16 report on the status of agency capital projects to the Joint Legislative
17 Commission on Governmental Operations.
- 18 (2) By October 1, 2017, and quarterly thereafter, each State agency shall report
19 on the status of agency capital projects to the Fiscal Research Division of the
20 General Assembly and to the Office of State Budget and Management.

21 **SECTION 36.7.(c)** The reports required by subsection (b) of this section shall
22 include at least the following information about every agency capital project:

- 23 (1) The current construction phase of the project.
- 24 (2) The anticipated time line from the current construction phase to project
25 completion.
- 26 (3) Information about expenditures that have been made in connection with the
27 project, regardless of source of the funds expended.
- 28 (4) Information about the adequacy of funding to complete the project,
29 including estimates of how final expenditures will relate to initial estimates
30 of expenditures, and whether or not scope reductions will be necessary in
31 order to complete the project within its budget.
- 32 (5) For new capital projects only, an estimate of the operating costs for the
33 project for the first five fiscal years of its operation.

34 **SECTION 36.7.(d)** In addition to the other reports required by this section, on
35 October 1, 2017, and every six months thereafter, the Office of State Construction shall report
36 on the status of the Facilities Condition Assessment Program (FCAP) to the Joint Legislative
37 Commission on Governmental Operations. The report shall include (i) summary information
38 about the average length of time that passes between FCAP assessments for an average State
39 building; (ii) detailed information about when the last FCAP assessment was for each State
40 building complex; and (iii) detailed information about the condition and repairs and renovations
41 needs of each State building complex.

1 **SECTION 36.7.(e)** In addition to the other reports required by this section, on
2 October 1, 2017, and quarterly thereafter, the State Construction Office shall report to the Joint
3 Legislative Oversight Committee on Capital Improvements on the status of plan review,
4 approval, and permitting for each State capital improvement project and community college
5 capital improvement project over which the Office exercises plan review, approval, and
6 permitting authority. Each report shall include (i) summary information about the workload of
7 the Office during the previous quarter, including information about the average length of time
8 spent by the State Construction Office on each major function it performs that is related to
9 capital project approval, and (ii) detailed information about the amount of time spent engaged
10 in those functions for each project that the State Construction Office worked on during the
11 previous quarter.

GENERAL ASSEMBLY OF NORTH CAROLINA

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SPECIAL PROVISION



2017-CAP-H12(S36.8)-P

Capital
House Appropriations, Capital

1 **ZOO STATE CONSTRUCTION EXEMPTIONS**

2 **SECTION 36.8.(a)** G.S. 143-341 reads as rewritten:

3 **"§ 143-341. Powers and duties of Department.**

4 The Department of Administration has the following powers and duties:

5 ...

6 (3) Architecture and Engineering:

- 7 a. To examine and approve all plans and specifications for the
8 construction or renovation of:
- 9 1. All State buildings or buildings located on State lands, except
10 those buildings over which a local building code inspection
11 department has and exercises jurisdiction; and
 - 12 2. All community college buildings requiring the estimated
13 expenditure for construction or repair work for which public
14 bidding is required under G.S. 143-129 prior to the awarding
15 of a contract for such work; and to examine and approve all
16 changes in those plans and specifications made after the
17 contract for such work has been awarded.
- 18 a1. To organize and schedule, within three weeks of designer selection
19 and before the design contract is let, a meeting of the stakeholders for
20 each State capital improvement project to discuss plan review
21 requirements and to define the terms of the memorandum of
22 understanding developed by the State Building Commission pursuant
23 to G.S. 143-135.26(2). The stakeholders shall include the funded
24 agency, each State agency having plan review responsibilities for the
25 project, and the selected designer. Notwithstanding the foregoing, the
26 meeting need not be scheduled if the funded agency so requests.
- 27 b. To assist, as necessary, all agencies in the preparation of requests for
28 appropriations for the construction or renovation of all State
29 buildings.
- 30 b1. To certify that a statement of needs pursuant to G.S. 143C-3-3, other
31 than for a project of The University of North Carolina for which
32 advance planning has not been completed, is feasible. For purposes
33 of this sub-subdivision, "feasible" means that the proposed project is
34 sufficiently defined in overall scope; building program; site
35 development; detailed design, construction, and equipment budgets;
36 and comprehensive project scheduling so as to reasonably ensure that
37 it may be completed with the amount of funds requested. At the
38 discretion of the General Assembly, advanced planning funds may be
39 appropriated in support of this certification. This sub-subdivision
40 shall not apply to requests for appropriations of less than one
41 hundred thousand dollars (\$100,000).

- 1 c. To supervise the letting of all contracts for the design, construction or
2 renovation of all State buildings and all community college buildings
3 whose plans and specifications must be examined and approved
4 under a.2. of this subdivision.
- 5 d. To supervise and inspect all work done and materials used in the
6 construction or renovation of all State buildings and all community
7 college buildings whose plans and specifications must be examined
8 and approved under a.2. of this subdivision; to act as the appropriate
9 official inspector or inspection department for purposes of
10 G.S. 143-143.2; and no such work may be accepted by the State or
11 by any State agency until it has been approved by the Department.
- 12 e. To require all State agencies to use existing plans and specifications
13 for construction projects, where feasible. Prior to designing a project,
14 State agencies shall consult with the Department of Administration
15 on the availability of appropriate existing plans and specifications
16 and the feasibility of using them for a project.
- 17 f. To provide written allocation of the deduction allowed under section
18 179D of the Code, as defined in G.S. 105-228.90, for designing
19 energy efficient commercial building property that is installed on or
20 in property owned by the State. The allocation must be made in
21 accordance with section 179D of the Code.

22 Except for sub-subdivisions b., b1., e., and f. of this subdivision, this
23 subdivision does not apply to either (i) the design, construction, or
24 renovation of projects by The University of North Carolina pursuant to ~~G.S.~~
25 ~~H6-31.11~~.G.S. 116-31.11 or (ii) the North Carolina Zoological Park Council
26 and the Department of Natural and Cultural Resources, with respect to
27 projects at the North Carolina Zoological Park pursuant to
28 G.S. 143B-135.214.

29 "...."

30 **SECTION 36.8.(b)** Part 39 of Article 2 of Chapter 143B of the General Statutes is
31 amended by adding a new section to read:

32 "**§ 143B-135.214. Powers of Council and Department regarding certain fee negotiations,**
33 **contracts, and capital improvements.**

34 (a) The exception for the North Carolina Zoological Park set forth in G.S. 143-341(3)
35 shall apply only to projects requiring the estimated expenditure of public money of two million
36 dollars (\$2,000,000) or less. The Council and the Department of Natural and Cultural
37 Resources shall, with respect to the design, construction, or renovation of buildings, utilities,
38 and other property developments of the North Carolina Zoological Park that fall below that
39 threshold:

- 40 (1) Conduct the fee negotiations for all design contracts and supervise the letting
41 of all construction and design contracts.
- 42 (2) Develop procedures governing the responsibilities of the Council and the
43 Department to perform the duties of the Department of Administration under
44 G.S. 133-1.1(d) and G.S. 143-341(3).
- 45 (3) Use existing plans and specifications for construction projects, where
46 feasible. Prior to designing a project, the Council and the Department shall
47 consult with the Department of Administration on the availability of existing
48 plans and specifications and the feasibility of using them for a project.

49 (b) The Council and Department shall use the standard contracts for design and
50 construction currently in use for State capital improvement projects by the Office of State
51 Construction of the Department of Administration.

1 (c) A contract may not be divided for the purpose of evading the monetary limit under
2 this section.

3 (d) Notwithstanding any other provision of this Chapter, the Department of
4 Administration shall not be the awarding authority for contracts awarded pursuant to this
5 section.

6 (e) This section shall not exempt any capital improvement project from review and
7 approval as may be required by law by the entity having jurisdiction over the subject property.

8 (f) The Department shall annually report to the State Building Commission the
9 following:

10 (1) A list of projects governed by this section.

11 (2) The estimated cost of each project along with the actual cost.

12 (3) The name of each person awarded a contract under this section.

13 (4) Whether the person or business awarded a contract under this section meets
14 the definition of "minority business" or "minority person" as defined in
15 G.S. 143-128.2(g).

16 (g) Unless clearly indicated otherwise, nothing in this section is intended to relieve the
17 Department or the Council from the obligations imposed by Article 3 of Chapter 143 of the
18 General Statutes."

19 **SECTION 36.8.(c)** G.S. 143B-135.214, as enacted by subsection (b) of this
20 section, is repealed.

21 **SECTION 36.8.(d)** G.S. 143-341(3), as amended by subsection (a) of this section,
22 reads as rewritten:

23 "(3) Architecture and Engineering:

24 ...

25 Except for sub-subdivisions b., b1., e., and f. of this subdivision, this
26 subdivision does not apply to ~~either (i) the design, construction, or~~
27 ~~renovation of projects by The University of North Carolina pursuant to~~
28 ~~G.S. 116-31.11 or (ii) the North Carolina Zoological Park Council and the~~
29 ~~Department of Natural and Cultural Resources, with respect to projects at the~~
30 ~~North Carolina Zoological Park pursuant to~~
31 ~~G.S. 143B-135.214; G.S. 116-31.11."~~

32 **SECTION 36.8.(e)** Subsections (c) and (d) of this section become effective July 1,
33 2019, and apply to projects commenced on or after that date. The remainder of this section is
34 effective when it becomes law. Requirements for projects commenced before July 1, 2019, are
35 not affected by subsection (c) or (d) of this section, and the statutes, as amended by subsections
36 (a) and (b) of this section, remain applicable to those projects.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Drafting
SPECIAL PROVISION



2017-CAP-H13(S36.9)i

Capital
House Appropriations, Capital

1 **REALIGNMENT OF DHHS CAPITAL PROJECTS**

2 **SECTION 36.9.(a)** Section 23.12(e) of S.L. 2006-66, as amended by Section 2(c)
3 of S.L. 2009-209, reads as rewritten:

4 "**SECTION 23.12.(e)** In accordance with G.S. 142-83, this subsection authorizes the
5 issuance or incurrence of special indebtedness in the maximum aggregate principal amount of
6 ~~ninety-eight million seven hundred eighty-two thousand five hundred forty dollars~~
7 ~~(\$98,782,540)~~ninety-one million two hundred eighty-two thousand five hundred forty dollars
8 (\$91,282,540) to finance the capital facility costs of the Department of Health and Human
9 Services Public Health Laboratory and Office of Chief Medical Examiner. The State, with the
10 prior approval of the State Treasurer and the Council of State, as provided in Article 9 of
11 Chapter 142 of the General Statutes, is authorized to issue or incur special indebtedness in
12 order to provide funds to the State to be used, together with other available funds, to pay the
13 capital facility costs of the project described in this subsection. No more than a maximum
14 aggregate principal amount of twenty million dollars (\$20,000,000) of special indebtedness
15 may be issued or incurred under this subsection prior to July 1, 2007."

16 **SECTION 36.9.(b)** Section 23.12(f) of S.L. 2006-66, as amended by Section 2(c)
17 of S.L. 2009-209, reads as rewritten:

18 "**SECTION 23.12.(f)** In accordance with G.S. 142-83, this subsection authorizes the
19 issuance or incurrence of special indebtedness in the maximum aggregate principal amount of
20 ~~one hundred thirty-eight million three hundred twenty-five thousand eight hundred fourteen~~
21 ~~dollars (\$138,325,814)~~one hundred thirty-nine million three hundred twenty-five thousand
22 eight hundred fourteen dollars (\$139,325,814) to finance the capital facility costs of the Eastern
23 Regional Psychiatric Hospital for the Department of Health and Human Services. The State,
24 with the prior approval of the State Treasurer and the Council of State, as provided in Article 9
25 of Chapter 142 of the General Statutes, is authorized to issue or incur special indebtedness in
26 order to provide funds to the State to be used, together with other available funds, to pay the
27 capital facility costs of the project described in this subsection. No more than a maximum
28 aggregate principal amount of twenty million dollars (\$20,000,000) of special indebtedness
29 may be issued or incurred under this subsection prior to July 1, 2007. No more than a
30 maximum aggregate principal amount of one hundred million dollars (\$100,000,000) of special
31 indebtedness may be issued or incurred under this subsection prior to July 1, 2008."

32 **SECTION 36.9.(c)** Section 23.12(h) of S.L. 2006-66, as amended by Section 2(c)
33 of S.L. 2009-209, reads as rewritten:

34 "**SECTION 23.12.(h)** In accordance with G.S. 142-83, this subsection authorizes the
35 issuance or incurrence of special indebtedness in the maximum aggregate principal amount of
36 ~~one hundred fifty-four million seven hundred seventy-two thousand eight hundred one dollars~~
37 ~~(\$154,772,801)~~one hundred sixty-one million two hundred seventy-two thousand eight hundred
38 one dollars (\$161,272,801) to finance the capital facility costs of the Western Regional
39 Psychiatric Hospital for the Department of Health and Human Services. The State, with the
40 prior approval of the State Treasurer and the Council of State, as provided in Article 9 of
41 Chapter 142 of the General Statutes, is authorized to issue or incur special indebtedness in

1 order to provide funds to the State to be used, together with other available funds, to pay the
2 capital facility costs of the project described in this subsection. No special indebtedness may be
3 issued or incurred under this subsection prior to July 1, 2008. No more than a maximum
4 aggregate principal amount of twenty million dollars (\$20,000,000) of special indebtedness
5 may be issued or incurred under this subsection prior to July 1, 2009. No more than a
6 maximum aggregate principal amount of fifty-four million dollars (\$54,000,000) of special
7 indebtedness may be issued or incurred under this subsection prior to July 1, 2011."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Proofed
SPECIAL PROVISION



2017-CAP-H14-P

Capital
House Appropriations, Capital

Requested by

1 ***DPS EXISTING FACILITIES MAXIMIZATION***

2 **SECTION #.** If House Bill 280 of the 2017 Regular Session becomes law, the
3 Department of Public Safety shall accommodate any new requirements resulting from its
4 enactment by maximizing the use of existing facilities. The Department shall demonstrate that
5 the use of existing facilities has been maximized prior to requesting funding for additional
6 facilities.