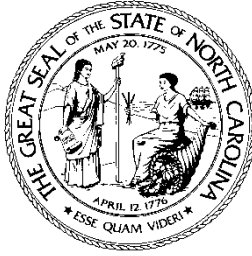


# GENERAL ASSEMBLY OF NORTH CAROLINA



## SPECIAL PROVISIONS HOUSE APPROPRIATIONS, CAPITAL REPORT

**APRIL 26, 2019**

Report Last Updated: April 25, 2019 11:52 p.m.

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2019-CAP-H6A-P

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

**SECTION #.** The appropriations made by the 2019 General Assembly for capital improvements are for constructing, repairing, or renovating State buildings, utilities, and other capital facilities, for acquiring sites for them where necessary, for acquiring buildings and land for State government purposes and other purposes as set forth in G.S. 143C-4-3.1, and shall be disbursed for the purposes provided by this act. Expenditure of funds shall not be made by any State department, institution, or agency until an allotment has been approved by the Governor as Director of the Budget. The allotment shall be approved only after full compliance with the State Budget Act, Chapter 143C of the General Statutes. Prior to the award of construction contracts for projects to be financed in whole or in part with self-liquidating appropriations, the Director of the Budget shall approve the elements of the method of financing of those projects, including the source of funds, interest rate, and liquidation period. Provided, however, that if the Director of the Budget approves the method of financing a project, the Director shall report that action to the Joint Legislative Commission on Governmental Operations at its next meeting.

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

Capital improvement projects authorized by the 2019 General Assembly shall be completed, including fixed and movable equipment and furnishings, within the limits of the amounts of the direct or self-liquidating appropriations provided, except as otherwise provided in this act. Capital improvement projects authorized by the 2019 General Assembly for the design phase only shall be designed within the scope of the project as defined by the approved cost estimate filed with the Director of the Budget, including costs associated with site preparation, demolition, and movable and fixed equipment.

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**CAPITAL IMPROVEMENT AND REPAIRS AND RENOVATIONS APPROPRIATIONS**

**SECTION #.(a)** The following agency capital improvement projects have been assigned a project code for reference to allocations in this Part and for intended project support by the General Assembly for future fiscal years:

Agency Capital Improvement Projects	Project Code
Department of Agriculture and Consumer Services	
Eaddy Building—Addition & Renovation	DACS19-1
Tidewater Research Station--Swine Unit Replacements	DACS19-2
Mountain Island State Forest—Improvements	DACS19-3
Department of Environmental Quality	
Water Resources Development Projects	DEQ-WRD19
Division of Water Resources—	
Reedy Creek Environmental Lab/Equipment Storage & Workshop	DEQ19-1
Department of Administration	
DHHS/Dix Campus Relocation	DOA19-1
State Gov't. Complex Chiller Plant	DOA19-2
Department of Information Technology	
Eastern Data Center Improvements	DIT19-1
Western Data Center Improvements	DIT19-2
Rural Broadband/GREAT Program	DIT19-3
Department of Natural and Cultural Resources	
NC Museum of History Renovation/Addition	DNCR19-1
NC Museum of Art—Light Control	DNCR19-2
Fort Fisher—New Visitor Center	DNCR19-3
NC Zoo—Asia Continent Animal Exhibit	DNCR19-4
NC Zoo—Australia Continent Exhibit	DNCR19-5
NC Zoo—Parking/Trams	DNCR19-6
NC Transportation Museum	DNCR19-7
State Parks—Various Projects	DNCR19-8
Department of Public Safety	
Perquimans YDC—Raise the Age Renovations	DPS19-1
Richmond YDC—Raise the Age Renovations	DPS19-2

1	Alcoholism & Chemical Dependency Program–	
2	Black Mountain Modular Classrooms	DPS19-3
3	National Guard–	
4	Federal Match Funding Pool	NG19-1
5	STARBASE	NG19-2
6	Western Region Readiness Center Annex	DPS19-5
7	Samarcand Training Academy–	
8	Live Fire Training Building	DPS19-6
9	Dormitory & Training Building	DPS19-7
10	Adult Correction Entrance Processing Stations	DPS19-8
11	State Highway Patrol–	
12	Renovate Troop B	DPS19-9
13		
14	General Assembly	
15	Committee Renovations/Elevator Repair	NCGA19-1
16		
17	The University of North Carolina	
18	Western Carolina University–	
19	Steam Plant Project	UNC/WCU19-1
20	University of North Carolina at Wilmington–	
21	Dobo Hall Renovation	UNC/WIL19-1
22	Randall Library Renovation and Expansion	UNC/WIL19-2
23	University of North Carolina at Charlotte–	
24	Cameron/Burson Building Renovation	UNC/CLT19-1
25	North Carolina Central University–	
26	Lee Biology, Phase 2	UNC/NCC19-1
27	University of North Carolina at Chapel Hill– Business Building	UNC/CH19-1
28	North Carolina State University–	
29	S.T.E.M. Building	UNC/NCS19-1
30	University of North Carolina at Greensboro–	
31	Jackson Library Renovation & Addition	UNC/GRE19-1
32	Eastern Carolina University–	
33	School of Medicine Building	UNC/ECU19-1
34		
35	Repairs and Renovations	R&R19
36		
37	Civil War Museum	DG19-1
38	Montreat College	DG19-2
39	Guilford Mental Health	DG19-3

40       **SECTION #.(b)** This subsection authorizes the following capital projects and  
41 allocates funding in the 2019-2021 biennium based upon projected cash flow needs for the  
42 authorized projects. The authorizations provided in this subsection represent the maximum  
43 amount of funding from the State Capital and Infrastructure Fund that may be expended on each  
44 project. An additional action by the General Assembly is required to increase the maximum  
45 authorization for any of the projects listed.

46       In each fiscal year, the Office of State Budget and Management may reallocate  
47 appropriations from the State Capital and Infrastructure Fund between projects to meet cash flow  
48 requirements for a project, provided that the following criteria are met:

- 49       (1) If the project for which funds have been appropriated in this Part is for one of  
50       the constituent institutions of The University of North Carolina, then  
51       unencumbered funds may be allocated from another project for a constituent

institution of The University of North Carolina for which funds have been appropriated.

(2) If the project is for which funds have been appropriated in this Part for a State agency that is not The University of North Carolina, then unencumbered funds may be allocated from another project for a State agency for which funds have been appropriated.

(3) The amount disbursed will not exceed amounts appropriated from the State Capital and Infrastructure Fund.

(4) The amount disbursed on any project cannot exceed the amount authorized for that project.

(5) The amount reallocated cannot be used to expand the scope of the project.

There is allocated from the State Capital and Infrastructure Fund for the 2019-2021 fiscal biennium the following amounts for capital improvement project codes, as defined in subsection (a) of this section:

**Capital Improvements –**

**State Capital and**

**Infrastructure Fund**

**Total**

**Project Authorization**

**2019-2020**

**2020-2021**

DACS19-1	967,000	967,000	–
DACS19-2	1,429,000	1,429,000	–
DACS19-3	1,500,000	1,500,000	–
DEQ-WRD19	N/A	11,007,000	–
DEQ19-1	30,008,000	3,000,800	7,502,000
DOA19-1	270,000,000	–	5,000,000
DOA19-2	12,523,000	12,523,000	–
DIT19-1	5,741,000	5,741,000	–
DIT19-2	3,150,000	3,150,000	–
DNCR19-1	60,000,000	20,000,000	25,000,000
DNCR19-2	1,000,000	1,000,000	–
DNCR19-3	8,000,000	8,000,000	–
DNCR19-4	20,014,500	–	10,014,500
DNCR19-7	4,500,000	250,000	250,000
DPS19-1	1,731,000	1,731,000	–
DPS19-2	5,825,000	1,000,000	4,825,000
DPS19-3	1,013,000	1,013,000	–
NG19-1	4,000,000	4,000,000	–
NG19-2	500,000	500,000	–
DPS19-6	1,499,000	1,499,000	–
DPS19-7	11,094,000	1,109,400	2,773,500
DPS19-8	3,070,000	3,070,000	–
DPS19-9	2,152,000	2,152,000	–
NCGA19-1	2,097,635	2,097,635	–
UNC/WCU19-1	16,500,000	16,500,000	–
UNC/GRE19-1	84,000,000	10,000,000	36,000,000
UNC/WIL19-1	10,000,000	10,000,000	–
UNC/WIL19-2	56,400,000	5,640,000	14,100,000
UNC/CLT19-1	45,000,000	4,500,000	11,250,000
UNC/NCC19-1	8,100,000	810,000	2,025,000
UNC/CH19-1	75,000,000	10,000,000	7,000,000
UNC/NCS19-1	80,000,000	14,000,000	21,000,000

1	UNC/ECU19-1	215,000,000	15,000,000	13,000,000
2	R&R19	N/A	250,000,000	125,000,000

3

4       **SECTION #.(c)** Notwithstanding G.S. 143C-4-3.1(e), the following allocations are

5 made from the State Capital and Infrastructure Fund for the following purposes:

- 6       (1) A directed grant in the amount of twelve million one hundred thousand dollars
- 7           (\$12,100,000) for the 2019-2020 fiscal year and a directed grant in the amount
- 8           of three million dollars (\$3,000,000) for the 2020-2021 fiscal year to the North
- 9           Carolina Civil War & Reconstruction History Center Foundation, a nonprofit
- 10          corporation, for construction of the North Carolina Civil War &
- 11          Reconstruction History Center.
- 12       (2) A directed grant in the amount of ten million dollars (\$10,000,000) for the
- 13           2019-2020 fiscal year and a directed grant in the amount of ten million dollars
- 14           (\$10,000,000) for the 2020-2021 fiscal year to Montreat College, a nonprofit
- 15          corporation, for cybersecurity programs.
- 16       (3) A directed grant in the amount of seven million seven hundred thousand
- 17           dollars (\$7,700,000) to Guilford County for the construction of a facility-
- 18          based mental health crisis center to serve adults in Guilford County.

19       **SECTION #.(d)** Of the funds in the State Capital and Infrastructure Fund for the

20 2019-2021 fiscal biennium, the following allocations shall be made to the following agencies for

21 repairs and renovations pursuant to G.S. 143C-8-13:

- 22       (1) One-fourth shall be allocated for repairs and renovations at the constituent
- 23           institutions of The University of North Carolina, as determined the Board of
- 24           Governors.
- 25       (2) Three-fourths shall be allocated for repairs and renovations for State agencies,
- 26           excluding The University of North Carolina.

27       The Office of State Budget and Management shall consult with or report to the Joint

28 Legislative Commission on Governmental Operations, as appropriate, in accordance with

29 G.S. 143C-8-13(b). The Board of Governors shall report to the Joint Legislative Commission on

30 Governmental Operations in accordance with G.S. 143C-8-13(b).

31       **SECTION #.(e)** Notwithstanding G.S. 143C-8-13, of the funds allocated in

32 subdivision (2) of subsection (d) of this section for the 2019-2020 fiscal year, the following sums

33 shall be allocated for the following projects:

- 34       (1) Five hundred thousand dollars (\$500,000) shall be allocated to the Department
- 35           of Natural and Cultural Resources to be used for State Historic Sites
- 36           maintained by the Department. Funds allocated pursuant to this subdivision
- 37           shall not be used for Tryon Palace, the N.C. Transportation Museum, or the
- 38           U.S.S. North Carolina Battleship.
- 39       (2) Five hundred thousand dollars (\$500,000) shall be allocated to the Office of
- 40           State Budget and Management to be provided as a direct grant to the North
- 41           Carolina Future Farmers of America Association to be used for expansions
- 42           for the NCFFA Center.
- 43       (3) Three million six hundred forty thousand dollars (\$3,640,000) shall be
- 44           allocated to the Department of Revenue for security improvements at various
- 45           locations throughout the State.

46       **SECTION #.(f)** Funds allocated under this section that may be expended on projects

47 where the recipient intends or expects to receive insurance proceeds or State or federal aid or

48 assistance shall be used only to the extent that funds received from the settlement of a claim for

49 loss or damage covered under the recipient's applicable insurance policy, or other aid or

50 assistance, are insufficient to cover all damages sustained as a result of Hurricane Florence.

1           **SECTION #.(g)** For project code UNC/NCS19-1, North Carolina State University  
2 shall commit to providing funding of at least eighty million dollars (\$80,000,000) from non-State  
3 sources on or before June 30, 2021 as a match for the intended State allocations totaling eighty  
4 million dollars (\$80,000,000) for the project.

5           **SECTION #.(h)** For project code UNC/CH19-1, The University of North Carolina  
6 at Chapel Hill shall commit to providing funding of at least seventy-five million dollars  
7 (\$75,000,000) from non-State sources on or before June 30, 2022 as a match for the intended  
8 State allocations totaling seventy-five million dollars (\$75,000,000) for the project.



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2019-CAP-H12

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**SIX-YEAR INTENDED PROJECT ALLOCATION SCHEDULE**

**SECTION #.** It is the intent of the General Assembly to fund capital improvement projects on a cash-flow basis and to plan for future project funding based upon projected availability in the State Capital and Infrastructure Fund. Nothing in this section shall be construed (i) to appropriate funds or (ii) as an obligation by the General Assembly to appropriate funds for the projects listed in future years. The following schedule lists capital improvement projects that will begin or be completed in fiscal years outside of the 2019-2021 fiscal biennium, and estimated amounts (in thousands) needed for completion of those projects:

Project Code	FY19-20	FY20-21	FY21-22	FY22-23	FY23-24	FY24-25
DEQ19-1	3,000.8	7,502	12,003.2	7,502	—	—
DOA19-1	—	5,000	67,500	81,000	67,500	49,000
DNCR19-1	20,000	25,000	15,000	—	—	—
DNCR19-4	—	10,014.5	10,000	—	—	—
DNCR19-5	—	—	—	10,000	10,000	—
DNCR19-6	—	—	1,500	3,400	—	—
DNCR19-7	250	250	2,000	2,000	—	—
DNCR19-8	—	—	—	—	10,000	—
DPS19-2	1,000	4,825	—	—	—	—
DPS19-5	—	—	—	—	15,015	—
DPS19-7	1,109.4	2,773.5	4,437.6	2,773.5	—	—
UNC/GRE19-1	10,000	36,000	25,000	13,000	—	—
UNC/WIL19-2	5,640	14,100	22,560	14,100	—	—
UNC/CLT19-1	4,500	11,250	18,000	11,250	—	—
UNC/NCC19-1	810	2,025	3,240	2,025	—	—
UNC/CH19-1	10,000	7,000	18,750	20,000	19,250	—
UNC/NCS19-1	14,000	21,000	25,000	20,000	—	—
UNC/ECU19-1	15,000	13,000	7,000	30,000	80,000	70,000
DG19-1	12,100	3,000	14,400	16,500	—	—
DG19-2	10,000	10,000	—	—	—	—

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

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**WATER RESOURCES DEVELOPMENT PROJECTS**

**SECTION #.(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 section 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 thirty-two million three hundred fifty-five thousand dollars (\$32,355,000) in federal funds.

Name of Project	2019-2020
(1) Princeville Flood Damage Reduction (Pre-Constr./Design)	\$1,400,000
(2) Carolina Beach CSRM	—
(3) Kure Beach CSRM	14,000
(4) Wrightsville Beach CSRM	—
(5) Ocean Isle CSRM	—
(6) Planning Assistance to Communities	38,000
(7) Wilmington Harbor DA Maintenance	6,550,000
(8) Morehead City Maintenance	1,500,000
(9) Surf City/North Topsail CSRM (Pre-Constr./Design)	148,000
(10) West Onslow CSRM (Pre-Constr./Design)	148,000
(11) NRCS EQIP/Stream Restoration	2,320,000
(12) State-Local Projects (WRD Grant Pgm.)	1,500,000
(13) Bogue Banks CSRM	—
(14) Neuse River-Goldsboro Sec. 1135, CAP, Project Mods.(50/50)	333,000
(15) Concord Streams, Sec. 206, CAP, Ecosystem Restoration, Stricker Branch, Constr. (65/35)	619,000
(16) Manteo Old House Channel, Sec. 204, CAP, Design Comp. (65/35)	73,000
(17) Lumberton 205, CAP, Flood Damage Reduction (50/50)	125,000
(18) B. Everette Jordan Reservoir Water Supply	119,000
(19) Swannanoa Flood Mitigation Project	637,000
(20) North Topsail Beach Shoreline Protection – Phase 2	500,000
<b>TOTALS</b>	<b>\$16,024,000</b>

**SECTION #.(b)** It is the intent of the General Assembly that funds carried forward from previous fiscal years be used to supplement the eleven million seven thousand dollars (\$11,007,000) allocated for water resources development projects in this section. Therefore, the following funds carried forward from previous fiscal years shall be used for the following projects:

	<b>Name of Project</b>	<b>Amount Carried Forward</b>
(1)	Princeville Flood Damage Reduction (Pre-Constr./Design)	\$1,400,000
(2)	Morehead City Maintenance	1,500,000
(3)	Kure Beach CSRM	315,000
(4)	Wrightsville Beach CSRM	2,206,000
(5)	Carolina Beach CSRM	686,000
(6)	Ocean Isle CSRM	1,040,000
(7)	Planning Assistance to Communities	38,000
(8)	Surf City/North Topsail CSRM (Pre-Constr./Design)	255,000
(9)	West Onslow CSRM (Pre-Constr./Design)	220,000
(10)	Neuse River-Goldsboro Sec. 1135, CAP, Project Mods.(50/50)	333,000
(11)	Concord Streams, Sec. 206, CAP, Ecosystem Restoration, Stricker Branch, Constr. (65/35)	1,023,000
(12)	Manteo Old House Channel, Sec. 204, CAP, Design Comp. (65/35)	2,219,000
(13)	Lumberton 205, CAP, Flood Damage Reduction (50/50)	125,000
(14)	B. Everette Jordan Reservoir Water Supply	119,000
(15)	North Topsail Beach Shoreline Protection – Phase 2	1,500,000
<b>TOTALS</b>		<b>\$12,979,000</b>

**SECTION #.(c)** Where the actual costs are different from the estimated costs under subsection (a) of this section, the Department may adjust the allocations among projects as needed. If any projects funded under subsection (a) of this section are delayed and the budgeted State funds cannot be used during the 2019-2020 fiscal year or if the projects funded under subsection (a) of this section are accomplished at a lower cost, the Department may use the resulting fund availability to fund any of the following:

- (1) U.S. Army Corps of Engineers project feasibility studies.
- (2) U.S. Army Corps of Engineers projects whose schedules have advanced and require State matching funds in the 2019-2020 fiscal year.
- (3) State-local water resources development projects.

Funds subject to this subsection that are not expended or encumbered for the purposes set forth in subdivisions (1) through (3) of this subsection shall revert to the State Capital and Infrastructure Fund at the end of the 2019-2020 fiscal year.

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

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

The semiannual reports also shall show those projects advanced in schedule, those projects delayed in schedule, and an estimate of the amount of funds expected to revert to the State Capital and Infrastructure Fund.

**SECTION #.(e)** Notwithstanding any provision of law to the contrary, funds appropriated for a water resources development project shall be used to provide no more than fifty percent (50%) of the nonfederal portion of funds for the project. This subsection applies to funds appropriated in this act and to funds appropriated prior to the 2019-2021 fiscal biennium

1 that are unencumbered and proposed for reallocation to provide the nonfederal portion of funds  
2 for water resources development projects. The limitation on fund usage contained in this  
3 subsection applies only to projects in which a local government or local governments participate.

# GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

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**2019-CAP-H4-P**

## **Capital House Appropriations, Capital**

### **Requested by**

### **NON-GENERAL FUND CAPITAL IMPROVEMENT AUTHORIZATIONS**

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

Name of Project	Amount of Non-General Fund Funding Authorized	
	FY 2019-2020	FY 2020-2021
Department of Natural and Cultural Resources		
NC Zoo–Gift Shop Material Warehouse	\$300,000	—
Department of Agriculture and Consumer Services		
State Farmers Market Restaurant	1,250,000	—
Piedmont Triad Farmers Market Restaurant	200,000	—
State Fairgrounds Improvements	1,000,000	—
State Research Stations–Irrigation Improvements	200,000	—
State Research Stations–Pesticide Storage & Mixing	200,000	—
State Research Stations–Poultry Facilities Improvements	1,500,000	—
State Research Stations–Animal Feed & Grain Storage	250,000	—
Department of Military and Veteran Affairs		
Fayetteville Veterans Home Sprinklers	3,553,000	—
Wake County Veterans Home	5,208,500	—
Forsyth County Veterans Home	5,208,500	—
Department of Public Safety		
Stonewall Jackson YDC Classroom & Kennel	677,000	—
Department of Transportation		
Polk County Maintenance Shop	2,484,117	—
Ocracoke Ferry Quarters	1,190,000	—
Currituck Maintenance & Equipment Facilities	1,491,914	—
Northampton County/Jackson Sub.– Shop	—	\$5,239,960
Repairs & Renovations	6,550,000	6,725,000
Wildlife Resources Commission		
Land Acquisition	8,000,000	8,000,000
McKinney Lake Residence	275,000	—
McCoy Road	325,000	—
New Bern Depot Boat Storage	250,000	—
Sandhills Depot Pole Shed	175,000	—
District 7 Storage Building–Wilkesboro	125,000	—
Sykes Depot Greenhouse	—	150,000
New Shooting Ranges	—	1,000,000
Marion Aquaculture Building	330,000	—

1	McKinney Hatchery Building	—	650,000
2	Caswell Depot Storage Building	—	400,000
3	Rhems Depot Storage Building	—	200,000
4	Troy Depot Replacement	—	750,000
5	Boating Access Repair & Renovation	900,000	900,000
6			
7	<b>TOTAL AMOUNT OF NON-GENERAL</b>		
8	<b>FUND CAPITAL PROJECTS</b>		
9	<b>AUTHORIZED</b>	<b>\$41,643,031</b>	<b>\$24,014,960</b>

10

11           **SECTION #.(b)** From funds deposited with the State Treasurer in a capital

12 improvement account to the credit of the Department of Agriculture and Consumer Services

13 pursuant to G.S. 146-30, the sum of seventy-five thousand dollars (\$75,000) for the 2019-2020

14 fiscal year and the sum of seventy-five thousand dollars (\$75,000) for the 2020-2021 fiscal year

15 shall be transferred to the Department of Agriculture and Consumer Services to be used,

16 notwithstanding G.S. 146-30, by the Department for its plant conservation program under Article

17 19B of Chapter 106 of the General Statutes for costs incidental to the acquisition of land, such as

18 land appraisals, land surveys, title searches, and environmental studies, and for the management

19 of the plant conservation program preserves owned by the Department.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

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SPECIAL PROVISION



2019-CAP-H8A-P

Capital  
House Appropriations, Capital

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**NATIONAL GUARD PROJECTS**

**SECTION #.(a)** The Office of State Budget and Management may allocate from the State Capital and Infrastructure Fund to the Department of Public Safety funds needed to provide a State match for federal funds for projects included in the latest Armory and Facilities Development Plan developed pursuant to G.S. 127A-210, or as needed for repairs of facilities damaged during Hurricane Florence, and designated by the Adjutant General of the North Carolina National Guard in an amount not exceeding four million dollars (\$4,000,000) during the 2019-2020 fiscal year.

**SECTION #.(b)** No later than June 1, 2021, and every two years thereafter, the Department shall report on the use of these funds to the Joint Legislative Commission on Governmental Operations, the Fiscal Research Division of the General Assembly, and the Office of State Budget and Management. Each report shall include all of the following:

- (1) The status of all projects undertaken pursuant to this section.
- (2) The estimated total cost of each project.
- (3) The date that work on each project began or is expected to begin.
- (4) The date that work on each project was completed or is expected to be completed.
- (5) The actual cost of each project, including federal matching funds.
- (6) Facilities planned for closure or reversion.
- (7) A list of projects advanced in schedule, those projects delayed in schedule, and an estimate of the amount of funds expected to revert to the General Fund.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

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2019-CAP-H7-P

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**REPORTING ON CAPITAL PROJECTS**

**SECTION #.(a)** Article 8 of Chapter 143C of the General Statutes is amended by adding the following new section to read:

**"§ 143C-8-14. Capital project reporting.**

(a) Definitions. – The following definitions apply in this section:

(1) Capital project. – Any capital improvement, as that term is defined in G.S. 143C-1-1, that is not complete by the effective date of this section and that is funded in whole or in part with State funds, including receipts, non-General Fund sources, or statutorily or constitutionally authorized indebtedness of any kind.

(2) Construction phase. – The status of a particular capital project as described using the terms customarily employed in the design and construction industries.

(3) New capital project. – A capital project that has been authorized by an act of the General Assembly in the most recent Current Operations Appropriations Act.

(b) Reporting. – The following reports are required:

(1) By October 1 and April 1 of each year, each State agency shall report on the status of agency capital projects to the Joint Legislative Oversight Committee on Capital Improvements and the Fiscal Research Division.

(2) Beginning January 1, and quarterly thereafter, each State agency shall report on the status of agency capital projects to the Fiscal Research Division of the General Assembly and to the Office of State Budget and Management.

(c) Report Contents. – The reports required by subsection (b) of this section shall include at least the following information about every agency capital project:

(1) The current construction phase of the project.

(2) The anticipated time line from the current construction phase to project completion.

(3) Information about expenditures that have been made in connection with the project, regardless of source of the funds expended.

(4) Information about the adequacy of funding to complete the project, including estimates of how final expenditures will relate to initial estimates of expenditures, and whether or not scope reductions will be necessary in order to complete the project within its budget.

(5) For new capital projects only, an estimate of the operating costs for the project for the first five fiscal years of its operation.

(d) Additional Requirements. – In addition to the other reports required by this section, the following reports are required:

(1) On October 1 and April 1 of each year, the Office of State Construction shall report on the status of the Facilities Condition Assessment Program (FCAP)



1 to the Joint Legislative Oversight Committee on Capital Improvements and  
2 the Fiscal Research Division. The report shall include (i) summary  
3 information about the average length of time that passes between FCAP  
4 assessments for an average State building, (ii) detailed information about  
5 when the last FCAP assessment was for each State building complex, and (iii)  
6 detailed information about the condition and repairs and renovations needs of  
7 each State building complex.

8 (2) On January 1, and quarterly thereafter, the State Construction Office shall  
9 report to the Joint Legislative Oversight Committee on Capital Improvements  
10 on the status of plan review, approval, and permitting for each State capital  
11 improvement project and community college capital improvement project  
12 over which the Office exercises plan review, approval, and permitting  
13 authority. Each report shall include (i) summary information about the  
14 workload of the Office during the previous quarter, including information  
15 about the average length of time spent by the State Construction Office on  
16 each major function it performs that is related to capital project approval, and  
17 (ii) detailed information about the amount of time spent engaged in those  
18 functions for each project that the State Construction Office worked on during  
19 the previous quarter."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

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SPECIAL PROVISION



2019-CAP-H9

Capital  
House Appropriations, Capital

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1 **STATUTORY CHANGES- CAPITAL**

2 **SECTION #.(a)** G.S. 143C-8-13 is amended by adding the following new subsection  
3 to read:

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

10 **SECTION #.(b)** G.S. 116-30.3 reads as rewritten:

11 **"§ 116-30.3. Reversions.**

12 (a) Of the General Fund current operations appropriations credit balance remaining at the  
13 end of each fiscal year in each of the budget codes listed in this subsection, any amount of the  
14 General Fund appropriation for that budget code for that fiscal year (i) may be carried forward  
15 to the next fiscal year in that budget code, (ii) is appropriated in that budget code, and (iii) may  
16 be used for any of the purposes set out in subsection (f) of this section. However, the amount  
17 carried forward in each budget code under this subsection shall not exceed ~~two and one-half~~seven  
18 and one-half percent ~~(2.5%)~~(7.5%) of the General Fund appropriation in that budget code. The  
19 Director of the Budget, under the authority set forth in G.S. 143C-6-2, shall establish the General  
20 Fund current operations credit balance remaining in each budget code.

21 The budget codes that may carry forward a General Fund current operations appropriations  
22 credit balance remaining at the end of each fiscal year pursuant to this section are the budget  
23 codes for each of the following:

- 24 (1) Each special responsibility constituent institution.  
25 (2) The Area Health Education Centers of the University of North Carolina at  
26 Chapel Hill.  
27 (3) University of North Carolina System Office Budget Code 16010.

28 ...

29 (f) Funds carried forward pursuant to subsection (a) of this section may be used for  
30 one-time expenditures, including that funds carried forward in an amount that is in excess of two  
31 and one-half percent (2.5%) of the General Fund appropriation in that budget code may be used  
32 for projects that are eligible to receive funds ~~from the Repairs and Renovations Reserve~~ under  
33 G.S. ~~143C-4-3(b)~~G.S. 143C-8-13(a), provided, however, that the expenditures shall not impose  
34 additional financial obligations on the State and shall not be used to support positions."

35 **SECTION #.(c)** G.S. 143C-8-13 reads as rewritten:

36 **"§ 143C-8-13. Repairs and Renovations.**

37 (a) Use of Funds. – ~~Funds Except as otherwise provided for in this section, funds~~ for  
38 repairs and renovations shall be available for expenditure only upon an act of appropriation by  
39 the General Assembly. Funds appropriated for repairs and renovations shall be used only for  
40 State facilities and related infrastructure that are supported from the General Fund or the State

Capital and Infrastructure Fund and for Department of Information Technology facilities and related infrastructure. Funds appropriated for repairs and renovations projects shall not be used for new construction or the expansion of the building area (sq. ft.) of an existing facility unless required in order to comply with federal or State codes or standards. Allowable projects include any of the following:

- (1) Roof repairs and replacements.
- (2) Structural repairs.
- (3) Repairs and renovations to meet federal and State standards.
- (4) Repairs to or installation of new electrical, plumbing, and heating, ventilating, and air-conditioning systems.
- (5) Improvements to meet the requirements of the Americans with Disabilities Act, 42 U.S.C. § 12101, et seq., as amended.
- (6) Improvements to meet fire safety needs.
- (7) Improvements to existing facilities for energy efficiency.
- (8) Improvements to remove asbestos, lead paint, and other contaminants, including the removal and replacement of underground storage tanks.
- (9) Improvements and renovations to improve use of existing space.
- (10) Historical restoration.
- (11) Improvements to roads, walks, drives, and utilities infrastructure.
- (12) Drainage and landscape improvements.
- (13) Building demolition.

(b) Allocation and Reallocation of Funds for Particular Projects. – Any funds that are allocated to the Board of Governors of The University of North Carolina or to the Office of State Budget and Management may be allocated or reallocated by those agencies for repairs and renovations projects so long as all of the following conditions are satisfied:

- (1) Any project that receives an allocation or reallocation satisfies the requirements of subsection (a) of this section.
- (2) If the allocation or reallocation of funds from one project to another under this section is two million five hundred thousand dollars (\$2,500,000) or more for a particular project, the Office of State Budget and Management or the Board of Governors, as appropriate, consults with the Joint Legislative Commission on Governmental Operations prior to the expenditure or reallocation.
- (3) If the allocation or reallocation of funds from one project to another under this section is less than two million five hundred thousand dollars (\$2,500,000) for a particular project, the allocation or reallocation of funds is reported to the Joint Legislative Commission on Governmental Operations within 60 days of the expenditure or reallocation.

(c) Notwithstanding any provision of G.S. 143C-8-7 to the contrary, the chancellor of a constituent institution of The University of North Carolina may pay for projects for repairs and renovations with funds available to the constituent institution according to the following:

- (1) The project meets all of the following requirements:
  - a. The total project costs do not exceed one million dollars (\$1,000,000).
  - b. The project is one of the types set forth in subdivisions (1) through (13) of subsection (a) of this section, regardless of whether the relevant facilities and related infrastructure are supported from the General Fund or the State Capital and Infrastructure Fund.
- (2) The constituent institution reports on projects undertaken pursuant to this subsection to the Board of Governors of The University of North Carolina and the Fiscal Research Division on a quarterly basis. The report shall include all of the following information for each project:
  - a. The facility at which the project is being undertaken.

b. The nature and scope of the project.

c. The source of funds for the project.

d. The category of projects set forth in subsection (a) of this section that the project falls within.

(3) Any funds from a General Fund appropriation that are contractually obligated for a project pursuant to this subsection shall not revert at the end of the fiscal year but shall remain available to fund the completion of the project."

**SECTION #.(d)** G.S. 143C-8-7 reads as rewritten:

**"§ 143C-8-7. When a State agency may begin a capital improvement project.**

(a) No State agency may expend funds for the construction or renovation of any capital improvement project except as needed to comply with this Article or otherwise authorized by the General Assembly. Funds that become available by gifts, excess patient receipts above those budgeted at the University of North Carolina Hospitals at Chapel Hill, federal or private grants, receipts becoming a part of special funds by act of the General Assembly, or any other funds available to a State agency or institution may be utilized for advanced planning through the working drawing phase of capital improvement projects, upon approval of the Director of the Budget.

(b) Notwithstanding any other provision of law to the contrary, the Department of Agriculture and Consumer Services is authorized to utilize the types of funds described in subsection (a) of this section to build equipment structures that meet the description contained in G.S. 143-138(b4)(1)c. on an as-needed basis, provided that the project is not a capital improvement within the meaning of G.S. 143C-1-1(d)(5)."

**SECTION #.(e)** G.S. 143C-8-12(a) reads as rewritten:

"(a) University Projects. – Notwithstanding any other provision of this Chapter, the Board of Governors of The University of North Carolina may approve any of the following:

- (1) Expenditures to plan a capital improvement project of The University of North Carolina, the planning for which is to be funded entirely with non-General Fund money."
- (2) Expenditures for a capital improvement project of The University of North Carolina that is to be funded and operated entirely with non-General Fund money.
- (3) A change in the scope of any previously approved capital improvement project of The University of North Carolina provided that both the project and change in scope are funded entirely with non-General Fund money.

Nothing in this subsection shall be construed to prohibit expenditures for planning for a project that has been authorized by an act of the General Assembly and funded with an allocation from the State Capital and Infrastructure Fund."

**SECTION #.(f)** G.S. 143C-3-3(b) reads as rewritten:

"(b) University of North Carolina System Request. – Notwithstanding the requirement in G.S. 116-11 that the Board of Governors prepare a unified budget request for all of the constituent institutions of The University of North Carolina, budget requests of the University shall be subject to all of the following:

- (1) Repairs and renovations requests, capital fund requests, and information technology requests shall comply with subsections (c), (d), and (e) of this section.
- (2) The University of North Carolina shall not make a capital funds request proposing to construct a new facility, expand the building area (square feet) of an existing facility, or rehabilitate an existing facility to accommodate new or expanded uses unless the University has completed advanced planning through schematic design of the project with funds other than General Fund appropriations. For purposes of this subdivision, "funds other than General

1 Fund appropriations" includes funds carried forward from one fiscal year to  
2 another pursuant to G.S. 116-30.3 and G.S. 116-30.3B.

3 Nothing in this subsection shall be construed to prohibit expenditures for planning for a  
4 project that has been authorized by an act of the General Assembly and funded with an allocation  
5 from the State Capital and Infrastructure Fund.

6 **SECTION #.(e)** G.S. 143C-4-3.1 reads as rewritten:

7 **"§ 143C-4-3.1. State Capital and Infrastructure Fund.**

8 ...

9 (e) Use of Funds. – Monies in the Fund shall first be used to meet the debt service  
10 obligations of the State. In addition to meeting the State's debt service obligations, monies in the  
11 Fund may be used for the following purposes:

12 (1) New State and The University of North Carolina capital projects governed  
13 pursuant to Article 8 of Chapter 143C of the General Statutes.

14 (2) Repair and renovation of existing capital assets, as provided in  
15 G.S. 143C-8-13.

16 (3) Broadband infrastructure projects funded through appropriations to the  
17 Growing Rural Economies with Access to Technology Fund established in  
18 G.S. 143B-1373(b).

19 (f) Funds Available Only Upon Appropriation. – Funds reserved to the Fund shall be  
20 available for expenditure only upon an act of appropriation by the General Assembly.

21 (g) Unexpended Funds. – Funds appropriated for a project that are unspent and  
22 unencumbered upon completion of the project shall revert to the Fund."

23 **SECTION #.(f)** The recurring appropriation to the Growing Rural Economies with  
24 Access to Technology Fund from the State Capital and Infrastructure Fund shall expire on June  
25 30, 2029.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

Drafting  
SPECIAL PROVISION



2019-CAP-H10

Capital  
House Appropriations, Capital

Requested by

**NC BOND STATE CAPITAL ALLOCATIONS**

**SECTION #.** If House Bill 241, 2019 Regular Session, becomes law, then Section 1.(e) of that act reads as rewritten:

**"SECTION 1.(e)** Use of Education Bond and Note Proceeds. –

...

(1a) Subject to the provisions of subdivision (2) of this subsection, two hundred million dollars (\$200,000,000) of the proceeds of education bonds and notes, including premium thereon, if any, shall be used for paying the costs of capital outlay projects for constituent institutions and repairs and renovations in the following general amounts set forth below:

**The University of North Carolina**

East Carolina State University—New Library Building	\$32,000,000
University of North Carolina School of the Arts—Stevens Center Renovation	\$42,200,000
Appalachian State University—Wey Hall Renovation	\$25,400,000
Fayetteville State University—Rosenthal/Chick Building Renovation	\$13,700,000
University of North Carolina at Pembroke—	
Givens Performing Arts Center Renovation	\$31,200,000
Winston-Salem State University—Hauser Bldg. Renovation/Addition	\$15,100,000
Western Carolina University—Moore Building, Phase II Renovation	\$11,900,000
North Carolina School of Science and Math—Various Repairs and Renovations	\$10,000,000
North Carolina Agricultural and Technical State University—	
Carver Hall Renovations	\$18,500,000

~~Various Statewide~~ ~~—————~~ ~~New Construction, Repairs, Renovations~~ ~~—————~~ \$200,000,000

**Total for The University of North Carolina** **\$200,000,000**

...

(2) Special allocation provisions. – In determining the use of the proceeds of education bonds and notes, including premium thereon, if any, set forth in this section, the following special allocation provisions apply:

...

b. The capital outlay projects for a constituent institution to be financed with the proceeds of the bonds issued under this act shall be determined by the Board of Governors of The University of North Carolina based upon the criteria set forth in this act, and upon application by the constituent institution in which the capital outlay projects for a constituent institution is to be located or that will

otherwise be served by the capital outlay projects for a constituent institution. With respect to proceeds allocated in subdivision (1a) of this subsection:

...

3. The General Assembly may at this session or at any subsequent session increase or decrease the allocations of the proceeds for the bonds and notes, including premium thereon, if any, for projects set forth in subdivision (1a) of this subsection or reallocate any amounts among projects not listed in subdivision (1a) of this subsection but listed in the six-year capital improvement plan developed pursuant to G.S. 143C-8-5, so long as the aggregate amount of the allocations does not exceed two hundred million dollars (\$200,000,000).

...."



GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

Proofed  
SPECIAL PROVISION



2019-CAP-H11-P

Capital  
House Appropriations, Capital

Requested by

**GROWING G.R.E.A.T. PROGRAM**

SECTION #.(a) G.S. 143B-1373 reads as rewritten:

**"§ 143B-1373. Growing Rural Economies with Access to Technology (GREAT) program.**

(a) As used in this section, the following definitions apply:

...

(6) Eligible project. – An eligible project is a discrete and specific project located in an unserved area of an economically distressed county seeking to provide broadband service to homes, businesses, and community anchor points not currently served. Eligible projects do not include middle mile, backhaul, and other similar projects not directed at broadband service to end users. If a project area is contiguously located within more than one county, for the purposes of this section, the project shall be deemed to be located in the county where the greatest number of unserved households will be served.

...

(c) Project areas comprised of census blocks, or portions thereof, within which a broadband provider is receiving State or federal matching funds to deploy technologically neutral scalable broadband service within the next 18 months are ineligible for the GREAT program. It is essential for the Office to know the location of census blocks, or portions thereof, comprising these areas so it can determine project eligibility. A private provider receiving State or federal matching funds to deploy broadband service within such an area shall, within 60 days of the effective date of this section, submit only a listing of the census blocks, or portions thereof, comprising each of its federally funded project areas meeting this requirement and nothing more to the Office. In future program years, the cutoff date for submitting this census block data shall be May 15. This will enable the office to update maps and advise applicants as to the unserved areas of the State that are eligible for consideration in that program year. The Office shall only utilize this data to update maps of census blocks to reflect these census blocks, or portions thereof, as being served. Failure on the part of a provider to submit the listing of census blocks by the cutoff date shall result in those areas being eligible for inclusion under this program during the upcoming program year. The Office shall use the census block data provided only for mapping of unserved areas. Upon expiration of the 18-month period described in this subsection, a private provider receiving State or federal matching funds to deploy broadband service shall submit written documentation that broadband deployment has begun or been completed in the census blocks, or portions thereof, that have been deemed ineligible by the Office due to the existence of a federally funded project area. Information provided to the Office pursuant to this subsection is not a public record, as that term is defined in G.S. 132-1.

(d) Applications for grants will be submitted at times designated by the Secretary and will include, at a minimum, the following information:

...

(5) An illustration or description of the actual area to be served and the number of homes, businesses, community anchor points, agricultural operations, or



1 agricultural processing facilities that will have access to broadband as a result  
2 of the ~~project-project~~, including any publicly available addresses for the  
3 foregoing.

4 ...

5 (d1) A provider submitting an application pursuant to this section shall bear the burden of  
6 proof that the proposed area to be served can, in fact, be served using the proposed technology.  
7 The burden of proof may be satisfied by the submission of data, maps, and any other information  
8 satisfactory to the Office, demonstrating that the area and number of households proposed to be  
9 served can be provided the minimum upload and download speeds indicated in the application.

10 (e) Applications shall be made publicly available by posting on the Web site of the  
11 Department of Information Technology for a period of at least 30 days prior to award. During  
12 the 30-day period, any interested party may submit comments to the Secretary concerning any  
13 pending application. A provider of broadband services may submit a protest of any application  
14 on the grounds the proposed project covers an area that is not an eligible area under this section.  
15 Protests shall be submitted in writing, accompanied by all relevant supporting documentation,  
16 and shall be considered by the Office in connection with the review of the application. Upon  
17 submission of evidence satisfactory to the Office that the proposed project area includes  
18 households that have a minimum download and upload speed of 10:1, as measured using a  
19 methodology satisfactory to the Office, the Office may amend an application to reduce the  
20 number of unserved households in the project area to reflect an accurate level of current  
21 broadband service. The Office may amend application scores in accordance with amended  
22 applications. For applications with filed protests, the Secretary shall issue a written decision to  
23 the protesting party at least 15 days prior to the approval of that application. Following a protest  
24 that is granted for a portion of the application, the Office may release to an applicant the locations  
25 or areas declared ineligible. The information released to the applicant is not a public record, as  
26 that term is defined under G.S. 132-1, and shall remain confidential. Any provider submitting a  
27 protest shall verify that the information in the protest is accurate and that the protest is submitted  
28 in good faith. The Office may disqualify any protest or application that contains inaccurate  
29 information or information not submitted in good faith. The Office shall develop procedures that  
30 address the consideration of protests.

31 In the resolution of a protest the Office may obtain speed tests, satisfactory to the Office,  
32 from the home or business located at the very end of the segments or runs of the proposed service  
33 extension. If the result of the test indicates that the tested home or business at the end of a given  
34 segment or run is currently receiving a minimum download and upload speed of 10:1, then that  
35 home or business, and all of the other homes or businesses along that segment or run of the  
36 proposed service extension, shall be deemed ineligible and removed from consideration and the  
37 application shall be adjusted accordingly. If the result of the speed test indicates that the home or  
38 business is receiving less than a minimum download and upload speed of 10:1, then that home  
39 or business, and all other homes or businesses situated along that segment or run of the proposed  
40 service extension, shall remain eligible.

41 (f) The Office may consult with the Department of Commerce to determine if a  
42 broadband project proposed under this section will benefit a potential economic development  
43 project relevant to the proposed area outlined in the broadband project.

44 (g) Applications shall be scored based upon a system that awards a single point for criteria  
45 considered to be the minimum level for the provision of broadband service with additional points  
46 awarded to criteria that exceed minimum levels. The Office shall score project applications in  
47 accordance with the following:

48 ...

49 (3) ~~Households-Unserved households~~ to be served. – The Office shall give  
50 additional points to projects that will provide broadband service ~~to-based upon~~  
51 the percentage of the total unserved households within the eligible

economically distressed ~~county, as~~ county that the project will serve. The number of unserved households shall be determined ~~by using~~ the most recent data published by the Federal Communications Commission or any other information available to the Office. Points shall be given to projects that will serve a percentage of unserved households within the project area as follows:

Households To Be Served	Points Given
<del>Under 150</del> <u>Less than 20%</u>	1
<del>150-249</del> <u>20% to 30%</u>	2
<del>250-300</del> <u>and up</u>	3

- ...
- (6) Base speed multiplier. – Projects that will provide minimum download and minimum upload speeds shall have the aggregate points given under subdivisions (1) through (5) of this subsection multiplied by a factor at the level indicated in the table below:

**Minimum Download:**

**Minimum Upload**

**Score Multiplier**

10:1 Mbps.	<del>0.95</del> <u>0.85</u>
25:3 Mbps. <del>or greater</del> <u>&gt; 100:10 Mbps.</u>	1.35
<u>100:10 Mbps. or greater</u>	<u>1.75</u>

- (h) The Office shall score applications based upon the metrics provided in subsection (g) of this section. In awarding grants based upon the scoring metrics, the Office shall also award ~~an~~ additional ~~point~~ points to proposed projects according to the following:

- (1) One point, where a county has a Community Broadband Planning Playbook that meets the guidelines established by the Office.
- (2) Two points, where a proposed project will provide symmetrical minimum download and minimum upload speeds that exceed 25:25 Mbps.
- (3) One point, where a proposed project will include digital literacy training.
- (4) One point, where a proposed project will include low-cost service for qualified low-income households.
- (5) One point, where a proposed project will include acceptance of Lifeline support, as offered by the Federal Communications Commission.

- (i) Applications receiving the highest score shall receive priority status for the awarding of grants pursuant this section. As a means of breaking a tie for applications receiving the same score, the Office may first consider highest total households being served and then lowest project cost per household for the proposed projects. Applicants awarded grants pursuant to this section shall enter into an agreement with the Office. The agreement shall contain all of the elements outlined in subsection (d) of this section and any other provisions the Office may require. The agreement shall contain a provision governing the time line and minimum requirements and thresholds for disbursement of grant funds measured by the progress of the project. Grant funds shall be disbursed only upon verification by the Office that the terms of the agreement have been fulfilled according to the progress milestones contained in the agreement. At project completion, the grant recipient shall certify and provide to the Office evidence consistent with Federal Communications Commission attestation that the proposed minimum upstream and minimum downstream broadband speeds identified in the application guidelines, and for which a base speed multiplier was awarded pursuant to subdivision (6) of subsection (g) of this section, are available throughout the project area prior to any end user connections. A single grant award Grant awards for either a single project or the cumulative total of projects in a given county shall not exceed two million dollars ~~(\$2,000,000). No more than one grant may be awarded per fiscal year for a project in any one eligible economically distressed county. (\$2,000,000) in any fiscal year.~~

...."

**SECTION #.(b)** G.S. 143B-1373(a)(5) reads as rewritten:

"(5) Eligible economically distressed county. – A county designated as a development tier one or tier two area, as defined in G.S. 143B-473.08."

**SECTION #.(c)** G.S. 143B-1373(i), as amended by subsection (c) of this section, reads as rewritten:

"(i) Applications receiving the highest score shall receive priority status for the awarding of grants pursuant this section. As a means of breaking a tie for applications receiving the same score, the Office may consider total households being served and the project cost per household for the proposed projects. Applicants awarded grants pursuant to this section shall enter into an agreement with the Office. The agreement shall contain all of the elements outlined in subsection (d) of this section and any other provisions the Office may require. The agreement shall contain a provision governing the time line and minimum requirements and thresholds for disbursement of grant funds measured by the progress of the project. Grant funds shall be disbursed only upon verification by the Office that the terms of the agreement have been fulfilled according to the progress milestones contained in the agreement. At project completion, the grant recipient shall certify and provide to the Office evidence consistent with Federal Communications Commission attestation that the proposed minimum upstream and minimum downstream broadband speeds identified in the application guidelines, and for which a base speed multiplier was awarded pursuant to subdivision (6) of subsection (g) of this section, are available throughout the project area prior to any end user connections. Grant awards for either a single project or the cumulative total of projects in a given county shall not exceed two million dollars (\$2,000,000) in any fiscal year. No more than one-third of the funds appropriated to the fund established in subsection (b) of this section shall be disbursed for projects located in a development tier two county."

**SECTION #.(d)** G.S. 143B-1373(i), as amended by subsections (c) and (f) of this section, reads as rewritten:

"(i) Applications receiving the highest score shall receive priority status for the awarding of grants pursuant this section. As a means of breaking a tie for applications receiving the same score, the Office may consider total households being served and the project cost per household for the proposed projects. Applicants awarded grants pursuant to this section shall enter into an agreement with the Office. The agreement shall contain all of the elements outlined in subsection (d) of this section and any other provisions the Office may require. The agreement shall contain a provision governing the time line and minimum requirements and thresholds for disbursement of grant funds measured by the progress of the project. Grant funds shall be disbursed only upon verification by the Office that the terms of the agreement have been fulfilled according to the progress milestones contained in the agreement. At project completion, the grant recipient shall certify and provide to the Office evidence consistent with Federal Communications Commission attestation that the proposed minimum upstream and minimum downstream broadband speeds identified in the application guidelines, and for which a base speed multiplier was awarded pursuant to subdivision (6) of subsection (g) of this section, are available throughout the project area prior to any end user connections. Grant awards for either a single project or the cumulative total of projects in a given county shall not exceed two million dollars (\$2,000,000) in any fiscal year. No more than ~~one-third~~ one-half of the funds appropriated to the fund established in subsection (b) of this section shall be disbursed for projects located in a development tier two county. If the Office has not received enough grant applications for projects located in a development tier one county to disburse one-half of the funds appropriated to the fund established in subsection (b) of this section as of March 1 of each year, then the Office may allocate any unencumbered funds in the fund for projects located in a development tier two county."

**SECTION #.(e)** Subsections (b) and (c) of this section become effective July 1, 2020. Subsection (d) of this section becomes effective July 1, 2021.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

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2019-CAP-H15-P

Capital  
House Appropriations, Capital

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***DHHS WORKSPACE EVALUATION***

**SECTION #.(a)** Of the funds available to the Department of Health and Human Services (Department), the Department, in coordination with the Department of Administration, shall use up to two hundred twenty-five thousand dollars (\$225,000) to complete a workspace evaluation that does the following:

- (1) Analyzes employee functions to create a workspace design that adequately and properly fits the business needs of the agency and its divisions.
- (2) Diminishes any underutilized or unnecessary square footage in an effort to right-size the necessary workspace for the agency and provide for the most efficient use of available State funds.

**SECTION #.(b)** The Department shall submit the results of the evaluation described in this section to the Joint Legislative Oversight Committee on Capital Improvements and the Fiscal Research Division on or before April 1, 2020.

**SECTION #.(c)** The funds appropriated for the DHHS/Dix Campus Relocation in this Part may not be used for other planning, conceptual design, design development, or construction document preparation, including any programming of the workspace for building or space design development purposes, until the workspace evaluation has been completed and reported as described in this section and has been formally incorporated into space programming efforts by the entity engaged by the Department to provide the design services for any new space to accommodate any portion of the Department's workforce.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

Drafting  
SPECIAL PROVISION



2019-CAP-H17

Capital  
House Appropriations, Capital

Requested by

***DHHS PRIVATE DEVELOPMENT CHANGES***

**SECTION #.(a)** The Department of Administration may issue a request for proposal pursuant to G.S. 143-128.1C(b) for a development contract to design and construct the new Department of Health and Human Services Administrative Complex while undertaking planning associated with funds appropriated in this Part. For the purposes of this complex only, the Department may accept submissions for review that include less than fifty percent (50%) financing, but not less than thirty percent (30%) financing, as defined in G.S. 143-128.1C(a)(4).

**SECTION #.(b)** G.S. 111-42(c) of the General Statutes reads as rewritten:

"(c) "State property or State building" means building and land owned, leased, or otherwise controlled by the State, exclusive of schools, colleges and universities, the North Carolina State Fair, farmers markets and agricultural centers, the Legislative Office Building, ~~and the State Legislative Building.~~ Building, and the new Health and Human Services Administrative Complex."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

Proofed  
SPECIAL PROVISION



2019-CAP-H18-P

Capital  
House Appropriations, Capital

Requested by

***REALLOCATION OF SPECIAL INDEBTEDNESS FUNDS FOR THE ECU SCHOOL OF DENTISTRY***

**SECTION #.(a)** Section 27.8(a) of S.L. 2008-107, as amended by Section 2(a) of S.L. 2009-209, reads as rewritten:

"**SECTION 27.8.(a)** The State, with the prior approval of the State Treasurer and the Council of State, as provided in Article 9 of Chapter 142 of the General Statutes, is authorized to issue or incur special indebtedness in order to provide funds to the State to be used, together with other available funds, to pay the capital facility costs of the projects described in this subsection. In accordance with G.S. 142-83, this subsection authorizes the issuance or incurrence of special indebtedness:

- (1) In the maximum aggregate principal amount of sixty-one million five hundred ninety-nine thousand three hundred sixty-nine dollars (\$61,599,369) to finance the capital facility costs of completing a School of Dentistry building, life safety improvements to the Brody School of Medicine, and renovation of space at the ECU Health Science Campus, Brody School of Medicine, to accommodate the dental school at East Carolina University and no more than 10 satellite dental clinics across the State. No more than a maximum aggregate amount of twenty-one million dollars (\$21,000,000) of special indebtedness may be issued or incurred under this subdivision prior to July 1, 2009. No more than a maximum aggregate amount of sixty million dollars (\$60,000,000) of special indebtedness may be issued or incurred under this subdivision prior to July 1, 2010.

...."

**SECTION #.(b)** Nothing in this section shall be construed to authorize any entity to issue or incur additional indebtedness.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2019

Drafting  
SPECIAL PROVISION



2019-CAP-H16

Capital  
House Appropriations, Capital

Requested by

- 1 ***MOUNTAIN ISLAND EDUCATIONAL FOREST VISITOR CENTER***
- 2 **SECTION #.** The North Carolina Forest Service within the Department of
- 3 Agriculture and Natural Resources shall rename the Visitor and Interpretive Center at Mountain
- 4 Island Educational State Forest, "The Laura Shidal Visitor and Interpretive Center at Mountain
- 5 Island Educational State Forest".