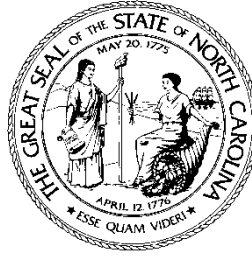


GENERAL ASSEMBLY OF NORTH CAROLINA



**SPECIAL PROVISIONS  
HOUSE APPROPRIATIONS, AGRICULTURE AND NATURAL AND ECONOMIC  
RESOURCES REPORT**

**MAY 11, 2016**

Report Last Updated: May 12, 2016 9:42 a.m.

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2016-AGRIC-H1-P

Department of Agriculture and Consumer Services  
House Appropriations, Agriculture and Natural and Economic Resources

Requested by Committee on Appropriations, Agriculture and Natural and Economic Resources

***SPAY/NEUTER PROGRAM LOW-INCOME ELIGIBILITY***

**SECTION #.** G.S. 19A-63(b)(2) reads as rewritten:

"(2) Low-income person. – An individual who qualifies for one or more of the programs of public assistance administered by the Department of Health and Human Services pursuant to Chapter 108A of the General Statutes or whose annual household income is lower than one hundred percent (100%) of the federal poverty level guidelines published by the United States Department of Health and Human Services."

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2016-DEQ-H15-P

Department of Environmental Quality  
House Appropriations, Agriculture and Natural and Economic Resources

Requested by Committee on Appropriations, Agriculture and Natural and Economic Resources

**MERCURY SWITCH SUNSET MODIFICATION**

**SECTION #.(a)** Section 9 of S.L. 2007-142 reads as rewritten:

**"SECTION 9.** Sections 1, 2, 6, 7, and 9 of this act become effective when this act becomes law. Sections 3, 4, and 8 of this act become effective 1 July 2007. Section 5 of this act becomes effective 1 July 2007 and applies to violations that occur on or after that date. The Department shall submit the first annual report required by G.S. 130A-310.57, as enacted by Section 7 of this act, on or before 1 October 2008. ~~This act expires on 31 December 2017.~~ Effective June 30, 2017, Part 6 of Article 9 of Chapter 130A of the General Statutes, as amended by this act, is repealed."

**SECTION #.(b)** Section 13.10B of S.L. 2011-145 is repealed.

**SECTION #.(c)** Subsection (b) of this section becomes effective June 30, 2017. Funds remaining in the Mercury Pollution Prevention Fund (Fund Code 24300-2119) on that date shall be transferred to the Division of Waste Management (Fund Code 14300-1760).

GENERAL ASSEMBLY OF NORTH CAROLINA

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SPECIAL PROVISION



2016-DEQ-H7-P

Department of Environmental Quality  
House Appropriations, Agriculture and Natural and Economic Resources

Requested by Committee on Appropriations, Agriculture and Natural and Economic Resources

**MOTOR VEHICLE EMISSIONS INSPECTIONS**

**SECTION #.(a)** G.S. 143-215.107A reads as rewritten:

**"§ 143-215.107A. Motor vehicle emissions testing and maintenance program.**

(a) General Provisions. –

(1) G.S. 143-215.107(a)(6) shall be implemented as provided in this section.

(2) Motor vehicle emissions inspections shall be performed by a person who holds an emissions inspection mechanic license issued as provided in G.S. 20-183.4A(c) at a station that holds an emissions inspection station license issued under G.S. 20-183.4A(a) or at a place of business that holds an emissions self-inspector license issued as provided in G.S. 20-183.4A(d). Motor vehicle emissions inspections may be performed by a decentralized network of test-and-repair stations as described in 40 Code of Federal Regulations § 51.353 (1 July 1998 Edition). The Commission may not require that motor vehicle emissions inspections be performed by a network of centralized or decentralized test-only stations.

(b) Repealed by Session Laws 2000-134, s. 2, effective July 14, 2000.

(c) Counties Covered. – Motor vehicle emissions inspections shall be performed in the following counties: Alamance, ~~Brunswick~~, Buncombe, ~~Burke~~, Cabarrus, ~~Caldwell~~, ~~Carteret~~, ~~Catawba~~, ~~Chatham~~, ~~Cleveland~~, ~~Craven~~, Cumberland, Davidson, Durham, ~~Edgecombe~~, Forsyth, ~~Franklin~~, Gaston, ~~Granville~~, Guilford, ~~Harnett~~, ~~Haywood~~, ~~Henderson~~, Iredell, Johnston, ~~Lee~~, ~~Lenoir~~, Lincoln, Mecklenburg, ~~Moore~~, Nash, ~~New Hanover~~, Onslow, ~~Orange~~, Pitt, ~~Randolph~~, ~~Robeson~~, ~~Rockingham~~, Rowan, ~~Rutherford~~, ~~Stanly~~, ~~Stokes~~, ~~Surry~~, Union, Wake, Wayne, ~~Wilkes~~ and ~~Wilson~~ and Wake."

**SECTION #.(b)** G.S. 20-183.2(b) reads as rewritten:

"(b) Emissions. – A motor vehicle is subject to an emissions inspection in accordance with this Part if it meets all of the following requirements:

(1) It is subject to registration with the Division under Article 3 of this Chapter, except for motor vehicles operated on a federal installation as provided in sub-subdivision e. of subdivision (5) of this subsection.

(2) It is not a trailer whose gross weight is less than 4,000 pounds, a house trailer, or a motorcycle.

(3) It is (i) a 1996 or later model vehicle with a model year within 20 years of the current year and older than the three most recent model years or (ii) a 1996 or later model vehicle with a model year within 20 years of the current year and has 70,000 miles or more on its odometer.

...."

**SECTION #.(c)** No later than September 30, 2016, the Department of Environmental Quality shall prepare and submit to the United States Environmental Protection Agency for

1 approval by that agency a proposed North Carolina State Implementation Plan amendment based  
2 on the change to the motor vehicle emissions testing program provided in this act.

3 **SECTION #.(d)** Subsections (a) and (b) of this section become effective on the later  
4 of the following dates and apply to motor vehicles inspected, or due to be inspected, on or after  
5 that effective date:

6 (1) July 1, 2017.

7 (2) The first day of a month that is 60 days after the Secretary of the Department of  
8 Environmental Quality certifies to the Revisor of Statutes that the United States  
9 Environmental Protection Agency has approved an amendment to the North  
10 Carolina State Implementation Plan submitted as required by subsection (c) of  
11 this section. The Secretary shall provide this notice along with the effective date  
12 of this act on its Web site and by written or electronic notice to emissions  
13 inspection mechanic license holders, emissions inspection station licensees, and  
14 self-inspector licensees in the counties where motor vehicle emissions  
15 inspection requirements are removed by this act.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2016

Proofed  
SPECIAL PROVISION



2016-DEQ-H6A-P

Department of Environmental Quality  
House Appropriations, Agriculture and Natural and Economic Resources

Requested by Committee on Appropriations, Agriculture and Natural and Economic Resources

**AIR AND WATER QUALITY ACCOUNT FUNDING**

**SECTION #.** G.S. 105-449.125, as amended by S.L. 2016-5, reads as rewritten:

**"§ 105-449.125. Distribution of tax revenue among various funds and accounts.**

(a) Distribution to Funds. – The Secretary shall allocate the amount of revenue collected under this Article from an excise tax of one-half cent (1/2¢) a gallon to the following funds and accounts in the fraction indicated:

Fund or Account	Amount
Commercial Leaking Petroleum	
Underground Storage Tank Cleanup Fund	<del>Nineteen-thirty-seconds</del> <u>Sixty-two and one-half percent (62.5%)</u>
Water and Air Quality Account	<del>Five-sixteenths</del> <u>Twenty-eight and one-tenth percent (28.1%).</u>

(b) Distribution of Remaining Revenue. – The Secretary shall allocate the remaining excise tax revenue collected under this Article, including any revenue that is allocated but not distributed under subsection (a) of this section, as follows:

- (1) Seventy-one percent (71%) to the Highway Fund.
- (2) Twenty-nine percent (29%) to the Highway Trust Fund.

(c) Accounting. – The Secretary shall charge a proportionate share of a refund allowed under this Article to each fund or account to which revenue collected under this Article is credited. The Secretary shall credit revenue or charge refunds to the appropriate funds or accounts on a monthly basis."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2016

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SPECIAL PROVISION



2016-DEQ-H16-P

Department of Environmental Quality  
House Appropriations, Agriculture and Natural and Economic Resources

Requested by

1 **AUDITOR RECLASSIFICATION**

2 **SECTION #.** The Department of Environmental Quality may reclassify an existing  
3 vacant position to establish an internal auditor position.



GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2016

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SPECIAL PROVISION



2016-DEQ-H11-P

Department of Environmental Quality  
House Appropriations, Agriculture and Natural and Economic Resources

Requested by

1 ***RISK-BASED MANAGEMENT ACTIONS PREAPPROVAL***

2 **SECTION #.** G.S. 143-215.94E is amended by adding a new subdivision to read:

3 "(10) Each fiscal year, the Department may preapprove and authorize tasks, the cost  
4 of which is to be paid or reimbursed from the Commercial Fund and the sum  
5 total of which shall not exceed \$500,000, that have not been authorized  
6 pursuant to subdivisions (5) and (6) of this subsection for the purpose of  
7 completing risk-based management actions leading to no further action or  
8 closure. A claim for payment or reimbursement of costs for tasks that are  
9 authorized under this subdivision shall be paid or reimbursed on the same basis  
10 as tasks that are authorized under subdivisions (5) and (6) of this subsection."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2016

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SPECIAL PROVISION



2016-DEQ-H17-P

Department of Environmental Quality  
House Appropriations, Agriculture and Natural and Economic Resources

Requested by Representative Dixon

***EXPEDITE CLOSURE OF LOW-RISK PRE-1983 LANDFILLS***

**SECTION #.** Of the funds appropriated to the Inactive Hazardous Sites Cleanup Fund (Fund Code 65304-6379), the sum of five million dollars (\$5,000,000) may be used by the Department of Environmental Quality in the 2016-2017 fiscal year to expedite closure of lower risk pre-regulatory landfills by funding the necessary assessment remedial activities needed to achieve a risk-based closure. The Department's activities under this section may proceed notwithstanding the site's relative priority for action established under G.S. 130A-310.6(c).

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2016

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SPECIAL PROVISION



2016-DEQ-H14-P

Department of Environmental Quality  
House Appropriations, Agriculture and Natural and Economic Resources

Requested by

***OYSTER BROOD STOCK FUNDING MODIFICATION***

**SECTION #.** Notwithstanding any other provision of law, funds provided to the Division of Marine Fisheries of the Department of Environmental Quality for contracting with the University of North Carolina Wilmington to develop oyster brood stock to provide seed for aquaculture shall be transferred to, and not through a contractual arrangement with, the University of North Carolina Wilmington for that purpose.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2016

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SPECIAL PROVISION



2016-DEQ-H12-P

Department of Environmental Quality  
House Appropriations, Agriculture and Natural and Economic Resources

Requested by

1 ***COASTAL RECREATIONAL FISHING LICENSES CONFORMING CHANGE***

2 **SECTION #.** G.S. 113-174.1(f) reads as rewritten:

3 **"§ 113-174.1. License required; general provisions governing licenses.**

4 ...

5 (f) Cancellation of Fraudulent License; Penalties. – The Wildlife Resources Commission  
6 may cancel a license issued by the Commission under this Article or Article 25A of this Chapter if  
7 the license was issued on the basis of false information supplied by the license applicant. The  
8 Division may cancel a For Hire Blanket ~~CRFL~~ License issued under G.S. 113-174.3 ~~or an Ocean~~  
9 ~~Fishing Pier Blanket CRFL issued under G.S. 113-174.4~~ if the license was issued on the basis of  
10 false information supplied by the license applicant. A cancelled license is void from the date of  
11 issuance. It is a Class 1 misdemeanor for an individual to knowingly do any of the following:

12 ...."

GENERAL ASSEMBLY OF NORTH CAROLINA

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SPECIAL PROVISION



2016-DEQ-H10-P

Department of Environmental Quality  
House Appropriations, Agriculture and Natural and Economic Resources

Requested by Committee on Appropriations, Agriculture and Natural and Economic Resources

**MARINE PATROL/SHELLFISH SANITATION EQUIPMENT SALES**

**SECTION #.(a)** The Division of Marine Fisheries of the Department of Environmental Quality shall sell the following aircraft and water vessels from its fleet as expeditiously as possible in order to modernize the fleet:

- (1) 1999 48' Sea Ark – patrol vessel "Roanoke".
- (2) 1995 Husky airplane.
- (3) 1998 25' Parker boat hull with trailer.
- (4) 1993 18' Parker boat with engine and trailer.

Proceeds from these sales shall be credited to the Advance License Sales fund (Fund Code 24300-2392) within Marine Fisheries for future appropriation by the General Assembly.

**SECTION #.(b)** The Division shall report to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources on the proceeds of the dispositions authorized by this section and the Division's plans for use of the proceeds for future equipment acquisitions to (i) support the enforcement efforts of the Marine Patrol and (ii) to support the Shellfish Sanitation and Recreational Water Quality Program.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2016

Proofed  
SPECIAL PROVISION



2016-DEQ-H9-P

Department of Environmental Quality  
House Appropriations, Agriculture and Natural and Economic Resources

Requested by

***CULTCH MATERIAL PURCHASING***

**SECTION #.** For the purpose of purchasing materials and entering contracts for shellfish rehabilitation projects, the Division of Marine Fisheries of the Department of Environmental Quality shall be permitted to carry forward from the 2015-2016 fiscal year to the 2016-2017 fiscal year, up to five hundred thousand dollars (\$500,000) of State funds appropriated for cultch planting.

GENERAL ASSEMBLY OF NORTH CAROLINA

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SPECIAL PROVISION



2016-DEQ-H3-P

Department of Environmental Quality  
House Appropriations, Agriculture and Natural and Economic Resources

Requested by Committee on Appropriations, Agriculture and Natural and Economic Resources

**SHELLFISH LEASING REFORMS**

**SECTION #.(a)** G.S. 113-202(j) reads as rewritten:

"(j) Initial leases begin upon the issuance of the lease by the Secretary and expire at noon on the first day of July following the tenth anniversary of the granting of the lease. Renewal leases are issued for a period of 10 years from the time of expiration of the previous lease. At the time of making application for renewal of a lease, the applicant must pay a filing fee of one hundred dollars (\$100.00). The rental for initial leases is one dollar (\$1.00) per acre until noon on the first day of July following the first anniversary of the lease. Thereafter, for initial leases and from the beginning for renewals of leases entered into after that date, the rental is ten dollars (\$10.00) per acre per year. Rental must be paid annually in advance prior to the first day of ~~April~~ July each year. Upon initial granting of a lease, the pro rata amount for the portion of the year left until the first day of July must be paid in advance at the rate of one dollar (\$1.00) per acre per year; then, on or before the first day of ~~April~~ July next, the lessee must pay the rental for the next full year."

**SECTION #.(b)** G.S. 113-202.1 reads as rewritten:

**"§ 113-202.1. Water column leases for aquaculture.**

(a) To increase the productivity of leases for shellfish culture issued under G.S. 113-202, the Secretary may amend shellfish cultivation leases to authorize use of the water column superjacent to the leased bottom under the terms of this section when he determines the public interest will benefit from amendment of the leases. Leases with water column amendments must produce shellfish in commercial quantities at four times the minimum production rate of leases issued under G.S. 113-202, or any higher quantity required by the Marine Fisheries Commission through duly adopted rules.

...

(f) Amendments of shellfish cultivation leases to authorize use of the water column ~~are not transferrable except when the Secretary approves the transfer after public notice and hearing consistent with subsection (c) of this section.~~ may be transferred with a bottom lease for the remainder of the term of the amendment at the same rental rate and term as set forth in subsection (d) of this section, and so long as notice of the transfer is provided to the Secretary as required by G.S. 113-202(k).

...

(i) To the extent required by demonstration or research aquaculture development projects, the Secretary may amend existing leases and issue leases that authorize use of the bottom and the water column. Demonstration or research aquaculture development projects may be authorized for ~~two-five~~ two to five years with no more than one renewal and when the project is proposed or formally sponsored by an educational institution which conducts research or demonstration of aquaculture. Production of shellfish with a sales value in excess of ~~one thousand dollars (\$1,000)~~ five thousand dollars (\$5,000) per acre per year shall constitute commercial production. Demonstration or research aquaculture development projects shall be exempt for the rental rate in subsection (d) of this section unless commercial production occurs as a result of the project."

1           **SECTION #.(c)** G.S. 113-202.2 reads as rewritten:

2   **"§ 113-202.2. Water column leases for aquaculture for perpetual franchises.**

3       (a) To increase the productivity of shellfish grants and perpetual franchises for shellfish  
4 culture recognized under G.S. 113-206, the Secretary may lease the water column superjacent to  
5 such grants or perpetual franchises (hereinafter "perpetual franchises") under the terms of this  
6 section when it determines the public interest will benefit from the lease. Perpetual franchises with  
7 water column leases must produce shellfish in commercial quantities at four times the minimum  
8 production rate of leases issued under G.S. 113-202, or any higher quantity required by the Marine  
9 Fisheries Commission by rule.

10       ...

11       (d) Water column leases to perpetual franchises shall be issued for a period of ~~five~~10  
12 years and may be renewed pursuant to subsection (g) of this section. The rental for an initial water  
13 column lease issued under this section is the same as the rental set in G.S. 113-202.1 for an initial  
14 water column amendment issued under that section, and the rental for a renewed water column  
15 lease issued under this section is the same as the rental set in G.S. 113-202.1 for a renewed water  
16 column amendment issued under that section.

17       ...

18       (f) Water column leases to perpetual franchises ~~are not transferrable except when the~~  
19 ~~Secretary approves the transfer after public notice and hearing consistent with G.S. 113-202(f) and~~  
20 ~~(g).~~may be transferred with a perpetual franchise for the remainder of the term of the lease at the  
21 same rental rate and term as set forth in subsection (d) of this section, and so long as notice of the  
22 transfer is provided to the Secretary as required by G.S. 113-202(k).

23       ...

24       (i) Demonstration or research aquaculture development projects may be authorized for  
25 ~~two-five~~ years with no more than one renewal and when the project is proposed or formally  
26 sponsored by an educational institution which conducts aquaculture research or demonstration  
27 projects. Production of shellfish with a sales value in excess of ~~one thousand dollars (\$1,000)~~five  
28 thousand dollars (\$5,000) per acre per year shall constitute commercial production. Demonstration  
29 or research aquaculture development projects shall be exempt from the rental rate in subsection (d)  
30 of this section unless commercial production occurs as a result of the project."



GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2016

Proofed  
SPECIAL PROVISION



2016-DEQ-H1-P

Department of Environmental Quality  
House Appropriations, Agriculture and Natural and Economic Resources

Requested by Committee on Appropriations, Agriculture and Natural and Economic Resources

**CLARIFY AQUATIC WEED CONTROL FUNDING ELIGIBILITY**

**SECTION #.(a)** Part 8B of Article 21 of Chapter 143 of the General Statutes reads as rewritten:

"Part 8B. Shallow Draft Navigation Channel and Lake Dredging Fund.

**"§ 143-215.73F. Shallow Draft Navigation Channel Dredging and ~~Lake Maintenance~~ Aquatic Weed Fund.**

(a) Fund Established. – The Shallow Draft Navigation Channel Dredging and ~~Lake Maintenance~~ Aquatic Weed Fund is established as a special revenue fund. The Fund consists of fees credited to it under G.S. 75A-3 and G.S. 75A-38, taxes credited to it under G.S. 105-449.126, and funds contributed by non-State entities.

(b) Uses of Fund. – Revenue in the Fund may only be used for the following purposes:

(1) To provide the State's share of the costs associated with any dredging project designed to keep shallow draft navigation channels located in State waters or waters of the state located within lakes navigable and safe.

(2) For aquatic weed control projects in waters of the State ~~located within lakes~~ under Article 15 of Chapter 113A of the General Statutes. Funding for aquatic weed control projects is limited to five hundred thousand dollars (\$500,000) in each fiscal year.

(c) Cost-Share. – Any project funded by revenue from the Fund must be cost-shared with non-State dollars as follows:

...

(3) The cost-share for a ~~lake maintenance~~ aquatic weed control project shall be at least one non-State dollar for every dollar from the Fund. The cost-share for a ~~lake~~ aquatic weed control project located within a component of the State Parks System shall be provided by the Division of Parks and Recreation of the Department of Natural and Cultural Resources. The Division of Parks and Recreation may use funds allocated to the State Parks System for capital projects under G.S. 143B-135.56 for the cost-share.

...."

**SECTION #.(b)** G.S. 75A-3(c) reads as rewritten:

"(c) The Boating Account is established within the Wildlife Resources Fund created under G.S. 143-250. Interest and other investment income earned by the Account accrues to the Account. All moneys collected pursuant to the numbering and titling provisions of this Chapter shall be credited to this Account. Motor fuel excise tax revenue is credited to the Account under G.S. 105-449.126. The Commission shall use revenue in the Account, subject to the Executive Budget Act and the Personnel Act, for the administration and enforcement of this Chapter; for activities relating to boating and water safety including education and waterway marking and improvement; and for boating access area acquisition, development, and maintenance. The

1 Commission shall use at least three dollars (\$3.00) of each one-year certificate of number fee and  
2 at least nine dollars (\$9.00) of each three-year certificate of number fee collected under the  
3 numbering provisions of G.S. 75A-5 for boating access area acquisition, development, and  
4 maintenance. The Commission shall transfer on a quarterly basis fifty percent (50%) of each  
5 one-year certificate of number fee and fifty percent (50%) of each three-year certificate of number  
6 fee collected under the numbering provisions of G.S. 75A-5 to the Shallow Draft Navigation  
7 Channel Dredging and ~~Lake Maintenance~~Aquatic Weed Fund established by G.S. 143-215.73F."

8 **SECTION #.(c)** G.S. 75A-38(b) reads as rewritten:

9 "(b) The Commission shall charge a fee of thirty dollars (\$30.00) to issue a new or transfer  
10 certificate of title. The Commission shall transfer on a quarterly basis at least ten dollars (\$10.00)  
11 of each new or transfer certificate of title to the Shallow Draft Navigation Channel Dredging and  
12 ~~Lake Maintenance~~Aquatic Weed Fund established by G.S. 143-215.73F. The Commission shall  
13 charge a fee of ten dollars (\$10.00) for each duplicate title it issues and for the recording of a  
14 supplemental lien."

15 **SECTION #.(d)** G.S. 105-449.126 reads as rewritten:

16 "**§ 105-449.126. Distribution of part of Highway Fund allocation to Wildlife Resources Fund**  
17 **and Shallow Draft Navigation Channel Dredging and ~~Lake Maintenance~~Aquatic**  
18 **Weed Fund.**

19 ...

20 (b) The Secretary shall credit to the Shallow Draft Navigation Channel Dredging and ~~Lake~~  
21 ~~Maintenance~~Aquatic Weed Fund one percent (1%) of the amount that is allocated to the Highway  
22 Fund under G.S. 105-449.125 and is from the excise tax on motor fuel. Revenue credited to the  
23 Shallow Draft Navigation Channel Dredging and ~~Lake Maintenance~~Aquatic Weed Fund under this  
24 section may be used only for the dredging activities described in G.S. 143-215.73F. The Secretary  
25 shall credit revenue to the Shallow Draft Navigation Channel Dredging and ~~Lake~~  
26 ~~Maintenance~~Aquatic Weed Fund on a quarterly basis. The Secretary must make the distribution  
27 within 45 days of the end of each quarter."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2016

Proofed  
SPECIAL PROVISION



2016-DEQ-H18-P

Department of Environmental Quality  
House Appropriations, Agriculture and Natural and Economic Resources

Requested by

**ENVIRONMENTAL MANAGEMENT OF IMPAIRED WATER BODIES**

**SECTION #.(a)** Section 14.5(a) of S.L. 2015-241 reads as rewritten:

**"SECTION 14.5.(a)** Of the funds appropriated in this act to the Clean Water Management Trust Fund for the 2015-2017 biennium, the Department of ~~Environment and Natural Resources~~ Environmental Quality may use up to one million five hundred thousand dollars (\$1,500,000) to continue the demonstration project authorized by Section 14.3A of S.L. 2013-360. No later than December 1, 2015, the Department shall extend or modify existing contracts related to in situ water quality remediation strategies for a term ending on or after October 15, 2018, and also may enter into new purchase or lease agreements for equipment, goods, or contractor services needed to continue the demonstration project as set forth in this subsection. If the Department of Environmental Quality chooses to terminate the demonstration project contract prior to the end of the contract term, then the remaining funds shall be used by the Clean Water Management Trust Fund for any other lawful purpose."

**SECTION #.(b)** This section becomes effective on the earlier of July 1, 2016, or the date of termination of a contract related to in situ water quality remediation strategies that was extended pursuant to Section 14.5 of S.L. 2015-241.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2016

Proofed  
SPECIAL PROVISION



2016-WRC-H1-P

Wildlife Resources Commission  
House Appropriations, Agriculture and Natural and Economic Resources

Requested by Committee on Appropriations, Agriculture and Natural and Economic Resources

***MATTAMUSKEET LODGE ADVANCED PLANNING***

**SECTION #.** The Wildlife Resources Commission shall undertake advanced planning for the completion of renovations of the Lake Mattamuskeet Lodge and explore opportunities for a public-private partnership for the future operation of the Lodge to optimize the sustainability and benefit of the Lodge to the community. In order to conduct these activities, the Commission may use up to two hundred thousand dollars (\$200,000) of the funds appropriated to it for the 2016-2017 fiscal year. The Commission shall report to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources no later than January 15, 2017, regarding its implementation of the requirements of this section.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2016

Proofed  
SPECIAL PROVISION



2016-COMM-H3-P

Department of Commerce  
House Appropriations, Agriculture and Natural and Economic Resources

Requested by

**USE OF DEOBLIGATED CDBG AND FEDERAL FUNDS**

**SECTION #.(a)** Section 15.6(b) of S.L. 2015-241 reads as rewritten:

**"SECTION 15.6.(b)** To allow the Department of Commerce and the Department of Environment and Natural Resources to quickly deploy deobligated CDBG funds and surplus federal administrative funds as they are identified throughout each program year, the following shall apply to the use of deobligated CDBG funds and surplus federal administrative funds, unless otherwise expressly provided by law:

...  
(2) In the 2015-2017 fiscal biennium, the Department of Commerce shall use the sum of ~~five million nine hundred eight thousand four hundred ninety-seven dollars (\$5,908,497)~~ ten million six hundred forty-eight thousand one hundred eighty-nine dollars (\$10,648,189) in deobligated CDBG funds as follows:

- a. Four million six hundred fifty-eight thousand four hundred ninety-seven dollars (\$4,658,497) for:
  1. Providing public services and public facilities. The category of public services includes providing substance abuse services and employment services, including job training, to homeless and at-risk veterans in the State.
  2. If House Bill 108, 2015 Regular Session, becomes law, providing up to one million dollars (\$1,000,000) in the 2016-2017 fiscal year to be used to fund a loan fund for site, infrastructure, and building development. Program income generated from awards made from the loan fund shall be captured in the existing CDBG revolving loan fund.
- b. Five hundred thousand dollars (\$500,000) for existing CDBG programs that encounter cost overruns.
- c. Up to ~~seven hundred fifty thousand dollars (\$750,000)~~ one million dollars (\$1,000,000) for providing training and guidance to local governments relative to the CDBG program, its management, and administration requirements.
- d. One million dollars (\$1,000,000) to be transferred to the Department of Environmental Quality to be used to connect B.F. Grady Elementary School in Duplin County to the Pink Hill Municipal Sewer Facility.
- e. Three million three hundred thousand dollars (\$3,300,000) to be transferred to the Department of Environmental Quality for water and sewer projects for public schools.

(3) ~~All deobligated CDBG funds that arise in a category that the Department of Commerce is responsible for administering after the provisions of subdivision (2) of this subsection have been met, and any~~ Any surplus federal

1 administrative funds, as provided for in subdivision (1) of this subsection, may  
2 be used by the Department for all of the following:  
3 a. ~~To issue grants in the CDBG economic development program category.~~  
4 b. ~~For providing training and guidance to local governments relative to the~~  
5 ~~CDBG program, its management, and administrative requirements.~~  
6 c. For any other purpose consistent with the Department's administration  
7 of the CDBG program if an equal amount of State matching funds is  
8 available.

9 ...."

10 **SECTION #.(b)** The Department shall report on its proposed broadband initiative and  
11 its proposed use of deobligated CDBG funds to support that initiative. The report shall include  
12 details about how the initiative complies with the State broadband plan and the State's CDBG  
13 requirements. The report shall also include details about (i) the type of sites it intends to serve, (ii)  
14 a time line for proposed projects, (iii) the constituents it intends to serve, and (iv) any other  
15 expected outcomes. The Department shall submit the report to the chairs of the Economic  
16 Development and Global Engagement Committee and the chairs of the Joint Oversight Committee  
17 on Agriculture and Natural and Economic Resources on or before February 1, 2017.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2016

Proofed  
SPECIAL PROVISION



2016-COMM-H5-P

Department of Commerce  
House Appropriations, Agriculture and Natural and Economic Resources

Requested by

***MODIFY DISBURSEMENT PROCESS FROM ECONOMIC DEVELOPMENT RESERVES***

**SECTION #.(a)** G.S. 143B-437.63 reads as rewritten:

**"§ 143B-437.63. JDIG Program cash flow requirements.**

Notwithstanding any other provision of law, grants made through the Job Development Investment Grant Program, including amounts transferred pursuant to G.S. 143B-437.61, shall be budgeted and funded on a cash flow basis. ~~The Office of State Budget and Management~~ Department of Commerce shall ~~periodically transfer funds from the JDIG Reserve established pursuant to G.S. 143C-9-6 to the Department of Commerce~~ disburse funds in an amount sufficient to satisfy grant obligations and amounts to be transferred pursuant to G.S. 143B-437.61 to be paid during the fiscal year. It is the intent of the General Assembly to appropriate funds annually to the JDIG Program established in this Part in amounts sufficient to meet the anticipated cash requirements for each fiscal year."

**SECTION #.(b)** G.S. 143B-437.75 reads as rewritten:

**"§ 143B-437.75. Cash flow requirements.**

Notwithstanding any other provision of law, moneys allocated from the One North Carolina Fund shall be budgeted and funded on a cash flow basis. ~~The Office of State Budget and Management~~ Department of Commerce shall ~~periodically transfer funds from the One North Carolina Fund established pursuant to G.S. 143B-437.71 to the Department of Commerce~~ disburse funds in an amount sufficient to satisfy Fund allocations to be transferred pursuant to G.S. 143B-437.72 to be paid during the fiscal year. It is the intent of the General Assembly to appropriate funds annually to the One North Carolina Fund established in this Part in amounts sufficient to meet the anticipated cash requirements for each fiscal year."

**SECTION #.(c)** Funds remaining as of June 30, 2016, in JDIG Reserve established pursuant to G.S. 143C-9-6 are transferred to the Department of Commerce for the JDIG Program established pursuant to Part 2G of Article 10 of Chapter 143B of the General Statutes.

**SECTION #.(d)** Funds remaining as of June 30, 2016, in One North Carolina Fund Reserve established pursuant to G.S. 143C-9-8 are transferred to the Department of Commerce for the One North Carolina Fund established pursuant to Part 2H of Article 10 of Chapter 143B of the General Statutes.

**SECTION #.(e)** G.S. 143C-9-6 and G.S. 143C-9-8 are repealed.

**SECTION #.(f)** Funds appropriated to the JDIG and One North Carolina Fund Reserves for the 2016-2017 fiscal year shall be transferred to the Department of Commerce (Budget Code 14600).

**SECTION #.(g)** The Office of State Budget and Management shall incorporate the recurring JDIG and One NC Fund appropriations in the base budget of the Department of Commerce.

**SECTION #.(h)** This section becomes effective July 1, 2016.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2016

Proofed  
SPECIAL PROVISION



2016-COMM-H6-P

Department of Commerce  
House Appropriations, Agriculture and Natural and Economic Resources

Requested by

***TRANSFER FUNDS TO DPS FOR VETERANS LIFE CENTER***

**SECTION #.** Of the funds appropriated in the 2016-2017 fiscal year to the Department of Commerce for rural economic development grants, the sum of one million dollars (\$1,000,000) shall be transferred to the Department of Public Safety and shall be used to provide nonrecurring funding for program development and implementation of the Veterans Life Center.



GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2016

Proofed  
SPECIAL PROVISION



2016-DNCR-H4-P

Department of Natural and Cultural Resources  
House Appropriations, Agriculture and Natural and Economic Resources

Requested by Committee on Appropriations, Agriculture and Natural and Economic Resources

***QUEEN ANNE'S REVENGE CARRYFORWARD***

**SECTION #.** Funds appropriated in the 2015-2017 biennium to continue archaeological work related to the Queen Anne's Revenge marine archaeology site shall not revert but shall remain available until expended.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2016

Proofed  
SPECIAL PROVISION



2016-DNCR-H7-P

Department of Natural and Cultural Resources  
House Appropriations, Agriculture and Natural and Economic Resources

Requested by Committee on Appropriations, Agriculture and Natural and Economic Resources

***SALVAGE OF ABANDONED SHIPWRECKS CLARIFICATION***

**SECTION #.** G.S. 121-25 reads as rewritten:

**"§ 121-25. License to conduct exploration, recovery or salvage operations.**

...

(b) All photographs, video recordings, or other documentary materials of a derelict vessel or shipwreck or its contents, relics, artifacts, or historic materials in the custody of any agency of North Carolina government or its subdivisions shall be a public record pursuant to G.S. 132-1. ~~There shall be no limitation on the use of or no requirement to alter any such photograph, video recordings, or other documentary material, and any such provision in any agreement, permit, or license shall be void and unenforceable as a matter of public policy.~~ Chapter 132 of the General Statutes."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2016

Proofed  
SPECIAL PROVISION



2016-DNCR-H2-P

Department of Natural and Cultural Resources  
House Appropriations, Agriculture and Natural and Economic Resources

Requested by Committee on Appropriations, Agriculture and Natural and Economic Resources

**UMSTEAD ACT CONFORMING CHANGES**

**SECTION #.** G.S. 66-58 reads as rewritten:

**"§ 66-58. Sale of merchandise or services by governmental units.**

(a) Except as may be provided in this section, it shall be unlawful for any unit, department or agency of the State government, or any division or subdivision of the unit, department or agency, or any individual employee or employees of the unit, department or agency in his, or her, or their capacity as employee or employees thereof, to engage directly or indirectly in the sale of goods, wares or merchandise in competition with citizens of the State, or to engage in the operation of restaurants, cafeterias or other eating places in any building owned by or leased in the name of the State, or to maintain service establishments for the rendering of services to the public ordinarily and customarily rendered by private enterprises, or to provide transportation services, or to contract with any person, firm or corporation for the operation or rendering of the businesses or services on behalf of the unit, department or agency, or to purchase for or sell to any person, firm or corporation any article of merchandise in competition with private enterprise. The leasing or subleasing of space in any building owned, leased or operated by any unit, department or agency or division or subdivision thereof of the State for the purpose of operating or rendering of any of the businesses or services herein referred to is hereby prohibited.

(b) The provisions of subsection (a) of this section shall not apply to:

...

(9) ~~The Department of Environmental Quality.~~ The North Carolina Wildlife Resources Commission ~~may sell for the sale of~~ wildlife memorabilia as a service to members of the public interested in wildlife conservation.

(9a) The North Carolina Forest Service.

(9b) The Department of Natural and Cultural Resources for the sale of food pursuant to G.S. 111-47.2 and the sale of books, crafts, gifts, and other tourism-related items and revenues from public and private special events, activities, and programming at State parks, State aquariums, historic sites and museums administered by the Department, provided that the resulting profits are used to support the operation of ~~historic sites or museums~~ those facilities and provided further that the Department shall not construct, maintain, operate, or lease a hotel or tourist inn in any ~~park-site or facility~~ over which it has jurisdiction. ~~jurisdiction, other than the State parks.~~

...

...."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2016

Proofed  
SPECIAL PROVISION



2016-DNCR-H1-P

Department of Natural and Cultural Resources  
House Appropriations, Agriculture and Natural and Economic Resources

Requested by Representative Committee on Appropriations, Agriculture and Natural and Economic Resources

**CLARIFY VENDING FACILITIES EXEMPTION**

**SECTION #.(a)** G.S. 111-47.2 reads as rewritten:

**"§ 111-47.2. Food service at State parks, museums and historic sites operated by the Department of Natural and Cultural Resources.**

Notwithstanding this Article, the North Carolina Department of Natural and Cultural Resources may operate or contract for the operation of food or vending services at State parks, museums and historic sites operated by the Department. Notwithstanding G.S. 111-43, the net proceeds of revenue generated by food and vending services ~~provided at museums and historic sites~~ operated by the Department or a vendor with whom the Department has contracted shall be credited to the appropriate fund of the ~~museum or historic site~~ Department where the funds were generated and shall be used for the operation of that State park, museum or historic site."

**SECTION #.(b)** This section shall not apply to any existing contract for food or vending services at any attraction managed by the Department of Natural and Cultural Resources entered into prior to July 1, 2016.

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2016

Proofed  
SPECIAL PROVISION



2016-DNCR-H3-P

Department of Natural and Cultural Resources  
House Appropriations, Agriculture and Natural and Economic Resources

Requested by Committee on Appropriations, Agriculture and Natural and Economic Resources

**GRASSROOTS SCIENCE AMENDMENTS**

**SECTION #.** G.S. 143B-135.227 reads as rewritten:

**"§ 143B-135.227. ~~Grassroots science competitive~~North Carolina science museums grant program.**

(a) The North Carolina State Museum of Natural Sciences (hereinafter "Museum of Natural Sciences") shall administer the ~~Grassroots Science~~North Carolina Science Museums Grant Program as a competitive grant program. Any museum in the State may apply for a grant under the program, including a museum that has previously received a grant-in-aid from the Program or as a grassroots science museum in prior fiscal years, but grant funds shall be awarded only if the museum meets the criteria established in subsection (d) of this section. No museum shall be guaranteed a grant under the competitive grant program.

(b) For the 2016-2017 fiscal year, the Museum of Natural Sciences shall reserve seven hundred fifty thousand dollars (\$750,000) for the purpose of awarding grants to museums located in development tier one counties and six hundred thousand dollars (\$600,000) for museums located in development tier two counties. The development tier designation of a county shall be determined as provided in G.S. 143B-437.08. If, after the initial awarding of grants to all museum applicants who meet the eligibility criteria provided for in subsection (d) of this section, there are funds remaining in any development tier category, the Museum of Natural Sciences may reallocate those funds to another development tier category. The maximum amount of each grant awarded in the 2016-2017 fiscal year shall be (i) seventy-five thousand dollars (\$75,000) for a museum in a development tier one county; (ii) sixty thousand dollars (\$60,000) for a museum in a development tier two county; and (iii) fifty thousand dollars (\$50,000) for a museum in a development tier three county. During the 2016-2017 fiscal year, it is the intent of the General Assembly that the Museum of Natural Sciences shall award grants under this program for a three-year period.

(c) Beginning July 1, 2017, it is the intent of the General Assembly that the Museum of Natural Sciences shall award grants under this program for a two-year period. For each two-year grant cycle, the Museum of Natural Sciences shall reserve the amounts for development tier one and tier two counties and shall award the maximum grant amounts for each year of the grant cycle as provided in subsection (b) of this section. All other provisions of subsections (b), (d), and (e) of this section shall apply to the two-year grants. If there are funds remaining after the awarding of grants to all museum applicants meeting the eligibility criteria set forth in subsection (d) of this section in any grant cycle, the remaining balance of funds shall be distributed equally to all museum applicants awarded funds during that grant cycle without regard to the maximum grant amounts established in subsection (b) of this section.

(d) To be eligible to receive a grant under the competitive grant program, a museum shall demonstrate:

- (1) That it is a science center or museum or a children's museum that is physically located in the State.

- 1 (2) That it has been open, operating, and exhibiting science or science, technology,  
2 engineering, and math (STEM) education objects to the general public at least  
3 120 days of each year for the past two or more years.
- 4 (3) That it is either (i) a nonprofit organization that is exempt from federal income  
5 taxes pursuant to section 501(c)(3) of the Internal Revenue Code. ~~Code~~ or (ii) an  
6 organization that received funding in fiscal year 2015-2016 from the Grassroots  
7 Science Program.
- 8 (4) That it has on its staff at least one full-time professional person.
- 9 (5) That its governing body has adopted a mission statement that includes language  
10 that shows the museum has a concentration on science or STEM ~~education and~~  
11 ~~that the adopted mission statement has been in effect for the past two or more~~  
12 ~~years.~~ education.
- 13 (6) In its application, in a format to be determined by the Museum of Natural  
14 Sciences, a detailed plan for (i) the proposed use of the funds and (ii)  
15 measurements to demonstrate at the end of the grant cycle that the use of the  
16 funds has had the projected results.
- 17 (e) The Museum of Natural Sciences shall, in awarding grants under this section, give  
18 priority to museums that:
- 19 (1) When compared to other museum applicants:
- 20 a. Are located in counties that are more economically distressed according  
21 to the annual rankings prepared by the Department of Commerce  
22 pursuant to G.S. 143B-437.08(c).
- 23 b. Generate a larger portion of their operating funds from non-State  
24 revenue.
- 25 c. Have a higher attendance-to-population ratio.
- 26 (2) Partner with other museums in the State to share exhibits, programs, or other  
27 activities.
- 28 (3) Are not located in close proximity to other science or STEM education  
29 museums."

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2016

Proofed  
SPECIAL PROVISION



2016-DNCR-H6-P

Department of Natural and Cultural Resources  
House Appropriations, Agriculture and Natural and Economic Resources

Requested by Committee on Appropriations, Agriculture and Natural and Economic Resources

**MODIFY ZOO AND AQUARIUM SPECIAL FUNDS**

**SECTION #.(a)** G.S. 143B-135.209 reads as rewritten:

**"§ 143B-135.209. North Carolina Zoo Fund.**

...

(b) Disposition of ~~Fees-Receipts~~. – All ~~fee~~-receipts derived from the collection of admissions charges and other fees and the lease or rental of property or facilities shall be credited to the North Carolina Zoological Park's General Fund operating budget. At the end of each fiscal year, the Secretary may transfer from the North Carolina Zoological Park's General Fund operating budget to the North Carolina Zoo Fund an amount not to exceed ~~one million dollars (\$1,000,000)~~ the sum of one million five hundred thousand dollars (\$1,500,000) and any private donations received by the North Carolina Zoological Park.

(c) Approval. – The Secretary may approve the use of the North Carolina Zoo Fund for repair and renovation projects at the North Carolina Zoological Park recommended by the Council that comply with the following:

- (1) The total project cost is less than three hundred thousand dollars (\$300,000).
- (2) The project meets the requirements of G.S. 143C-4-3(b).
- (3) The project does not obligate the State to provide increased recurring funding for operations.

Funding for eligible projects under this subsection is appropriated for that purpose.

...."

**SECTION #.(b)** G.S. 143B-135.188 reads as rewritten:

**"§ 143B-135.188. North Carolina Aquariums; fees; fund.**

...

(c) Disposition of ~~Fees-Receipts~~. – All ~~fee~~-receipts derived from the collection of admissions charges and other fees and the lease or rental of property or facilities shall be credited to the aquariums' General Fund operating budget. At the end of each fiscal year, the Secretary may transfer from the North Carolina aquariums' General Fund operating budget to the North Carolina Aquariums Fund an amount not to exceed the sum of the following:

- (1) ~~One million dollars (\$1,000,000).~~ One million five hundred thousand dollars (\$1,500,000).
- (2) The amount needed to cover the expenses described by subdivision (2) of subsection (b) this section.
- (3) Any private donations received by the North Carolina aquariums.

(d) Approval. – The Secretary may approve the use of the North Carolina Aquariums Fund for repair and renovation projects at the aquariums-related facilities that comply with the following:

- (1) The total project cost is less than three hundred thousand dollars (\$300,000).
- (2) The project meets the requirements of G.S. 143C-4-3(b).

1                   (3)    The project does not obligate the State to provide increased recurring funding  
2                           for operations.  
3   Funding for eligible projects under this subsection is appropriated for that purpose.  
4   ...."



GENERAL ASSEMBLY OF NORTH CAROLINA

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Proofed  
SPECIAL PROVISION



2016-DNCR-H11-P

Department of Natural and Cultural Resources  
House Appropriations, Agriculture and Natural and Economic Resources

Requested by Committee on Appropriations, Agriculture and Natural and Economic Resources

**EXEMPTION FROM DEPARTMENT OF ADMINISTRATION ARCHITECTURE AND  
ENGINEERING OVERSIGHT**

SECTION #.(a) G.S. 143-341 reads as rewritten:

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

The Department of Administration has the following powers and duties:

...

(3) Architecture and Engineering:

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

1 requests for appropriations of less than one hundred thousand dollars  
2 (\$100,000).

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

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

30 ...."

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

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

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

- 40 (1) Conduct the fee negotiations for all design contracts and supervise the letting of  
41 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. 143-341(3).  
45 (3) Develop procedures and reasonable limitations governing the use of open-end  
46 design agreements, subject to the approval of the State Building Commission.  
47 (4) Use existing plans and specifications for construction projects, where feasible.  
48 Prior to designing a project, the Board shall consult with the Department of  
49 Administration on the availability of existing plans and specifications and the  
50 feasibility of using them for a project.

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

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

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

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

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

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

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

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

