

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 664
Committee Substitute Favorable 6/23/93

Short Title: Education and Clean Water Bond Act.

(Public)

Sponsors:

Referred to:

March 29, 1993

A BILL TO BE ENTITLED

1 AN ACT TO AUTHORIZE THE ISSUANCE OF SEVEN HUNDRED THIRTY-
2 FOUR MILLION TWO HUNDRED THOUSAND DOLLARS IN GENERAL
3 OBLIGATION BONDS OF THE STATE, SUBJECT TO A VOTE OF THE
4 QUALIFIED VOTERS OF THE STATE, TO PROVIDE FUNDS FOR (1)
5 CAPITAL IMPROVEMENTS FOR THE UNIVERSITY OF NORTH CAROLINA,
6 (2) CAPITAL IMPROVEMENTS FOR COMMUNITY COLLEGES, AND (3)
7 LOANS, REVOLVING LOANS, AND GRANTS TO LOCAL GOVERNMENT
8 UNITS FOR WATER SUPPLY SYSTEMS, WASTEWATER COLLECTION
9 SYSTEMS, WASTEWATER TREATMENT WORKS, AND WATER
10 CONSERVATION PROJECTS.
11

12 The General Assembly of North Carolina enacts:

13 Section 1. Short title. This act shall be known as the "North Carolina
14 Education and Clean Water Bond Act of 1993".

15 Sec. 2. Purpose. It is the intent of the General Assembly by this act to
16 provide for the issuance of seven hundred thirty-four million two hundred thousand
17 dollars (\$734,200,000) in general obligation bonds of the State, and to provide that the
18 proceeds realized from the sale of the bonds shall be allocated as follows:

- 19 (1) Three hundred three million dollars (\$303,000,000) to facilitate the
20 providing of capital improvements for certain of the constituent or
21 affiliated institutions of The University of North Carolina.
22 (2) Three hundred eleven million two hundred thousand dollars
23 (\$311,200,000) to provide grants to individual community colleges to

1 assist in the financing of the costs of community college capital
2 improvements.

- 3 (3) Twenty million dollars (\$20,000,000) to provide State matching funds
4 required to receive federal wastewater assistance funds and to provide
5 additional funding for the Clean Water Revolving Loan and Grant
6 Fund established in Chapter 159G of the General Statutes and one
7 hundred million dollars (\$100,000,000) to provide loans to local
8 government units to assist in the financing of the cost of
9 improvements, enlargements, extensions, and reconstruction of water
10 supply systems, wastewater collection systems, wastewater treatment
11 works, and water conservation projects and the construction of new
12 such systems and works.

13 The funds to be derived from the sale of the Clean Water bonds
14 authorized by this act are sufficient to meet no more than a fraction of
15 the needs which now exist and will arise in the immediate future. For
16 this reason, although public necessity and the criteria established by
17 Chapter 159G of the General Statutes shall be the primary
18 consideration in granting and loaning funds, great emphasis shall also
19 be placed on the creation of efficient systems of regional wastewater
20 disposal and regional water supply, and on the willingness and ability
21 of local government units to meet their responsibilities through sound
22 fiscal policies, creative planning, and efficient operation and
23 management.

24 Sec. 3. Definitions. As used in this act, unless the context otherwise
25 requires:

- 26 (1) " Bonds" means bonds issued under this act.
27 (2) " Clean Water Revolving Loan and Grant Act" means Chapter 796 of
28 the 1987 Session Laws, as the same may be amended from time to
29 time, codified as Chapter 159G of the General Statutes.
30 (3) " Clean Water Revolving Loan and Grant Fund" means the Clean
31 Water Revolving Loan and Grant Fund as defined in the Clean Water
32 Revolving Loan and Grant Act.
33 (4) " Cost" means, without intending thereby to limit or restrict any proper
34 definition of this term in financing the cost of facilities or purposes
35 authorized by this act:
36 a. The cost of constructing, reconstructing, enlarging, acquiring,
37 and improving facilities, and acquiring equipment and land
38 therefor,
39 b. The cost of engineering, architectural, and other consulting
40 services as may be required,
41 c. Administrative expenses and charges,
42 d. The cost of bond insurance, investment contracts, credit
43 enhancement and liquidity facilities, interest-rate swap
44 agreements or other derivative products, financial and legal

1 consultants, and related costs of bond and note issuance, to the
2 extent and as determined by the State Treasurer, and

3 e. Any other costs and expenses necessary or incidental to the
4 purposes of this act.

5 Allocations in this act of proceeds of bonds to the costs of a project or
6 undertaking in each case may include allocations to pay the costs set
7 forth in items c., d., and e. in connection with the issuance of bonds for
8 the project or undertaking.

9 (5) "Credit facility" means an agreement entered into by the State
10 Treasurer on behalf of the State with a bank, savings and loan
11 association, or other banking institution, an insurance company,
12 reinsurance company, surety company, or other insurance institution, a
13 corporation, investment banking firm, or other investment institution,
14 or any financial institution or other similar provider of a credit facility,
15 which provider may be located within or without the United States of
16 America, such agreement providing for prompt payment of all or any
17 part of the principal or purchase price (whether at maturity,
18 presentment or tender for purchase, redemption or acceleration),
19 redemption premium, if any, and interest on any bonds or notes
20 payable on demand or tender by the owner, in consideration of the
21 State agreeing to repay the provider of the credit facility in accordance
22 with the terms and provisions of such agreement.

23 (6) "Local government units" means local government units as defined in
24 the Clean Water Revolving Loan and Grant Act.

25 (7) "Notes" means notes issued under this act.

26 (8) "Par formula" means any provision or formula adopted by the State to
27 provide for the adjustment, from time to time, of the interest rate or
28 rates borne by any bonds or notes, including:

29 a. A provision providing for such adjustment so that the purchase
30 price of such bonds or notes in the open market would be as
31 close to par as possible,

32 b. A provision providing for such adjustment based upon a
33 percentage or percentages of a prime rate or base rate, which
34 percentage or percentages may vary or be applied for different
35 periods of time, or

36 c. Such other provision as the State Treasurer may determine to be
37 consistent with this act and will not materially and adversely
38 affect the financial position of the State and the marketing of
39 bonds or notes at a reasonable interest cost to the State.

40 (9) "State" means the State of North Carolina.

41 (10) "Wastewater collection systems" means wastewater collection
42 systems as defined in the Clean Water Revolving Loan and Grant Act.

43 (11) "Wastewater treatment works" means wastewater treatment works as
44 defined in the Clean Water Revolving Loan and Grant Act.

1 (12) " Water Pollution Control Revolving Fund" means the fund described
2 by G.S. 159G-4(a) and G.S. 159G-5(c).

3 (13) " Water supply systems" means water supply systems as defined in the
4 Clean Water Revolving Loan and Grant Act.

5 Sec. 4. Authorization of bonds and notes. (a) University Improvement Bonds.
6 Subject to a favorable vote of a majority of the qualified voters of the State who vote on
7 the question of issuing University Improvement Bonds in the election held as provided
8 in this act, the State Treasurer is authorized, by and with the consent of the Council of
9 State, to issue and sell, at one time or from time to time, general obligation bonds of the
10 State to be designated "State of North Carolina University Improvement Bonds", with
11 any additional designations as may be determined to indicate the issuance of bonds from
12 time to time, or notes of the State as provided in this act, in the aggregate principal
13 amount not exceeding three hundred three million dollars (\$303,000,000) for the
14 purposes authorized in this act.

15 (b) Community College Bonds. Subject to a favorable vote of a majority of the
16 qualified voters of the State who vote on the question of issuing Community College
17 Bonds in the election held as provided in this act, the State Treasurer is authorized, by
18 and with the consent of the Council of State, to issue and sell, at one time or from time
19 to time, general obligation bonds of the State to be designated "State of North Carolina
20 Community College Bonds", with any additional designations as may be determined to
21 indicate the issuance of bonds from time to time, or notes of the State as provided in this
22 act, in the aggregate principal amount not exceeding three hundred eleven million two
23 hundred thousand dollars (\$311,200,000) for the purposes authorized in this act.

24 (c) Clean Water Bonds. Subject to a favorable vote of a majority of the
25 qualified voters of the State who vote on the question of issuing Clean Water Bonds in
26 the election called and held as provided in this act, the State Treasurer is hereby
27 authorized, by and with the consent of the Council of State, to issue and sell, at one time
28 or from time to time, general obligation bonds of the State to be designated "State of
29 North Carolina Clean Water Bonds", with any additional designations as may be
30 determined to indicate the issuance of bonds from time to time, or notes of the State as
31 provided in this act, in an aggregate principal amount not exceeding one hundred twenty
32 million dollars (\$120,000,000) for the purpose of providing funds, with any other
33 available funds, for the purposes authorized in this act.

34 Sec. 5. Uses of bond and note proceeds. (a) University Improvement Bonds. The
35 proceeds of University Improvement Bonds and notes shall be used for the purpose of
36 paying (i) the cost of improvements to the facilities of the constituent or affiliated
37 institutions of The University of North Carolina, under the supervision of the Board of
38 Governors of The University of North Carolina, including, without limitation,
39 construction and renovation of classroom buildings, laboratory buildings, research
40 facilities, libraries, physical education facilities, continuing education centers, student
41 cafeteria and activity facilities, including sports facilities, administrative office
42 buildings, and land acquisition and (ii) the cost of improvements to the North Carolina
43 Center for Public Television under the Board of Governors of The University of North
44 Carolina.

1 Any additional moneys that may be received by means of a grant or grants
2 from the United States of America or any agency or department thereof or from any
3 other source to aid in financing the cost of any university improvements authorized by
4 this act may be placed by the State Treasurer in the University Improvement Bonds
5 Fund or in a separate account or fund and shall be disbursed, to the extent permitted by
6 the terms of the grant or grants, without regard to any limitations imposed by this act.

7 The proceeds of University Improvement Bonds and notes may be used with
8 any other moneys made available by the General Assembly for the making of university
9 improvements, including the proceeds of any other State bond issues, whether
10 heretofore made available or which may be made available at the session of the General
11 Assembly at which this act is ratified or any subsequent sessions. The proceeds of
12 University Improvement Bonds and notes shall be expended and disbursed under the
13 direction and supervision of the Director of the Budget. The funds provided by this act
14 for university improvements shall be disbursed for the purposes provided in this act
15 upon warrants drawn on the State Treasurer by the State Controller, which warrants
16 shall not be drawn until requisition has been approved by the Director of the Budget and
17 which requisition shall be approved only after full compliance with the Executive
18 Budget Act, Article 1 of Chapter 143 of the General Statutes.

19 The Board of Governors of The University of North Carolina shall provide
20 quarterly reports to the Joint Legislative Commission on Governmental Operations, the
21 chairs of the Senate and House of Representatives Appropriations Committees, and the
22 Fiscal Research Division on the expenditure of moneys from the University
23 Improvement Bonds Fund.

24 (b) Community College Bonds. The proceeds of Community College Bonds and
25 notes shall be used for the purpose of making grants to community colleges, as defined
26 in Chapter 115D of the General Statutes, for paying the cost of capital improvements,
27 including, without limitation, construction and renovation of classroom buildings,
28 laboratory buildings, research facilities, libraries, physical education facilities,
29 continuing education centers, student cafeteria and activity facilities including sports
30 facilities, administrative office buildings, and land and equipment acquisition.

31 Any additional moneys which may be received by means of a grant or grants
32 from the United States of America or any agency or department thereof or from any
33 other source to aid in financing the cost of any community college grants authorized by
34 this act may be placed by the State Treasurer in the Community College Bonds Fund or
35 in a separate account or fund and shall be disbursed, to the extent permitted by the terms
36 of the grant or grants, without regard to any limitations imposed by this act.

37 The proceeds of Community College Bonds and notes may be used with any
38 other moneys made available by the General Assembly for the making of community
39 college grants, including the proceeds of any other State bond issues, whether heretofore
40 made available or which may be made available at the session of the General Assembly
41 at which this act is ratified or any subsequent sessions. The proceeds of Community
42 College Bonds and notes shall be expended and disbursed under the direction and
43 supervision of the Director of the Budget. The funds provided by this act for
44 community college improvements shall be disbursed for the purposes provided in this

1 act upon warrants drawn on the State Treasurer by the State Controller, which warrants
2 shall not be drawn until requisition has been approved by the Director of the Budget and
3 which requisition shall be approved only after full compliance with the Executive
4 Budget Act, Article 1 of Chapter 143 of the General Statutes.

5 The State Board of Community Colleges shall provide quarterly reports to the
6 Joint Legislative Commission on Governmental Operations, the chairs of the Senate and
7 House of Representatives Appropriations Committees, and the Fiscal Research Division
8 on the expenditure of moneys from the Community College Bonds Fund.

9 (c) Clean Water Bonds. The proceeds of Clean Water Bonds and notes shall
10 be used for the purpose of making loans and grants to local governments as follows:

- 11 (1) The proceeds of twenty million dollars (\$20,000,000) of Clean Water
12 Bonds shall be used and allocated for the same purposes for which
13 funds in the Clean Water Revolving Loan and Grant Fund may be used
14 including, without limitation, to provide funds to be used to make
15 revolving loans and grants to local government units. The revolving
16 loans and grants shall be made for the purpose of paying the cost of
17 water supply systems, wastewater collection systems, and wastewater
18 treatment works. The first priority for use of proceeds shall be to
19 provide the State funds necessary to match the full amount of federal
20 wastewater assistance funds deposited into the Water Pollution Control
21 Revolving Fund that are available to the State from year to year, unless
22 the General Assembly has provided other funds for that purpose, in
23 which event such priority shall cease to exist to the extent of the
24 availability of the other funds. The proceeds may be (i) transferred
25 directly to the Clean Water Revolving Loan and Grant Fund to make
26 revolving loans or grants, (ii) used to make revolving loans or grants
27 directly to the appropriate local government unit qualifying for a
28 revolving loan or grant from the Clean Water Revolving Loan and
29 Grant Fund, (iii) used for any combination of (i) and (ii), or (iv) used
30 in such other manner as shall effectuate the purposes of this act.

31 Loans and grants made from bond proceeds transferred from the
32 Clean Water Bond Fund to the Clean Water Revolving Loan and Grant
33 Fund shall be made and administered in accordance with the
34 provisions of the Clean Water Revolving Loan and Grant Act.

35 Loans and grants made from bond proceeds directly to local
36 government units and any loan repayments shall, to the extent
37 applicable, be made, administered, and applied in accordance with the
38 provisions of the Clean Water Revolving Loan and Grant Act.
39 Repayments of any direct loans may be initially placed into any fund
40 or account as may be determined by the State Treasurer for the
41 purpose of determining compliance with the applicable requirements
42 of the federal tax law and shall be expended and disbursed therefrom
43 under the direction and supervision of the Director of the Budget.

1 (2) The proceeds of one hundred million dollars (\$100,000,000) of Clean
2 Water bonds shall be used and allocated for loans to local government
3 units for the same purposes for which funds in the Clean Water
4 Revolving Loan and Grant Fund may be used and for water
5 conservation projects. The loans shall be made for the purpose of
6 paying the cost of water supply systems, wastewater collection
7 systems, and wastewater treatment works and for the purpose of
8 paying the cost of water conservation projects. The proceeds of bonds
9 and notes shall be allocated between wastewater and water supply
10 purposes in the same percentages as established in G.S. 159G-4,
11 except that no allocation shall be made as a State match of any federal
12 funds deposited into the Water Pollution Control Revolving Fund.

13 The proceeds may be used to make loans directly to local
14 government units qualifying for a loan from the Clean Water
15 Revolving Loan and Grant Fund or used in such other manner as shall
16 effectuate the purposes of this act. To qualify for a loan from the
17 Clean Water Bonds Fund for the purpose of paying the cost of water
18 supply systems or water conservation projects, a local government
19 must have a water supply facility plan approved by the Department of
20 Environment, Health, and Natural Resources. A water supply plan
21 submitted by a local government to the Department under G.S. 143-
22 355(l) will be sufficient to meet this requirement. To qualify for a loan
23 from the Clean Water Bonds Fund for the purpose of paying the cost
24 of wastewater collection systems or wastewater treatment works, a
25 local government must have a wastewater facility plan approved by the
26 Department of Environment, Health, and Natural Resources. A
27 wastewater facility plan must project future wastewater treatment
28 needs, must present a long-range plan to meet those needs, and must
29 include plans for system operations and maintenance of the facilities
30 being built with the bond proceeds.

31 The Department of Environment, Health, and Natural Resources
32 shall administer the making of these loans. The form of the loans and
33 the details thereof including, without limitation, the maturity, interest
34 rate, and amortization schedule, shall be determined, from time to
35 time, by the State Treasurer.

36 Repayments of the loans may be used to pay, directly or indirectly,
37 debt service on the bonds and notes issued. Repayments shall be
38 initially placed into such fund or account as may be determined by the
39 State Treasurer for the purpose of determining compliance with
40 applicable requirements of the federal tax law and shall be expended
41 and disbursed therefrom under the direction and supervision of the
42 Director of the Budget.

43 Any additional moneys which may be received by means of a grant or grants
44 from the United States of America or any agency or department thereof or from any

1 other source for deposit to the State Clean Water Bonds Fund may be placed in the State
 2 Clean Water Bonds Fund or in a separate account or fund and shall be disbursed, to the
 3 extent permitted by the terms of the grant or grants, without regard to any limitations
 4 imposed by this act.

5 The proceeds of bonds and notes may be used with any other moneys made
 6 available by the General Assembly for making grants and loans authorized by this act,
 7 including the proceeds of any other State bond issues, whether heretofore made
 8 available or which may be made available at the session of the General Assembly at
 9 which this act is ratified or any subsequent sessions. The proceeds of bonds and notes
 10 shall be expended and disbursed under the direction and supervision of the Director of
 11 the Budget. The funds provided by this act shall be disbursed for the purposes provided
 12 in this act upon warrants drawn on the State Treasurer by the State Controller, which
 13 warrants shall not be drawn until requisition has been approved by the Director of the
 14 Budget and which requisition shall be approved only after full compliance with the
 15 Executive Budget Act, Article 1 of Chapter 143 of the General Statutes.

16 Sec. 6. Allocation of proceeds. (a) University Improvement Bonds. The proceeds
 17 of University Improvement Bonds and notes, including premium thereon, if any, except
 18 the proceeds of bonds the issuance of which has been anticipated by bond anticipation
 19 notes or the proceeds of refunding bonds or notes, shall be placed by the State Treasurer
 20 in a special fund to be designated "University Improvement Bonds Fund". Moneys in
 21 the University Improvements Bonds Fund shall be used for the purposes set forth in this
 22 act. The proceeds of University Improvements bonds and notes shall be allocated and
 23 expended for paying the cost of university capital improvements, to the extent and as
 24 provided in this act and subject to change as provided in this act, as follows:

<u>Constituent Institution or Board of Governors Projected</u>				<u>Allocation</u>
<u>Capital Improvement</u>				
27	Appalachian State University			
28	Academic Support Services Building			\$
29	8,794,900			
30	Science/Mathematics	Complex,	Phase	I
31	15,000,000			
32				
33				
34	East Carolina University			
35	Addition	to	Joyner	Library
36	28,900,000			
37	Land 5,000,000			
38				
39	Elizabeth City State University			
40	Fine Arts and	Mass	Communications	Building
41	6,432,600			
42				
43	Fayetteville State University			

1	Fine	Arts	Building
2	9,479,600		
3			
4	North Carolina A & T State University		
5	School of Technology	Classroom/Laboratory	Building
6	7,961,900		
7	Renovation of	Bluford Library	Building
8	5,251,400		
9			
10	North Carolina Central University		
11	Conversion of Women's Gymnasium in Support of		
12	Academic		Programs
13	1,970,900		
14	Chidley	Hall	Complex
15	9,018,300		
16	Biology and	Biomedical	Center
17	4,200,000		
18			
19	North Carolina School of the Arts		
20	School of		Filmmaking
21	6,999,200		
22			
23	North Carolina State University at Raleigh		
24	Engineering Graduate	Research	Center
25	34,918,200		
26	Agricultural	Communications	Building
27	4,484,900		
28	Agricultural Programs -	Laboratory Animal	Facilities
29	4,484,100		
30			
31	Pembroke State University		
32	New Administrative	Office	Building
33	5,723,300		
34	Repairs and Renovations to	Business Administration	Building
35	422,700		
36			
37	The University of North Carolina at Asheville		
38	Ramsey	Library	(Remodeling)
39	3,974,400		
40	Physical Education	Building (Health	Promotion)
41	5,475,600		
42	The North	Carolina	Arboretum
43	2,500,000		
44			

1 The University of North Carolina at Chapel Hill
 2 New Building, School of Business Administration
 3 13,490,900
 4 Addition to Lineberger Cancer Research Center
 5 8,119,900
 6 Carolina Living and Learning Center for Autistic Adults, Phase II 1,190,400
 7 Addition to the School of Dentistry
 8 8,887,100
 9 Area Health Education Centers - Construction Grants
 10 3,370,800

11
 12 The University of North Carolina at Charlotte
 13 Classroom and Academic Support Facility
 14 22,610,400

15
 16 The University of North Carolina at Greensboro
 17 New Music Building
 18 23,357,000

19
 20 The University of North Carolina at Wilmington
 21 Physical Sciences Building and Renovation of DeLoach Hall
 22 18,522,900
 23 Construct West Wing of Bear Hall and
 24 Renovate West End of Bear Hall
 25 992,050

26
 27 Western Carolina University
 28 Completion of Belk Building and Asbestos Removal
 29 3,480,200
 30 Renovate Moore Hall, Phase II
 31 2,193,900
 32 Renovate Camp Lab School
 33 1,996,500
 34 Renovate Reid Gym
 35 2,529,400

36
 37 Winston-Salem State University
 38 Student Services/Cafeteria/Student Union Complex
 39 6,073,350
 40 Renovations to O'Kelly Library
 41 1,119,500

42
 43 North Carolina School of Science and Mathematics

1 Educational Technologies Center and Auditorium
 2 8,073,700

3
 4 UNC Center for Public Television
 5 Improvements to Facilities
 6 6,000,000

7
 8 Total

9 \$
 10 303,000,000

11 Projected allocations set forth above may be adjusted to reflect the
 12 availability of other funds.

13 The Director of the Budget is empowered, when the Director of the Budget
 14 determines it is in the best interest of the State and The University of North Carolina to
 15 do so, and if the cost of a particular project is less than the projected allocation, to use
 16 the excess funds to increase the size of that project or increase the size of any other
 17 project itemized in this section, or to increase the amount allocated to a particular
 18 institution or the Board of Governors within the aggregate amount of funds available
 19 under this section; provided that the Director of the Budget may consult with the
 20 Advisory Budget Commission and the Joint Legislative Commission on Governmental
 21 Operations. In addition, the particular capital improvements and the amount of the
 22 projected allocation therefor set forth above may be changed from time to time as the
 23 General Assembly may decide. The provisions of G.S. 116-11(9) with respect to
 24 appropriations to the Board of Governors of The University of North Carolina shall not
 25 apply to proceeds of University Improvements bonds and notes issued pursuant to the
 26 provisions of this act.

27 Allocations to the costs of a capital improvement or undertaking in each case
 28 may include allocations to pay the costs set forth in Section 3(4)c., d., and e. of this act
 29 in connection with the issuance of bonds for that capital improvement or undertaking.

30 (b) Community College Bonds. The proceeds of Community College Bonds
 31 and notes, including premium thereon, if any, except the proceeds of bonds the issuance
 32 of which has been anticipated by bond anticipation notes or the proceeds of refunding
 33 bonds or notes, shall be placed by the State Treasurer in a special fund to be designated
 34 "Community College Bonds Fund" and shall be disbursed as provided in this act.
 35 Moneys in the Community College Bonds Fund shall be used for making grants to
 36 community colleges, as set forth in this act, the proceeds of the grants to be allocated
 37 and expended for paying the cost of community college capital improvements, to the
 38 extent and as provided in this act and subject to change as provided in this act, as
 39 follows:

			PROJECTED
	COLLEGE	CAPITAL IMPROVEMENT	ALLOCATION
41	Alamance CC	Phase	11B-Science Labs/Classrooms
42		\$3,059,855	
43			

1		Phase	111-LRC	Expansion
2		2,000,000		
3				
4	Anson CC	Advanced	Technology	Center
5		2,998,465		
6		LRC/Student		Center
7		2,500,000		
8	Union Cty.	Advanced	Technology	Center
9	2,500,000			
10				
11	Asheville-			
12	Buncombe TCC	Classroom/Lab/Office		Building
13	5,000,000			
14		LRC		Expansion
15		3,350,000		
16				
17	Beaufort County CC	Student	Services	Center
18		2,900,000		
19		Science/Fine	Arts	Classroom
20		2,500,000		Bldg.
21				
22	Bladen CC	Allied	Health	Care
23		1,015,472		Center
24		Child	Care	Center
25		447,045		
26				
27	Blue Ridge CC	Allied	Health	Building
28		5,000,000		
29		Center	for	Lifelong
30		2,932,658		Learning
31	Transylvania			Cty.
32	Classroom/Office			Bldg.
33	502,225			
34				
35	Brunswick CC	Allied		Health/Classroom
36		4,000,000		
37		Vocational	Building	Renovations
38		450,000		
39				
40	Caldwell CC & TI	Classroom/Lab		Building
41		6,100,000		
42		Addition & Renov. Class/		
43		Library		Bldg.
44		3,190,290		

1	Watauga Cty.	Classroom/Lab				Bldg.
2	2,261,539					
3						
4	Cape Fear CC	Health	Sciences			Building
5		7,340,485				
6		LRC/Classroom				Building
7		2,500,000				
8	Pender Cty.	Classroom				Building
9	690,212					
10						
11	Carteret CC	Classroom/Student				Center
12		2,437,904				
13		Classroom				Building
14		1,580,188				
15						
16	Catawba Valley CC	Classroom/Lab				Building
17		4,218,275				
18		Physical	Ed/Classroom			Building
19		4,241,014				
20						
21	Central		Carolina			CC
22						
23	Classroom					Building
24						2
25	,000,000					
26		Renovation	of	Main	Bldg.	& Library
27		1,120,000				
28	Chatham Cty.	Classroom				Building
29	2,000,000					
30	Harnett Cty.	Classroom				Building
31	1,000,000					
32						
33	Central		Piedmont			CC
34						
35	Science		Labs			Expansion
36						3
37	,950,000					
38		Regional Law Enforcement				
39		Trng.				Ctr.
40		3,620,000				
41						
42	Cleveland CC	Advanced	Technology			Building
43		2,213,022				

1		Allied	Health	Building
2		706,368		
3				
4	Coastal		Carolina	CC
5				
6	Public	Service	Technology	Bldg.
7				3
8	,000,000			
9		Classroom		Building
10		2,500,000		
11				
12	College of the			
13	Albemarle	Classroom/Administration Bldg.	3,215,924	
14	Dare Cty.	Class/Lab/Student Services Bldg.	1,500,000	
15				
16	Craven CC	Academic	Studies/Basic	Skills Bldg.
17		2,790,276		
18		Classroom/Lab-Havelock		
19		1,280,000		
20				
21	Davidson County CC	Advanced	Technology	Building
22		3,875,000		
23		Campus	Development	Project
24		1,175,000		
25	Davie Cty.	Class/Lab/Instructional	Support	Bldg.
26	1,980,000			
27				
28	Durham TCC	Classroom/Office		Building
29		5,800,000		
30		Classroom/Lab		Building
31		1,435,000		
32				
33	Edgecombe CC	Class/Lab	Addition-Rocky	Mount
34		1,200,000		
35		Shop	Building	Renovation-Tarboro
36		264,762		
37				
38	Fayetteville TCC	Health	&	Science Facility
39		7,200,000		
40		Renov.	Two	Classroom Bldgs.
41		597,411		
42				
43	Forsyth TCC	Class/Lab/Admin.	-	East Campus
44		7,900,000		

1		Campus			Renovations
2		3,100,000			
3					
4	Gaston College	Work	Force	Preparedness	Center
5		5,860,000			
6		Student/Community			Center
7		2,385,257			
8					
9	Guilford TCC	Applied		Technology	Building
10		7,740,000			
11		Classroom			Building
12		7,260,000			
13					
14	Halifax CC	Literacy		Ed/Science	Building
15		2,008,592			
16		Renovations	Existing	Bldg/Parking	Areas
17		490,000			
18					
19	Haywood CC	High		Tech	Center
20		450,000			
21		Classroom			Building
22		1,100,000			
23					
24	Isothermal CC	Cultural		Arts	Center
25		5,444,444			
26		Campus			Renovations
27		125,000			
28	Polk Cty. Classrooms/Labs Addition	358,686			
29					
30	James Sprunt CC	Library/Cont.	Ed/Business	&	Industry
31		2,600,000			
32		Multi-Purpose			Center
33		2,408,406			
34					
35	Johnston CC	Allied		Health	Building
36		3,000,000			
37		Cafeteria/Student			Lounge
38		1,343,985			
39					
40	Lenoir CC	Renovations/Additions			
41		2,652,697			
42		Classroom/Auditorium			Bldg.
43		2,000,000			

1	Greene Cty.	New	Instructional	Facility
2	1,500,000			
3	Jones Cty.	New	Vocational	Annex
4	100,000			
5				
6	Martin CC	Equine		Arena
7		577,553		
8		Heating	& Cooling	Renovations
9		350,000		
10	Bertie Cty.	Class/Lab/Office		Building
11	250,000			
12				
13	Mayland CC	Shop/Student	Lecture	Hall
14		4,037,566		
15		Classroom		Building
16		255,000		
17				
18	McDowell TCC	Renov.	Bookstore/Amphitheater/Mezzanine	
19		283,800		
20		Classroom		Building
21		1,900,000		
22				
23	Mitchell CC	Renovate	Main	Building
24		2,200,000		
25		Mooresville	Center	Addition
26		1,000,000		
27				
28	Montgomery CC	LRC		Building
29		2,592,709		
30				
31	Nash CC	LRC/Student		Center
32		4,409,179		
33		Center	for Business &	Industry
34		2,092,223		
35				
36	Pamlico CC	Multi-Purpose	Class/Office	Bldg.
37		1,177,503		
38				
39	Piedmont CC	Classroom/Faculty	Office	Bldg.
40		459,815		
41	Caswell Cty.	Adult	Learning	Center
42	1,300,000			
43				

1	Pitt CC	Student	Services	Building
2		4,500,000		
3		Multi-Purpose	Training	Facility
4		4,500,000		
5				
6	Randolph CC	Photography		Studio
7		1,017,500		
8		Allied	Hlth/Science & Tech	Center
9		2,308,128		
10				
11	Richmond CC	Fine	Arts	Ctr/Auditorium
12		2,251,414		
13		Student	Center/Classroom	Building
14		1,500,000		
15				
16	Roanoke-Chowan CC	Classroom/Student	Support	Center
17		2,549,087		
18		LRC	Expansion &	Renovations
19		200,000		
20				
21	Robeson CC	Emergency	Training	Grounds
22		855,387		
23		Teaching	Theaters/Allied	Hlth Classroom
24		1,430,228		
25				
26	Rockingham CC	Multi-Purpose		Building
27		2,700,000		
28		Fire	Service	Training Center
29		595,250		
30				
31	Rowan-Cabarrus CC	Engineering		Building
32		4,200,000		
33		Business		Building
34		1,790,378		
35	Cabarrus Cty.	Classroom		Building
36	1,573,312			
37				
38	Sampson CC	Multi-Purpose		Building
39		2,500,000		
40		Academic		Building
41		1,276,000		
42				
43	Sandhills CC	Cont.	Ed.	Center/Classrooms
44		5,100,000		

1		Physical		Education		Facility
2		2,011,280				
3						
4	Southeastern CC	Nursing/Allied		Health		Building
5		1,309,400				
6		Addition	&	Renovation	of	"G"Bldg.
7		896,070				
8						
9	Southwestern CC	Classroom		Renov./Expanded		Parking
10		700,000				
11		General		Classroom		Building
12		1,783,141				
13	Macon Cty.	Region	Law	Enf.	Defensive	Dr. Course
14	300,000					
15	Swain Cty.	Class/Lab/Office				Bldg.
16	725,000					
17						
18	Stanly CC	Learning		Resource		Center
19		2,341,210				
20		Classroom				Building
21		600,000				
22						
23	Surry CC	Health/Day		Care/Library		Building
24		4,054,417				
25		Office/Cafeteria/Student			Ctr.	Bldg.
26		1,000,000				
27						
28	Tri-County CC	Student	Services	Ctr.	Classroom	Bldg.
29		1,123,010				
30		Childcare		Center/Classroom		Bldg.
31		480,000				
32	Graham Cty.	Class/Lab/Study				Bldg.
33	480,000					
34						
35	Vance-Granville CC	Allied	Health/Day	Care/Classroom		Bldg.
36		2,127,400				
37	Franklin Cty.	Class/Lab/Office				Building
38	1,500,000					
39	Granville Cty.	Additional				Classrooms
40	377,500					
41	Warren Cty.	Campus				Renovations
42	212,500					
43						

1	Wake TCC	Student	Education	Bldg.
2		11,000,000		
3		Site		Acquisition
4		3,000,000		
5				
6	Wayne CC	Classroom/Laboratory		Building
7		3,900,000		
8		Student	& Telecommunications	Bldg.
9		5,873,230		
10				
11	Western			
12	Piedmont CC	Class/Office	Bldg.	(Bus. Tech.)
13	3,420,168			
14		Class/Office	Bldg.	(Cont. Ed.)
15		1,662,000		
16				
17	Wilkes CC	LRC-Student		Development
18		4,700,000		
19		Beacon	Building	Purchase
20		551,185		
21	Ashe Cty. Classroom Building	200,000		
22				
23	Wilson TCC	Multi-Purpose		Building
24		1,000,000		
25		Building I Renovation		
26	<u>175,000</u>			
27		TOTAL		
28		\$311,200,000		
29				

30 Projected allocations set forth above may be adjusted to reflect the
 31 availability of other funds. The matching requirements of G.S. 115D-31(a)(1) apply to
 32 the proceeds of Community College Bonds and notes used to make grants to technical
 33 or community colleges.

34 Allocations to the costs of a capital improvement or undertaking in each case
 35 may include allocations to pay the costs set forth in Section 3(4)c., d., and e. of this act
 36 in connection with the issuance of bonds for that capital improvement or undertaking.

37 (c) Clean Water Bonds. The proceeds of Clean Water Bonds and notes,
 38 including premium thereon, if any, except the proceeds of bonds the issuance of which
 39 has been anticipated by bond anticipation notes or the proceeds of refunding bonds or
 40 notes, shall be placed by the State Treasurer in a special fund to be designated "Clean
 41 Water Bonds Fund" and shall be disbursed as provided in this act. Moneys in the Clean
 42 Water Bonds Fund shall be allocated and expended as provided in this act.

43 Sec. 7. Election. The questions of the issuance of the bonds authorized by
 44 this act shall be submitted to the qualified voters of the State at the next statewide

1 election, primary election, or general election, whichever comes first. Any other
2 primary, election, or referendum validly called or scheduled by law at the time the
3 election on the bond questions provided for in this section is held, may be held as called
4 or scheduled. Notice of the election on the bond questions shall be given by publication
5 twice in a newspaper or newspapers having general circulation in each county in the
6 State, and the election and the registration of voters therefor shall be held under and in
7 accordance with the general laws of the State. Absentee ballots shall be authorized in
8 the election.

9 The State Board of Elections shall reimburse the counties of the State for all
10 necessary expenses incurred in holding the election which are in addition to those which
11 would have otherwise been incurred, the same to be paid out of the Contingency and
12 Emergency Fund or other funds available to the State Board of Elections.

13 Voting machines, ballots, or both may be used in accordance with rules
14 prescribed by the State Board of Elections. The bond questions to be used in the voting
15 machines and ballots shall be in substantially the following forms:

16 "[] FOR the issuance of three hundred three million dollars
17 (\$303,000,000) State of North Carolina University Improvement
18 Bonds constituting general obligation bonds of the State secured by a
19 pledge of the faith and credit and taxing power of the State for the
20 purpose of providing funds, together with any other available funds, to
21 pay the cost of providing capital improvements at the constituent or
22 affiliated institutions and the Center for Public Television of the
23 University of North Carolina.

24 [] AGAINST the issuance of three hundred three million dollars
25 (\$303,000,000) State of North Carolina University Improvement
26 Bonds constituting general obligation bonds of the State secured by a
27 pledge of the faith and credit and taxing power of the State for the
28 purpose of providing funds, together with any other available funds, to
29 pay the cost of providing capital improvements at the constituent or
30 affiliated institutions and the Center for Public Television of the
31 University of North Carolina.

32 [] FOR the issuance of three hundred eleven million two hundred
33 thousand dollars (\$311,200,000) State of North Carolina Community
34 College Bonds constituting general obligation bonds of the State
35 secured by a pledge of the faith and credit and taxing power of the
36 State for the purpose of providing funds, together with other available
37 funds, to make grants to community colleges to pay, together with
38 other available funds, the cost of providing capital improvements.

39 [] AGAINST the issuance of three hundred eleven million two hundred
40 thousand dollars (\$311,200,000) State of North Carolina Community
41 College Bonds constituting general obligation bonds of the State
42 secured by a pledge of the faith and credit and taxing power of the
43 State for the purpose of providing funds, together with other available

1 funds, to make grants to community colleges to pay, together with
2 other available funds, the cost of providing capital improvements.

3 [] FOR the issuance of one hundred twenty million dollars
4 (\$120,000,000) State of North Carolina Clean Water Bonds
5 constituting general obligation bonds of the State secured by a pledge
6 of the faith and credit and taxing power of the State for the purpose of
7 providing funds, with any other available funds, to make loans,
8 revolving loans, and grants to assist local government units in paying
9 the cost of clean water projects.

10 [] AGAINST the issuance of one hundred twenty million dollars
11 (\$120,000,000) State of North Carolina Clean Water Bonds
12 constituting general obligation bonds of the State secured by a pledge
13 of the faith and credit and taxing power of the State for the purpose of
14 providing funds, with any other available funds, to make loans,
15 revolving loans, and grants to assist local government units in paying
16 the cost of clean water projects."

17 If a majority of those voting on a bond question in the election vote in favor
18 of the issuance of the bonds described in the question, those bonds may be issued as
19 provided in this act. If a majority of those voting on a bond question in the election vote
20 against the issuance of the bonds described in the question, those bonds shall not be
21 issued.

22 The results of the election shall be canvassed and declared as provided by law
23 for elections for State officers; the results of the election shall be certified by the State
24 Board of Elections to the Secretary of State, in the manner and at the time provided by
25 the general election laws of the State.

26 Sec. 8. Issuance of bonds and notes. (a) Terms and conditions. Bonds or notes
27 may bear such date or dates, may be serial or term bonds or notes, or any combination
28 thereof, may mature in such amounts and at such time or times, not exceeding 40 years
29 from their date or dates, may be payable at such place or places, either within or without
30 the United States of America, in such coin or currency of the United States of America
31 as at the time of payment is legal tender for payment of public and private debts, may
32 bear interest at such rate or rates, which may vary from time to time, and may be made
33 redeemable before maturity, at the option of the State or otherwise as may be provided
34 by the State, at such price or prices, including a price less than the face amount of the
35 bonds or notes, and under such terms and conditions, all as may be determined by the
36 State Treasurer, by and with the consent of the Council of State.

37 (b) Signatures; form and denomination; registration. Bonds or notes may be
38 issued as certificated or uncertificated obligations. If issued as certificated obligations,
39 bonds or notes shall be signed on behalf of the State by the Governor or shall bear his
40 facsimile signature, shall be signed by the State Treasurer or shall bear his facsimile
41 signature, and shall bear the Great Seal of the State or a facsimile thereof shall be
42 impressed or imprinted thereon. If bonds or notes bear the facsimile signatures of the
43 Governor and the State Treasurer, the bonds or notes shall also bear a manual signature
44 which may be that of a bond registrar, trustee, paying agent, or designated assistant of

1 the State Treasurer. Should any officer whose signature or facsimile signature appears
2 on bonds or notes cease to be such officer before the delivery of the bonds or notes, the
3 signature or facsimile signature shall nevertheless have the same validity for all
4 purposes as if the officer had remained in office until delivery and bonds or notes may
5 bear the facsimile signatures of persons who at the actual time of the execution of the
6 bonds or notes shall be the proper officers to sign any bond or note although at the date
7 of the bond or note such persons may not have been such officers. The form and
8 denomination of bonds or notes, including the provisions with respect to registration of
9 the bonds or notes and any system for their registration, shall be as the State Treasurer
10 may determine in conformity with this act; provided, however, that nothing in this act
11 shall prohibit the State Treasurer from proceeding, with respect to the issuance and form
12 of the bonds or notes, under the provisions of Chapter 159E of the General Statutes, the
13 Registered Public Obligations Act, as well as under this act.

14 (c) Manner of sale; expenses. Subject to determination by the Council of State as
15 to the manner in which bonds or notes shall be offered for sale, whether at public or
16 private sale, whether within or without the United States of America and whether by
17 publishing notices in certain newspapers and financial journals, mailing notices, inviting
18 bids by correspondence, negotiating contracts of purchase or otherwise, the State
19 Treasurer is authorized to sell bonds or notes at one time or from time to time at such
20 rate or rates of interest, which may vary from time to time, and at such price or prices,
21 including a price less than the face amount of the bonds or the notes, as the State
22 Treasurer may determine. All expenses incurred in preparation, sale, and issuance of
23 bonds or notes shall be paid by the State Treasurer from the proceeds of bonds or notes
24 or other available moneys.

25 (d) Notes; repayment.

26 (1) By and with the consent of the Council of State, the State Treasurer is
27 hereby authorized to borrow money and to execute and issue notes of
28 the State for the same, but only in the following circumstances and
29 under the following conditions:

- 30 a. For anticipating the sale of bonds to the issuance of which the
31 Council of State shall have given consent, if the State Treasurer
32 shall deem it advisable to postpone the issuance of the bonds;
- 33 b. For the payment of interest on or any installment of principal of
34 any bonds then outstanding, if there shall not be sufficient funds
35 in the State treasury with which to pay the interest or
36 installment of principal as they respectively become due;
- 37 c. For the renewal of any loan evidenced by notes herein
38 authorized;
- 39 d. For the purposes authorized in this act; and
- 40 e. For refunding bonds or notes as herein authorized.

41 (2) Funds derived from the sale of bonds or notes may be used in the
42 payment of any bond anticipation notes issued under this act. Funds
43 provided by the General Assembly for the payment of interest on or
44 principal of bonds shall be used in paying the interest on or principal

1 of any notes and any renewals thereof, the proceeds of which shall
2 have been used in paying interest on or principal of the bonds.

3 (e) Refunding bonds and notes. By and with the consent of the Council of
4 State, the State Treasurer is authorized to issue and sell refunding bonds and notes
5 pursuant to the provisions of the State Refunding Bond Act for the purpose of refunding
6 bonds or notes issued pursuant to this act. The refunding bonds and notes may be
7 combined with any other issues of State bonds and notes similarly secured.

8 (f) Tax exemption. Bonds and notes shall be exempt from all State, county,
9 and municipal taxation or assessment, direct or indirect, general or special, whether
10 imposed for the purpose of general revenue or otherwise, excluding inheritance and gift
11 taxes and income taxes on the gain from the transfer of bonds and notes. The interest on
12 bonds and notes shall not be subject to taxation as to income.

13 (g) Investment eligibility. Bonds and notes are hereby made securities in
14 which all public officers, agencies, and public bodies of the State and its political
15 subdivisions, all insurance companies, trust companies, investment companies, banks,
16 savings banks, savings and loan associations, credit unions, pension or retirement funds,
17 other financial institutions engaged in business in the State, executors, administrators,
18 trustees, and other fiduciaries may properly and legally invest funds, including capital in
19 their control or belonging to them. Bonds and notes are hereby made securities which
20 may properly and legally be deposited with and received by any officer or agency of the
21 State or political subdivision of the State for any purpose for which the deposit of
22 bonds, notes, or obligations of the State or any political subdivision is now or may
23 hereafter be authorized by law.

24 (h) Faith and credit. The faith and credit and taxing power of the State are
25 hereby pledged for the payment of the principal of and the interest on bonds and notes.
26 In addition to the State's right to amend any provision of this act to the extent it does not
27 impair any contractual right of a bond owner, the State expressly reserves the right to
28 amend any provision of this act with respect to the making and repayment of loans, the
29 disposition of any repayments of loans, and any intercept provisions relating to the
30 failure of a local government unit to repay a loan, the bonds not being secured in any
31 respect by loans, any repayments thereof or any intercept provisions with respect
32 thereto.

33 Sec. 9. Variable interest rates. In fixing the details of bonds and notes, the
34 State Treasurer may provide that any of the bonds or notes may:

- 35 (1) Be made payable from time to time on demand or tender for purchase
36 by the owner thereof provided a credit facility supports the bonds or
37 notes, unless the State Treasurer specifically determines that a credit
38 facility is not required upon a finding and determination by the State
39 Treasurer that the absence of a credit facility will not materially or
40 adversely affect the financial position of the State and the marketing of
41 the bonds or notes at a reasonable interest cost to the State;
- 42 (2) Be additionally supported by a credit facility;
- 43 (3) Be made subject to redemption or a mandatory tender for purchase
44 prior to maturity;

- 1 (4) Bear interest at a rate or rates that may vary for such period or periods
2 of time, all as may be provided in the proceedings providing for the
3 issuance of the bonds or notes, including, without limitation, such
4 variations as may be permitted pursuant to a par formula; and
5 (5) Be made the subject of a remarketing agreement whereby an attempt is
6 made to remarket bonds or notes to new purchasers prior to their
7 presentment for payment to the provider of the credit facility or to the
8 State.

9 If the aggregate principal amount repayable by the State under a credit facility
10 is in excess of the aggregate principal amount of bonds or notes secured by the credit
11 facility, whether as a result of the inclusion in the credit facility of a provision for the
12 payment of interest for a limited period of time or the payment of a redemption
13 premium or for any other reason, then the amount of authorized but unissued bonds or
14 notes during the term of such credit facility shall not be less than the amount of such
15 excess, unless the payment of such excess is otherwise provided for by agreement of the
16 State executed by the State Treasurer.

17 Sec. 10. (a) The Legislative Research Commission may study the
18 programmatic needs and effectiveness of the North Carolina Community Colleges
19 System, including evaluation of the following:

- 20 (1) The structure, organization, and governance of local community
21 colleges;
22 (2) The findings, conclusions, and recommendations of the State Board of
23 Community Colleges regarding community colleges program review;
24 (3) The recommendations made by the Governmental Performance Audit
25 Committee to the 1993 General Assembly relating to the North
26 Carolina Community Colleges System; and
27 (4) Any other matters pertaining to the efficiency and effectiveness of the
28 North Carolina Community Colleges System.

29 (b) The Commission may report its findings and recommendations to the 1994
30 Regular Session of the 1993 General Assembly, or the 1995 General Assembly, or both.

31 Sec. 11. Minority business participation. The goals set by G.S. 143-128 for
32 participation in projects by minority businesses apply to projects funded by the proceeds
33 of bonds or notes issued under this act. The State Treasurer shall monitor compliance
34 with this requirement and shall report to the General Assembly by January 1 of each
35 year on the participation by minority businesses in these projects.

36 Sec. 12. Interpretation of act. (a) Additional Method. The foregoing sections of
37 this act shall be deemed to provide an additional and alternative method for the doing of
38 the things authorized thereby and shall be regarded as supplemental and additional to
39 powers conferred by other laws, and shall not be regarded as in derogation of any
40 powers now existing.

41 (b) Statutory References. References in this act to specific sections or Chapters
42 of the General Statutes or to specific acts are intended to be references to these sections,
43 Chapters, or acts as they may be amended from time to time by the General Assembly.

1 (c) Liberal Construction. This act, being necessary for the health and welfare of
2 the people of the State, shall be liberally construed to effect the purposes thereof.

3 (d) Inconsistent Provisions. Insofar as the provisions of this act are inconsistent
4 with the provisions of any general laws, or parts thereof, the provisions of this act shall
5 be controlling.

6 (e) Severability. If any provision of this act or the application thereof to any
7 person or circumstance is held invalid, such invalidity shall not affect other provisions
8 or applications of the act which can be given effect without the invalid provision or
9 application, and to this end the provisions of this act are declared to be severable.

10 Sec. 13. Effective date. This act is effective upon ratification.