

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 1853*

Short Title: UNC Nonappropriated Capital/Rev. Bonds.

(Public)

Sponsors: Representatives Miller; and Hurley.

Referred to: Appropriations.

May 30, 2000

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENTS PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA AND TO AMEND THE LAWS REGARDING CERTAIN REVENUE BONDS THAT MAY BE ISSUED BY THE BOARD OF GOVERNORS.

The General Assembly of North Carolina enacts:

Section 1. The purpose of this act is (i) to authorize the construction by The University of North Carolina, of the capital improvements projects listed in the act for the respective institutions, and (ii) to authorize the financing of these projects with funds available to the institutions from gifts, grants, receipts, self-liquidating indebtedness, or other funds, or any combination of these funds, but not including funds appropriated from the General Fund of the State.

Section 2. The capital improvements projects, and their respective costs, authorized by this act to be constructed and financed as provided in Section 1 of this act, are as follows:

- 1. Appalachian State University
New Dining Hall - Supplement \$ 9,569,744

- 1 Steam Distribution/Return System-Reconstruction \$ 3,109,200
- 2
- 3 2. East Carolina University
- 4 West End Dining Hall - Supplement \$ 5,089,700
- 5
- 6 3. North Carolina School of the Arts
- 7 Technology Infrastructure - Residence Halls \$ 1,000,000
- 8
- 9 4. North Carolina State University
- 10 Expansion of Parking Facilities \$ 9,000,000
- 11 Centennial Campus Infrastructure \$18,780,000
- 12 Centennial Campus Tenant Upfits \$ 6,750,000
- 13
- 14 5. The University of North Carolina at Asheville
- 15 New Residence Hall - Supplement \$ 3,720,800
- 16
- 17 6. The University of North Carolina at Chapel Hill
- 18 Sonja H. Stone Black Cultural Center \$ 9,000,000
- 19
- 20 7. The University of North Carolina at Charlotte
- 21 Alumni Center \$ 3,300,000
- 22
- 23 8. The University of North Carolina at Greensboro
- 24 Parking Deck \$11,000,000
- 25
- 26 9. The University of North Carolina at Pembroke
- 27 Dining Hall Addition \$ 750,000.
- 28

29 Section 3. At the request of the Board of Governors of The University of
30 North Carolina and upon determining that it is in the best interest of the State to do so,
31 the Director of the Budget may authorize an increase or decrease in the cost of, or a
32 change in the method of, funding the projects authorized by this act. In determining
33 whether to authorize a change in cost or funding, the Director of the Budget may consult
34 with the Joint Legislative Commission on Governmental Operations.

35 Section 4. G.S. 116-187 reads as rewritten:

36 **"§ 116-187. Purpose of Article.**

37 The purpose of this Article is to authorize the Board of Governors of the University of
38 North Carolina to issue revenue bonds, payable from rentals, charges, fees (including
39 student fees) and other revenues but with no pledge of taxes or the faith and credit of the
40 State or any agency or political subdivision thereof, to pay the cost, in whole or in part, of
41 ~~buildings and other facilities for the housing, health, welfare, recreation and convenience of~~
42 ~~students enrolled at the institutions hereinafter designated, housing of faculty, adult or continuing~~
43 ~~education programs and for revenue-producing parking decks or structures, and for University of~~

1 ~~North Carolina Hospitals at Chapel Hill, for projects as hereinafter defined or for nonprofit~~
2 ~~corporations providing such projects."~~

3 Section 5. G.S. 116-189(4) reads as rewritten:

4 "(4) The word 'institution' shall mean each of the institutions enumerated in
5 G.S. 116-2, ~~and the University of North Carolina Hospitals at Chapel Hill~~
6 Health Care System, and the University of North Carolina General
7 Administration."

8 Section 6. G.S. 116-189(5) is amended as follows:

9 "(5) ~~The word "project" shall mean and shall include any one or more~~
10 ~~buildings or facilities for (i) the housing, health, welfare, recreation and~~
11 ~~convenience of students, (ii) the housing of faculty, (iii) adult or~~
12 ~~continuing education, (iv) revenue-producing parking decks or~~
13 ~~structures, and (v) education, research, patient care and community~~
14 ~~services at the University of North Carolina Hospitals at Chapel Hill, of~~
15 ~~any size or type approved by the Board and the Director of the Budget~~
16 ~~and any enlargements, improvements or additions so approved of or to~~
17 ~~any such buildings or facilities now or hereafter existing, including, but~~
18 ~~without limiting the generality thereof, dormitories and other student,~~
19 ~~faculty and adult or continuing education housing, dining facilities,~~
20 ~~student centers, gymnasiums, field houses and other physical education~~
21 ~~and recreation buildings, structures and facilities, infirmaries and other~~
22 ~~health care buildings, structures and facilities, academic facilities for~~
23 ~~adult or continuing education, and necessary land and interests in land,~~
24 ~~furnishings, equipment and parking facilities. Any project comprising a~~
25 ~~building or buildings for student activities or adult or continuing~~
26 ~~education or any enlargement or improvement thereof or addition~~
27 ~~thereto may include, without limiting the generality thereof, facilities for~~
28 ~~services such as lounges, restrooms, lockers, offices, stores for books~~
29 ~~and supplies, snack bars, cafeterias, restaurants, laundries, cleaning,~~
30 ~~postal, banking and similar services, offices, rooms and other facilities~~
31 ~~for guests and visitors and facilities for meetings and for recreational,~~
32 ~~cultural and entertainment activities. The word 'project' shall mean and~~
33 shall include any one or more buildings, structures, or facilities of any
34 size or type now or hereafter existing for (i) the housing, health, welfare,
35 recreation, and convenience of students, (ii) the housing of faculty, (iii)
36 academic, research, patient care, and community services, and (iv)
37 parking at an institution or institutions, that has been approved by the
38 Board and the Director of the Budget and any improvements or
39 additions so approved to any such buildings, structures, or facilities,
40 including, but without limiting the generality thereof, dormitories and
41 other student, faculty, and adult or continuing education housing, dining
42 facilities, student centers, gymnasiums, field houses and other physical
43 education and recreation buildings, infirmaries and other health care

1 buildings, academic facilities, furnishings, equipment, parking facilities,
2 and necessary land and interest in land. Any project may include,
3 without limiting the generality thereof, facilities for services such as
4 lounges, restrooms, lockers, offices, stores for books and supplies, snack
5 bars, cafeterias, restaurants, laundries, cleaning, postal, banking and
6 similar services, rooms and other facilities for guests and visitors, and
7 facilities for meetings and for recreational, cultural, and entertainment
8 activities."

9 Section 7. G.S. 116-190 reads as rewritten:

10 **"§ 116-190. General powers of Board of Governors.**

11 The Board is authorized, subject to the requirements of this Article:

- 12 (1) To determine the location and character of any project or projects and to
13 acquire, construct and provide the same and to maintain, repair and
14 operate and enter into contracts for the management, lease, use or
15 operation of all or any portion of any project or projects and any
16 existing facilities;
- 17 (2) To issue revenue bonds as hereinafter provided to pay all or any part of
18 the cost of any project or projects, and to fund or refund the same;
- 19 (3) To fix and revise from time to time and charge and collect (i) student
20 fees from students enrolled at the institution operated by the Board, (ii)
21 rates, fees, rents and charges for the use of and for the services furnished
22 by all or any portion of any project or projects and (iii) admission fees
23 for athletic games and other public events;
- 24 (4) To establish and enforce, and to agree through any resolution or trust
25 agreement authorizing or securing bonds under this Article to make and
26 enforce, rules and regulations for the use of and services rendered by
27 any project or projects and any existing facilities, including parietal
28 rules, when deemed desirable by the Board, to provide for the maximum
29 use of any project or projects and any existing facilities;
- 30 (5) To acquire, hold, lease and dispose of real and personal property in the
31 exercise of its powers and the performance of its duties hereunder and to
32 lease all or any part of any project or projects and any existing facilities
33 for such period or periods of years, not exceeding 40 years, upon such
34 terms and conditions as the Board determines subject to the provisions
35 of G.S. 143-341;
- 36 (6) To employ consulting engineers, attorneys, accountants, construction
37 and financial experts, superintendents, managers and such other
38 employees and agents as may be necessary in its judgment in connection
39 with any project or projects and existing facilities, and to fix their
40 compensation;
- 41 (7) To make and enter into all contracts and agreements necessary or
42 incidental to the performance of its duties and the execution of its
43 powers under this Article;

- 1 (8) To receive and accept from any federal, State or other public agency and
2 any private agency, person or other entity donations, loans, grants, aid
3 or contributions of any money, property, labor or other things of value
4 for any project or projects, and to agree to apply and use the same in
5 accordance with the terms and conditions under which the same are
6 provided; and
- 7 (8a) In connection with contracts with nonprofit corporations, (i) to use
8 contracting methods that are considered to be alternatives to the
9 traditional design/bid/build method (including design/build,
10 construction management, and other methods that conform to State
11 statutes that ensure free and competitive bidding by qualified
12 contractors) without having to seek the approval of any other
13 governmental agency or authority, (ii) to direct that insurance for the
14 project be provided by the nonprofit corporation rather than the State,
15 and (iii) to contract with certified code-compliance reviewers for the
16 purposes of certifying plans and specifications and work in place for
17 code compliance. No other reviews by State or local jurisdictions will
18 be required. The Board shall have the sole responsibility to select and
19 contract with designers and consultants and to award construction
20 contracts and change orders related to projects with nonprofit
21 corporations.
- 22 (9) To do all acts and things necessary or convenient to carry out the
23 powers granted by this Article."
- 24 Section 8. This act is effective when it becomes law.