

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 71
SENATE BILL 292

AN ACT TO CREATE THE STATE BUILDING COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. Chapter 143 of the General Statutes is amended by adding a new Article to read:

"Article 8B.

"State Building Commission.

"§ 143-135.25. State Building Commission - creation; staff; membership; appointments; terms; vacancies; chairman; compensation.—(a) A State Building Commission is created within the Department of Administration to develop procedures to direct and guide the State's capital facilities development and management program.

(b) The State Construction Office of the Department of Administration shall provide staff to the State Building Commission. The chairman of the Commission shall provide direction to the State Construction Office on its work for the Commission.

The director of the State Construction Office shall be a registered engineer or licensed architect and shall be technically qualified by educational background and professional experience in building design, construction, or facilities management. The administrative head shall be appointed by the Secretary of the Department of Administration.

(c) The Commission shall consist of nine members qualified and appointed as follows:

- (1) A licensed architect whose primary practice is or was in the design of buildings, chosen from among not more than three persons nominated by the North Carolina Chapter of the American Institute of Architects, appointed by the Governor.
- (2) A registered engineer whose primary practice is or was in the design of engineering systems for buildings, chosen from among not more than three persons nominated by the Consulting Engineers Council and the Professional Engineers of North Carolina, appointed by the General Assembly upon the recommendation of the President of the Senate in accordance with G.S. 120-121.
- (3) A licensed building contractor whose primary business is or was in the construction of buildings, chosen from among not more than three persons nominated by the Carolinas Branch, Associated General Contractors, appointed by the General Assembly upon the

recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121.

- (4) A licensed electrical contractor whose primary business is or was in the installation of electrical systems for buildings, chosen from among not more than three persons nominated by the North Carolina Association of Electrical Contractors, and the Carolinas Chapter, National Electrical Contractors' Association, appointed by the Governor.
- (5) A public member appointed by the General Assembly upon the recommendation of the President of the Senate in accordance with G.S. 120-121.
- (6) A licensed mechanical contractor whose primary business is or was in the installation of mechanical systems for buildings, chosen from among not more than three persons nominated by the North Carolina Association of Plumbing, Heating, Cooling Contractors, appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121.
- (7) An employee of the university system currently involved in the capital facilities development process, chosen from among not more than three persons nominated by the Board of Governors of The University of North Carolina, appointed by the Governor.
- (8) A public member who is knowledgeable in the building construction or building maintenance area, appointed by the General Assembly upon the recommendation of the President of the Senate in accordance with G.S. 120-121.
- (9) A manager of physical plant operations whose responsibilities are or were in the operations and maintenance of physical facilities, chosen from among not more than three persons nominated by the North Carolina Association of Physical Plant Administrators, appointed by the General Assembly upon recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121.

The members shall be appointed for staggered three-year terms: The initial appointments to the Commission shall be made within 15 days of the effective date of this act. The initial terms of members appointed pursuant to subdivisions (1), (2), and (3) shall expire June 30, 1990; the initial terms of members appointed pursuant to (4), (5), and (6) shall expire June 30, 1989; and the initial terms of members appointed pursuant to (7), (8), and (9) shall expire June 30, 1988. Members may serve no more than six consecutive years.

Vacancies in appointments made by the Governor shall be filled by the Governor for the remainder of the unexpired terms. Vacancies in appointments made by the General Assembly shall be filled in accordance with G.S. 120-122. Persons appointed to fill vacancies shall qualify in the same manner as persons appointed for full terms.

The chairman of the Commission shall be elected by the Commission. The Secretary of State shall serve as chairman until a chairman is elected.

(d) The Commission shall meet at least four times a year on or about January 15, April 15, July 15, and October 15. The Commission shall also meet upon the call of the chairman, or upon call of at least five members. The Secretary of State shall call the first meeting within 30 days of the effective date of this act; the first order of business at the first meeting shall be the election of a chairman by the Commission.

(e) Members of the Commission who are not State officers or employees shall receive per diem of one hundred dollars (\$100.00) a day when the Commission meets and shall be reimbursed for travel and subsistence as provided in G.S. 138-5. Members who are State officers or employees shall be reimbursed for travel and subsistence as provided in G.S. 138-6.

"§ 143-135.26. Powers and duties of the Commission.—The State Building Commission shall have the following powers and duties with regard to the State's capital facilities development and management program:

(1) To adopt rules establishing standard procedures and criteria to assure that the designer selected for each State capital improvement project has the qualifications and experience necessary for that capital improvement project. The rules shall provide that the State Building Commission, after consulting with the funded agency, is responsible and accountable for the final selection of the designer except when The University of North Carolina is the funded agency. When The University is the funded agency, it is responsible and accountable for the final selection of the designer. All designers shall be selected within 60 days of the date funds are appropriated for a project by the General Assembly.

The State Building Commission shall submit a written report to the Joint Legislative Commission on Governmental Operations on the Commission's selection of a designer for a project within 30 days of selecting the designer.

(2) To adopt rules for coordinating the plan review, approval, and permit process for State capital improvement projects.

(3) To adopt rules for establishing a post-occupancy evaluation, annual inspection and preventive maintenance program for all State buildings.

(4) To develop procedures for evaluating the work performed by designers and contractors on State capital improvement projects.

(5) To continuously study and recommend ways to improve the effectiveness and efficiency of the State's capital facilities development and management program.

(6) To request designers selected prior to the effective date of this act whose plans for the projects have not been approved to report to the Commission on their progress on the projects. The Department of Administration shall provide the Commission with a list of all such projects.

(7) To appoint an advisory board, if the Commission deems it necessary, to assist the Commission in its work. No one other than the Commission may appoint an advisory board to assist or advise it in its work.

The Commission shall submit an annual report of its activities to the Governor and the Joint Legislative Commission on Governmental Operations.

"§ 143-135.27. Definition of capital improvement project.—As used in this Article, 'State capital improvement project' means the construction of and any alteration,

renovation, or addition to State buildings, as defined in G.S. 143-336, for which State funds, as defined in G.S. 143-1, are used and which is required by G.S. 143-129 to be publicly advertised.

"§ 143-135.28. Conflict of interest.—If any member of the Commission shall be interested either directly or indirectly, or shall be an officer or employee of or have an ownership interest in any firm or corporation interested directly or indirectly, in any contract authorized by the Commission, that interest shall be disclosed to the Commission and set forth in the minutes of the Commission, and the member having the interest may not participate on behalf of the Commission in the authorization of that contract."

Sec. 2. Article 7 of Chapter 129 of the General Statutes is repealed.

Sec. 3. G.S. 143-18.1(c) is amended by deleting the language "and the Capital Building Authority" both times it appears.

Sec. 4. G.S. 120-123(39) and (12) are repealed.

Sec. 5. G.S. 120-123 is amended by adding a new subdivision to read:

"(46) The State Building Commission, as established by G.S. 143-135.25."

Sec. 6. Funds appropriated to the State-Owned Property Study Commission for the 1985-87 fiscal biennium that are not expended by the effective date of this act are transferred to the State Building Commission created in Section 1 of this act. No additional funds may be paid out for activities of the State Building Commission during the 1985-87 fiscal biennium unless the payment is authorized in the Current Operations Appropriations Act for the 1987-89 fiscal biennium.

Sec. 7. The State Building Commission created in Executive Order Number 42, done March 23, 1987, is abolished.

Sec. 8. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 14th day of April, 1987.