

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 1278

Short Title: Correction Enterprises Funds.

(Public)

Sponsors: Senator Odom.

Referred to: Capital Expenditures and Improvements.

July 5, 1993

A BILL TO BE ENTITLED

**AN ACT TO APPROPRIATE FUNDS FOR CAPITAL IMPROVEMENTS AT
CORRECTION ENTERPRISES FACILITIES.**

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Department of Administration, Office of State Construction, the sum of twenty-two million two hundred twenty-eight thousand nine hundred dollars (\$22,228,900) for the 1993-94 fiscal year for capital improvements at Correction Enterprises facilities, to be allocated as follows:

- (1) Furniture refurbishing facility at Pender - \$1,831,600;
- (2) Sewing and tailoring plant at Brown Creek - \$2,019,400;
- (3) Broughton Laundry at South Mountain - \$3,249,100;
- (4) Mattress, athletic equipment, and reupholstry facility at Lumberton - \$1,354,000;
- (5) Janitorial products plant expansion at Harnett - 1,633,100;
- (6) Cannery plant expansion at Caledonia - \$1,604,600;
- (7) Box carton plant at Hyde - \$1,958,900;
- (8) Modular workstation plant at Marion - \$1,630,800;
- (9) Tag plant at Polk replacement/Lumberton - \$3,447,400;
- (10) Reserve for private sector industries at various locations - \$3,500,000.

Sec. 2. The Office of State Construction of the Department of Administration may contract for and supervise all aspects of administration, technical assistance, design, construction, or demolition of Correction Enterprises facilities in order to

1 implement the providing of Correction Enterprises facilities under the provisions of this
2 act.

3 The facilities authorized under this act shall be constructed in accordance
4 with the provisions of general law applicable to the construction of State facilities. If
5 the Secretary of Administration, after consultation with the Secretary of Correction,
6 finds that the delivery of Correction Enterprises facilities must be expedited for good
7 cause, the Office of State Construction of the Department of Administration may use
8 alternative delivery systems and shall be exempt from the following statutes and rules
9 implementing those statutes, to the extent necessary to expedite delivery: G.S. 143-
10 135.26(1), 143-128, 143-129, 143-131, 143-132, 143-134, 143-135.26, 113A-1 through
11 113A-10, 113A-50 through 113A-66, 133-1.1(g), and 143-408.1.

12 Prior to exercising the exemptions allowable under this section, the Secretary
13 of Administration shall give reasonable notice in writing of the Department's intent to
14 exercise the exemptions to the Speaker of the House, the President Pro Tempore of the
15 Senate, the Chairs of the House and Senate Appropriations Committees, the Chairs of
16 the House and Senate Appropriations Subcommittees on Justice and Public Safety, and
17 the Fiscal Research Division. The written notice shall contain at least the following
18 information: (i) the specific statutory requirement or requirements from which the
19 Department intends to exempt itself; (ii) the reason the exemption is necessary to
20 expedite delivery of Correction Enterprises facilities; (iii) the way in which the
21 Department anticipates the exemption will expedite the delivery of Correction
22 Enterprises facilities; and (iv) a brief summary of the proposed contract for the project
23 which is to be exempted.

24 The Office of State Construction of the Department of Administration shall
25 have a verifiable ten percent (10%) goal for participation by minority and women-
26 owned businesses. All contracts for the design, construction, or demolition of
27 Correction Enterprises facilities shall include a penalty for failure to complete the work
28 by a specified date.

29 The Office of State Construction of the Department of Administration shall
30 consider alternative delivery systems that could expedite the delivery of Correction
31 Enterprises facilities. Such delivery systems as design-build shall be considered.
32 However, in order for such alternatives to be used, the Department of Correction must
33 approve the proposed design for operational programming and cost of operations and
34 maintenance.

35 The Office of State Construction of the Department of Administration shall
36 involve the Department of Correction in all aspects of the projects to the extent that
37 such involvement relates to the Department's program needs and to its responsibility for
38 the care of the prison population.

39 Sec. 3. The Office of State Construction of the Department of Administration
40 shall provide quarterly reports to the Chair of the Appropriations Committee and the
41 Base Budget Committee in the Senate, the Chairs of the Appropriations Committee in
42 the House, the Joint Legislative Commission on Governmental Operations, and the
43 Fiscal Research Division as to any changes in projects and allocations made under this
44 act. The report shall include any changes in the projects and allocations made pursuant

1 to this act, information on which contractors have been selected, what contracts have
2 been entered into, the projected and actual occupancy dates of facilities contracted for,
3 the location of each project, and the projected and actual cost of each project.

4 The Department of Insurance and the Department of Correction shall report
5 quarterly to the Joint Legislative Commission on Governmental Operations on their
6 involvement in the prison construction program.

7 Sec. 4. This act becomes effective July 1, 1993.