

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 1278
Appropriations Committee Substitute Adopted 7/20/93

Short Title: Finance Corr. Enterpr. Projects.

(Public)

Sponsors:

Referred to:

July 5, 1993

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE FINANCING OF CAPITAL IMPROVEMENTS AT
CORRECTION ENTERPRISES FACILITIES.

The General Assembly of North Carolina enacts:

Section 1. The Department of Correction may finance the construction of the capital improvement projects at Correction Enterprises facilities listed in Section 2 of this act with funds available to the Department from gifts, grants, receipts, self-liquidating indebtedness, or other funds, or any combination of such funds, but not including funds appropriated from the General Fund of the State.

The State Treasurer may enter into or negotiate a note with an acceptable bank or trust company in lieu of issuing bonds for the financing of projects listed in Section 2 of this act. The terms and conditions of any note of this nature shall be in accordance with the terms and conditions surrounding issuance of bonds.

Sec. 2. The projects authorized to be constructed and financed as provided in Section 1 of this act are as follows:

- (1) Furniture refurbishing facility at Pender;
- (2) Sewing and tailoring plant at Brown Creek;
- (3) Broughton Laundry at South Mountain;
- (4) Mattress, athletic equipment, and reupholstery facility at Lumberton;
- (5) Janitorial products plant expansion at Harnett;
- (6) Cannery plant expansion at Caledonia;
- (7) Box carton plant at Hyde;
- (8) Modular workstation plant at Marion;

1 (9) Tag plant at Polk replacement/Lumberton;

2 (10) Reserve for private sector industries at various locations.

3 Sec. 3. The Office of State Construction of the Department of Administration
4 may contract for and supervise all aspects of administration, technical assistance,
5 design, construction, or demolition of Correction Enterprises facilities in order to
6 implement the providing of Correction Enterprises facilities under the provisions of this
7 act.

8 The facilities authorized under this act shall be constructed in accordance
9 with the provisions of general law applicable to the construction of State facilities. If
10 the Secretary of Administration, after consultation with the Secretary of Correction,
11 finds that the delivery of Correction Enterprises facilities must be expedited for good
12 cause, the Office of State Construction of the Department of Administration may use
13 alternative delivery systems and shall be exempt from the following statutes and rules
14 implementing those statutes, to the extent necessary to expedite delivery: G.S. 143-
15 135.26(1), 143-128, 143-129, 143-131, 143-132, 143-134, 143-135.26, 113A-1 through
16 113A-10, 113A-50 through 113A-66, 133-1.1(g), and 143-408.1.

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

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

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

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

1 Sec. 4. The Office of State Construction of the Department of Administration
2 shall provide quarterly reports to the Chair of the Appropriations Committee and the
3 Base Budget Committee in the Senate, the Chairs of the Appropriations Committee in
4 the House, the Joint Legislative Commission on Governmental Operations, and the
5 Fiscal Research Division as to any changes in projects and allocations made under this
6 act. The report shall include any changes in the projects and allocations made pursuant
7 to this act, information on which contractors have been selected, what contracts have
8 been entered into, the projected and actual occupancy dates of facilities contracted for,
9 the location of each project, and the projected and actual cost of each project.

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

13 Sec. 5. This act becomes effective July 1, 1993.