

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 1437*

Short Title: Finance Corr. Enterpr. Projects.

(Public)

Sponsors: Representatives Justus and Thompson.

Referred to: Finance.

June 3, 1996

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) Fresh produce distribution warehouse;
- (2) Cannery replacement facility;
- (3) License tag plant replacement facility;
- (4) Laundry consolidation facility;
- (5) Custom cabinet shop;
- (6) Box carton plant;
- (7) Modular workstation plant;
- (8) Reserve to construct a 15,000-square-foot facility for private sector program;

1 (9) Reupholstery plant;

2 (10) Western area print plant.

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 facilities in order to implement the providing of
6 Correction Enterprises facilities under the provisions of this act.

7 The facilities authorized under this act shall be constructed in accordance
8 with the provisions of general law applicable to the construction of State facilities. If
9 the Secretary of Administration, after consultation with the Secretary of Correction,
10 finds that the delivery of Correction Enterprises facilities must be expedited for good
11 cause, the Office of State Construction of the Department of Administration shall be
12 exempt from the following statutes and rules implementing those statutes, to the extent
13 necessary to expedite delivery: G.S. 143-135.26, 143-128, 143-129, 143-131, 143-132,
14 143-134, 113A-1 through 113A-10, 113A-50 through 113A-66, 133-1.1(g), and 143-
15 408.1 through 143-408.7.

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

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

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

36 Sec. 4. The Office of State Construction of the Department of Administration
37 shall provide quarterly reports to the Chairs of the Appropriations Committee and the
38 Base Budget Committee in the Senate, the Chairs of the Appropriations Committee in
39 the House, the Joint Legislative Commission on Governmental Operations, the Chairs
40 of the Joint Legislative Corrections Oversight Committee, and the Fiscal Research
41 Division as to any changes in projects and allocations made under this act. The report
42 shall include any changes in the projects and allocations made pursuant to this act,
43 information on which contractors have been selected, what contracts have been entered
44 into, the projected and actual occupancy dates of facilities contracted for, the number of

1 beds to be constructed on each project, the location of each project, and the projected
2 and actual cost of each project.

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

6 Sec. 5. This act becomes effective July 1, 1996.