

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 1182*

Short Title: Agency Printing.

(Public)

Sponsors: Senators Hoyle; and Martin of Pitt.

Referred to: Commerce.

May 15, 1996

A BILL TO BE ENTITLED

AN ACT TO ENFORCE ECONOMY IN STATE PRINTING COSTS AND TO
PROMOTE OPPORTUNITIES FOR INCREASED PRIVATIZATION OF
PRINTING.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-169 reads as rewritten:

"§ 143-169. Limitations on publications.

(a) Repealed by Session Laws 1983, c. 866, s. 2.

(b) Every publication published at State expense which makes use of ~~the multicolor~~
~~process-process color or multicolor printing~~ is prohibited except:

(1) In cases of scientific illustrations when the illustrations would be
unintelligible if published in black and white;

(2) When the publication is a project of the Department of Environment,
Health, and Natural Resources, or is a part of the magazine 'Wildlife in
North Carolina,' published under the auspices of the Wildlife Resources
Commission; or

(3) When the express approval of the Department of Administration is
obtained.

(c) Every publication published at State expense shall be prepared in accordance
with the recycling and reuse requirements set forth in G.S. 130A-309.14(j).

1 (d) If an agency fails to comply with this subsection, the Director of the Budget
2 shall certify the agency's printing budget for the next fiscal year at ten percent (10%) less
3 than the amount appropriated for the fiscal year in which the violation occurs."

4 Sec. 2. G.S. 130A-309.14(j) reads as rewritten:

5 "(j) The Department of Administration shall develop a model report for reports
6 published by any State agency, the General Assembly, the General Court of Justice, or
7 The University of North Carolina. This model report shall satisfy the following:

8 (1) The paper in the report shall, to the extent economically practicable, be
9 made from recycled paper and shall be capable of being recycled.

10 (2) The other constituent elements of the report shall, to the extent
11 economically practicable, be made from recycled products and shall be
12 capable of being recycled or reused.

13 (3) The report shall, to the extent practicable, be printed on both sides of the
14 paper.

15 If an agency fails to comply with this subsection, the Director of the Budget shall
16 certify the agency's printing budget for the next fiscal year at ten percent (10%) less than
17 the amount appropriated for the fiscal year in which the violation occurs."

18 Sec. 3. The Division of Purchase and Contract of the Department of
19 Administration shall perform a performance audit of the actual cost of all in-house
20 printing operations conducted by State agencies, excluding The University of North
21 Carolina system, to determine the cost-effectiveness of their printing operations in
22 comparison to Correction Enterprises and commercial operations. The Division shall file
23 the report with the Joint Legislative Commission on Governmental Operations no later
24 than November 30, 1996.

25 Sec. 4. G.S. 143-170.1(a3) reads as rewritten:

26 "(a3) If an agency fails to comply with this section, ~~then the agency's printing budget~~
27 ~~for the fiscal year following the violation shall be reduced by ten percent (10%).~~ the Director of
28 the Budget shall certify the agency's printing budget for the next fiscal year at ten percent
29 (10%) less than the amount appropriated for the fiscal year in which the violation
30 occurs."

31 Sec. 5. G.S. 148-70 reads as rewritten:

32 "**§ 148-70. Management and care of inmates; prison industries; disposition of**
33 **products of inmate labor.**

34 The State Department of Correction in all contracts for labor shall provide for feeding
35 and clothing the inmates and shall maintain, control and guard the quarters in which the
36 inmates live during the time of the contracts; and the Department shall provide for the
37 guarding and working of such inmates under its sole supervision and control. The
38 Department may make such contracts for the hire of the inmates confined in the State
39 prison as may in its discretion be proper. In accordance with the provisions of Article 11
40 of Chapter 66 of the General Statutes, the Department may use the labor of inmates
41 confined in the State prison in work on farms and manufacturing, either within or without
42 the State prison. The Department may dispose of the products of the labor of the inmates,
43 either in farming or in manufacturing or in other industry at the State Prison System to

1 any public institution owned, managed, or controlled by the State, or to any county, city
2 or town in this State, or to any federal, state, or local public institution in any other state
3 of the union. Provided however, no manufacturing or other industry shall be established,
4 supervised or controlled by the Department unless specifically approved by the Governor
5 pursuant to G.S. 66-58(f).

6 All departments, institutions and agencies of this State which are supported in whole
7 or in part by the State shall give preference to Department of Correction products in
8 purchasing articles, products, and commodities which these departments, institutions, and
9 agencies require and which are manufactured or produced within the State prison system
10 and offered for sale to them by the Department of Correction, and no article or
11 commodity available from the Department of Correction shall be purchased by any such
12 State department, institution, or agency from any other source unless the prison product
13 does not meet the standard specifications and the reasonable requirements of the
14 department, institution, or agency as determined by the Secretary of Administration, or
15 the requisition cannot be complied with because of an insufficient supply of the articles
16 or commodities required. The provisions of Article 3 of Chapter 143 of the General
17 Statutes respecting contracting for the purchase of all supplies, materials and equipment
18 required by the State government or any of its departments, institutions or agencies under
19 competitive bidding shall not apply to articles or commodities available from the
20 Department of Correction, but the Department of Correction shall be required to keep the
21 price of such articles or commodities substantially in accord with that paid by
22 governmental agencies for similar articles and commodities of equivalent quality as
23 determined by the Secretary by reference to competitive bidding as required by law. The
24 Secretary, or an agency acting within its delegation from the Secretary under Article 3 of
25 Chapter 143 of the General Statutes, may obtain quotes from commercial vendors to
26 determine whether the price of the Department of Correction is substantially in accord
27 with that paid for similar articles and commodities.

28 In addition, the Secretary of Correction may lease one or more buildings or portions
29 of buildings on the grounds of any State correctional institution or location under
30 Department of Correction control, together with the real estate needed for reasonable
31 access to such buildings, for a term not to exceed 20 years, to a private corporation for
32 the purpose of establishing and operating a factory for the manufacture and processing of
33 products or any other commercial enterprise deemed by the Secretary to provide
34 employment opportunities for inmates in meaningful jobs for wages. A lease entered into
35 pursuant to this section may include provisions for the remodeling or construction of
36 buildings. Each lease shall be approved by the Governor and Council of State and may be
37 entered into only after consultation with the Joint Legislative Commission on
38 Governmental Operations. Each lease negotiated and concluded pursuant to this section
39 shall include and shall be valid only so long as the lessee adheres to the following
40 provisions:

- 41 (1) All persons employed in the factory or other commercial enterprise
42 operated in or on the leased property, except the lessee's supervisory

1 employee and necessary training personnel, shall be inmates who are
2 approved for such employment by the Secretary or his designee.

3 (2) The factory or other commercial enterprise operated in or on the leased
4 property shall observe at all times such practices and procedures
5 regarding security as the lease may specify or as the Secretary may
6 stipulate.

7 (3) The factory or other commercial enterprise operated on the leased
8 property shall be deemed a private enterprise and subject to all the laws
9 and lawfully adopted rules of this State governing the operation of
10 similar business enterprises elsewhere, except that the provisions of
11 G.S. 66-58 shall not apply to the industries or products of such private
12 enterprise.

13 The Secretary shall adopt rules for the administration and management of personnel
14 policies for prisoner workers including wages, working hours, and conditions of
15 employment.

16 Except as prohibited by applicable provisions of the United States Code, inmates of
17 correctional institutions of this State may be employed in the manufacture and processing
18 of products and services for introduction into interstate commerce, so long as they are
19 paid no less than the prevailing minimum wage."

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