

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 1467\*

Short Title: Finance Corr. Enterpr. Projects.

(Public)

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Sponsors: Senator Ballance.

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Referred to: Appropriations.

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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;

- 1 (6) Box carton plant;
- 2 (7) Modular workstation plant;
- 3 (8) Reserve to construct a 15,000-square-foot facility for private sector
- 4 program;
- 5 (9) Reupholstery plant;
- 6 (10) Western area print plant.

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

11 The facilities authorized under this act shall be constructed in accordance with  
12 the provisions of general law applicable to the construction of State facilities. If the  
13 Secretary of Administration, after consultation with the Secretary of Correction, finds  
14 that the delivery of Correction Enterprises facilities must be expedited for good cause, the  
15 Office of State Construction of the Department of Administration shall be exempt from  
16 the following statutes and rules implementing those statutes, to the extent necessary to  
17 expedite delivery: G.S. 143-135.26, 143-128, 143-129, 143-131, 143-132, 143-134,  
18 113A-1 through 113A-10, 113A-50 through 113A-66, 133-1.1(g), and 143-408.1 through  
19 143-408.7.

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

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

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

40 Sec. 4. The Office of State Construction of the Department of Administration  
41 shall provide quarterly reports to the Chairs of the Appropriations Committee and the  
42 Base Budget Committee in the Senate, the Chairs of the Appropriations Committee in the  
43 House, the Joint Legislative Commission on Governmental Operations, the Chairs of the

1 Joint Legislative Corrections Oversight Committee, and the Fiscal Research Division as  
2 to any changes in projects and allocations made under this act. The report shall include  
3 any changes in the projects and allocations made pursuant to this act, information on  
4 which contractors have been selected, what contracts have been entered into, the  
5 projected and actual occupancy dates of facilities contracted for, the number of beds to be  
6 constructed on each project, the location of each project, and the projected and actual cost  
7 of each project.

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

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