

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 141

Commerce Committee Substitute Adopted 2/26/97

Commerce Committee Substitute No. 2 Adopted 3/25/97

House Committee Substitute Favorable 6/26/97

Short Title: State Contract Exemptions.

(Public)

Sponsors:

Referred to:

February 17, 1997

A BILL TO BE ENTITLED

AN ACT TO EXEMPT CERTAIN GOVERNMENTAL ENTITIES FROM STATE
PURCHASE AND CONTRACT REQUIREMENTS.

The General Assembly of North Carolina enacts:

Section 1. G. S. 143B-465 reads as rewritten:

"§ 143B-465. Purchase of supplies, material and equipment and building contracts.

(a) All of the provisions of Article 3 of Chapter 143 of the General Statutes relating to the purchase of supplies, material and equipment by the State government are hereby made applicable to the North Carolina State Ports Authority.

(b) All of the provisions of Chapter 143 of the General Statutes relating to public building contracts are hereby made applicable to the North Carolina State Ports Authority for those construction projects which may be funded, in whole or in part, by appropriations from the General Assembly.

(c) Notwithstanding subsections (a) and (b) of this section, if the North Carolina State Ports Authority finds that the delivery of a particular port facility must be expedited for good cause, the Authority shall be exempt from the following statutes, and rules implementing those statutes, to the extent necessary to expedite delivery: G.S. 133-1.1(g),

1 G.S. 143-128(a) through (e), G.S. 143-132, and G.S. 143-135.26. Prior to exercising an
2 exemption authorized under this subsection, the North Carolina State Ports Authority,
3 through its Executive Director, shall give notice in writing of the Authority's intent to
4 exercise the exemption to the Secretary of Administration. The notice shall contain, at a
5 minimum, the following information: (i) the specific statutory requirement or
6 requirements from which the Authority intends to exercise an exemption; (ii) the reason
7 the exemption is necessary to expedite delivery of a port facility; and (iii) the way the
8 Authority anticipates the exemption will expedite the delivery of a port facility. The
9 Authority shall report quarterly to the Joint Legislative Commission on Governmental
10 Operations on any building contracts exceeding two hundred fifty thousand dollars
11 (\$250,000) to which an exemption authorized by this subsection is applied."

12 Section 2. G.S. 113-315.36 reads as rewritten:

13 "**§ 113-315.36. Purchase of supplies, ~~material and equipment.~~ material, equipment,**
14 **and building contracts.**

15 ~~All the provisions of Article 3 of Chapter 143 of the General Statutes relating to the~~
16 ~~purchase of supplies, material and equipment by the State government are hereby made~~
17 ~~applicable to the North Carolina Seafood Industrial Park Authority.~~

18 The following general laws, to the extent provided below, do not apply to the North
19 Carolina Seafood Industrial Park Authority:

20 (1) Article 3 of Chapter 143 of the General Statutes does not apply to
21 contracts for supplies, materials, equipment, and contractual services of
22 the Authority, but, with respect to these contracts, the powers and duties
23 established in that Article shall be exercised by the Authority, and the
24 Secretary of Administration and other State officers, employees, or
25 agencies shall have no duties or responsibilities concerning the
26 contracts.

27 (2) Article 8 of Chapter 143 of the General Statutes does not apply to public
28 building contracts of the Authority, but, with respect to these contracts,
29 the powers and duties established in that Article shall be exercised by
30 the Authority, and the Secretary of Administration and other State
31 officers, employees, or agencies shall have no duties or responsibilities
32 concerning the contracts.

33 (3) G.S. 143-341(3) shall not apply to the plans and specifications for
34 construction or renovation authorized by the North Carolina Seafood
35 Industrial Park Authority.

36 Notwithstanding the other provisions of this section, the services of the Department of
37 Administration may be made available to the Authority, when requested by the Authority,
38 with regard to matters governed by Articles 3 and 8 of Chapter 143 of the General
39 Statutes and G.S. 143-341(3). The Authority shall report quarterly to the Joint
40 Legislative Commission on Governmental Operations on any purchases or building
41 contracts exceeding two hundred fifty thousand dollars (\$250,000) to which this
42 exemption is applied."

1 Section 3. The County of Davie may contract for the design and construction
2 of jail and law enforcement facilities without being subject to the requirements of G.S.
3 143-128, 143-129, 143-131, and 143-132.

4 Section 4. This act is effective when it becomes law and expires July 1, 1999.