

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 1000*

Short Title: Safety Provisions/Contracts.

(Public)

Sponsors: Senators Plyler, Conder, Martin of Guilford, Smith, Plexico, Sands; and Daniel.

Referred to: Manufacturing and Labor.

May 27, 1992

A BILL TO BE ENTITLED

1 AN ACT TO REQUIRE STATE CONSTRUCTION SITE SAFETY STUDY AND
2 THE DESIGNATION OF SAFETY OFFICERS ON STATE CONSTRUCTION
3 SITES AND TO REQUIRE MINORITY AND WOMEN REPRESENTATION ON
4 THE STATE BUILDING COMMISSION.
5

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 143-135.26 reads as rewritten:

8 **"§ 143-135.26. Powers and duties of the Commission.**

9 The State Building Commission shall have the following powers and duties with
10 regard to the State's capital facilities development and management program:

- 11 (1) To adopt rules establishing standard procedures and criteria to assure
12 that the designer selected for each State capital improvement project
13 and the consultant selected for planning and studies of an architectural
14 and engineering nature associated with a capital improvement project
15 or a future capital improvement project has the qualifications and
16 experience necessary for that capital improvement project or the
17 proposed planning or study project. The rules shall provide that the
18 State Building Commission, after consulting with the funded agency,
19 is responsible and accountable for the final selection of the designer
20 and the final selection of the consultant except when the General
21 Assembly or The University of North Carolina is the funded agency.
22 When the General Assembly is the funded agency, the Legislative
23 Services Commission is responsible and accountable for the final

1 selection of the designer and the final selection of the consultant, and
2 when the University is the funded agency, it shall be subject to the
3 rules adopted hereunder, except it is responsible and accountable for
4 the final selection of the designer and the final selection of the
5 consultant. All designers and consultants shall be selected within 60
6 days of the date funds are appropriated for a project by the General
7 Assembly or the date of project authorization by the Director of the
8 Budget; provided, however, the State Building Commission may grant
9 an exception to this requirement upon written request of the funded
10 agency if (i) no site was selected for the project before the funds were
11 appropriated or (ii) funds were appropriated for advance planning
12 only.

13 The State Building Commission shall submit a written report to the
14 Joint Legislative Commission on Governmental Operations on the
15 Commission's selection of a designer for a project within 30 days of
16 selecting the designer.

- 17 (2) To adopt rules for coordinating the plan review, approval, and permit
18 process for State capital improvement projects.
- 19 (3) To adopt rules for establishing a post-occupancy evaluation, annual
20 inspection and preventive maintenance program for all State buildings.
- 21 (4) To develop procedures for evaluating the work performed by designers
22 and contractors on State capital improvement projects and for use of
23 the evaluations as a factor affecting designer selections and
24 determining qualification of contractors to bid on State capital
25 improvement projects.
- 26 (5) To continuously study and recommend ways to improve the
27 effectiveness and efficiency of the State's capital facilities
28 development and management program.
- 29 (6) To request designers selected prior to April 14, 1987, whose plans for
30 the projects have not been approved to report to the Commission on
31 their progress on the projects. The Department of Administration shall
32 provide the Commission with a list of all such projects.
- 33 (7) To appoint an advisory board, if the Commission deems it necessary,
34 to assist the Commission in its work. No one other than the
35 Commission may appoint an advisory board to assist or advise it in its
36 ~~work-work; and~~

37 ~~The Commission shall submit an annual report of its activities to~~
38 ~~the Governor and the Joint Legislative Commission on Governmental~~
39 ~~Operations.~~

- 40 (8) To review the State's provisions for ensuring the safety and health of
41 employees involved with State capital improvement projects, and to
42 recommend to the appropriate agencies and to the General Assembly,
43 after consultation with the Commissioner of Labor, changes in the
44 terms and conditions of construction contracts, State regulations, or

1 State laws that will enhance employee safety and health on these
2 projects.

3 The Commission shall submit an annual report of its activities to
4 the Governor and the Joint Legislative Commission on Governmental
5 Operations."

6 Sec. 2. G.S. 143-135.25(c) reads as rewritten:

7 "(c) The Commission shall consist of nine members qualified and appointed as
8 follows:

- 9 (1) A licensed architect whose primary practice is or was in the design of
10 buildings, chosen from among not more than three persons nominated
11 by the North Carolina Chapter of the American Institute of Architects,
12 appointed by the Governor.
- 13 (2) A registered engineer whose primary practice is or was in the design of
14 engineering systems for buildings, chosen from among not more than
15 three persons nominated by the Consulting Engineers Council and the
16 Professional Engineers of North Carolina, appointed by the General
17 Assembly upon the recommendation of the President of the Senate in
18 accordance with G.S. 120-121.
- 19 (3) A licensed building contractor whose primary business is or was in the
20 construction of buildings, or an employee of a company holding a
21 general contractor's license, chosen from among not more than three
22 persons nominated by the Carolinas AGC (Associated General
23 Contractors), appointed by the General Assembly upon the
24 recommendation of the Speaker of the House of Representatives in
25 accordance with G.S. 120-121.
- 26 (4) A licensed electrical contractor whose primary business is or was in
27 the installation of electrical systems for buildings, chosen from among
28 not more than three persons nominated by the North Carolina
29 Association of Electrical Contractors, and the Carolinas Electrical
30 Contractors' Association, appointed by the Governor.
- 31 (5) A public member appointed by the General Assembly upon the
32 recommendation of the President of the Senate in accordance with
33 G.S. 120-121.
- 34 (6) A licensed mechanical contractor whose primary business is or was in
35 the installation of mechanical systems for buildings, chosen from
36 among not more than three persons nominated by the North Carolina
37 Association of Plumbing, Heating, Cooling Contractors, appointed by
38 the General Assembly upon the recommendation of the Speaker of the
39 House of Representatives in accordance with G.S. 120-121.
- 40 (7) An employee of the university system currently involved in the capital
41 facilities development process, chosen from among not more than
42 three persons nominated by the Board of Governors of The University
43 of North Carolina, appointed by the Governor.

1 (8) A public member who is knowledgeable in the building construction
2 or building maintenance area, appointed by the General Assembly
3 upon the recommendation of the President of the Senate in accordance
4 with G.S. 120-121.

5 (9) A manager of physical plant operations whose responsibilities are or
6 were in the operations and maintenance of physical facilities, chosen
7 from among not more than three persons nominated by the North
8 Carolina Association of Physical Plant Administrators, appointed by
9 the General Assembly upon recommendation of the Speaker of the
10 House of Representatives in accordance with G.S. 120-121.

11 The members shall be appointed for staggered three-year terms: The initial
12 appointments to the Commission shall be made within 15 days of the effective date of
13 this act. The initial terms of members appointed pursuant to subdivisions (1), (2), and
14 (3) shall expire June 30, 1990; the initial terms of members appointed pursuant to (4),
15 (5), and (6) shall expire June 30, 1989; and the initial terms of members appointed
16 pursuant to (7), (8), and (9) shall expire June 30, 1988. Members may serve no more
17 than six consecutive years. In making new appointments or filling vacancies, the
18 Governor shall ensure that minorities and women are represented on the Commission.

19 Vacancies in appointments made by the Governor shall be filled by the Governor for
20 the remainder of the unexpired terms. Vacancies in appointments made by the General
21 Assembly shall be filled in accordance with G.S. 120-122. Persons appointed to fill
22 vacancies shall qualify in the same manner as persons appointed for full terms.

23 The chairman of the Commission shall be elected by the Commission. The
24 Secretary of State shall serve as chairman until a chairman is elected."

25 Sec. 3. Chapter 143 of the General Statutes is amended by adding a new
26 section to read:

27 "**§ 143-135.7. Safety officers.**

28 Each contract for a State capital improvement project, as defined in Article 8B of
29 this Chapter, shall require the contractor to designate a responsible person as safety
30 officer to inspect the project site for unsafe health and safety hazards, to report these
31 hazards to the contractor for correction, and to provide other safety and health measures
32 on the project site as required by the terms and conditions of the contract."

33 Sec. 4. This act is effective upon ratification. Section 3 applies to contracts
34 entered into on or after the effective date of this act.