

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 1127

Short Title: Union County Exemption.

(Local)

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Sponsors: Senators Plyler and Conder.

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Referred to: Local Government and Regional Affairs.

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June 3, 1992

A BILL TO BE ENTITLED

1 AN ACT TO EXTEND THE EXEMPTION OF UNION COUNTY FROM CERTAIN  
2 STATUTORY REQUIREMENTS IN THE CONSTRUCTION OF A COUNTY  
3 DETENTION FACILITY.  
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5       Whereas, Union County is preparing to construct a detention facility; and

6       Whereas, an estimate indicates that the completion of this facility under  
7 normal circumstances will take a considerable amount of time; and

8       Whereas, Union County was named as a defendant in a class action entitled  
9 Huntley v. McGuirt, et al., which involved allegations of overcrowded conditions at the  
10 Union County jail; and

11       Whereas, this lawsuit was settled by consent order filed on November 20,  
12 1991, in the United States District Court for the Western District of North Carolina,  
13 pursuant to which Union County must, by June 1, 1993: (i) reduce its jail population  
14 from 78 to 64 inmates; (ii) provide two unsupervised recreation areas, each containing  
15 1,000 square feet or more; and (iii) provide enhanced medical facilities for inmates; and

16       Whereas, members of the the Union County Board of Commissioners have  
17 reviewed plans for a detention facility similar to that proposed for Robeson County,  
18 which is to be designed and constructed in less than one year using a concept known as  
19 "design and build"; and

20       Whereas, the members of the Union County Board of Commissioners believe  
21 that the immediate construction of a detention facility would best serve the needs of the  
22 citizens of Union County; and

1           Whereas, the Union County Board of Commissioners has been informed that  
2 the concept of "design and build" may be in conflict with some provisions of Article 8 of  
3 Chapter 143 of the General Statutes, concerning the letting of public contracts; and

4           Whereas, Chapter 8 of the 1989 Session Laws exempted the State of North  
5 Carolina from certain provisions of Article 8 of Chapter 143 of the General Statutes in  
6 order to expedite construction in response to similar overcrowding emergencies; and

7           Whereas, the Union County Board of Commissioners by action dated May 4,  
8 1992, has requested the passage of an act exempting the county from meeting certain  
9 requirements of Article 8 of Chapter 143 of the General Statutes, such act to be  
10 substantially similar to Chapter 393 of the 1991 Session Laws, which exempted Union  
11 County from those requirements until July 1, 1992; and

12           Whereas, the Union County Board of Commissioners has stated that it will  
13 endeavor to comply with the spirit of Article 8 of Chapter 143 of the General Statutes  
14 by providing local contractors and minority contractors with an opportunity to bid on  
15 portions of the construction projects; Now, therefore,

16 The General Assembly of North Carolina enacts:

17           Section 1. The County of Union may contract for the design and construction  
18 of a county detention facility to relieve overcrowding at its current facility without  
19 being subject to the requirements of G.S. 143-128, 143-129, 143-131, and 143-132.

20           Sec. 2. This act is effective upon ratification and expires July 1, 1994.