

1 Section 1. There is appropriated from the General Fund to the Department of
2 Administration, Office of State Construction, the sum of thirteen million five hundred
3 thousand dollars (\$13,500,000) for the 1994-95 fiscal year for the construction of
4 additional dayroom space at the lowest possible cost at minimum custody facilities of
5 the Department of Correction and at medium custody facilities of the Department of
6 Correction that lost dormitory space due to the need to convert dormitory space to
7 dayroom space, with the exception of those facilities being consolidated pursuant to the
8 GPAC recommendation enacted in Section 177 of Chapter 321 of the 1993 Session
9 Laws.

10 Sec. 2. The State may require contractors awarded bids for construction
11 authorized under this act to use a workforce that includes inmates provided to the
12 contractors by the Department of Correction; the requirement may provide that such
13 inmates may compose up to twenty percent (20%) of the contractor's workforce. The
14 Office of State Construction and the Department of Correction shall report quarterly to
15 the Joint Legislative Commission on Governmental Operations, the Chairs of the House
16 and Senate Appropriations Committees on Justice and Public Safety, and the Fiscal
17 Research Division on the use of inmates by private contractors.

18 Sec. 3. The Office of State Construction of the Department of Administration
19 may contract for and supervise all aspects of administration, technical assistance,
20 design, construction, or demolition of prison facilities in order to implement the
21 providing of prison facilities under the provisions of this act.

22 The facilities authorized under this act shall be constructed in accordance
23 with the provisions of general law applicable to the construction of State facilities. If
24 the Secretary of Administration, after consultation with the Secretary of Correction,
25 finds that the delivery of prison facilities must be expedited for good cause, the Office
26 of State Construction of the Department of Administration shall be exempt from the
27 following statutes and rules implementing those statutes, to the extent necessary to
28 expedite delivery: G.S. 143-135.26, 143-128, 143-129, 143-131, 143-132, 143-134,
29 113A-1 through 113A-10, 113A-50 through 113A-66, 133-1.1(g), and 143-408.1
30 through 143-408.7.

31 Prior to exercising the exemptions allowable under this section, the Secretary
32 of Administration shall give reasonable notice in writing of the Department's intent to
33 exercise the exemptions to the Speaker of the House, the President Pro Tempore of the
34 Senate, the Chairs of the House and Senate Appropriations Committees, the Chairs of
35 the House and Senate Appropriations Subcommittees on Justice and Public Safety, and
36 the Fiscal Research Division. The written notice shall contain at least the following
37 information: (i) the specific statutory requirement or requirements from which the
38 Department intends to exempt itself; (ii) the reason the exemption is necessary to
39 expedite delivery of prison facilities; (iii) the way in which the Department anticipates
40 the exemption will expedite the delivery of prison facilities; and (iv) a brief summary of
41 the proposed contract for the project which is to be exempted.

42 The Office of State Construction of the Department of Administration shall
43 have a verifiable ten percent (10%) goal for participation by minority and women-

1 owned businesses. All contracts for the design, construction, or demolition of prison
2 facilities shall include a penalty for failure to complete the work by a specified date.

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

7 Sec. 4. The Office of State Construction of the Department of Administration
8 shall provide quarterly reports to the Chairs of the Appropriations Committee and the
9 Base Budget Committee in the Senate, the Chairs of the Appropriations Committee in
10 the House, the Joint Legislative Commission on Governmental Operations, and the
11 Fiscal Research Division as to any changes in projects and allocations made under this
12 act. The report shall include any changes in the projects and allocations made pursuant
13 to this act, information on which contractors have been selected, what contracts have
14 been entered into, the projected and actual occupancy dates of facilities contracted for,
15 the number of beds to be constructed on each project, the location of each project, and
16 the projected and actual cost of each project.

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

20 Sec. 5. This act becomes effective July 1, 1994.