

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

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HOUSE BILL 108

Short Title: Marion Prison Construct. Funds.

(Public)

Sponsors: Representatives R. Hunter; Flaherty, Mosley, and Bowman.

Referred to: Appropriations.

February 14, 1994

A BILL TO BE ENTITLED

AN ACT TO APPROPRIATE FUNDS FOR CONSTRUCTION OF THE CLOSE CUSTODY ADDITION TO MARION CORRECTIONAL INSTITUTION, AND TO AN OPERATING RESERVE FOR THE ADDITION, WHICH WILL REQUIRE NO NEW PERSONNEL.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Department of Administration, Office of State Construction, the sum of three million nine hundred sixty-six thousand seven hundred fourteen dollars (\$3,966,714) for the 1993-94 fiscal year for the construction of the following capital improvement project:

<u>Project Description</u>	<u>Security Level</u>	<u>Beds</u>
Marion Correctional Institution	Close	192

Section 13 of Chapter 550 of the 1993 Session Laws provides that this facility is a top priority funding item.

Sec. 2. There is appropriated from the General Fund to the Department of Correction the sum of four hundred seventy-one thousand nine hundred eighty-five dollars (\$471,985) for the 1994-95 fiscal year as a reserve for the operation of the Marion Correctional Institution under the construction program provided for in this act.

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

1 The facilities authorized under this act shall be constructed in accordance
2 with the provisions of general law applicable to the construction of State facilities. If
3 the Secretary of Administration, after consultation with the Secretary of Correction,
4 finds that the delivery of prison facilities must be expedited for good cause, the Office
5 of State Construction of the Department of Administration may use alternative delivery
6 systems and shall be exempt from the following statutes and rules implementing those
7 statutes, to the extent necessary to expedite delivery: G.S. 143-135.26, 143-128, 143-
8 129, 143-131, 143-132, 143-134, 113A-1 through 113A-10, 113A-50 through 113A-66,
9 133-1.1(g), and 143-408.1 through 143-408.7.

10 Prior to exercising the exemptions allowable under this section, the Secretary
11 of Administration shall give reasonable notice in writing of the Department's intent to
12 exercise the exemptions to the Speaker of the House of Representatives, the President
13 Pro Tempore of the Senate, the Chairs of the House and Senate Appropriations
14 Committees, the Chairs of the House and Senate Appropriations Subcommittees on
15 Justice and Public Safety, and the Fiscal Research Division. The written notice shall
16 contain at least the following information: (i) the specific statutory requirement or
17 requirements from which the Department intends to exempt itself; (ii) the reason the
18 exemption is necessary to expedite delivery of prison facilities; (iii) the way in which
19 the Department anticipates the exemption will expedite the delivery of prison facilities;
20 and (iv) a brief summary of the proposed contract for the project which is to be
21 exempted.

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

26 The Office of State Construction of the Department of Administration shall
27 consider alternative delivery systems that could expedite the delivery of prison facilities.
28 Such delivery systems as design-build, using modular or conventional building systems,
29 shall be considered. However, in order for such alternatives to be used, the Department
30 of Correction must approve the proposed design for operational programming and cost
31 of operations and maintenance.

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

36 Sec. 4. The Office of State Construction of the Department of Administration
37 shall provide quarterly reports to the Chairs of the Appropriations Committee and the
38 Base Budget Committee in the Senate, the Chairs of the Appropriations Committee in
39 the House of Representatives, the Joint Legislative Commission on Governmental
40 Operations, and the Fiscal Research Division as to any changes in projects and
41 allocations made under this act. The report shall include any changes in the projects and
42 allocations made pursuant to this act, information on which contractors have been
43 selected, what contracts have been entered into, the projected and actual occupancy

1 dates of facilities contracted for, the number of beds to be constructed on each project,
2 the location of each project, and the projected and actual cost of each project.

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

6 Sec. 5. This act is effective upon ratification.