

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

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HOUSE BILL 12*

Short Title: Prison Construction Funds.

(Public)

Sponsors: Representatives G. Miller; Alphin, Baddour, Black, Bowie, Bowman, Brawley, Church, Cole, Crawford, Cummings, Cunningham, Decker, Diamont, Dickson, Easterling, Gardner, Gottovi, Hall, Hill, Hunt, Ives, Jarrell, Jeffus, Jenkins, Joye, Lemmond, Mavretic, McAllister, McCrary, McLawhorn, Mercer, Moore, Mosley, Nichols, C. Preston, Ramsey, Redwine, Robinson, Russell, Sexton, Smith, Spears, Stewart, Sutton, Thompson, Wainwright, Warner, Wilkins, Wilmoth, Wood, and Yongue.

Referred to: Appropriations.

February 8, 1994

A BILL TO BE ENTITLED

AN ACT TO APPROPRIATE FUNDS FOR PRISON CONSTRUCTION AND TO A RESERVE TO OPERATE THE ADDITIONAL PRISON FACILITIES.

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 twenty-one million four hundred eighty-three thousand nine hundred fourteen dollars (\$21,483,914) for the 1993-94 fiscal year for the construction of the following capital improvement projects:

<u>Project Description</u>	<u>Security Level</u>	<u>Beds</u>
Piedmont	Medium	208
Lumberton	Medium	208
Pender	Medium	208
Wayne	Medium	208
Brown Creek	Medium	208.

Sec. 2. There is appropriated from the General Fund to the Department of Correction the sum of fifteen million five hundred thousand dollars (\$15,500,000) for

1 the 1994-95 fiscal year as a reserve for the operation of additional facilities to be
2 brought on line in 1994-95 under the construction program provided for in this act.

3 Sec. 3. The Director of the Budget may increase or decrease the amount
4 allocated to a particular institution within the aggregate amount of construction funds
5 available.

6 Sec. 4. The Office of State Construction of the Department of Administration
7 may contract for and supervise all aspects of administration, technical assistance,
8 design, construction, or demolition of prison facilities in order to implement the
9 providing of prison facilities under the provisions of this act.

10 The facilities authorized under this act shall be constructed in accordance
11 with the provisions of general law applicable to the construction of State facilities. If
12 the Secretary of Administration, after consultation with the Secretary of Correction,
13 finds that the delivery of prison facilities must be expedited for good cause, the Office
14 of State Construction of the Department of Administration may use alternative delivery
15 systems and shall be exempt from the following statutes and rules implementing those
16 statutes, to the extent necessary to expedite delivery: G.S. 143-135.26, 143-128, 143-
17 129, 143-131, 143-132, 143-134, 113A-1 through 113A-10, 113A-50 through 113A-66,
18 133-1.1(g), and 143-408.1 through 143-408.7.

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

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

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

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

1 Sec. 5. The Office of State Construction of the Department of Administration
2 shall provide quarterly reports to the Chairs of the Appropriations Committee and the
3 Base Budget Committee in the Senate, the Chairs of the Appropriations Committee in
4 the House of Representatives, the Joint Legislative Commission on Governmental
5 Operations, and the Fiscal Research Division as to any changes in projects and
6 allocations made under this act. The report shall include any changes in the projects and
7 allocations made pursuant to this act, information on which contractors have been
8 selected, what contracts have been entered into, the projected and actual occupancy
9 dates of facilities contracted for, the number of beds to be constructed on each project,
10 the location of each project, and the projected and actual cost of each project.

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

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