

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 629
House Committee Substitute Favorable 6/4/91
House Committee Substitute #2 Favorable 6/13/91
Fourth Edition Engrossed 6/18/91

Short Title: Union Jail Exemption.

(Local)

Sponsors:

Referred to:

April 15, 1991

A BILL TO BE ENTITLED

1 AN ACT TO EXEMPT UNION COUNTY FROM CERTAIN STATUTORY
2 REQUIREMENTS IN THE CONSTRUCTION OF A COUNTY DETENTION
3 FACILITY AND TO EXEMPT COLUMBUS COUNTY FROM THOSE
4 REQUIREMENTS IN THE CONSTRUCTION OF A NEW SOCIAL SERVICES
5 FACILITY.
6

7 Whereas, Union County is in the process of submitting a plan for an indirect-
8 supervision detention facility for review by the State of North Carolina; and

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

11 Whereas, Union County is presently named as a defendant in a class action
12 entitled Huntley v. McGuirt, et al., which involves allegations of overcrowded
13 conditions at the Union County jail; and

14 Whereas, this lawsuit is presently pending in the United States District Court
15 for the Western District of North Carolina, and may well come to trial within the next
16 three months; and

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

1 Whereas, the members of the Union County Board of Commissioners believe
2 that the immediate construction of an indirect-supervision detention facility would best
3 serve the needs of the citizens of Union County; and

4 Whereas, Columbus County has been informed by the Department of Human
5 Resources that overcrowded conditions at its social services facility have placed it out
6 of compliance with State standards for office space and facilities, and that failure to
7 correct the deficiencies could result in the withholding of federal and State
8 administrative funds; and

9 Whereas, the Columbus County Board of Commissioners is cooperating with
10 the Department of Human Resources to bring the county into compliance with State
11 standards by planning the construction of a new social services facility using the "design
12 and build" concept; and

13 Whereas, the Union and Columbus County Boards of Commissioners have
14 been informed that the concept of "design and build" may conflict with some provisions
15 of Article 8 of Chapter 143 of the General Statutes concerning the letting of public
16 contracts; and

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

20 Whereas, the Union and Columbus County Boards of Commissioners have
21 requested the passage of an act exempting those counties from meeting certain
22 requirements of Article 8 of Chapter 143 of the General Statutes; and

23 Whereas, the Union and Columbus County Boards of Commissioners have
24 stated that they will endeavor to comply with the spirit of Article 8 of Chapter 143 of
25 the General Statutes by providing local contractors and minority contractors with an
26 opportunity to bid on portions of the construction projects; Now, therefore,
27 The General Assembly of North Carolina enacts:

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

31 Sec. 2. The County of Columbus may contract for the design and
32 construction of a county social services facility to remedy overcrowding at its current
33 facility without being subject to the requirements of G.S. 143-128, 143-129, 143-131,
34 and 143-132.

35 Sec. 3. This act is effective upon ratification and expires July 1, 1992.