

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

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SENATE BILL 111

Short Title: Build Phys. Train. Fac.

(Public)

Sponsors: Senators Tally; and Edwards.

Referred to: Courts.

February 15, 1994

A BILL TO BE ENTITLED

AN ACT TO APPROPRIATE FUNDS TO CONSTRUCT A PHYSICAL TRAINING FACILITY FOR YOUTH OFFENDERS.

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 two million three hundred thirty-nine thousand eight hundred dollars (\$2,339,800) for the 1994-95 fiscal year for the construction of a 90-bed, minimum security, physical training facility in Cumberland County. The facility shall be designed to meet the following requirements:

- (1) House at least 90 offenders in a controlled environment for a period of 90 days;
- (2) Sufficient space for mental health and substance abuse counselors and for educators; and
- (3) Accommodate both male and female offenders.

Sec. 2. 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.

The facility authorized under this act shall be constructed in accordance with the provisions of general law applicable to the construction of State facilities. If the Secretary of Administration, after consultation with the Secretary of Correction, finds that the delivery of prison facilities must be expedited for good cause, the Office of State Construction of the Department of Administration may use alternative delivery systems and shall be exempt from the following statutes and rules implementing those

1 statutes, to the extent necessary to expedite delivery: G.S. 143-135.26, 143-128, 143-
2 129, 143-131, 143-132, 143-134, 113A-1 through 113A-10, 113A-50 through 113A-66,
3 133-1.1(g), and 143-408.1 through 143-408.7.

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

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

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

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

30 Sec. 3. The Office of State Construction of the Department of Administration
31 shall provide quarterly reports to the Chairs of the Appropriations Committee and the
32 Base Budget Committee in the Senate, the Chairs of the Appropriations Committee in
33 the House of Representatives, the Joint Legislative Commission on Governmental
34 Operations, and the Fiscal Research Division as to any changes in projects and
35 allocations made under this act. The report shall include any changes in the projects and
36 allocations made pursuant to this act, information on which contractors have been
37 selected, what contracts have been entered into, the projected and actual occupancy
38 dates of facilities contracted for, the number of beds to be constructed on each project,
39 the location of each project, and the projected and actual cost of each project.

40 The Department of Insurance and the Department of Correction shall report
41 quarterly to the Joint Legislative Commission on Governmental Operations on their
42 involvement in the prison construction program authorized under this act.

43 Sec. 4. This act becomes effective July 1, 1994.