

GENERAL ASSEMBLY OF NORTH CAROLINA
1991 SESSION

CHAPTER 393
SENATE BILL 629

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

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

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

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

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

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

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

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

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

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

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

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

Whereas, the Union and Columbus County Boards of Commissioners have stated that they will endeavor to comply with the spirit of Article 8 of Chapter 143 of the General Statutes by providing local contractors and minority contractors with an opportunity to bid on portions of the construction projects; Now, therefore,

The General Assembly of North Carolina enacts:

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

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

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

In the General Assembly read three times and ratified this the 25th day of June, 1991.

James C. Gardner
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives