

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1993**

**H**

**1**

HOUSE BILL 1720

Short Title: GPAC Consolidation Funds.

(Public)

---

Sponsors: Representative R. Hunter.

---

Referred to: Appropriations.

---

May 26, 1994

A BILL TO BE ENTITLED

1 AN ACT TO IMPLEMENT A RECOMMENDATION OF THE GOVERNMENT  
2 PERFORMANCE AUDIT COMMITTEE BY APPROPRIATING FUNDS FOR  
3 THE CONSTRUCTION OF A PRISON FACILITY TO CONSOLIDATE THE  
4 AVERY, MCDOWELL, AND YANCEY PRISON UNITS.  
5

6 Whereas, the Government Performance Audit Committee recommended that  
7 the State of North Carolina could improve the efficiency of its prison system by  
8 consolidating 30 of its smallest prisons; and

9 Whereas, three of the prisons recommended for consolidation were Avery  
10 Correctional Center, McDowell Correctional Center, and Yancey Correctional Center;  
11 and

12 Whereas, consolidation of those three prison units would result in a net gain  
13 of 180 beds, an estimated savings in operating costs of \$1,554,402 for the 1995-96  
14 fiscal year and \$143,862 for the 1996-97 fiscal year, and the elimination of 46 positions;

15 Now, therefore,

16 The General Assembly of North Carolina enacts:

17 Section 1. There is appropriated from the General Fund to the Department of  
18 Administration, Office of State Construction, the sum of fourteen million dollars  
19 (\$14,000,000) for the 1994-95 fiscal year for the construction of a prison unit to  
20 consolidate and replace Avery Correctional Center, McDowell Correctional Center, and  
21 Yancey Correctional Center.

22 Sec. 2. The State may require contractors awarded bids for construction  
23 authorized under this act to use a workforce that includes inmates provided to the  
24 contractors by the Department of Correction; the requirement may provide that such

1 inmates may compose up to twenty percent (20%) of the contractor's workforce. The  
2 Office of State Construction and the Department of Correction shall report quarterly to  
3 the Joint Legislative Commission on Governmental Operations, the Chairs of the House  
4 and Senate Appropriations Committees on Justice and Public Safety, and the Fiscal  
5 Research Division on the use of inmates by private contractors.

6       Sec. 3. 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 shall be exempt from the  
15 following statutes and rules implementing those statutes, to the extent necessary to  
16 expedite delivery: G.S. 143-135.26, 143-128, 143-129, 143-131, 143-132, 143-134,  
17 113A-1 through 113A-10, 113A-50 through 113A-66, 133-1.1(g), and 143-408.1  
18 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, the President Pro Tempore of the  
22 Senate, the Chairs of the House and Senate Appropriations Committees, the Chairs of  
23 the House and Senate Appropriations Subcommittees on Justice and Public Safety, and  
24 the Fiscal Research Division. The written notice shall contain at least the following  
25 information: (i) the specific statutory requirement or requirements from which the  
26 Department intends to exempt itself; (ii) the reason the exemption is necessary to  
27 expedite delivery of prison facilities; (iii) the way in which the Department anticipates  
28 the exemption will expedite the delivery of prison facilities; and (iv) a brief summary of  
29 the proposed contract for the project which is to be exempted.

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

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

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

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

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

7           Sec. 5. This act becomes effective July 1, 1994.