

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

H

1

HOUSE BILL 21\*

Short Title: Boot Camp Funds.

(Public)

Sponsors: Representatives G. Miller; Alphin, Baddour, Barbee, Black, Bowman, Church, Cole, Colton, Crawford, Cromer, Culp, Cummings, Decker, Dickson, Esposito, Gardner, Gottovi, Hall, Hill, Hunt, H. Hunter, R. Hunter, Jarrell, Jeffus, Jenkins, Joye, Kuczmariski, Lemmond, Lutz, McCombs, McCrary, McLaughlin, McLawhorn, Mercer, Mitchell, Moore, Mosley, Nichols, C. Preston, Ramsey, Redwine, Robinson, Russell, Sexton, Smith, Spears, Stewart, Sutton, Thompson, Warner, Wilkins, Wilmoth, and Yongue.

Referred to: Appropriations.

February 8, 1994

1 A BILL TO BE ENTITLED  
2 AN ACT TO APPROPRIATE FUNDS FOR CONSTRUCTION AND OPERATION  
3 OF A BOOT CAMP FOR YOUTHFUL OFFENDERS.

4 The General Assembly of North Carolina enacts:

5 Section 1. There is appropriated from the General Fund to the Department of  
6 Administration, Office of State Construction, the sum of one million one hundred  
7 thousand dollars (\$1,100,000) for the 1993-94 fiscal year for the construction of the  
8 following capital improvement project:

9

<u>Project Description</u>	<u>Security Level</u>	<u>Beds</u>
Boot Camp	Minimum	90

12

13 Sec. 2. There is appropriated from the General Fund to the Department of  
14 Correction the sum of one million five hundred sixteen thousand six hundred sixty-six  
15 dollars (\$1,516,666) for the 1994-95 fiscal year as a reserve for the operation of a new  
16 boot camp for youthful offenders to be brought on line in the 1994-95 fiscal year under  
17 the construction program provided for in this act.

1           Sec. 3. The Office of State Construction of the Department of Administration  
2 may contract for and supervise all aspects of administration, technical assistance,  
3 design, construction, or demolition of prison facilities in order to implement the  
4 providing of prison facilities under the provisions of this act.

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

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

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

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

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

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

1 to this act, information on which contractors have been selected, what contracts have  
2 been entered into, the projected and actual occupancy dates of facilities contracted for,  
3 the number of beds to be constructed on each project, the location of each project, and  
4 the projected and actual cost of each project.

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

8           Sec. 5. This act is effective upon ratification.