

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

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HOUSE BILL 25*

Short Title: Detention Center Beds Funds.

(Public)

Sponsors: Representatives G. Miller; Alexander, Alphin, Baddour, Barbee, Black, Bowman, Church, Cole, Colton, Crawford, Culp, Cummings, Cunningham, Diamont, Dickson, Esposito, Fitch, Gardner, Gottovi, Griffin, Hackney, Hall, Hightower, Hill, Hunt, R. Hunter, Ives, Jarrell, Jeffus, Joye, Kuczmarski, Lemmond, Mavretic, McCrary, McLaughlin, McLawhorn, Mercer, Mitchell, Moore, Mosley, Nichols, C. Preston, J. Preston, Ramsey, Redwine, Robinson, Russell, Sexton, Smith, Spears, Stewart, Sutton, Wainwright, Warner, Wilkins, Wilmoth, and Yongue.

Referred to: State Government.

January 8, 1994

A BILL TO BE ENTITLED

AN ACT TO APPROPRIATE FUNDS FOR DETENTION CENTER BEDS.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Department of Human Resources, Division of Youth Services, the sum of four hundred eighty-seven thousand three hundred sixty dollars (\$487,360) for the 1994-95 fiscal year, to provide additional staff at the Mecklenburg County Detention Center to operate an additional 12 beds.

Sec. 2. There is appropriated from the General Fund to the Department of Human Resources, Division of Youth Services, the sum of three million two hundred thousand dollars (\$3,200,000) for the 1993-94 fiscal year for capital costs of expanding the number of existing detention center beds.

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 detention center beds in order to implement the providing of detention center beds under the provisions of this section.

The detention center beds authorized under this section shall be constructed in accordance with the provisions of general law applicable to the construction of State

1 detention center beds. If the Secretary of Administration, after consultation with the
2 Secretary of Correction, finds that the delivery of detention center beds must be
3 expedited for good cause, the Office of State Construction of the Department of
4 Administration may use alternative delivery systems and shall be exempt from the
5 following statutes and rules implementing those statutes, to the extent necessary to
6 expedite delivery: G.S. 143-135.26, 143-128, 143-129, 143-131, 143-132, 143-134,
7 113A-1 through 113A-10, 113A-50 through 113A-66, 133-1.1(g), and 143-408.1
8 through 143-408.7.

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

20 The Office of State Construction of the Department of Administration shall
21 have a verifiable ten percent (10%) goal for participation by minority and women-
22 owned businesses. All contracts for the design, construction, or demolition of detention
23 center beds shall include a penalty for failure to complete the work by a specified date.

24 The Office of State Construction of the Department of Administration shall
25 consider alternative delivery systems that could expedite the delivery of detention center
26 beds. Such delivery systems as design-build, using modular or conventional building
27 systems, shall be considered. However, in order for these alternatives to be used, the
28 Department of Human Resources shall approve the proposed design for operational
29 programming and cost of operations and maintenance.

30 The Office of State Construction of the Department of Administration shall
31 involve the Department of Human Resources in all aspects of the projects to the extent
32 that this involvement relates to the Department's program needs and to its responsibility
33 for the care of the detention center population.

34 Sec. 3. The Office of State Construction of the Department of Administration
35 shall provide quarterly reports to the Chairs of the Appropriations Committee and the
36 Base Budget Committee in the Senate, the Chairs of the Appropriations Committee in
37 the House, the Joint Legislative Commission on Governmental Operations, and the
38 Fiscal Research Division as to any changes in projects and allocations made pursuant to
39 Section 25 of this act. The report shall include any changes in the projects and
40 allocations made pursuant to Section 25 of this act, information on which contractors
41 have been selected, what contracts have been entered into, the projected and actual
42 occupancy dates of facilities contracted for, the number of beds to be constructed on
43 each project, the location of each project, and the projected and actual cost of each
44 project.

1 The Department of Insurance and the Department of Human Resources shall
2 report quarterly to the Joint Legislative Commission on Governmental Operations on
3 their involvement in the detention center beds construction program.

4 Sec. 4. This act is effective upon ratification.