

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

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SENATE BILL 12

Short Title: Prison Construction Funds.

(Public)

Sponsors: Senators Odom; Plexico, Plyler, Johnson, Conder, Allran, Forrester, Cochran, Walker, Marshall, Harris, Daniel, Perdue, Cooper, Speed, Warren, Kaplan, Sands, Seymour, Ward, Parnell, and Lee.

Referred to: Corrections/Punishment.

February 9, 1994

A BILL TO BE ENTITLED

AN ACT TO APPROPRIATE FUNDS FOR PRISON CONSTRUCTION AND TO A RESERVE TO OPERATE THE ADDITIONAL PRISON FACILITIES.

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 twenty-one million four hundred eighty-three thousand nine hundred fourteen dollars (\$21,483,914) for the 1993-94 fiscal year for the construction of the following capital improvement projects:

| <u>Project Description</u> | <u>Security Level</u> | <u>Beds</u> |
|----------------------------|-----------------------|-------------|
| Piedmont | Medium | 208 |
| Lumberton | Medium | 208 |
| Pender | Medium | 208 |
| Wayne | Medium | 208 |
| Brown Creek | Medium | 208. |

Sec. 2. There is appropriated from the General Fund to the Department of Correction the sum of fifteen million five hundred thousand dollars (\$15,500,000) for the 1994-95 fiscal year as a reserve for the operation of additional facilities to be brought on line in 1994-95 under the construction program provided for in this act.

1 Sec. 3. The Director of the Budget may increase or decrease the amount
2 allocated to a particular institution within the aggregate amount of construction funds
3 available.

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

8 The facilities authorized under this act shall be constructed in accordance
9 with the provisions of general law applicable to the construction of State facilities. If
10 the Secretary of Administration, after consultation with the Secretary of Correction,
11 finds that the delivery of prison facilities must be expedited for good cause, the Office
12 of State Construction of the Department of Administration may use alternative delivery
13 systems and shall be exempt from the following statutes and rules implementing those
14 statutes, to the extent necessary to expedite delivery: G.S. 143-135.26, 143-128, 143-
15 129, 143-131, 143-132, 143-134, 113A-1 through 113A-10, 113A-50 through 113A-66,
16 133-1.1(g), and 143-408.1 through 143-408.7.

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

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

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

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

43 Sec. 5. The Office of State Construction of the Department of Administration
44 shall provide quarterly reports to the Chairs of the Appropriations Committee and the

1 Base Budget Committee in the Senate, the Chairs of the Appropriations Committee in
2 the House of Representatives, the Joint Legislative Commission on Governmental
3 Operations, and the Fiscal Research Division as to any changes in projects and
4 allocations made under this act. The report shall include any changes in the projects and
5 allocations made pursuant to this act, information on which contractors have been
6 selected, what contracts have been entered into, the projected and actual occupancy
7 dates of facilities contracted for, the number of beds to be constructed on each project,
8 the location of each project, and the projected and actual cost of each project.

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

12 Sec. 6. This act is effective upon ratification.