

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 641
Second Edition Engrossed 5/9/91

Short Title: Union Detention Exemption.

(Local)

Sponsors: Representative Loflin.

Referred to: Local and Regional Government I.

April 10, 1991

1 A BILL TO BE ENTITLED
2 AN ACT TO EXEMPT UNION COUNTY FROM CERTAIN STATUTORY
3 REQUIREMENTS IN THE CONSTRUCTION OF A COUNTY DETENTION
4 FACILITY.

5 Whereas, Union County is in the process of submitting plans for a direct-
6 supervision detention facility for review by the State of North Carolina; and

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

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

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

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

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

1 Whereas, the Union County Board of Commissioners has been informed that
2 the concept of "design and build" may conflict with some provisions of Article 8 of
3 Chapter 143 of the General Statutes concerning the letting of public contracts; and

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

7 Whereas, the Union County Board of Commissioners has requested the
8 passage of an act exempting the county from meeting certain requirements of Article 8
9 of Chapter 143 of the General Statutes; and

10 Whereas, the Union County Board of Commissioners has stated that it will
11 endeavor to comply with the spirit of Article 8 of Chapter 143 of the General Statutes
12 by providing local contractors and minority contractors with an opportunity to bid on
13 portions of the construction project; Now, therefore,
14 The General Assembly of North Carolina enacts:

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

18 Sec. 2. This act is effective upon ratification and expires July 1, 1992.