

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**EXTRA SESSION 1994**

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SENATE BILL 25\*

Short Title: Detention Center Beds Funds.

(Public)

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Sponsors: Senators Perdue; Daniel, Parnell, Allran, Forrester, Marshall, Harris, Conder, Kerr, Kaplan, Gunter, Odom, Plyler, Speed, Lee, Warren, Albertson, Walker, Sands, Seymour, Ward, Tally, Plexico, and Hoyle.

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Referred to: Juveniles/Prevention.

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February 9, 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 detention center beds. If the Secretary of Administration, after consultation with the Secretary of Correction, finds that the delivery of detention center beds must be expedited for good cause, the Office of State Construction of the Department of Administration may use alternative delivery systems and shall be exempt from the

1 following statutes and rules implementing those statutes, to the extent necessary to  
2 expedite delivery: G.S. 143-135.26, 143-128, 143-129, 143-131, 143-132, 143-134,  
3 113A-1 through 113A-10, 113A-50 through 113A-66, 133-1.1(g), and 143-408.1  
4 through 143-408.7.

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

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

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

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

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

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

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