GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 1721

Short Title: DOC Dayroom Funds.

(Public)

Sponsors: Representatives R. Hunter; Adams and G. Thompson.

Referred to: Appropriations.

May 26, 1994

A BILL TO BE ENTITLED

2	AN ACT TO ADD 744 PRISON BEDS BY APPROPRIATING FUNDS FOR
3	ADDITIONAL DAYROOM SPACE AT MINIMUM AND MEDIUM CUSTODY
4	CORRECTIONAL FACILITIES.
5	Whereas, medium custody facilities of the Department of Correction lost
6	approximately 274 beds due to the need to convert dormitory space to dayroom space to
7	provide dayrooms under the settlement agreement in the Small v. Martin lawsuit; and
8	Whereas, minimum custody facilities of the Department of Correction are
9	scheduled to lose approximately 470 beds in 1994 as a result of the same type of
10	conversion; and
11	Whereas, construction of additional dayroom space at the lowest possible cost
12	in medium custody facilities now would allow lost bed space to return to dormitory use
13	and provide 274 new beds; and
14	Whereas, construction of additional dayroom space at the lowest possible cost
15	in minimum custody facilities now would prevent the loss of 470 beds; and
16	Whereas, no new personnel will be needed to staff these additional beds, and
17	the plumbing and other fixtures needed for the conversion are already in place, which
18	should result in substantial savings in operational costs; and
19	Whereas, restoration of dormitory space at medium custody facilities and the
20	preservation of existing dormitory space at minimum custody facilities will allow the
21	Department of Correction to provide more work assignments for inmates within the
22	prison system; Now, therefore,

23 The General Assembly of North Carolina enacts:

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Section 1. There is appropriated from the General Fund to the Department of 1 2 Administration, Office of State Construction, the sum of thirteen million five hundred 3 thousand dollars (\$13,500,000) for the 1994-95 fiscal year for the construction of 4 additional dayroom space at the lowest possible cost at minimum custody facilities of 5 the Department of Correction and at medium custody facilities of the Department of Correction that lost dormitory space due to the need to convert dormitory space to 6 7 dayroom space, with the exception of those facilities being consolidated pursuant to the 8 GPAC recommendation enacted in Section 177 of Chapter 321 of the 1993 Session 9 Laws.

10 Sec. 2. The State may require contractors awarded bids for construction authorized under this act to use a workforce that includes inmates provided to the 11 12 contractors by the Department of Correction; the requirement may provide that such 13 inmates may compose up to twenty percent (20%) of the contractor's workforce. The 14 Office of State Construction and the Department of Correction shall report quarterly to 15 the Joint Legislative Commission on Governmental Operations, the Chairs of the House 16 and Senate Appropriations Committees on Justice and Public Safety, and the Fiscal 17 Research Division on the use of inmates by private contractors.

18 Sec. 3. The Office of State Construction of the Department of Administration 19 may contract for and supervise all aspects of administration, technical assistance, 20 design, construction, or demolition of prison facilities in order to implement the 21 providing of prison facilities under the provisions of this act.

The facilities authorized under this act shall be constructed in accordance 22 with the provisions of general law applicable to the construction of State facilities. If 23 24 the Secretary of Administration, after consultation with the Secretary of Correction, 25 finds that the delivery of prison facilities must be expedited for good cause, the Office of State Construction of the Department of Administration shall be exempt from the 26 27 following statutes and rules implementing those statutes, to the extent necessary to 28 expedite delivery: G.S. 143-135.26, 143-128, 143-129, 143-131, 143-132, 143-134, 29 113A-1 through 113A-10, 113A-50 through 113A-66, 133-1.1(g), and 143-408.1 30 through 143-408.7.

31 Prior to exercising the exemptions allowable under this section, the Secretary 32 of Administration shall give reasonable notice in writing of the Department's intent to exercise the exemptions to the Speaker of the House, the President Pro Tempore of the 33 34 Senate, the Chairs of the House and Senate Appropriations Committees, the Chairs of 35 the House and Senate Appropriations Subcommittees on Justice and Public Safety, and the Fiscal Research Division. The written notice shall contain at least the following 36 37 information: (i) the specific statutory requirement or requirements from which the 38 Department intends to exempt itself; (ii) the reason the exemption is necessary to 39 expedite delivery of prison facilities; (iii) the way in which the Department anticipates the exemption will expedite the delivery of prison facilities; and (iv) a brief summary of 40 41 the proposed contract for the project which is to be exempted.

The Office of State Construction of the Department of Administration shall have a verifiable ten percent (10%) goal for participation by minority and women-

owned businesses. All contracts for the design, construction, or demolition of prison 1 2 facilities shall include a penalty for failure to complete the work by a specified date. 3 The Office of State Construction of the Department of Administration shall involve the Department of Correction in all aspects of the projects to the extent that 4 5 such involvement relates to the Department's program needs and to its responsibility for the care of the prison population. 6 7 Sec. 4. The Office of State Construction of the Department of Administration 8 shall provide quarterly reports to the Chairs of the Appropriations Committee and the 9 Base Budget Committee in the Senate, the Chairs of the Appropriations Committee in 10 the House, the Joint Legislative Commission on Governmental Operations, and the Fiscal Research Division as to any changes in projects and allocations made under this 11 12 act. The report shall include any changes in the projects and allocations made pursuant 13 to this act, information on which contractors have been selected, what contracts have 14 been entered into, the projected and actual occupancy dates of facilities contracted for, 15 the number of beds to be constructed on each project, the location of each project, and 16 the projected and actual cost of each project.

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

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Sec. 5. This act becomes effective July 1, 1994.