

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 629
House Committee Substitute Favorable 6/4/91

Short Title: Union Jail Exemption.

(Local)

Sponsors:

Referred to:

April 15, 1991

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

5 Whereas, Union and Columbus Counties are in the process of submitting
6 plans for indirect-supervision detention facilities for review by the State of North
7 Carolina; and

8 Whereas, an estimate indicates that the completion of these facilities under
9 normal circumstances will take a considerable amount of time; and

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

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

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

20 Whereas, the members of the Union and Columbus County Boards of
21 Commissioners believe that the immediate construction of indirect-supervision
22 detention facilities would best serve the needs of the citizens of Union and Columbus
23 Counties; and

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

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

8 Whereas, the Union and Columbus County Boards of Commissioners have
9 requested the passage of an act exempting those counties from meeting certain
10 requirements of Article 8 of Chapter 143 of the General Statutes; and

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

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

19 Sec. 2. The County of Columbus may contract for the design and
20 construction of a county detention facility to relieve overcrowding at its current facility
21 without being subject to the requirements of G.S. 143-128, 143-129, 143-131, and 143-
22 132.

23 Sec. 3. This act is effective upon ratification and expires July 1, 1992.