

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

**HOUSE BILL 406
RATIFIED BILL**

AN ACT TO AUTHORIZE THE DEPARTMENT OF JUSTICE AND THE WILDLIFE RESOURCES COMMISSION TO DEVELOP JOINTLY A PLAN FOR CONSTRUCTION OF A FIRING RANGE FOR USE BY CRIMINAL JUSTICE OFFICERS ATTENDING THE WESTERN JUSTICE ACADEMY, LAW ENFORCEMENT OFFICERS OF THE WILDLIFE RESOURCES COMMISSION, AND OTHERS, AND FOR A FIRING AND ARCHERY RANGE OPEN AND ACCESSIBLE FOR PUBLIC USE; AND TO PROVIDE THAT ANY FIRING RANGE CONSTRUCTED ON THE GROUNDS OF THE LARRY T. JUSTUS WESTERN JUSTICE ACADEMY SHALL BE AN INDOOR FACILITY.

The General Assembly of North Carolina enacts:

SECTION 1.(a) The Department of Justice and the Wildlife Resources Commission may develop jointly a plan for the construction and operation of a firing range on land owned by the Wildlife Resources Commission. The plan may identify a tract of land in the Green River game land approved by the Wildlife Resources Commission for this purpose. The plan may provide for a firing range that can accommodate the needs of the criminal justice officers attending the Western Justice Academy, federal, State, and local agencies, community college law enforcement training, and the law enforcement officers of the Wildlife Resources Commission, as well as provide a facility for hunter safety classes supervised and conducted by the Wildlife Resources Commission. The plan may further provide for a public firing and archery range, open and accessible for public use, to be operated by the Wildlife Resources Commission. The Wildlife Resources Commission, in consultation with the Department of Justice, may present the plan developed pursuant to this section to the Chairs of the Senate and House of Representatives Appropriations Committees on or before April 1, 2010.

SECTION 1.(b) The Department of Justice and the Wildlife Resources Commission may use receipts and other non-General Fund sources totaling up to the sum of one million dollars (\$1,000,000) to provide additional funding for any project resulting from the plan authorized by this section, in addition to any funds that may be authorized or appropriated for the project by the General Assembly.

SECTION 2. Subject to the provisions of Section 4 of this act, the firing range currently under contract for construction on the grounds of the Larry T. Justus Western Justice Academy shall be constructed as an indoor facility.

SECTION 3. Subject to the provisions of Section 4 of this act, funds appropriated to the Department of Justice for the 2007-2009 fiscal biennium for a firing range at the Western Justice Academy shall be used to plan and construct the indoor firing range referred to in Section 2 of this act. The Department of Justice and the State Construction Office of the Department of Administration shall, pursuant to the terms of the contracts, negotiate with the existing contractor and designer of the firing range project for change orders or other amendments to the construction contract in order to construct an indoor facility that can be accommodated within the original budget for the project. Notwithstanding any other provision of law, no public bidding is required in order to negotiate those change orders and amendments, regardless of the size and scope of the necessary changes to the project.

SECTION 4. If the Department of Justice, in consultation with the State Construction Office, is unable to negotiate reasonable change orders with the existing contractor and designer to construct the project as an indoor facility as required by this act, then any unencumbered funds appropriated to construct the project shall not be expended and, except as otherwise provided in this section, shall be held by the Department of Justice to await additional funding or authorization for a firing range to accommodate the needs of the Western



Justice Academy. The Department may use that portion of the unencumbered funds that may be necessary to compensate the contractor and designer of the project for any unpaid sums that have been earned under the contract and for any sums necessary to defray documented reliance costs of the contractor and designer in preparing to perform the contract.

SECTION 5. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 30th day of July, 2009.

Walter H. Dalton
President of the Senate

Joe Hackney
Speaker of the House of Representatives

Beverly E. Perdue
Governor

Approved _____ .m. this _____ day of _____, 2009