

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1993**

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**SENATE BILL 1285**

Short Title: Polk Replacement Funds.

(Public)

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Sponsors: Senator Odom.

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Referred to: Capital Expenditures and Improvements.

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July 5, 1993

**A BILL TO BE ENTITLED**

**AN ACT TO APPROPRIATE FUNDS FOR CONSTRUCTION OF A  
REPLACEMENT FOR POLK YOUTH INSTITUTION.**

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Department of Administration, Office of State Construction, the sum of twenty-seven million seventy-nine thousand two hundred dollars (\$27,079,200) for the 1993-94 fiscal year for construction of a replacement for Polk Youth Institution.

Sec. 2. 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 prison facilities in order to implement the providing of prison facilities under the provisions of this act.

The facilities authorized under this act shall be constructed in accordance with the provisions of general law applicable to the construction of State facilities. If the Secretary of Administration, after consultation with the Secretary of Correction, finds that the delivery of prison facilities 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 following statutes and rules implementing those statutes, to the extent necessary to expedite delivery: G.S. 143-135.26(1), 143-128, 143-129, 143-131, 143-132, 143-134, 143-135.26, 113A-1 through 113A-10, 113A-50 through 113A-66, 133-1.1(g), and 143-408.1.

Prior to exercising the exemptions allowable under this section, the Secretary 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

1 Senate, the Chairs of the House and Senate Appropriations Committees, the Chairs of  
2 the House and Senate Appropriations Subcommittees on Justice and Public Safety, and  
3 the Fiscal Research Division. The written notice shall contain at least the following  
4 information: (i) the specific statutory requirement or requirements from which the  
5 Department intends to exempt itself; (ii) the reason the exemption is necessary to  
6 expedite delivery of prison facilities; (iii) the way in which the Department anticipates  
7 the exemption will expedite the delivery of prison facilities; and (iv) a brief summary of  
8 the proposed contract for the project which is to be exempted.

9         The Office of State Construction of the Department of Administration shall  
10 have a verifiable ten percent (10%) goal for participation by minority and women-  
11 owned businesses. All contracts for the design, construction, or demolition of prison  
12 facilities shall include a penalty for failure to complete the work by a specified date.

13         The Office of State Construction of the Department of Administration shall  
14 consider alternative delivery systems that could expedite the delivery of prison facilities.  
15 Such delivery systems as design-build, using modular or conventional building systems,  
16 shall be considered. However, in order for such alternatives to be used, the Department  
17 of Correction must approve the proposed design for operational programming and cost  
18 of operations and maintenance.

19         The Office of State Construction of the Department of Administration shall  
20 involve the Department of Correction in all aspects of the projects to the extent that  
21 such involvement relates to the Department's program needs and to its responsibility for  
22 the care of the prison population.

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

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

36         Sec. 4. This act becomes effective July 1, 1993.