

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**EXTRA SESSION 1994**

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SENATE BILL 37\*

Short Title: Drug/Alcohol Treatment Funds.

(Public)

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Sponsors: Senators Odom; Plexico, Plyler, Johnson, Conder, Forrester, Cochrane, Marshall, Harris, Walker, Kaplan, Cooper, Martin of Guilford, Edwards, Lucas, Gunter, Speed, Daniel, Lee, Warren, Albertson, Sands, Seymour, Ward, Parnell, Tally, and Allran.

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Referred to: Corrections/Punishments.

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February 9, 1994

A BILL TO BE ENTITLED

1 AN ACT TO APPROPRIATE FUNDS FOR CONSTRUCTION OF A DRUG AND  
2 ALCOHOL RECOVERY TREATMENT (DART) CENTER, FOR OPERATION  
3 OF THE CENTER, AND FOR THE CREATION OF A DWI DATABASE.

4 The General Assembly of North Carolina enacts:

5 Section 1. There is appropriated from the General Fund to the Department of  
6 Administration, Office of State Construction, the sum of one million four hundred  
7 twenty-five thousand dollars (\$1,425,000) for the 1993-94 fiscal year for the capital  
8 construction costs of a Drug and Alcohol Recovery Treatment (DART) center.

9 Sec. 2. There is appropriated from the General Fund to the Department of  
10 Correction the sum of two million two hundred thousand dollars (\$2,200,000) for the  
11 1994-95 fiscal year to operate additional beds for alcohol and drug treatment and to  
12 create a DWI database.

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

17 The facilities authorized under this act shall be constructed in accordance  
18 with the provisions of general law applicable to the construction of State facilities. If  
19 the Secretary of Administration, after consultation with the Secretary of Correction,  
20 finds that the delivery of prison facilities must be expedited for good cause, the Office  
21

1 of State Construction of the Department of Administration may use alternative delivery  
2 systems and shall be exempt from the following statutes and rules implementing those  
3 statutes, to the extent necessary to expedite delivery: G.S. 143-135.26, 143-128, 143-  
4 129, 143-131, 143-132, 143-134, 113A-1 through 113A-10, 113A-50 through 113A-66,  
5 133-1.1(g), and 143-408.1 through 143-408.7.

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

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

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

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

31 Sec. 4. The Office of State Construction of the Department of Administration  
32 shall provide quarterly reports to the Chairs of the Appropriations Committee and the  
33 Base Budget Committee in the Senate, the Chairs of the Appropriations Committee in  
34 the House, the Joint Legislative Commission on Governmental Operations, and the  
35 Fiscal Research Division as to any changes in projects and allocations made under this  
36 act. The report shall include any changes in the projects and allocations made pursuant  
37 to this act, information on which contractors have been selected, what contracts have  
38 been entered into, the projected and actual occupancy dates of facilities contracted for,  
39 the number of beds to be constructed on each project, the location of each project, and  
40 the projected and actual cost of each project.

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

44 Sec. 5. This act is effective upon ratification.