

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

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1

HOUSE BILL 37*

Short Title: Drug/Alcohol Treatment Funds.

(Public)

Sponsors: Representatives G. Miller; Alexander, Alphin, Baddour, Black, Bowman, Burton, Church, Cole, Colton, Crawford, Cummings, Cunningham, Diamont, Dickson, Easterling, Fitch, Gardner, Gottovi, Hackney, Hill, Holt, Hunt, H. Hunter, R. Hunter, Jarrell, Jeffus, Jenkins, Joye, Kuczmarski, Lemmond, Mavretic, McAllister, McCrary, McLawhorn, Mercer, Moore, Mosley, C. Preston, J. Preston, Ramsey, Redwine, Robinson, Russell, Smith, Spears, Stewart, Sutton, Wainwright, Warner, Wilkins, Wilmoth, and Yongue.

Referred to: Health and Human Services.

February 8, 1994

A BILL TO BE ENTITLED

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

5 The General Assembly of North Carolina enacts:

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

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

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

1 The facilities authorized under this act shall be constructed in accordance
2 with the provisions of general law applicable to the construction of State facilities. If
3 the Secretary of Administration, after consultation with the Secretary of Correction,
4 finds that the delivery of prison facilities must be expedited for good cause, the Office
5 of State Construction of the Department of Administration may use alternative delivery
6 systems and shall be exempt from the following statutes and rules implementing those
7 statutes, to the extent necessary to expedite delivery: G.S. 143-135.26, 143-128, 143-
8 129, 143-131, 143-132, 143-134, 113A-1 through 113A-10, 113A-50 through 113A-66,
9 133-1.1(g), and 143-408.1 through 143-408.7.

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

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

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

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

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

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

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