

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

S

2

SENATE BILL 38
Committee Substitute Adopted 1/24/89

Short Title: Prison Emergency Act.

(Public)

Sponsors:

Referred to:

January 19, 1989

A BILL TO BE ENTITLED

AN ACT TO MAKE AN EMERGENCY APPROPRIATION FOR CORRECTIONAL PROGRAMS AND PROJECTS.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding G.S. 114-2.1, the settlement agreement entered into by the parties on December 20, 1988, in the cases of Small v. Martin, No. 85-987-CRT (E.D.N.C.) and Thorne v. Martin, No. 87-446-CRT (E.D.N.C.), is hereby approved and funds necessary to satisfy the terms and obligations of that agreement will be appropriated.

Sec. 2. (a) There is appropriated from the General Fund to the Department of Correction for current operations the amount of ten million eight hundred ten thousand two hundred seventy dollars (\$10,810,270) in fiscal year 1989-90 and sixteen million one hundred twenty-one thousand five hundred nineteen dollars (\$16,121,519) in fiscal year 1990-91 for the following programs:

		1989-90	1990-91
a.	Electronic House Arrest	\$2,333,999	\$1,461,698
b.	Intensive Probation/Parole	1,402,820	1,331,184
c.	Regular Probation/Parole	5,104,544	9,729,791
d.	DWI Program Cherry Hospital	1,460,935	1,571,173
e.	IMPACT Program, Cameron Morrison	507,972	611,819
f.	Operation of New		

1 Facilities - 1,415,854

2 (b) There is appropriated from the General Fund to the Department of Crime
3 Control and Public Safety for current operations the amount of five hundred nine
4 thousand two hundred eight dollars (\$509,208) in fiscal year 1989-90 to provide for the
5 following:

- 6 (1) To expand the 12 existing community penalties programs and to
7 provide eighty-five percent (85%) State support of those programs;
- 8 (2) To establish three new community penalties programs at ninety
9 percent (90%) State share, one to be located in Mecklenburg County
10 and two to be located in the First Superior Court Division;
- 11 (3) To provide contractual services to rural counties; and
- 12 (4) To cover additional administrative costs.

13 (c) There is appropriated from the General Fund to the Department of Crime
14 Control and Public Safety the sum of eight hundred thirty-seven thousand one hundred
15 seventy dollars (\$837,170) for the 1990-91 fiscal year to provide the following:

- 16 (1) To expand the 12 existing community penalties programs and to
17 provide eighty-five percent (85%) State support of those programs;
- 18 (2) To provide the three new community penalties programs established in
19 subsection (b)(2) of this section;
- 20 (3) To provide contractual services to three rural counties; and
- 21 (4) To cover additional administrative costs.

22 Sec. 3. (a) There is appropriated from the General Fund to the Office of State
23 Budget and Management for capital improvement projects the amount of forty million
24 nine hundred forty-two thousand eight hundred eighty-one dollars (\$40,942,881) in
25 fiscal year 1989-90 and nine million nine hundred one thousand five hundred fifty-two
26 dollars (\$9,901,552) in fiscal year 1990-91 for the following projects:

	1989-90	1990-91
27		
28 a. DWI Facility, Cherry		
29 Hospital	\$ -	\$ 650,200
30 b. Mental Health Facilities,		
31 Women's Correctional		
32 Center	1,718,196	-
33 c. Correctional Facilities:	39,224,685	9,251,352
34 (1) Franklin Unit		
35 (2) Sampson Unit		
36 (3) Nash Unit		
37 (4) Johnston Unit		
38 (5) Dayrooms		
39 (6) Classrooms		

40 (b) Of the funds appropriated in subsection (a) of this section for the purpose of
41 construction of prison facilities, the Office of State Budget and Management may
42 contract for and supervise all aspects of administration, technical assistance, design,
43 construction, or demolition of prison facilities without being subject to the requirements
44 of the following statutes and rules implementing those statutes: G.S. 143-135.26(1),

1 143-128, 143-129, 143-132, 143-134, 143-131, 143-64.10 through 143-64.13, 113A-1
2 through 113A-10, 113A-50 through 113A-66, 133-1.1(b), and 133-1.1(g). All contracts
3 for the design, construction or demolition of these facilities shall include a penalty for
4 failure to complete the work by a specified date.

5 (c) The Office of State Budget and Management shall report to the Cochairmen
6 of the Prison Construction Subcommittee of the Joint Legislative Commission on
7 Governmental Operations at least monthly and shall report quarterly to the Joint
8 Legislative Commission on Governmental Operations and the Fiscal Research Division
9 on the funds appropriated by this section. The report shall include information on
10 which contractors have been selected, what contracts have been entered into, the
11 projected and actual occupancy dates of facilities contracted for, the number of prison
12 beds to be constructed on each project, the location of each project, and the projected
13 and actual cost of each project.

14 Sec. 4. Of the funds appropriated in Chapter 1086 of the 1987 Session Laws
15 to the Office of State Budget and Management for construction of prison facilities for
16 the Department of Correction, up to two million thirty-one thousand three hundred
17 thirty-three dollars (\$2,031,333) may be used in fiscal year 1988-89 for the purpose of
18 advance planning for further construction of prison facilities as outlined in subsection
19 (a) of Section 3 of this act. The funds used under this section are replaced by
20 appropriations in Section 3 of this act.

21 Sec. 5. (a) Of the funds appropriated in Chapter 1086 of the 1987 Session
22 Laws to the Department of Correction for operations for fiscal year 1988-89, an amount
23 up to three million dollars (\$3,000,000) may be expended to implement Section 2(a) of
24 this act in fiscal year 1988-89. Notwithstanding the provisions of G.S. 143-23, the
25 Department of Correction may transfer funds to support expenditures authorized by
26 Section 2(a) of this act through June 30, 1989.

27 (b) Of the funds appropriated in Chapter 1086 of the 1987 Session Laws to
28 the Department of Crime Control and Public Safety for operations for fiscal year 1988-
29 89, an amount up to two hundred fifty-four thousand six hundred four dollars
30 (\$254,604) may be expended to implement Section 2(b) of this act in fiscal year 1988-
31 89. Notwithstanding the provisions of G.S. 143-23, the Department of Crime Control
32 and Public Safety may transfer funds to support expenditures authorized by Section 2(b)
33 of this act through June 30, 1989.

34 Sec. 6. This act is effective upon ratification.