

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 8
SENATE BILL 38

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 Facilities	-	1,415,854

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

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

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

- (1) To expand the 12 existing community penalties programs and to provide eighty-five percent (85%) State support of those programs;
- (2) To provide the three new community penalties programs established in subsection (b)(2) of this section;
- (2a) To establish two new community penalties programs at ninety percent (90%) State share, one to be located in the Third Superior Court Division; and one to be located in the Fourth Superior Court Division;
- (3) To provide contractual services to three rural counties; and
- (4) To cover additional administrative costs.

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

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

(b) Of the funds appropriated in subsection (a) of this section for the purpose of construction of prison facilities, the Office of State Budget and Management shall have a verifiable ten percent (10%) goal for participation by minority businesses; however it may contract for and supervise all aspects of administration, technical assistance, design, construction, or demolition of prison facilities without being subject to the requirements of the following statutes and rules implementing those statutes: G.S. 143-135.26(1), 143-128, 143-129, 143-132, 143-134, 143-131, 143-64.10 through 143-64.13, 113A-1 through 113A-10, 113A-50 through 113A-66, 133-1.1(b), and 133-1.1(g). All contracts for the design, construction or demolition of these facilities shall include a penalty for failure to complete the work by a specified date.

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

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

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

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

Sec. 6. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 7th day of March, 1989.