GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

S

SENATE BILL 38

Short Title: Prison Emergency Act.

Sponsors: Senators Royall, Basnight, Parnell; Bryan, Daughtry, Harris, Hunt of Moore, Martin of Guilford, Marvin, Murphy, Odom, Plyler, Rauch, Sands, Smith, Soles, Swain, Tally, and Ward.

Referred to: Appropriations.

January 19, 1989

1	A BILL TO BE ENTITLED		
2	AN ACT TO MAKE AN EMERGENCY APPROPRIATION FOR CORRECTIONAL		
3	PROGRAMS AND PROJECTS.		
4	The General Assembly of North Carolina enacts:		
5	Section 1. Notwithstanding G.S. 114-2.1, the settlement agreement entered		
6	into by the parties on December 20, 1988, in the cases of Small v. Martin, No. 85-987-		
7	CRT (E.D.N.C.) and Thorne v. Martin, No. 87-446-CRT (E.D.N.C.), is hereby		
8			
9	be appropriated.		
10	Sec. 2. There is appropriated from the General Fund to the Department of		
11	Correction for current operations the amount of eleven million five hundred sixty-eight		
12	thousand five hundred ninety-one dollars (\$11,568,591) in fiscal year 1989-90 and		
13	sixteen million seven hundred fifty-nine thousand two hundred forty-six dollars		
14	(\$16,759,246) in fiscal year 1990-91 for the following programs:		
15	1989-90 1990-91		
16	a. Electronic House Arrest\$2,333,999 \$1,405,395		
17	b. Intensive Probation/Parole 1,402,820 1,331,184		
18	c. Regular Probation/Parole 5,104,544 9,729,791		
19	d. DWI Program Cherry		
20	Hospital 2,140,830 2,265,203		
21	e. IMPACT Program,		
22	Cameron Morrison 586,398 611,819		

(Public)

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1	f.	Operation of New	
2		Facilities - 1,415,854	
3	Sec. 3. (a)	There is apppropriated from the General Fund to the Office of State	
4	Budget and Management for capital improvement projects the amount of forty million		
5	nine hundred forty-two thousand eight hundred eighty-one dollars (\$40,942,881) in		
6	fiscal year 1989-90 and nine million eight hundred seventy-eight thousand five hundred		
7	fifty-two dollars (\$9,878,552) in fiscal year 1990-91 for the following projects:		
8		1989-90 1990-91	
9	a.	DWI Facility, Cherry	
10		Hospital \$ - \$ 627,200	
11	b.	Mental Health Facilities,	
12		Women's Correctional	
13		Center 1,718,196 -	
14	с.	Correctional Facilities: 39,224,685 9,251,352	
15		(1) Franklin Unit	
16		(2) Sampson Unit	
17		(3) Nash Unit	
18		(4) Johnston Unit	
19		(5) Dayrooms	
20		(6) Classrooms	
21		e funds appropriated in subsection (a) of this section for the purpose of	
22			
23			
24	construction, or demolition of prison facilities without being subject to the requirements		
25	of the following statutes and rules implementing those statutes: G.S. 143-135.26(1),		
26	143-128, 143-129, 143-132, 143-134, 143-131, 143-64.10 through 143-64.13, 113A-1		
27	through 113A-10, 113A-50 through 113A-66, 133-1.1(b), and 133-1.1(g). All contracts		
28	for the design, construction or demolition of these facilities shall include a penalty for		
29	failure to complete the work by a specified date.		
30	(c) The Office of State Budget and Management shall report to the Cochairmen		
31	of the Prison Construction Subcommittee of the Joint Legislative Commission on		
32	(fovernmental)	Operations at least monthly and shall report quarterly to the Joint	

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 1 appropriations in Section 3 of this act. 2 3 Sec. 5. 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 4 three million dollars (\$3,000,000) may be expended to implement Section 2 of this act 5 6 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 of this 7 8 act through June 30, 1989. 9 Sec. 6. This act is effective upon ratification.