

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 311\*

Short Title: Prison Bond Appropriations.

(Public)

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Sponsors: Representatives Grimmer; Barnhill, Bowman, Brown, Creech, Flaherty, Sam Hunt, Hurley, Isenhower, Kerr, Lilley, Mercer, Pope, Privette, Warner, and Wilson.

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Referred to: Appropriations.

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March 25, 1991

A BILL TO BE ENTITLED

1 AN ACT TO APPROPRIATE TWO HUNDRED MILLION DOLLARS OF  
2 GENERAL OBLIGATION BONDS OF THE STATE TO PROVIDE FUNDS,  
3 WITH ANY OTHER AVAILABLE FUNDS, FOR THE CONSTRUCTION OF  
4 STATE PRISON FACILITIES AND YOUTH SERVICES FACILITIES.  
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6 The General Assembly of North Carolina enacts:

7 Section 1. **Short Title.** This act shall be known and may be cited as the  
8 "State Prison and Youth Services Appropriation Act of 1991."

9 Sec. 2. **General Purposes.** The appropriations hereby made by the 1991  
10 General Assembly for capital improvements from the proceeds of the \$200,000,000  
11 State of North Carolina Prison and Youth Services Facilities Bonds authorized by  
12 Chapter 935 of the 1989 Session Laws (the "bond act" ) and approved by the qualified  
13 voters of the State who voted thereon on November 6, 1990, as said bonds may be  
14 issued from time to time (the "bonds" ), are for the purposes of financing the cost of  
15 State prison facilities and youth services facilities, including, without limitation, the cost  
16 of constructing capital facilities, renovating or reconstructing existing facilities,  
17 acquiring equipment related thereto, purchasing land, paying costs of issuance of bonds  
18 and notes and paying contractual services necessary for the completion of the purposes  
19 of the bond act, all as defined in and authorized by the bond act and as more particularly  
20 described in this act.

21 Sec. 3. **Appropriation Procedures.** The appropriations hereby made by the  
22 1991 General Assembly for the purposes under the bond act shall be disbursed for the  
23 particular projects authorized by this act. Expenditure of funds shall not be made by

1 any State department, institution or agency, until an allotment has been approved by the  
 2 Governor as Director of the Budget. The allotment shall be approved only after full  
 3 compliance with the Executive Budget Act, Article 1 of Chapter 143 of the General  
 4 Statutes.

5 Where direct capital improvement appropriations include furnishing fixed and  
 6 movable equipment for any project, funds for equipment shall not be subject to transfer  
 7 into construction accounts except as authorized by the Director of the Budget. The  
 8 expenditure of funds for fixed and movable equipment and furnishings shall be  
 9 reviewed and approved by the Director of the Budget prior to commitment of funds.

10 Capital improvement projects authorized by this act shall be completed,  
 11 including fixed and movable equipment and furnishings, within the limits of the  
 12 amounts of the appropriations provided, except as otherwise provided in this act.

13 **Sec. 4. Descriptions, Custodial Levels, Beds, Projected Allocations.**  
 14 Appropriations are made from bond proceeds for use by the Departments of Correction  
 15 and Human Resources to provide for capital improvement projects as herein provided.

16 The proceeds of bonds and notes shall be allocated and expended for paying  
 17 the cost, as defined in the bond act, of prison and youth services facilities, to the extent  
 18 and as provided in this act and subject to change as herein provided, as follows:

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20 DEPARTMENT OF CORRECTION

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<u>Project Description</u>	<u>Custodial</u>	<u>Beds</u>	<u>Projected</u>
	<u>Level</u>		<u>Allocation</u>
24 Intake/Processing Center	Med	752	\$ 30,931,267
25 Nash Correctional Institution	Med	128	4,751,292
26 Marion Correctional Center	Med	906	25,359,795
27 Cherry Correctional Center	Min	500	10,614,718
28 Central Prison O&K Dorms	Close	144	6,381,453
29 Polk Youth Institution	Close/Med	720	34,152,226
30 Pasquotank Youth Institution	Med	440	17,017,322
31 Robeson Correctional Center	Min	100	1,882,320
32 NCCIW	Close/Med	308	14,961,676
33 Medium Custody Facility	Med	312	8,100,923
34 Processing Center Increase	Med	440	8,889,431
35 Eastern Youth Center	Min	300	5,992,492
36 Fountain Correctional Center	Min	100	889,350
37 Rowan Correctional Center	Min	200	3,691,171
38 Wayne Correctional Center	Med	312	8,268,593
39 Total	5,662	\$181,884,029	

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41 DEPARTMENT OF HUMAN RESOURCES-DIVISION OF YOUTH SERVICES

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43 7 Secure/nonsecure group homes	\$ 1,400,000
44 9 beds added to Pitt Detention Ctr.	370,000

1	Renovate unused dorms & upgrade	
2	to meet American Correctional	
3	Association Standards	2,570,226
4	Dillon secure unit, counseling	
5	space, & fencing at 5 facilities	3,950,276
6	Conversion of dorms to individual	
7	rooms 663,640	
8	Increase number of transition	
9	beds - step down & independent	
10	living for Training Schools	<u>165,548</u>
11	Total \$ 9,119,690	
12	Contingencies	<u>8,996,281</u>
13	Grand Total \$200,000,000.	

14       Sec. 5. **Increases in Projected Allocations.** Projected allocations set forth  
15 above may be increased to reflect the availability of other funds, including, without  
16 limitation, contingency funds, income earned on the investment of bond and note  
17 proceeds and the proceeds of any grants.

18       Sec. 6. **Contingency Funds.** The amount allocated for contingencies set  
19 forth above shall be placed by the State Treasurer in a special account in the State  
20 Prison and Youth Services Facilities Legislative Bond Fund of 1990 to be designated  
21 the "State Prison and Youth Services Facilities Contingency Account." The funds in the  
22 State Prison and Youth Services Facilities Contingency Account shall be disbursed in  
23 accordance with the procedures herein established for disbursements for the State Prison  
24 and Youth Services Facilities Bond Fund of 1991. The funds in the State Prison and  
25 Youth Services Facilities Contingency Account shall be expended for paying the cost of  
26 projects, including, without limitation, the costs of issuance of bonds and notes,  
27 increased project costs resulting from construction costs exceeding projected costs,  
28 inflationary factors and changes in projects and allocations.

29       Sec. 7. **Administration.** The Office of State Budget and Management may  
30 contract for and supervise all aspects of administration, technical assistance, design,  
31 construction or demolition of prison facilities in order to implement the providing of  
32 prison facilities under the provisions of this act without being subject to the  
33 requirements of the following statutes and rules implementing those statutes: G.S. 143-  
34 135.26(1), 143-128, 143-129, 143-131, 143-132, 143-134, 143-135.26, 143-64.10  
35 through 143-64.13, 113A-1 through 113A-10, 113A-50 through 113-66, 133-1.1(b),  
36 133-1.1(g), and 143-408.1; provided, however, of the funds allocated under the  
37 provisions of this act for the construction of prison facilities, the Office of State Budget  
38 and Management shall have a verifiable ten percent (10%) goal for participation by  
39 minority and women-owned businesses. All contracts for the design, construction, or  
40 demolition of prison facilities shall include a penalty for failure to complete the work by  
41 a specified date. In implementing the providing of prison facilities under the provisions  
42 of this act, the Office of State Budget and Management shall endeavor to contract for  
43 and supervise the administration, technical assistance, design, construction and  
44 demolition of prison facilities such that, of the projects described in Section 4 of this

1 act, prison facilities providing at least 1,556 beds shall be completed and placed in  
2 service within 12 months of the date that bonds are issued pursuant to the bond act and  
3 this act.

4           Sec. 8. **Changes.** The Director of the Budget is empowered, when the  
5 Director determines it is in the best interest of the State and the State prison and youth  
6 services systems to do so, and if the cost of a particular project is less than the projected  
7 allocation, to use the excess funds to increase the size of that project or increase the size  
8 of any other project described in Section 4 of this act, or to increase the amount  
9 allocated to a particular institution within the aggregate amount of funds available under  
10 this act including the proceeds of any investment earnings. To the extent that funds are  
11 not required to be expended for the specific projects described in this act, appropriations  
12 authorized herein may be used to construct, reconstruct or renovate prison industrial and  
13 forestry enterprises facilities, as mentioned in G.S. 148-2, at prison facilities statewide,  
14 as replacement projects, but no such funds may be used for operating expenditures.  
15 Prior to taking any action under Section 8, the Governor may consult with the Advisory  
16 Budget Commission.

17           Sec. 9. **Quarterly Reports.** The Office of State Budget and Management in  
18 respect to prison facilities and the Department of Human Resources in respect to youth  
19 services facilities shall provide quarterly reports to the Chairman of the Appropriations  
20 Committee and the Base Budget Committee in the Senate, the Chairman of the  
21 Appropriations Committee in the House, the Joint Legislative Commission on  
22 Governmental Operations, and the Fiscal Research Division as to any changes in  
23 projects and allocations made under this act.

24           Sec. 10. This act is effective upon ratification.