

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 265*

Short Title: Prison Bond Appropriations.

(Public)

Sponsors: Senator Parnell.

Referred to: Appropriations.

March 25, 1991

A BILL TO BE ENTITLED

AN ACT TO APPROPRIATE TWO HUNDRED MILLION DOLLARS OF GENERAL OBLIGATION BONDS OF THE STATE TO PROVIDE FUNDS, WITH ANY OTHER AVAILABLE FUNDS, FOR THE CONSTRUCTION OF STATE PRISON FACILITIES AND YOUTH SERVICES FACILITIES.

The General Assembly of North Carolina enacts:

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

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

Sec. 3. **Appropriation Procedures.** The appropriations hereby made by the 1991 General Assembly for the purposes under the bond act shall be disbursed for the particular projects authorized by this act. Expenditure of funds shall not be made by any State department, institution or agency, until an allotment has been approved by the

1 Governor as Director of the Budget. The allotment shall be approved only after full
 2 compliance with the Executive Budget Act, Article 1 of Chapter 143 of the General
 3 Statutes.

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

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

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

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

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19 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>
23 Intake/Processing Center	Med	752	\$ 30,931,267
24 Nash Correctional Institution	Med	128	4,751,292
25 Marion Correctional Center	Med	906	25,359,795
26 Cherry Correctional Center	Min	500	10,614,718
27 Central Prison O&K Dorms	Close	144	6,381,453
28 Polk Youth Institution	Close/Med	720	34,152,226
29 Pasquotank Youth Institution	Med	440	17,017,322
30 Robeson Correctional Center	Min	100	1,882,320
31 NCCIW	Close/Med	308	14,961,676
32 Medium Custody Facility	Med	312	8,100,923
33 Processing Center Increase	Med	440	8,889,431
34 Eastern Youth Center	Min	300	5,992,492
35 Fountain Correctional Center	Min	100	889,350
36 Rowan Correctional Center	Min	200	3,691,171
37 Wayne Correctional Center	Med	<u>312</u>	<u>8,268,593</u>
38 Total	5,662		\$181,884,029

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40 DEPARTMENT OF HUMAN RESOURCES-DIVISION OF YOUTH SERVICES

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42 7 Secure/nonsecure group homes	\$ 1,400,000
43 9 beds added to Pitt Detention Ctr.	370,000
44 Renovate unused dorms & upgrade	

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

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

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

28 Sec. 7. **Administration.** The Office of State Budget and Management may
29 contract for and supervise all aspects of administration, technical assistance, design,
30 construction or demolition of prison facilities in order to implement the providing of
31 prison facilities under the provisions of this act without being subject to the
32 requirements of the following statutes and rules implementing those statutes: G.S. 143-
33 135.26(1), 143-128, 143-129, 143-131, 143-132, 143-134, 143-135.26, 143-64.10
34 through 143-64.13, 113A-1 through 113A-10, 113A-50 through 113-66, 133-1.1(b),
35 133-1.1(g), and 143-408.1; provided, however, of the funds allocated under the
36 provisions of this act for the construction of prison facilities, the Office of State Budget
37 and Management shall have a verifiable ten percent (10%) goal for participation by
38 minority and women-owned businesses. All contracts for the design, construction, or
39 demolition of prison facilities shall include a penalty for failure to complete the work by
40 a specified date. In implementing the providing of prison facilities under the provisions
41 of this act, the Office of State Budget and Management shall endeavor to contract for
42 and supervise the administration, technical assistance, design, construction and
43 demolition of prison facilities such that, of the projects described in Section 4 of this
44 act, prison facilities providing at least 1,556 beds shall be completed and placed in

1 service within 12 months of the date that bonds are issued pursuant to the bond act and
2 this act.

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

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

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