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REPORT

COMMITTEE TO REVIEW FUNDING REQUEST FOR THE CRIME STUDY COMMISSION

LEGISLATIVE SERVICES COMMISSION

LEGISLATIVE LIBRARY

The North Carolina Crime Study Commission was created by the enactment of Senate Bill 852 from the 1973 General Assembly (S.L. 1973, c.801; effective upon ratification on May 24, 1973; now codified as North Carolina General Statutes \$\$143-521 et seq.). By the enactment of Senate Bill 853 from the 1973 General Assembly (S.L. 1973, c.804; effective upon ratification on May 24, 1973) \$25,000 was appropriated to the Study Commission for 1973-74. By the enactment of Senate Bill 1283 from the 1973 General Assembly, Second Session 1974, (S.L. 1973, c.1242; effective July 1, 1974; ratified April 10, 1974) \$20,000 was appropriated to the Department of Administration for the Crime Study Commission expenses in 1974-75.

The 1975-77 Budget submitted to the 1975 General Assembly did not recommend any funding for the Crime Study Commission; to the contrary, the Budget Document indicated that the Crime Study Commission program in the Department of Administration was to be discontinued. The former Chairman of the Crime Study Commission (Senator Crawford) had recommended that the Commission be discontinued and he had suggested that the duties of the Commission could be carried out by other organizations that had been created (Commission on Correctional Programs, etc.). No legislation was enacted during the 1975 Session appropriating

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funds for the Crime Study Commission. The General Assembly apparently felt that it was not necessary to repeal the statutes creating the Crime Study Commission since the lack of funding would effectively discontinue the program. /Copies of relevant legislation and budget material are attached./

The Governor, the Lieutenant Governor and the Speaker have appointed members of the Crime Study Commission for 1975-77 and they are seeking funding for operations during the current fiscal year. Two possible sources for such funding have been mentioned: the State Contingency and Emergency Fund by authorization of the Governor and the Council of State, and the Legislative Services Commission Contingency Fund. Traditionally, before 1973, the State Contingency and Emergency Fund was frequently used to pay the expenses of special study commissions created by the Legislature without specific appropriations. Since 1973, the Legislature has been reluctant to approach the Council of State for such funding; most of the special study commissions created by the Legislature have had parallel appropriation bills or specific language to provide for funding. The Legislative Services Commission Contingency Fund has never been used to provide for the full operation of special study commissions; in determining an amount to place in the Services Commission Contingency, Fund no thought was given to this type of contingency.

The Lieutenant Governor has presented a request to the Services Commission for funding of the Crime Study Commission.

Copies of the request letter and \$12,000 budget are attached.

An obvious question arises as to the propriety of everruling the apparent decision of the legislative appropriation process. Another question arises as to the propriety of funding this type of request from a contingency fund designed for different types of emergencies. The Services Commission Reserve must be used to fund the interim meetings of the Joint Economy Committee, the Senate Rules Committee, the Appropriations Committees' meetings previous to the next session, the Legislative Ethics Committee, etc. Also, the Reserve must be used to fund any special session of the General Assembly, or to extend the 1976 Session beyond the few weeks that are anticipated in the Current Operations Budget Bill.

CONCLUSIONS:

excluded funding for the Crime Study Commission from the 1975-77
Budget; the General Assembly's Appropriations Committees did
not see fit to act differently because no funds were in fact
appropriated by the 1975 Session. It would be unwise for the
Legislative Services Commission to directly overrule the action
of the General Assembly's Appropriations Committees and the
decision of the General Assembly in enacting the Current Operations Budget Bill; a great deal of criticism has recently been
directed at the Executive Branch of North Carolina State Government because of instances of State spending for purposes and
programs denied funding by the legislative appropriation process.
The General Assembly's failure to repeal the Crime Study Commission

statutes and the failure to communicate the intent to discontinue Commission programs have allowed appointment of Commission members without funding being available for any programs the Commission might want to undertake.

RECOMMENDATIONS:

The Committee recommends that the resources of the Legislative Research Commission be used as a partial solution to funding problems of the Crime Study Commission. The Chairmen of the Legislative Research Commission have the authority to appoint a committee to study crime as part of the Legislative Research Commission Committee studying Speedy Trials and other matters relating to criminal corrections (Senator Britt, Chairman). Limited funds could be squeezed from the Legislative Research Commission budget to pay subsistence and expenses for the study of crime committee members' participation in about five meetings. At the option some or all of of the Legislative Research Commission Chairmen/the present Crime Study Commission members could be appointed as special Legislative Research Commission committee members.

The Committee recommends that if the Legislative Research Commission Chairmen decide to follow its initial recommendations to appoint a committee, a maximum of \$4,500 be made available to the new Legislative Research Commission committee to study crime. This amount is approximately the same as is available to Research Commission committees studying each of 28 subjects assigned for interim study. (Amount directed by the Legislative Research Commission and the intent of the Appropriations Committees.)

The Committee also recommends that clerical and professional staff for the new Legislative Research Commission committee to study crime be limited to the Legislative Research Commission pool of clerical assistance and the Legislative Services Office central professional staff (pro rata cost of clerical pool assistance to be charged against \$4,500 allocation).

GENERAL ASSEMBLY OF NORTH CAROLINA 1973 SESSION RATIFIED BILL

CHAPTER 801

SENATE BILL 000

AN ACT TO CREATE A CRIME STUDY COMMISSION.

Whereas, the subject of crime is a concern of paramount importance to the people of North Carolina; and

Whereas, the Senate, on February 23, 1973, adopted a resolution supporting an in-depth study of proposed legislation designed to provide deterrents to crime, including bills regularly regarding capital punishment and other law enforcement and crime prevention measures designed to contribute to the public safety; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. Chapter 143 of the General Statutes of North Carolina is hereby amended by adding at the end thereof a new Article 55, to read:

"Article 55.

"Crime Study Commission.

created a commission to be known as the Crime Study Commission for the study of legislation designed to reduce crime in North Carolina, to be composed of nine members who shall be appointed not later than July 1, 1973, for a two-year term as follows: Three members shall be appointed by the Governor, three members shall be appointed by the Speaker of the House. The subsequent appointments shall be for terms to commence or July 1

of the year in which appointed, and each member shall serve until his successor is appointed and qualifies. Appointees shall be mbers or tormer members of the North Carolina General Assembly.

"§ 143-484. <u>Euties of commission</u>.--It shall be the duty of the commission to pursue an in-depth study of existing and proposed legislation designed to contribute to the public safety by the reduction of crime in North Carolina, giving particular emphasis to:

- (1) Collecting and reviewing existing legislation in North Carolina designed to reduce crime; as well as pertinent crime information reports, studies and findings in the field of crime from other states and national hodies.
- Carclina Criminal Justice System including law enforcement, urts, and corrections with a view towards relating them to the concerns and needs of North Carclina in crime reduction.
- recommendations of the various agencies, councils, commissions, committees, and associations existing in North Carolina whose primary or partial duties are to make recommendations designed to affect the Criminal Justice System. The commission shall make specific recommendations towards the goals enumerated in this section.
- the commission shall organize by electing from its membership a chairman. The commission shall meet at such times and places as the chairman shall designate. The facilities of the State Legislative Building shall be available to the commission. On

request of the chairman, the Director of the Department of Administration shall make available to the commission and its staff suitable office space and meeting facilities. The commission is authorized to conduct hearings and to employ such clerical and other assistance, professional advice and services as may be deemed necessary in the performance of its duties.

m§ 143-486. Members to serve without concensation; subsistence and travel expenses. -- Members of the commission shall serve without compensation but they shall be paid such per diem and travel expenses as are provided for members of State boards and commissions generally pursuant to G.S. 138-5.

"§ 143-487. Assistance to the commission.—The commission, in the performance of its duties, may request and shall receive from every department, board, bureau, agency, commission, or institution of this State, or from any political subdivision of the State, information, cooperation, and assistance.

"§ 143-488. Reports to the General Assembly. -- The commission shall make a report to the General Assembly containing its findings and recommendations not later than February 1, 1974, and annually thereafter."

Sec. 2. This act shall become effective upon

atification.

In the General Assembly read three times and ratified, this the 24^{12} day of May, 1973.

JAMES B. HUNT, JR.

James B. Hunt, Jr,

President of the Senate

JAMES E. RAMSEY

James E. Ramsey.

Speaker of the House of Representatives

GENERAL RESCENSING OF HOWAN CAROLINA

CHAPTER 803

Session Laws—1973

and by the allocation of other revenues whose use is not otherwise restricted by law."

Sec. 47. G.S. 130-22 is repealed.

Sec. 48. This act shall become effective on July 1, 1973.

In the General Assembly read three times and ratified, this the 24th day of May, 1973.

S. B. 853

CHAPTER 804

AN ACT TO APPROPRIATE THE SUM OF FIFTY THOUSAND DOLLARS (\$50,000) TO THE CRIME STUDY COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. There is hereby appropriated from the General Fund of the State of North Carolina the sum of twenty-five thousand dollars (\$25,000) to the Crime Study Commission for the 1973-1974 fiscal year for the purpose of paying reasonable expenses of the commission and its staff.

Sec. 2. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 24th day of May, 1973.

S. B. 893

CHAPTER 805

AN ACT TO TRANSFER CERTAIN FUNCTIONS OF THE MURDOCH CENTER MENTAL RETARDATION TRAINING INSTITUTE TO THE DEVELOPMENTAL DISABILITIES TRAINING INSTITUTE AT THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL

Whereas, Mundoch Center has heretofore contracted with the Developmental Disabilities Training Institute at the University of North Carolina at Chapel Hill for the purpose of training persons to work with the mentally retarded; and

Whereas, it would be in the best interest of the State that the functions heretofore carried out pursuant to such contracts be assigned to the responsibility of the Developmental Disabilities Training Institute at the University of North Carolina at Chapel Hill; and

Whereas, funds necessary for the continuation of such training programs should be transferred from Murdoch Center to the University of North Carolina at Chapel Hill; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. The services heretofore furnished by the Developmental Disabilities Training Institute at the University of North Carolina at Chapel Hill to Murdoch Center under contract for the training of persons for work with the mentally retarded are hereby transferred to the Developmental Disabilities Training Institute at the University of North Carolina at Chapel Hill.

Sec. 2. The base budget for Murdoch Center, Code 24095, is decreased by the amount of sixty thousand seven hundred sixty-eight dollars (\$60,768). The base budget for the University of North Carolina at Chapel Hill, Code 18121, is increased by the amount of sixty thousand seven hundred sixty-eight dollars (\$60,768).

Sec. 3. This act shall become effective July 1, 1973.

In the Gener May, 1973.

S. B. 940

AN ACT TO ESTABLISH: TO PROVIDE COMMISSION

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In the Gene. May, 1973.

H. B. 929

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Section 1. amended by add. "§ 7A-67. Adv

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(b) It shall be preparing cases i assist in such of

(c) When traentitled to reimiextent as State or

Sec. 2. Ti In the Gene May, 1973.

GENERAL DESCRIPTION of RESTH CHAPMAN

CHAPTER 1241 Session Laws—1973

period after the word "Guard" on line two of subdivision (2) and by striking the remainder thereof.

Sec. 3. G.S. 127-30.1(g), as the same appears in the 1973 Cumulative Supplement to Volume 3B of the General Statutes, is amended by deleting all of subsection (g) and substituting in lieu thereof the following:

"(g) The provisions of this section shall apply to any member or former member of the North Carolina National Guard who is qualified by the above requirements with eligibility of such person commencing at age 60 or July 1. 1974, whichever is the later date."

Sec. 4. There is hereby appropriated from the General Fund one hundred and twenty-one thousand dollars (\$121,000) to the Department of Military and Veterans Affairs in 1974-75 for the purposes of this act.

Sec. 5. This act shall become effective on July 1, 1974.

In the General Assembly read three times and ratified, this the 10th day of April, 1974.

S. B. 1283

CHAPTER 1242

AN ACT TO APPROPRIATE FUNDS TO THE CRIME STUDY COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. There is hereby appropriated from the General Fund of the State of North Carolina the sum of twenty thousand dollars (\$20,000) to the Department of Administration for the Crime Study Commission for the 1974-75 fiscal year for the purpose of paying reasonable expenses of the Commission and its staff.

Sec. 2. This act shall become effective July 1, 1974.

In the General Assembly read three times and ratified, this the 10th day of April, 1974.

and the second second S. B. 1293

CHAPTER 1243

AN ACT TO AMEND CHAPTER 523 OF THE 1973 SESSION LAWS WITH RESPECT TO A WHOLLY SELF-LIQUIDATING PROJECT.

The General Assembly of North Carolina enacts:

Section 1. The purpose of this act is to amend Chapter 523 of the 1973 Session Laws of North Carolina with respect to a 250 student wholly selfliquidating dormitory for Winston-Salem State University, by increasing the allowance from five thousand dollars (\$5,000) per student to an amount not to exceed seven thousand dollars (\$7,000) per student occupant.

Sec. 2. Section 4 of said Chapter 523 of the 1973 Session Laws under the institutional subheading as indicated and affecting only the project as listed in this act is amended to read as follows:

| Winston-Salem State University | | |
|--------------------------------|-------------|--|
| 5. 250 Student Dormitory | \$1,556,000 | |
| Fixed Equipment | 134,000 | |
| . Movable Equipment | 60,000 | |
| Subtotal | 1,750,000 | |
| Less Self-Liquidating | 1,750,000 | |
| | | |

Sec. 3. tatification. In the Gener

April, 1974.

S. B. 1294

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1975-77 Budger

FROM GOVERNOR & ADVISORY BUDGET COMM.
ADMINISTRATION

SPECIAL COMMISSIONS AND SERVICES PROGRAM

Crime Study Commission Subprogram

The purpose of this subprogram is to study legislation designed to reduce crime in North Carolina.

| | FY 1973-74 FY 1974-75 Expended Authorized | | | FY 1975-76 Recommended | | FY 1976-77 Recommended | | |
|----------------------------------|--|--------|----|---------------------------|------|---------------------------|------|---|
| Operating Expenditures Receipts | \$ | 15,837 | \$ | 20,700 | \$ | | \$ ~ | |
| Departmental * | | • | | 700 | | • | | • |
| General Fund Appropriation | | 15,837 | | 20,000 | | . • | | • |
| Capital Authorizations | \$ | • | | • | \$ | • | \$ | |
| Total Requirements | \$ | 15,837 | \$ | . 20,700 | \$ ' | • | \$ | • |
| Total Non-General Fund Sources | | • | | 700 | | • | | • |
| Total General Fund Appropriation | \$ | 15,837 | \$ | 20,000 | ,\$ | • | \$ | • |
| Number of Positions | | 2.û | | 2.0 | | • | | • |

In order to make specific recommendations on crime reduction in the state, the committee reviews pertinent legislation, crime information reports, and findings in the field from North Carolina and other states.

It studies and coordinates the reports of various agencies and councils, whose primary duties are to make recommendations to improve the criminal justice system in light of the needs and concerns of North Carolinians.

This program is being discontinued after the present fiscal year.

CHANGES FOR 1975-77 BIENNIUM

| | 1975-76 | | 1976-77 | |
|--|---------|-------------|---------|----------|
| The decrease reflects discontinued funding | | | , | |
| for 1975-77. | | \$ (20,000) | \$ | (20,000) |

DRAFT R REVIEW ONLY Proposed Budget for 1975-76

CRIME STUDY COMMISSION (G.S. 143-521 et seq.)

| Members' Regular Subsistence and Travel: /Avg. \$60/day x 9 members x 12 (8 meetings with half of the members using two days subsistence)/ | | \$6,500.00 |
|---|---|-------------|
| Members' Special Subsistence and Travel: | | 1,500.00 |
| Staff Subsistence and Travel: | | 500.00 |
| Professional Staff Compensation: | | 1,600.00 |
| Clerical Staff Compensation: | • | 750.00 |
| Postage and Telephone: | | 250.00 |
| Supplies and Equipment: | | 250.00 |
| Copying and Pringing: | | 650.00 |
| TOTA | L | \$12,000.00 |

DRAFT FOR REVIEW ONLY

CRIME STUDY COMMISSION

1973 Appointments

Crime Study Commission - G.S. 143-483 1973 General Assembly, First Session 1973, CHAPTER 801 (SB 852) 1973 General Assembly, Second Session 1974, CHAPTER 1242 (SB 1283)

(1) Senator I. C. Crawford, Chairman (1) Senator Cy N. Bahakel, Vice-Chairman

- (s) Representative Benjamin T. Tison, III, Vice-Chairman
- (1) Senator Arthur W. Williamson
- (s) Representative E. Graham Bell

(s) Representative J. A. Everett (g) Representative W. Frank Redding, III

(g) Representative Leroy P. Spoon, Jr. (g) Representative Frances T. Tomlin

Commission Staff: Ken Foster

Appointing officials:

(g) - Governor

1) - Lt. Governor

(s) - Speaker

CRIME STUDY COMMISSION (G.S. 143-521 et seq)

1975 Appointments

- (1) Senator McNeill Smith
 Smith, Moore, Smith, Schell & Hunter
 Jefferson Standard Bldg.
 Greensboro, N. C. 27402
 Phone: 919-273-3363
- (1) Senator Cy Bahakel 1 Television Place Charlotte, N. C, 28205 Phone: 704-372-4434
- (1) Mr. Arthur Williamson Chadbourn, North Carolina Phone: 919-654-4001
- (s) Rep. Ben Tison
 P. 0. Box 120
 Charlotte, N. C. 28201
 Phone: 704-374-5755
- (s) Rep. E. Graham Bell
 Box 1292
 Gastonia, North Carolina 28052
 Phone: 704-867-5369
- (s) The Honorable Perry Martin Rich Square, North Carolina Phone: 704-857-5369
- (g) Rep. George M. Holmes
 P. O. Box 217
 Yadkinville, North Carolina 27055
 Phone: 919-679-8861
- Mr. W. Frank Redding, III
 Box 338
 Lexington Road
 Asheboro, North Carolina 27203
- (g) Rep: LeRoy P. Spoon, Jr. 3110 Cullman Ave.
 Charlotte, N. C. 28206
 Phone: 704-372-3290

Appointing officials:

- (g) Governor
- (1) Lt. Governor (s) Speaker

NORTH CAROLINA GENERAL ASSEMBLY LEGISLATIVE SERVICES OFFICE MINE STATE LEGISLATIVE BUILDING. FOLLEIGH 27611



CLYDE L. BALL
*LEGISLATIVE SERVICES OFFICER

MERCER M. DOTY
DIRECTOR OF FISCAL RESEARCH

WILLIAM H. POTTER, JR.
DIRECTOR OF RESEARCH

LEGISLATIVE SERVICES OFFICE TELEPHONE 829-7044 FISCAL RESEARCH DIVISION TELEPHONE 829-4910

MEMORANDUM

TO:

Representative Liston Ramsey

FROM:

William H. Potter, Jr., Director of Research

DATE:

November 6, 1975

RE:

CONVERSATION WITH FORMER CHAIRMAN OF CRIME STUDY

COMMISSION.

On October 23, 1975, I had a telephone conversation with Senator I. C. Crawford, the former Chairman of the Crime Study Commission. When I asked Senator Crawford if the Crime Study Commission was still operative, he responded: "As far as I am concerned, it's over!" He stated that: (1) The Commission felt that there were many people in agencies in all branches and levels of government and the private sector that were studying the causes and cures of crime, (2) Other commissions and groups such as the Commission on Correctional Programs chaired by former Senator Knox could better carry out the duties of the Crime Study Commission, and (3) The Commission felt that its existence would lapse with the decision not to recommend funding for the next fiscal year.



North Carolina General Assembly Senate Chamber State Legislative Philding Naleigh 27611 October 16, 1975

SENATOR MCNEILL SMITH, JR. Mone Adoress: Box G Greensboro, N. C. Tel. (919) 273-8263

COMMITTEES.

STATE GOVERNMENT, CHAIRMAN
APPROPRIATIONS——SUBCOMMITTEE
ON EDUCATION
JUDICIARY II
PUBLIC UTILITIES AND EMERGY
RULES AND OPERATION OF THE SENATE

MEMORANDUM

TO:

Members of Crime Study Commission

FROM:

Senator McNeill Smith

RE:

Organizational meeting of Crime Study Commission

The organizational meeting of the Crime Study Commission will be held at 10:00 A.M. on Friday, October 24th in Room 1328 of the State Legislative Building.

Please notify the Committee Clerk, Mrs. Lucia Sloan at the Legislative Building, 919-829-5970 if you cannot be present.

Enclosed is a list of the members of this Commission along with their addresses for your information.

Enc.

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 1975 RATIFIED BILL

CHAPTER 875

SENATE BILL 45

AN ACT TO MAKE APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina enacts:

Section |. The appropriations made herein are intended to be for maximum amounts necessary to provide the services and accomplish the purposes described in the budget. It is the....

* * * * *

Sec. 54. In an effort to balance the 1975-77 budget, it was necessary to make reductions in personnel and to eliminate certain programs. To assure that the intent of the General Assembly is followed, no department of State government may transfer funds within its budget to fund positions or programs eliminated, except upon approval of the Governor and Advisory Budget Commission.

LEGISLATIVE RESEARCH COMMISSION COMMITTEE TO STUDY PREVENTION OF CRIME

Proposed Budget

1975-76

| 700 |
|------|
| |
| |
| 400 |
| 600 |
| |
| 250 |
| 250 |
| 300 |
| ,500 |
| |

FUNCING VEHICLE STATE LEGISLATIVE BUILDING
RALEIGH 27611 STATE OF NORTH CAROLINA



MEMORANDUM

Senator Luther J. Britt, Jr., Chairman TO:

LRC Committee on Department of Correction Matters

President Pro Tempore John T. Henley, Chairman FROM:

> Speaker James C. Green, Chairman Legislative Research Commission

DATE: December 1, 1975

RE: Appointment of Legislative Research Commission Committee

to Study Prevention of Crime

This memo is to inform you of the appointment of a new committee of the Legislative Research Commission. Under your direction and general supervision as a member of the Research Commission, we have appointed a Committee to Study the Prevention of Crime. members of the new committee are: Senator McNeill Smith and Representative Ben Tison as co-chairmen; Senator Cy Bahakel; Representatives Graham Bell, George Holmes, LeRoy Spoon; Mr. Arthur Williamson; Judge Perry Martin; and Mr. Frank Redding, III. These members are the same persons previously appointed to the Crime Study Commission. Because of lack of funding for the Crime Study Commission and the need for renewed emphasis on the problems of crime control, we have decided to bring the major functions of the unfunded Crime Study Commission into a committee of the Research Commission where limited funds will be available. A Legislative Services Commission Report concerning the Crime Study Commission funding problems is enclosed.

A maximum of \$4,500 will be allocated to the Legislative Research Commission Committee to Study the Prevention of Crime; a proposed budget is attached. In order to take advantage of some of the work already in progress by the Crime Study Commission, in addition to the payment of future expenses, these Legislative Research Commission funds may be used to pay the subsistence, travel, and per diem MEMORANDUM December 1, 1975 Page 2

expenses of the two meetings of the Crime Study Commission already held. No part of the \$4,500 is to be used to employ special professional or clerical staff assistance for the new Legislative Research Commission Committee. The Legislative Research Commission pool of clerical assistance and the central professional staff of the Legislative Services Commission will be available to the new committee, subject to available time.

HG:WHP:cd

cc:, William H. Potter, Jr., Director of Research Legislative Services Office Senator McNeill Smith, Committee Co-Chairman Representative Ben Tison, Committee Co-Chairman