EXECUTIVE ORDER
BY THE
Governor of the State of Texas

THE STATE OF TEXAS
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
AUSTIN, TEXAS

JANUARY 26, 1988
EXECUTIVE ORDER 88-2

MAKING A FINDING OF FACT
AND
AUTHORIZING THE EXPENDITURE OF FUNDS

WHEREAS, the inmate population of the Texas Department of Corrections has "hardened" at an unforeseen rate; and

WHEREAS, this "hardening" is the result of the following events:

The implementation of the Prison Management Act on six occasions during 1987, two of which occurred after the adjournment of the 70th Legislature; and

The accelerated review of S.B. 215 parole eligible inmates by the Board of Pardons and Paroles, to offset the growing numbers of criminal defendants convicted and sentenced to the Department of Corrections, which occurred in major part after the adjournment of the 70th Legislature; and

The overcrowding in the county jails occurring as a consequence of the enforcement of the Jail Standards Act, as well as the capacity cap imposed on the Department of Corrections as a result of agreed order in the Ruiz case, has resulted in the counties addressing their mixing needs by transferring the most serious or violent offender to the Department of Corrections. This circumstance occurred after the adjournment of the 70th Legislature; and

WHEREAS, the current facilities of the Department have reached a saturation level for handling the administratively segregated and close confinement inmate. This occurred principally as a result of the "hardening" of the population, but also as a result of the beds lost to depopulation pursuant to the agreed order in Ruiz, both of which occurred after the adjournment of the 70th Legislature; and

WHEREAS, the effects of the "hardening" of the population of the Department of Corrections constitutes an emergency and will continue to pose emergency overcrowding problems to the Department of Corrections separate and apart from the increasing numbers of inmates, due to the mixing requirements of Ruiz; and

WHEREAS, the effects of the "hardening" of the population can be ameliorated by the immediate construction of a second Michael type unit;

NOW THEREFORE, I, WILLIAM P. CLEMENTS, JR., Governor of Texas, under the authority vested in me by the Constitution and by ride 5 of the Texas
Department of Corrections appropriations as set forth in S.B. 1 of the 70th Legislature, Second Called Session, and based upon the testimony given before an emergency meeting of the Texas Board of Corrections on January 26, 1988, do hereby make a finding of fact that an unforeseen emergency exists, and I hereby authorize the specific expenditure of $61,300,000.00 for the construction of a second Michael type unit to be included as a project under Item 10. ADDITIONAL CAPACITY of the Texas Department of Corrections appropriations.

This Executive Order shall be effective immediately and shall remain in full force and effect until modified, amended or rescinded.

Given under my hand this 26th day of January, 1988.

[Signature]
Governor

[Signature]
Secretary of State