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SB-146 Correctional facilities. (2021-2022)

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Senate Bill No. 146

CHAPTER 72

An act to amend Sections 15819.403, 15820.913, 15820.922, 15820.932, and 15820.942 of the Government Code, relating to correctional facilities, and making an appropriation therefor, to take effect immediately, bill related to the budget.

[Approved by Governor July 12, 2021. Filed with Secretary of State July 12, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

SB 146, Committee on Budget and Fiscal Review. Correctional facilities.

(1) Existing law establishes various programs that authorize the Department of Corrections and Rehabilitation or the Board of State and Community Corrections, participating counties, and the State Public Works Board to acquire, design, and construct local jail facilities or adult local criminal justice facilities, as defined, approved by the Board of State and Community Corrections. Existing law authorizes the State Public Works Board to issue revenue bonds, notes, or bond anticipation notes to finance the acquisition, design, and construction of approved county jails or adult local criminal justice facilities under these programs in the amounts of \$867,434,000, \$509,060,000, \$500,000,000, and \$270,000,000. The funds derived from those revenue bonds, notes, or bond anticipation notes are continuously appropriated for the purposes described above.

This bill would decrease the amounts of revenue bonds, notes, or anticipation notes that the State Public Works Board may issue for these programs to \$840,445,397, \$412,474,000, \$420,000,000, and \$244,516,000, as specified, thereby making an appropriation.

(2) Existing law authorizes the Department of Corrections and Rehabilitation to design and construct new, or renovate existing, buildings and any necessary ancillary improvements at facilities under the department's jurisdiction to provide medical, dental, and mental health treatment or housing. Existing law limits financing pursuant to this authorization to specified facilities and projects, including all projects established by the board in the Health Care Facility Improvement Program. Under existing law, costs for design and construction, including renovation, and construction-related costs for all projects approved for financing by the State Public Works Board may not exceed \$1,171,961,000. Existing law makes an increase in these funds available for allocation to any project established by the board in the Health Care Facility Improvement Program, subject to requirements, including that each allocation be approved by the board and that the Department of Finance report specified information regarding the project to the Joint Legislative Budget Committee and the fiscal committees of each house of the Legislature at least 20 days before the board's approval. Existing law continuously appropriates the funds derived from interim financing, revenue bonds, negotiable notes, or negotiable bond anticipation notes issued pursuant to these provisions to the board on behalf of the department for these purposes.

This bill would reduce the maximum amount of costs authorized for the purposes described above to \$1,129,157,000, thereby making an appropriation. The bill would remove the requirements that the board approve each allocation and that the Department

of Finance report to the Legislature.

(3) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

Vote: majority Appropriation: yes Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 15819.403 of the Government Code is amended to read:

15819.403. (a) The board may issue revenue bonds, negotiable notes, or negotiable bond anticipation notes pursuant to this part to finance the design and construction, including, without limitation, renovation, and the costs of interim financing of the projects authorized in Section 15819.40. Authorized costs for design and construction, including, without limitation, renovation, and construction-related costs for all projects approved for financing by the board shall not exceed one billion six million three hundred sixty-nine thousand dollars (\$1,006,369,000) for subdivision (a) of Section 15819.40, and one billion one hundred twenty-nine million one hundred fifty-seven thousand dollars (\$1,129,157,000) for subdivision (b) of Section 15819.40.

(b) Notwithstanding Section 13340, funds derived from interim financing, revenue bonds, negotiable notes, or negotiable bond anticipation notes issued pursuant to this chapter are hereby continuously appropriated to the board on behalf of the Department of Corrections and Rehabilitation for the purposes specified in Section 15819.40.

(c) For the purposes of this section, "construction-related costs" shall include mitigation costs of local government and school districts and shall be made available pursuant to subdivisions (c) and (d) of Section 7005.5 of the Penal Code. It is the intent of the Legislature that any payments made for mitigation shall be made in a timely manner.

(d) Notwithstanding any other law, the financing authorized in this section for projects approved pursuant to subdivision (a) of Section 15819.40 shall only be used for the California Health Care Facility, Stockton project and the conversion of the DeWitt Nelson Youth Correctional Facility to a semiautonomous annex facility to the California Health Care Facility. In addition, the financing authorized in this section for projects approved pursuant to subdivision (b) of Section 15819.40 shall only be used for the following projects:

- (1) The California Medical Facility, Vacaville: Intermediate Care Facility.
- (2) The California Institution for Women, Chino: Acute/Intermediate Care Facility.
- (3) The California State Prison Los Angeles County, Lancaster: Enhanced Outpatient Program Treatment and Office Space.
- (4) The California Men's Colony, San Luis Obispo: Mental Health Crisis Beds Facility.
- (5) The California Medical Facility, Vacaville: Enhanced Outpatient Program Treatment and Office Space.
- (6) The California State Prison, Sacramento: Psychiatric Services Unit Treatment and Office Space.
- (7) The California State Prison, Corcoran: Administrative Segregation Unit/Enhanced Outpatient Program Treatment and Office Space.
- (8) The Salinas Valley State Prison, Soledad: Enhanced Outpatient Program Treatment and Office Space.
- (9) The Central California Women's Facility, Chowchilla: Enhanced Outpatient Program Treatment and Office Space.
- (10) All projects established by the board in the Health Care Facility Improvement Program.

SEC. 2. Section 15820.913 of the Government Code is amended to read:

15820.913. (a) The SPWB may issue up to eight hundred forty million four hundred forty-five thousand three hundred ninety-seven dollars (\$840,445,397) in revenue bonds, notes, or bond anticipation notes, pursuant to Chapter 5 of Part 10b of Division 3 of Title 2 (commencing with Section 15830) to finance the acquisition, design, or construction, and a reasonable construction reserve, of approved local jail facilities described in Section 15820.911, and any additional amount authorized under Section 15849.6 to pay for the cost of financing.

(b) Proceeds from the revenue bonds, notes, or bond anticipation notes may be used to reimburse a participating county for the costs of acquisition, preliminary plans, working drawings, and construction for approved projects.

(c) Notwithstanding Section 13340, funds derived pursuant to this section and Section 15820.912 are continuously appropriated for purposes of this chapter.

SEC. 3. Section 15820.922 of the Government Code is amended to read:

15820.922. (a) The board may issue up to four hundred twelve million four hundred seventy-four thousand dollars (\$412,474,000) in revenue bonds, notes, or bond anticipation notes, pursuant to Chapter 5 (commencing with Section 15830) to finance the acquisition, design, and construction, including, without limitation, renovation, and a reasonable construction reserve, of approved adult local criminal justice facilities described in Section 15820.92, and any additional amount authorized under Section 15849.6 to pay for the cost of financing.

(b) Proceeds from the revenue bonds, notes, or bond anticipation notes may be used to reimburse a participating county for the costs of acquisition, design, and construction, including, without limitation, renovation, for approved adult local criminal justice facilities.

(c) Notwithstanding Section 13340, funds derived pursuant to this section and Section 15820.921 are continuously appropriated for purposes of this chapter.

SEC. 4. Section 15820.932 of the Government Code is amended to read:

15820.932. (a) The board may issue up to four hundred twenty million dollars (\$420,000,000) in revenue bonds, notes, or bond anticipation notes, pursuant to Chapter 5 (commencing with Section 15830) to finance the acquisition, design, and construction, including, without limitation, renovation, and a reasonable construction reserve, of approved adult local criminal justice facilities described in Section 15820.930, and any additional amount authorized under Section 15849.6 to pay for the cost of financing.

(b) Proceeds from the revenue bonds, notes, or bond anticipation notes may be used to reimburse a participating county for the costs of acquisition, design, and construction, including, without limitation, renovation, for approved adult local criminal justice facilities.

(c) Notwithstanding Section 13340, funds derived pursuant to this section and Section 15820.931 are continuously appropriated for purposes of this chapter.

SEC. 5. Section 15820.942 of the Government Code is amended to read:

15820.942. (a) The board may issue up to two hundred forty-four million five hundred sixteen thousand dollars (\$244,516,000) in revenue bonds, notes, or bond anticipation notes, pursuant to Chapter 5 (commencing with Section 15830), to finance the acquisition, design, and construction, including, without limitation, renovation, and a reasonable construction reserve, of approved adult local criminal justice facilities described in Section 15820.940, and any additional amount authorized under Section 15849.6 to pay for the cost of financing.

(b) Proceeds from the revenue bonds, notes, or bond anticipation notes may be used to reimburse a participating county for the costs of acquisition, design, and construction, including, without limitation, renovation, for approved adult local criminal justice facilities.

(c) Notwithstanding Section 13340, funds derived pursuant to this section and Section 15820.941 are continuously appropriated for purposes of this chapter.

SEC. 6. This act is a bill providing for appropriations related to the Budget Bill within the meaning of subdivision (e) of Section 12 of Article IV of the California Constitution, has been identified as related to the budget in the Budget Bill, and shall take effect immediately.