

AMENDED IN ASSEMBLY MARCH 14, 2011

SENATE BILL

No. 87

Introduced by Committee on Budget and Fiscal Review

January 10, 2011

An act relating to the Budget Act of 2011. An act to amend Sections 15820.903, 15820.913, and 15820.917 of, and to repeal Section 15820.918 of, the Government Code, relating to criminal justice realignment, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately, bill related to the budget.

LEGISLATIVE COUNSEL'S DIGEST

SB 87, as amended, Committee on Budget and Fiscal Review. ~~Budget Act of 2011. Criminal justice realignment.~~

Existing law requires the Department of Corrections and Rehabilitation, participating counties, and the State Public Works Board to acquire, design, and construct local jail facilities approved by the Corrections Standards Authority. Existing law authorizes the State Public Works Board to issue revenue bonds, notes, or bond anticipation notes in the amounts of \$750,000,000 and \$470,000,000 to finance the acquisition, design, or construction, and a reasonable construction reserve, of approved local jail facilities, as specified. The funds derived from those revenue bonds, notes, or bond anticipation notes are continuously appropriated for the purposes described above. Existing law requires the Department of Corrections and Rehabilitation and the Corrections Standards Authority to give funding preference to counties that assist the state in siting specified facilities. Existing law also prohibits the department and the authority from awarding funds pursuant to these provisions until specified construction progress and siting requirements are met.

This bill would decrease the authorization for revenue bonds, notes, or bond anticipation notes from \$750,000,000 to \$617,119,000 and increase the authorization of \$470,000,000 to \$602,881,000. By increasing moneys to a continuously appropriated fund, this bill would make an appropriation. The bill would delete the provisions requiring the Department of Corrections and Rehabilitation and the Corrections Standards Authority to give funding preference to counties that assist the state in siting specified facilities and would instead require those entities to give that preference to counties that committed the largest percentage of inmates to state custody in relation to the total inmate population of the department in 2010. The bill would also delete the provision prohibiting the department and the authority from awarding funds pursuant to these provisions until specified construction progress and siting requirements are met.

The bill would appropriate the sum of \$1,000 from the General Fund to the Department of Corrections and Rehabilitation for purposes of state operations to be used by the Corrections Standards Authority.

The bill would become operative contingent upon the enactment of SB 85 or AB 109 of the 2011–12 Regular Session.

The California Constitution authorizes the Governor to declare a fiscal emergency and to call the Legislature into special session for that purpose. Governor Schwarzenegger issued a proclamation declaring a fiscal emergency, and calling a special session for this purpose, on December 6, 2010. Governor Brown issued a proclamation on January 20, 2011, declaring and reaffirming that a fiscal emergency exists and stating that his proclamation supersedes the earlier proclamation for purposes of that constitutional provision.

This bill would state that it addresses the fiscal emergency declared and reaffirmed by the Governor by proclamation issued on January 20, 2011, pursuant to the California Constitution.

This bill would declare that it is to take effect immediately as an urgency statute and a bill providing for appropriations related to the Budget Bill.

This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2011.

Vote: ~~majority~~^{2/3}. Appropriation: ~~no~~-yes. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. This act is titled and may be cited as the 2011*
2 *Realignment Legislation Addressing Public Safety.*

3 *SEC. 2. Section 15820.903 of the Government Code is amended*
4 *to read:*

5 15820.903. (a) The SPWB may issue up to ~~seven hundred~~
6 ~~fifty million dollars (\$750,000,000)~~ *six hundred seventeen million*
7 *one hundred nineteen thousand dollars (\$617,119,000)* in revenue
8 bonds, notes, or bond anticipation notes, pursuant to Chapter 5 of
9 Part 10b of Division 3 of Title 2 (commencing with Section 15830)
10 to finance the acquisition, design, or construction, and a reasonable
11 construction reserve, of approved local jail facilities described in
12 Section 15820.901, and any additional amount authorized under
13 Section 15849.6 to pay for the cost of financing.

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

18 (c) Notwithstanding Section 13340, funds derived pursuant to
19 this section and Section 15820.902 are continuously appropriated
20 for purposes of this chapter.

21 (d) This section shall become inoperative on June 30, 2017, and
22 no project may be commenced after that date; however, projects
23 that have already commenced by that date may be completed and
24 financed with bonds issued pursuant to this chapter.

25 *SEC. 3. Section 15820.913 of the Government Code is amended*
26 *to read:*

27 15820.913. (a) The SPWB may issue up to ~~four hundred~~
28 ~~seventy million dollars (\$470,000,000)~~ *six hundred two million*
29 *eight hundred eighty-one thousand dollars (\$602,881,000)* in
30 revenue bonds, notes, or bond anticipation notes, pursuant to
31 Chapter 5 of Part 10b of Division 3 of Title 2 (commencing with
32 Section 15830) to finance the acquisition, design, or construction,
33 and a reasonable construction reserve, of approved local jail
34 facilities described in Section 15820.911, and any additional
35 amount authorized under Section 15849.6 to pay for the cost of
36 financing.

37 (b) Proceeds from the revenue bonds, notes, or bond anticipation
38 notes may be used to reimburse a participating county for the costs

1 of acquisition, preliminary plans, working drawings, and
2 construction for approved projects.

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

6 *SEC. 4. Section 15820.917 of the Government Code is amended*
7 *to read:*

8 15820.917. (a) Participating county matching funds for projects
9 funded under this chapter shall be a minimum of 25 percent of the
10 total project costs. The CSA may reduce matching fund
11 requirements for participating counties with a general population
12 below 200,000 upon petition by a participating county to the CSA
13 requesting a lower level of matching funds.

14 (b) The CDCR and CSA shall give funding preference to
15 counties that assist the state in siting reentry facilities, pursuant to
16 ~~Section 6270 committed the largest percentage of inmates to state~~
17 ~~custody in relation to the total inmate population of CDCR in 2010.~~

18 ~~(c) The department shall give funding preference to counties~~
19 ~~that assist the state in siting mental health day treatment and crisis~~
20 ~~care, pursuant to Section 3073 of the Penal Code, and to counties~~
21 ~~who provide a continuum of care so that parolees with mental~~
22 ~~health and substance abuse needs can continue to receive services~~
23 ~~at the conclusion of their period of parole.~~

24 *SEC. 5. Section 15820.918 of the Government Code is repealed.*

25 ~~15820.918. The CDCR and CSA may not award funds under~~
26 ~~this chapter until the panel created pursuant to Section 7021 of the~~
27 ~~Penal Code has certified that all of the following conditions have~~
28 ~~been met:~~

29 ~~(a) At least 4,000 of the local jail beds from Chapter 3.11~~
30 ~~(commencing with Section 15820.90) are under construction or~~
31 ~~sited.~~

32 ~~(b) At least 2,000 of the original reentry beds are under~~
33 ~~construction or sited.~~

34 *SEC. 6. In addition to any amounts provided in the Budget Act*
35 *of 2011, the sum of one thousand dollars (\$1,000) is hereby*
36 *appropriated from the General Fund to the Department of*
37 *Corrections and Rehabilitation for purposes of state operations*
38 *to be used by the Corrections Standards Authority in the 2011–12*
39 *fiscal year.*

1 *SEC. 7. This act is a bill providing for appropriations related*
2 *to the Budget Bill within the meaning of subdivision (e) of Section*
3 *12 of Article IV of the California Constitution, has been identified*
4 *as related to the budget in the Budget Bill, and shall take effect*
5 *immediately.*

6 *SEC. 8. This act addresses the fiscal emergency declared and*
7 *reaffirmed by the Governor by proclamation on January 20, 2011,*
8 *pursuant to subdivision (f) of Section 10 of Article IV of the*
9 *California Constitution.*

10 *SEC. 9. This act shall become operative if Senate Bill 85 or*
11 *Assembly Bill 109 of the 2011–12 Regular Session of the*
12 *Legislature is enacted.*

13 *SEC. 10. This act is an urgency statute necessary for the*
14 *immediate preservation of the public peace, health, or safety within*
15 *the meaning of Article IV of the Constitution and shall go into*
16 *immediate effect. The facts constituting the necessity are:*

17 *In order to obtain savings related to the Budget Act of 2011 at*
18 *the earliest possible time, it is necessary that this act take effect*
19 *immediately.*

20 ~~SECTION 1. It is the intent of the Legislature to enact statutory~~
21 ~~changes relating to the Budget Act of 2011.~~