

Introduced by Senator Costa
(Coauthor: Assembly Member Florez)

February 25, 1999

An act to add Section 15819.40 to the Government Code, relating to prisons, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 904, as introduced, Costa. Prisons: construction: Kern County.

Existing law authorizes the construction of correctional facilities, as specified, and authorizes the necessary funding for specified construction to be obtained through lease-purchase financing methods.

This bill would authorize the Department of Corrections to construct and establish a medium and maximum security prison, or any combination thereof, together with a Level I support services facility, in the vicinity of Delano to be known as the California State Prison-Kern County at Delano II, as specified. The bill would authorize the necessary funding for the construction of this facility to be obtained through lease-purchase financing methods, which funds would be continuously appropriated for purposes of acquiring and constructing or refinancing the prison. The bill would furthermore provide that the sum of \$330,000,000 shall be available for capital outlay for the California State Prison-Kern County at Delano II from funds derived from lease-purchase financing methods.

The bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

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

1 SECTION 1. The Department of Corrections is
2 authorized to construct and establish a 2,024-bed medium
3 and maximum security prison, or any combination
4 thereof, together with a 208-bed Level I support services
5 facility in the vicinity of Delano in Kern County to be
6 known as the California State Prison-Kern County at
7 Delano II.

8 SEC. 2. Section 15819.40 is added to the Government
9 Code, to read:

10 15819.40. (a) The necessary funding for the
11 construction of the California State Prison-Kern County
12 at Delano II authorized by Section 1 of the act enacting
13 this section may be obtained through lease-purchase
14 financing arrangements. Sections 15819.1 to 15819.13,
15 inclusive, and Section 15819.15 shall apply for this
16 purpose, provided that the following also applies:

17 (1) "Prison facility" as used in Section 15819.1 includes
18 the California State Prison-Kern County at Delano II.

19 (2) Notwithstanding the limitation imposed by
20 Section 15819.3 regarding the amount of bonds to be
21 issued for construction, acquisition, and financing of
22 prison facilities, the State Public Works Board may issue
23 additional bonds in order to pay the costs of acquiring and
24 constructing or refinancing the California State
25 Prison-Kern County at Delano II.

26 (b) (1) Notwithstanding Section 13340, funds derived
27 from the lease-purchase financing methods for the
28 California State Prison-Kern County at Delano II
29 deposited in the State Treasury, are hereby continuously
30 appropriated to the State Public Works Board on behalf
31 of the Department of Corrections for the purpose of
32 acquiring and constructing or refinancing the prison
33 facility so financed.



1 (2) The sum of three hundred thirty million dollars
2 (\$330,000,000) shall be available for capital outlay for the
3 California State Prison-Kern County at Delano II from
4 funds derived from lease-purchase financing methods.

5 (3) (A) Funds so appropriated shall be available as
6 necessary for the purposes of site acquisition, site studies
7 and suitability reports, environmental studies, master
8 planning, architectural programming, schematics,
9 preliminary plans, working drawings, construction, long
10 lead, and equipment items.

11 (B) A maximum of four million dollars (\$4,000,000) of
12 the funds may be available for mitigation costs of local
13 government and school districts pursuant to Sections
14 7000, 7005, and 7005.5 of the Penal Code.

15 (c) (1) The State Public Works Board may authorize
16 the augmentation of the cost of construction of the
17 project set forth in this section pursuant to the board's
18 authority under Section 13332.11.

19 (2) The State Public Works Board may authorize any
20 additional amounts necessary to establish a reasonable
21 construction reserve and to pay the costs of financing,
22 including the payment of interest during acquisition or
23 construction of the project, the cost of financing a debt
24 service reserve fund, and the cost of issuance of
25 permanent financing for the project.

26 (3) The additional amount may include interest
27 payable on any interim loan for the facility from the
28 General Fund or the Pooled Money Investment Account
29 pursuant to Section 16312.

30 SEC. 3. This act is an urgency statute necessary for the
31 immediate preservation of the public peace, health, or
32 safety within the meaning of Article IV of the
33 Constitution and shall go into immediate effect. The facts
34 constituting the necessity are:

35 There is a chronic need for additional medium and
36 maximum security prison facilities. In order to relieve the
37 existing state prison system from its current and
38 anticipated overcrowded conditions and to maintain the



- 1 public safety and security at the earliest possible time, it
- 2 is necessary that this act take effect immediately.

O

