

VIRGINIA ACTS OF ASSEMBLY -- 1994 SPECIAL SESSION II

CHAPTER 3

An Act to provide an appropriation to construct and furnish certain correctional facilities and to create the Virginia Public Safety Fund and the Corrections Special Reserve Fund due to increases in terms of imprisonment.

[H 5002]

Approved October 18, 1994

Be it enacted by the General Assembly of Virginia:

1. § 1. That notwithstanding § 4-11.00 of Chapter 966 of the 1994 Acts of Assembly, the Governor shall unallot or withhold from allotment the following general fund appropriations during the 1994-96 biennium:

1. An amount estimated at \$12.0 million from Items 163 and 164 of Chapter 966 of the 1994 Acts of Assembly based on over-budgeted Average Daily Membership payments;

2. An amount estimated at \$16.6 million from the various state agencies affected by position eliminations as reported to the House Appropriations, House Finance, and Senate Finance Committees on August 22, 1994;

3. An amount estimated at \$5.6 million from Items 395, 396, 462, and 468 of Chapter 966 of the 1994 Acts of Assembly based on delayed promulgation of regulations for levels of care in Adult Care Residences;

4. An amount estimated at \$3.0 million from Items 413, 414, 427, and 428 of Chapter 966 of the 1994 Acts of Assembly based on operating cost savings from the delayed opening of bed expansions at the Central State Hospital Forensic Unit and the Northern Virginia Mental Health Institute; and

5. An amount estimated at \$6.2 million in fiscal year 1995-96 from Item C-1 of Chapter 966 of the 1994 Acts of Assembly for Maintenance Reserve payments to state agencies.

§ 2. That there is hereby created on the books of the State Comptroller a special nonreverting fund known as the Virginia Public Safety Fund.

§ 3. That the funds listed in § 1 plus the unappropriated general fund balance of \$6.1 million contained in Chapter 966 of the 1994 Acts of Assembly and the \$7.0 million balance in undesignated general funds available for appropriation on June 30, 1994, shall be transferred to the Virginia Public Safety Fund and made available for appropriation as follows:

1. There is hereby appropriated \$21,378,220 in fiscal year 1994-95 for payment into the special fund required pursuant to § 30-19.1:4. Such sum shall be deposited in a special nonreverting fund created on the books of the State Comptroller, which shall hereinafter be referred to as the Corrections Special Reserve Fund.

2. The Governor may utilize amounts not to exceed (i) \$28,835,000 to construct and furnish nine correctional work centers, (ii) \$2.9 million for architectural design and related planning activities for a Sussex II maximum security correctional facility, and (iii) \$0.2 million for planning for construction of a new maximum security prison.

3. The Governor may utilize amounts not to exceed (i) \$1,130,175 for planning for the renovation of Mecklenburg Correctional Facility, (ii) \$950,000 for renovating, reopening, and operating housing units in fiscal year 1995 at Bon Air Juvenile Center and the Reception and Diagnostic Center, and (iii) \$1,050,000 for constructing and installing pre-engineered housing units at a juvenile center.

4. Notwithstanding the fifth enactment of Chapter 656 of the 1991 Acts of Assembly, as amended, and the ninth and tenth enactments of Chapter 1 of the 1993 Acts of Assembly, Special Session I, the Governor may authorize the Department of Corrections to act as an agent for the Virginia Public Building Authority and may further authorize the Department, acting as such agent, to initiate architectural design and related planning activities to provide increased inmate housing capacity for Keen Mountain Prototype Facility #2, Keen Mountain Prototype Facility #3, and a women's multi-custody prison; however, the cost of such design and planning activities shall not exceed the limit of funds currently authorized for the particular project(s) by the Virginia Public Building Authority.

Design and planning activities related to these projects shall be expeditiously undertaken by the Governor and the Department of Corrections. On or before December 1, 1994, the Governor and the Department of Corrections shall provide a detailed report to the House Appropriations and Senate Finance Committees on the status of the design and planning activities related to these projects and any proposals to amend the expenditure authorizations for the projects.

5. Notwithstanding the eleventh enactment of Chapter 1 of the 1993 Acts of Assembly, Special Session I, as amended, the Governor may authorize the Department of Youth and Family Services to act as an agent for the Virginia Public Building Authority and may further authorize the Department, acting as such agent, to initiate architectural design and related planning activities to provide increased housing capacity for the maximum security youth facility at Beaumont Learning Center and wastewater

treatment plant; however, the cost of such design and planning activities shall not exceed the limit of funds currently authorized for the particular project(s) by the Virginia Public Building Authority.

Design and planning activities related to these projects shall be expeditiously undertaken by the Governor and the Department of Youth and Family Services. On or before December 1, 1994, the Governor and the Department of Youth and Family Services shall provide a detailed report to the House Appropriations and Senate Finance Committees on the status of the design and planning activities related to these projects and any proposals to amend the expenditure authorizations for the projects.

§ 4. That the Governor shall notify the Chairmen of the House Appropriations and Senate Finance Committees at least ten days prior to any action to unallot funds, revert appropriations, or initiate projects under the provisions of this act.

§ 5. That the Virginia Public Safety Fund shall be replenished from the proceeds of the sale of such tax-exempt bonds as are authorized for the projects set forth in subdivisions 2, 3, 4, and 5 of § 3, in an amount not to exceed the limits set forth in such subdivisions. In addition, other moneys subsequently appropriated for the purposes referenced in § 3 may be used to replenish such fund.

2. That an emergency exists and this act is in force from its passage.