

# 1994 SPECIAL SESSION II

## HOUSE SUBSTITUTE

LD7997124

### HOUSE BILL NO. 5002

#### AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Appropriations  
on September 30, 1994)

(Patron Prior to Substitute—Delegate Ball)

A *BILL* to provide an appropriation to construct and furnish certain correctional facilities and to provide a reserve fund for operating costs of correctional facilities due to increase in terms of imprisonment.

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 \$20.8 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 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; and

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.

§ 2. That the funds listed in § 1 plus the unappropriated general fund balance of \$6.7 million contained in Chapter 966 of the 1994 Acts of Assembly and the \$7.6 million balance in undesignated general funds available for appropriation on June 30, 1994, shall be 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.

2. The Governor may utilize amounts not to exceed (i) \$28,835,000 to construct and furnish nine correctional work centers and (ii) \$1.5 million for architectural design and related planning activities for a Sussex II maximum security correctional facility.

3. 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.

4. 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.

5. As described or defined in any legislation passed by the 1994 General Assembly, Special Session

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60 *II, related to parole abolition and sentencing reform, there is hereby appropriated \$3.2 million to*  
61 *acquire or construct at least two Correctional Diversion Centers providing approximately 200 total beds*  
62 *and \$3.6 million to acquire or construct at least two Correctional Detention Centers providing*  
63 *approximately 200 total beds.*

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

67 *§ 4. That, to the extent that any authority is given by the 1995 Session of the General Assembly to*  
68 *the Virginia Public Building Authority to finance, in whole or in part, through the issuance of bonds,*  
69 *projects listed in subdivisions 2, 3, 4 and 5 of § 2, such bond proceeds may be paid into the general*  
70 *fund in an amount not to exceed any actual expenditures related to a particular project that have been*  
71 *incurred up to the time of such bond issuance.*

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