

No. 1990-71

AN ACT

HB 2116

Authorizing the Department of General Services to enter into lease/purchase agreements for prison space; providing for the issuance of bonds; making appropriations; authorizing indebtedness, with the approval of the electors, to make grants to counties for county or multicounty regional prison facilities; and authorizing the Department of Corrections to contract with county or regional prison facilities for the housing of State inmates.

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The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

CHAPTER 1 PRELIMINARY PROVISIONS

Section 101. Short title.

This act shall be known and may be cited as the Prison Facilities Improvement Act.

Section 102. Declaration of policy.

The General Assembly finds and declares as follows:

- (1) The Commonwealth faces a serious problem in the overcrowded prisons.
- (2) Expedient procedures are required to resolve the problem.

Section 103. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Modular unit.” A prefabricated structure designed to house inmates in individual cells or a combination of cells and dormitory housing. The structure is primarily factory fabricated and site assembled using prefinished units into a completed inmate housing structure.

CHAPTER 3 LEASE PURCHASE AGREEMENTS

Section 301. Authorization.

The Department of General Services is authorized to enter into agreements for the lease or purchase of three 1,000-cell prisons in this Commonwealth. Two prisons are to be located anywhere in this Commonwealth and one maximum security prison is to be located in Greene County.

Section 302. Terms of lease agreements.

(a) **Term.**—The terms of the lease agreements shall be at least 20 years, subject to the exercise of its option by the Commonwealth to purchase under subsection (b).

(b) **Option.**—The Commonwealth shall have the option to purchase each facility at the time the facility is turned over to the Commonwealth for operation, at the end of the lease term or at intermediate dates as specified in the lease agreements.

(c) **Timing.**—The lease agreement shall be executed prior to the commencement of construction. The lease term shall commence upon execution of a lease, at the time the facility is ready for operation or on any date certain prior to the occupancy of the facility.

(d) **Assignability.**— Each lease agreement shall provide that it may be assigned by the developers with the concurrence of the Commonwealth and shall be in such form that it may be used as security for a loan or loans to finance the acquisition and construction of the facility.

(e) **Rent.**—Payment of rent by the Commonwealth shall begin when the facility is occupied by the Commonwealth.

(f) **Option price.**—The Department of General Services, in consultation with the Office of the Budget, shall have the authority, through negotiations with the contractor, to determine the cost of the option to purchase each facility should the Commonwealth choose to exercise its option to purchase and to determine the amount of payment, if any, due at the end of the term of the lease agreements or at other option dates.

(g) **Prevailing wage requirement.**—The lease agreements shall provide that the project shall be constructed pursuant to prevailing wages as shall be determined by the Department of Labor and Industry.

(h) **Critical path method scheduling.**—The lease agreement may provide that critical path method scheduling be utilized.

Section 303. Selection of contractor.

(a) **Specification.**—The Department of Corrections, with review by the Department of General Services, shall supply the general specifications for the facilities to be developed.

(b) **Advertisement.**—The Department of General Services shall advertise for proposals to construct the prisons and lease the buildings to the Commonwealth.

(c) **Committee.**—A committee shall be established to review the proposals under subsection (b). This committee shall include representatives from the Department of Corrections, the Department of General Services and the Department of Labor and Industry. This committee may include, at the discretion of the majority and minority chairmen of the Appropriations Committee of the House of Representatives and of the Appropriations Committee of the Senate, nonvoting oversight members. The majority and minority chairmen of the Appropriations Committee of the House of Representatives and of the Appropriations Committee of the Senate may each appoint one nonvoting member to the committee.

(d) **Submission of proposals.**—The proposals shall be submitted to the Department of General Services for consideration by the committee.

(e) **Committee recommendation.**—The committee shall recommend a proposal to the Secretary of General Services, the Secretary of Corrections and the Secretary of the Office of the Budget for approval.

Section 304. Award of contract.

The award of a contract under this chapter shall be made on the basis of the best interest of the Commonwealth to a responsive and responsible proposer. Although cost shall be considered as a factor, it need not be the determining factor. The Secretary of General Services, the Secretary of Corrections and the Secretary of the Budget, prior to the award of a contract under this section to a proposer other than the low responsive and responsible proposer, shall notify the majority and minority chairmen of the Appropriations Committee of the House of Representatives and of the Appropriations Committee of the Senate of their rationale and justification for said award. No award shall be made to a proposer other than the low responsive and responsible proposer until notification and a time period of five days from the date of notification for comment is given to the majority and minority chairmen of the House and Senate Appropriations Committees. The confidentiality of any and all details of the information contained in the bid proposals shall be strictly maintained.

Section 305. Construction oversight and inspection.

(a) **Responsibility.**—The Secretary of the Office of the Budget shall exercise construction audit oversight responsibility during selection of the contractors and during the design and construction of the facilities. The secretary may retain such consultants and staff as may be necessary to carry out this oversight function, including the use of the current construction audit unit in the Office of the Budget.

(b) **Inspection.**—The Department of General Services or its duly authorized agent, in consultation with the Department of Corrections, shall

inspect the facilities in accordance with the provisions of section 2408 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, to determine if construction meets the specifications for the facilities.

Section 306. Exemption and nonapplicable acts.

The facilities authorized in this chapter are exempt from the provisions of the act of March 21, 1986 (P.L.64, No.19), known as the Private Prison Moratorium and Study Act.

Section 307. Location of facility.

For prison projects itemized in this chapter for which a location is not specified, the Department of General Services shall, upon the termination of the period allowed for submission of proposals to the Department of General Services, notify the county board of commissioners, or the county council in counties which have adopted a Home Rule Charter, of each county where a proposal has been received for a site or sites within the county. Each county board or council so notified may disapprove the location of a prison within the county by a majority vote taken within 60 days following receipt of notice from the department. Any such county board or council may waive its right to disapprove sites within the county by majority vote taken at any time.

Section 308. Report to General Assembly.

The department shall, each month, report to the General Assembly any deviation from the critical path schedule for the facility authorized by this chapter and shall, upon completion of said facility, submit a final report setting forth the advantages and disadvantages of lease/purchase acquisition of capital facilities and making recommendations.

CHAPTER 5 ITEMIZATION OF PUBLIC IMPROVEMENT PROJECTS

Section 501. Total authorizations.

The total authorization for additional capital projects in the category of public improvement projects itemized in section 502 and to be acquired or constructed by the Department of General Services, its successors or assigns shall be \$235,098,000. This authorization shall be allocated as follows:

- (1) The sum of \$219,372,000 to be financed by the incurring of debt.
- (2) The sum of \$15,000,000 to be financed from insurance proceeds.
- (3) The sum of \$726,000 to be financed from current revenues appropriated by the act of July 1, 1989 (P.L.801, No.3A), known as the General Appropriation Act of 1989.

Section 502. Itemization of public improvement projects.

Additional capital projects in the category of public improvement projects to be acquired or constructed by the Department of General Services, its successors or assigns, and to be financed by the incurring of debt, from current revenues or from insurance proceeds, including the Insurance Fund, are hereby itemized, together with their respective estimated financial costs as follows:

Project	Total Project Allocation
(1) Department of Corrections	\$235,098,000
(i) State Correctional Institution - Clearfield County	
(A) Program development and design of a proto- typical 1,000-cell facility to be used in construction of a facility in Clearfield County and other State prison projects	12,000,000
(B) Construction of a 1,000-cell facility to be located in Clearfield County, including land acquisition	73,000,000
(ii) State Correctional Institution - Camp Hill, Cum- berland County	
(A) Purchase and installation of modular units with a capacity of approximately 650 cells, including site preparation (Base Project Allocation - \$28,092,000) (Design and Contingencies - \$3,121,000)	31,213,000
(B) Construction, reconstruction, renovation and restoration of fire damage to buildings and struc- tures and renovation and upgrading of the physical plant and security systems (Base Project Allocation - \$42,660,000) (Design and Contingencies - \$4,740,000)	47,400,000
(C) Expansion of diagnostic and classification center (Base Project Allocation - \$242,000)	242,000
(iii) State Correctional Institution - Cresson, Cambria County	
(A) Purchase and installation of modular units with a capacity of approximately 130 cells, including site preparation (Base Project Allocation - \$2,739,000) (Design and Contingencies - \$305,000)	3,044,000
(B) Construction of a 52-cell modular unit dormitory for drug and alcohol therapeutic community (Base Project Allocation - \$162,000)	162,000
(iv) State Correctional Institution - Frackville, Schuylkill County	
(A) Purchase and installation of modular units with a capacity of approximately 130 cells, including site preparation (Base Project Allocation - \$2,739,000) (Design and Contingencies - \$305,000)	3,044,000
(B) Connect institution sewage plant with municipal sewage system	255,000

	(Base Project Allocation - \$255,000)	
(v)	State Correctional Institution - Mercer, Mercer County	
	(A) Purchase and installation of modular units with a capacity of approximately 130 cells, including site preparation	3,044,000
	(Base Project Allocation - \$2,739,000)	
	(Design and Contingencies - \$305,000)	
	(B) Construction and installation of a road and fence	220,000
	(Base Project Allocation - \$198,000)	
	(Design and Contingencies - \$22,000)	
(vi)	State Correctional Institution - Muncy, Lycoming County	
	(A) Purchase and installation of modular units with a capacity of approximately 130 cells, including site preparation	3,842,000
	(Base Project Allocation - \$3,493,000)	
	(Design and Contingencies - \$349,000)	
	(B) Construction of additional housing for female offenders	322,000
	(Base Project Allocation - \$322,000)	
	(C) Sewage plant expansion	738,000
	(Base Project Allocation - \$738,000)	
	(D) Kitchen/Laundry expansion	576,000
	(Base Project Allocation - \$576,000)	
(vii)	State Correctional Institution - Smithfield, Huntingdon County	
	(A) Purchase and installation of a potable water storage tank, including site preparation	870,000
	(Base Project Allocation - \$725,000)	
	(Design and Contingencies - \$145,000)	
(viii)	State Correctional Institution - Waynesburg, Greene County	
	(A) Purchase and installation of modular units with a capacity of approximately 130 cells, including site preparation	3,732,000
	(Base Project Allocation - \$3,393,000)	
	(Design and Contingencies - \$339,000)	
	(B) Sewage plant	505,000
	(Base Project Allocation - \$505,000)	
(ix)	State Correctional Institution - Graterford, Montgomery County	
	(A) Purchase and installation of modular units with a capacity of approximately 130 cells, including site preparation	5,917,000
	(Base Project Allocation - \$5,325,000)	

(Design and Contingencies - \$592,000)	
(B) New kitchen/dining room	7,155,000
(Base Project Allocation - \$7,155,000)	
(x) State Correctional Institution - Huntingdon, Huntingdon County	
(A) Purchase and installation of modular units with a capacity of approximately 130 cells, including site preparation	5,917,000
(Base Project Allocation - \$5,325,000)	
(Design and Contingencies - \$592,000)	
(xi) State Correctional Institution - City of Chester	
(A) Additional funds for DGS 576-7; construction of a new prison facility to house and provide treatment for drug offenders, including land acquisition	31,900,000
(Base Project Allocation - \$28,710,000)	
(Design and Contingencies - \$3,190,000)	

Section 503. Special provisions.

(a) Exemptions.—The projects itemized in section 502(1)(ii)(A), (iii)(A), (iv)(A), (v)(A), (vi)(A), (viii)(A), (ix)(A) and (x)(A) are exempt from the provisions of the first paragraph of section 1 of the act of May 1, 1913 (P.L.155, No.104), entitled “An act regulating the letting of certain contracts for the erection, construction, and alteration of public buildings.”

(b) Construction of act.—Nothing in this act shall be construed as changing the intended purpose of the State Regional Correctional Facility at Mercer.

(c) Construction management services.—The Department of General Services may, to facilitate project management, conflict resolution and timely project completion, contract for construction management services, including critical path scheduling for projects authorized in this act.

(d) Incentive payments.—The Department of General Services may develop a procedure providing for incentive payments to contractors for early completion of their obligations under the contracts let pursuant to this chapter.

(e) Interdepartment communication.—The Department of General Services and the Department of Corrections shall develop a process to facilitate communication between the departments, contractors and design professionals to avoid unnecessary delays and to expedite the processing of project documents for projects authorized in this act.

(f) Program development and design.—The Department of General Services shall, through a request for proposals, contract for professional services needed to prepare planning and design documents which will be used to develop prototype solicitations for proposals. Solicitations for proposals will be developed for 1,000-cell maximum security prisons and 1,000-cell medium security prisons.

Section 504. Debt authorization.

The Governor, Auditor General and State Treasurer are hereby authorized and directed to borrow from time to time, in addition to any authorization

heretofore or hereafter enacted, on the credit of the Commonwealth, subject to the limitations provided in the current capital budget, money not exceeding in the aggregate the sum of \$219,372,000 as may be necessary to carry out the acquisition and construction of the public improvement projects specifically itemized in a capital budget.

Section 505. Issue of bonds.

The indebtedness authorized in this chapter shall be incurred from time to time and shall be evidenced by one or more series of general obligation bonds of the Commonwealth in such aggregate principal amount for each series as the Governor, Auditor General and State Treasurer shall determine, but the latest stated maturity date shall not exceed the estimated useful life of the projects being financed as stated in section 506.

Section 506. Estimated useful life and term of debt.

(a) Estimated useful life.—The General Assembly states that the estimated useful life of the public improvement projects itemized in this chapter is 30 years with the exception of the public improvement projects itemized in section 502(1)(ii)(A), (iii)(A), (iv)(A), (v)(A), (vi)(A), (viii)(A), (ix)(A) and (x)(A) for which the estimated useful life is 15 years.

(b) Term of debt.—The maximum term of debt authorized to be incurred under this act is 30 years.

Section 507. Appropriation.

The net proceeds of the sale of the obligations authorized in this chapter are hereby appropriated from the Capital Facilities Fund to the Department of General Services in the maximum amount of \$219,372,000, to be used by it exclusively to defray the financial cost of the public improvement projects specifically itemized in a capital budget. After reserving or paying the expenses of the sale of the obligation, the State Treasurer shall pay to the Department of General Services the moneys as required and certified by it to be legally due and payable.

Section 508. Federal funds.

In addition to those funds appropriated in section 507, all moneys received from the Federal Government for the projects specifically itemized in this chapter are also hereby appropriated for those projects.

Section 509. Insurance proceeds.

In addition to those funds appropriated in section 507, all moneys received from the State Insurance Fund or from insurance carriers for fire damage to be repaired, restored or reconstructed for projects specifically itemized in this chapter are also hereby appropriated for those projects.

Section 510. Current revenues.

The funding for the public improvement projects authorized in section 502(1)(ii)(c), (iii) and (vi) was previously appropriated to the Department of Corrections by the act of July 1, 1989 (P.L.801, No.3A), known as the General Appropriation Act of 1989.

CHAPTER 7
INCURRING INDEBTEDNESS FOR COUNTY PRISONS

Section 701. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Construction.” The term includes the preparation of drawings and specifications for facilities; erecting, building, altering, remodeling, improving or extending such facilities; and the inspection and supervision of the construction of such facilities. The term does not include any interest in land.

“County.” Any county of this Commonwealth.

“Department.” The Department of Corrections of the Commonwealth.

“Facility.” The term includes any building and related facility, initial equipment, machinery and utilities necessary or appropriate for the criminal justice purpose for which the particular facility was constructed.

“Local correctional facility.” Any jail, prison or detention facility operated by a county or jointly by more than one county and used for the confinement of persons for safe custody. The term does not include any facility used for the detention or confinement of juveniles.

Section 702. Referendum to authorize incurring indebtedness.

(a) Submission of question to electors.—The question of incurring indebtedness of \$200,000,000 for the repair, expansion, construction, reconstruction or rehabilitation of county prisons or multicounty regional prison facilities or the purchase of electronic monitoring equipment for alternative sentencing programs shall be submitted to the electors at the next primary, municipal or general election following the effective date of this chapter.

(b) Certification to county boards of elections.—The Secretary of the Commonwealth shall immediately certify the question under subsection (a) to the county boards of elections.

(c) Form of question.—The question shall be in substantially the following form:

Do you favor the incurring of indebtedness by the Commonwealth of \$200,000,000 to repair, expand, construct, reconstruct and rehabilitate county prisons or multicounty regional prison facilities or fund capital needs to create or expand county alternative sentencing or treatment programs?

(d) Conduct of election.—The election shall be conducted in accordance with the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, except that the time limits for advertisement of notice of the election may be waived as to the question.

Section 703. Authority to borrow.

In the event that the question of incurring indebtedness, as described in section 702, is approved by a majority of those voting on the question in accordance with section 7(a)(3) of Article VIII of the Constitution of Pennsylvania, the Governor, Auditor General and State Treasurer are hereby authorized and directed to borrow, on the credit of the Commonwealth, such

sum or sums of money not exceeding in the aggregate the sum of \$200,000,000, as may be necessary to carry out the purposes of this chapter.

Section 704. Bonds, issue, maturity, interest, etc.

(a) **Issuance.**—As evidence of the indebtedness herein authorized, general obligation bonds of the Commonwealth shall be issued from time to time for such total amounts, in such forms, in such denominations and subject to such terms and conditions of issue, redemption and maturity, rate or rates of interest and time of payment of interest as the Governor, Auditor General and State Treasurer shall direct, except that the latest stated maturity date shall not exceed 30 years from the date of the bond first issued for each such series.

(b) **Signatures and seal.**—All bonds issued under the authority of this chapter shall bear facsimile signatures of the Governor, the Auditor General and the State Treasurer, and a facsimile of the Great Seal of the Commonwealth, and shall be countersigned by two duly authorized officers of the duly authorized loan and transfer agents of the Commonwealth.

(c) **Full faith and credit.**—All bonds issued in accordance with the provisions of this chapter shall be direct obligations of the Commonwealth, and the full faith and credit of the Commonwealth are hereby pledged for the payment of the interest thereon as the same shall become due and for the payment of the principal thereof at maturity. All bonds issued under the provisions of this chapter shall be exempt from taxation for State and local purposes. The principal of and interest on such bonds shall be payable in lawful money of the United States of America.

(d) **Form.**—Bonds issued under this chapter may be issued as coupon bonds or registered as to both principal and interest as the issuing officials may determine. If interest coupons are attached, they shall contain the facsimile signature of the State Treasurer.

(e) **Amount.**—The issuing officials shall provide for the amortization of the bonds issued under this chapter in substantial and regular amounts over the term of the debt.

(f) **Preparation.**—The Governor, the Auditor General and the State Treasurer shall proceed to have the necessary bonds prepared and printed. The bonds, as soon as they are prepared and printed, shall be deposited with the duly authorized loan and transfer agent of the Commonwealth, there to remain until sold in accordance with the provisions of this chapter.

Section 705. Sale of bonds.

(a) **Offering for sale.**—When bonds are issued under this chapter, they shall be offered for sale and shall be sold by the Governor, the Auditor General and State Treasurer to the highest and best bidder or bidders after due public advertisement, on such terms and conditions and upon such open competitive bidding as the Governor, the Auditor General and the State Treasurer shall direct. The manner and character of advertisement and the times of advertising shall be prescribed by the Governor, the Auditor General and the State Treasurer.

(b) **Private sale.**—Any portion of any bond issue offered under subsection (a) and not sold or subscribed for may be disposed of by private sale by

the Governor, the Auditor General and the State Treasurer, in such manner and at such prices as the Governor shall direct.

(c) Series.—When bonds are issued from time to time, the bonds of each issue shall constitute a separate series to be designated by the issuing officials or may be combined for sale as one series with other general obligation bonds of the Commonwealth.

Section 706. Refunding bonds.

The Governor, the Auditor General and the State Treasurer are hereby authorized to provide, by resolution, for the issuance of refunding bonds for the purpose of refunding any bonds issued under the provisions of this chapter and then outstanding, either by voluntary exchange with the holders of such outstanding bonds with accrued interest and any premium payable thereon, at maturity or at any call date. The issuance of refunding bonds, the maturities and other details thereof, the rights of the holders thereof, and the duties of the Governor, the Auditor General and the State Treasurer in respect to refunding bonds shall be governed by the foregoing provisions of this chapter, insofar as they may be applicable. Refunding bonds may be issued by the Governor, the Auditor General and the State Treasurer to refund bonds originally issued or to refund bonds previously issued for refunding purposes.

Section 707. Registration of bonds.

The Auditor General shall prepare the necessary registry book to be kept in the office of the duly authorized loan and transfer agent of the Commonwealth for the registration of any bonds, at the request of owners thereof, according to the terms and conditions of issue directed by the Governor, the Auditor General and the State Treasurer. All bonds which are issued under this chapter without interest coupons attached shall be registered in the registry books kept by the duly authorized loan and transfer agent of the Commonwealth.

Section 708. Disposition and use of proceeds.

(a) Creation of Local Criminal Justice Fund.—There is hereby created in the State Treasury a special fund to be known as the Local Criminal Justice Fund. The proceeds realized from the sale of bonds under the provisions of this chapter shall be paid into this special fund and are hereby specifically dedicated to the purpose of the referendum authorized by section 702. The moneys shall be paid periodically by the State Treasurer to the department at such times and in such amounts as may be necessary to satisfy the purpose of this chapter.

(b) Investment and earnings.—Pending their application to the purposes authorized, moneys held or deposited in the Local Criminal Justice Fund by the State Treasurer may be invested or reinvested as are other funds in the custody of the State Treasurer in the manner provided by law. All earnings received from the investment or deposit of such funds shall be paid into the State Treasury to the credit of the Local Criminal Justice Fund.

Section 709. Local Criminal Justice Sinking Fund.

All bonds issued under the authority of this chapter shall be redeemed at maturity, and all interest due from time to time on such bonds shall be paid

from the Local Criminal Justice Sinking Fund, which is hereby created. For the specific purpose of redeeming these bonds at maturity and paying all interest thereon in accordance with the information received from the Governor, the General Assembly shall appropriate moneys for the payment of interest on these bonds and the principal thereof at maturity. All moneys paid into the Local Criminal Justice Sinking Fund and all of such moneys not necessary to pay accruing interest shall be invested by the Board of Finance and Revenue in such securities as are provided by law for the investment of the sinking funds of the Commonwealth.

Section 710. Expenses of preparation, issue and sale of bonds.

There is hereby appropriated to the State Treasurer, from the proceeds of the bonds issued, as much of the moneys as may be necessary for all costs and expenses in connection with the issue of and sale and registration of bonds in connection with this chapter.

Section 711. Temporary financing authorization.

(a) **Temporary borrowing.**—Pending the issuance of bonds of the Commonwealth, the Governor, the Auditor General and the State Treasurer are authorized, on the credit of the Commonwealth, to make temporary borrowings of such moneys as may from time to time be necessary to carry out the purposes of this chapter and are authorized in the name and on behalf of the Commonwealth to enter into loan or credit agreements with any banks or trust companies or other lending institutions or persons in the United States having power to enter into the same.

(b) **Form.**—All temporary borrowings made under the authority of this section shall be evidenced by notes of the Commonwealth, which shall be issued from time to time for such amounts, not exceeding in the aggregate the sum of \$200,000,000, in such form and in such denominations, and subject to such terms and conditions of issue, prepayment or redemption and maturity, rate of interest and time of payment of interest as the issuing officials shall direct. All notes issued under the authority of this section shall bear the facsimile signatures of the issuing officials and a facsimile of the Great Seal of the Commonwealth and shall be countersigned by two duly authorized officers of a duly authorized loan and transfer agent of the Commonwealth.

(c) **Funding and retirement.**—All notes under this section shall be funded and retired by the issuance and sale of bonds of the Commonwealth to the extent that payment of these notes has not otherwise been made or provided for.

(d) **Proceeds.**—The proceeds of all temporary borrowings under this section shall be paid into the Local Criminal Justice Fund.

Section 712. Quorum.

Whenever in this chapter any action is to be taken or any decision is to be made by the Governor, the Auditor General and the State Treasurer, and the three officers are not able to agree unanimously, the action or decision of the Governor and either the Auditor General or the State Treasurer shall be binding and final.

Section 713. Information to General Assembly.

It shall be the duty of the Governor to include in every budget submitted to the General Assembly full information relating to the issuance of bonds under the provisions of this chapter and the status of the sinking funds of the Commonwealth for the payment of the interest on those bonds and the principal thereof at maturity.

Section 714. Grants to counties.

The department shall, by regulation, establish procedures to implement the purposes of this chapter and to make grants to counties for the repair, expansion, construction, reconstruction, rehabilitation and improvement of local correctional facilities or multicounty regional prison facilities or the purchase of electronic monitoring equipment for alternative sentencing programs. These procedures shall include, at a minimum, the following:

(1) Applications shall be made to the department by the county or counties requesting the grant.

(2) Any grant approved by the department must be matched by funding in a like amount by the county from county funds, except that, if any Federal funding should become available for the construction of local correctional facilities, then both the department and county shares shall be reduced in like proportion.

(3) Grants shall be available only for the repair, expansion, construction, reconstruction, rehabilitation and improvement of local correctional facilities or multicounty regional prison facilities or the purchase of electronic monitoring equipment for alternative sentencing programs.

(4) Priority in the grant process shall be given to those counties which have expanded their prison facilities within five years of the date of the application and which are presently at or exceeding 115% of rated capacity. Under no circumstances shall any such grant exceed \$1,000,000.

Section 715. Multicounty regional prison facilities.

(a) Authorization to counties.—Any county or counties or any county authority created pursuant to the act of May 2, 1945 (P.L.382, No.164), known as the Municipality Authorities Act of 1945, are authorized to acquire, hold, construct, finance, improve, maintain, operate, own or lease, either in the capacity of lessor or lessee, any county or multicounty regional prison facility for the purpose of incarcerating their own inmates and inmates of other counties. A county or multicounty regional prison facility may also house Commonwealth inmates.

(b) Prison services contracts.—The Commonwealth and any county may enter into contracts with any county or multicounty regional prison facility authorized under subsection (a) for the incarceration of State or county inmates and all services necessary, appropriate or incident to the housing and care of such inmates.

Section 716. Appropriation.

(a) Appropriation to fund.—The sum of \$200,000,000, or as much thereof as is able to be borrowed by temporary financing or by bonds, is hereby appropriated to the Local Criminal Justice Fund for the purposes set forth in this chapter. The General Assembly may make appropriations from

time to time to the Local Criminal Justice Fund or to the department to carry out the purposes of this chapter, which appropriations shall be continuing appropriations and shall not lapse.

(b) Other sources of funds.—In addition to the moneys appropriated from time to time by the General Assembly for its work, the department is authorized to make application for and expend such Federal grants as may be available and may also receive and expend contributions from other public, quasi-public or private sources as may become available.

CHAPTER 9
CONSTRUCTION OF NEW PRISON

Section 901. Total authorization.

The total authorization for the additional capital project in the category of public improvement projects itemized in section 902 and to be acquired or constructed by the Department of General Services, its successors or assigns, and to be financed by the incurring of debt, shall be \$5,500,000.

Section 902. Itemization of public improvement project.

An additional capital project in the category of public improvement projects to be acquired or constructed by the Department of General Services, its successors or assigns, and to be financed by the incurring of debt, is hereby itemized, together with its respective estimated financial cost, as follows:

Project	Total Project Allocation
(1) Drug and Alcohol Treatment Facility - Forest County	
(i) Design and Construction of a Facility under the Control of the Pennsylvania Board of Probation and Parole for Drug and Alcohol Treatment	5,500,000
(Base Project Allocation - \$4,500,000)	
(Design and Contingencies - \$1,000,000)	

Section 903. Debt authorization.

The Governor, Auditor General and State Treasurer are hereby authorized and directed to borrow from time to time, in addition to any authorization heretofore or hereafter enacted, on the credit of the Commonwealth, subject to the limitations provided in the current capital budget, money not exceeding in the aggregate the sum of \$5,500,000 as may be necessary to carry out the acquisition and construction of the public improvement projects specifically itemized in a capital budget.

Section 904. Issue of bonds.

The indebtedness authorized in this chapter shall be incurred from time to time and shall be evidenced by one or more series of general obligation bonds of the Commonwealth in such aggregate principal amount for each series as the Governor, Auditor General and State Treasurer shall determine, but the latest stated maturity date shall not exceed the estimated useful life of the project being financed as stated in section 905.

Section 905. Estimated useful life and term of debt.

(a) **Estimated useful life.**—The General Assembly states that the estimated useful life of the public improvement projects itemized in this chapter is 30 years.

(b) **Term of debt.**—The maximum term of the debt authorized to be incurred under this chapter is 30 years.

Section 906. Appropriation.

The net proceeds of the sale of the obligations authorized in this chapter are hereby appropriated from the Capital Facilities Fund to the Department of General Services in the maximum amount of \$5,500,000 to be used by it exclusively to defray the financial cost of the public improvement projects specifically itemized in a capital budget. After reserving or paying the expenses of the sale of the obligation, the State Treasurer shall pay to the Department of General Services the moneys as required and certified by it to be legally due and payable.

Section 907. Federal funds.

In addition to those funds appropriated in section 906, all moneys received from the Federal Government for the project specifically itemized in this chapter are also hereby appropriated for those projects.

CHAPTER 11 MULTICOUNTY REGIONAL PRISON FACILITIES

Section 1101. Authorization.

A county or county authority created pursuant to the act of May 2, 1945 (P.L.382, No.164), known as the Municipality Authorities Act of 1945, is authorized to acquire, hold, construct, finance, improve, maintain, operate, own or lease, either in the capacity of lessor or lessee, any county or multicounty regional prison facility for the purpose of incarcerating their own inmates and inmates of other counties. A county or multicounty regional prison facility may also house Commonwealth inmates.

Section 1102. Prison services contracts.

Notwithstanding the provisions of the act of July 12, 1972 (P.L.762, No.180), referred to as the Intergovernmental Cooperation Law, the Commonwealth and any county may enter into contracts with any county or with any county authority created pursuant to the act of May 2, 1945 (P.L.382, No.164), known as the Municipality Authorities Act of 1945, for the incarceration of State or county inmates and all services necessary, appropriate or incident to the housing and care of such inmates.

CHAPTER 13 MISCELLANEOUS PROVISIONS

Section 1301. Military installation limitation.

For the projects itemized in this act, civilian prisoners, either pending trial or appeal or after sentencing, shall not be incarcerated at any military reservation, base or facility, whether owned by the Federal or State Government, on a temporary or permanent basis.

Section 1302. Repeals.

The act of December 21, 1989 (P.L.683, No.89), entitled "An act providing for capital projects for the Department of Corrections; providing for the issuance of bonds; and making an appropriation," is repealed.

Section 1303. Retroactivity.

The provisions of Chapter 5 and section 714 of this act shall be retroactive to December 21, 1989.

Section 1304. Effective date.

This act shall take effect immediately.

APPROVED—The 1st day of July, A. D. 1990.

ROBERT P. CASEY