

HOUSE BILL 319

Introduced by Toole, et al.

1/21	Introduced
1/21	Referred to Judiciary
1/22	First Reading
1/22	Fiscal Note Requested
1/29	Fiscal Note Received
1/30	Fiscal Note Printed
2/08	Hearing
2/15	Committee Report--Bill Passed as Amended
4/02	2nd Reading Do Pass as Amended
Failed	

1 *House* BILL NO. *319*  
 2 INTRODUCED BY *[Signature]*  
 3 BY REQUEST OF THE JOINT INTERIM SUBCOMMITTEE  
 4 ON ADULT AND JUVENILE DETENTION

5  
 6 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A PROGRAM  
 7 TO PROVIDE STATE AID FOR LOCAL GOVERNMENT JAILS; AUTHORIZING  
 8 STATE GRANTS TO LOCAL GOVERNMENTS FOR THE PLANNING,  
 9 CONSTRUCTION, OR RENOVATION OF REGIONAL JAILS; REQUIRING  
 10 STATE REIMBURSEMENTS FOR THE COST OF HOUSING CONVICTED  
 11 FELONS IN LOCAL JAILS; ALLOWING THE USE OF LOCAL JAILS TO  
 12 HOUSE PROBATION AND PAROLE VIOLATORS; FURTHER ALLOWING USE  
 13 OF LOCAL JAILS TO HOUSE STATE PRISON INMATES; CREATING A  
 14 STATE DEBT BY AUTHORIZING ISSUANCE OF GENERAL OBLIGATION  
 15 BONDS TO FINANCE STATE GRANTS FOR REGIONAL JAILS; IMPOSING  
 16 AN ADDITIONAL CHARGE ON EACH PERSON CONVICTED OF CERTAIN  
 17 OFFENSES FOR THE PURPOSE OF SERVICING BONDS SOLD TO FUND  
 18 STATE GRANTS FOR REGIONAL JAILS; PROVIDING A STATUTORY  
 19 APPROPRIATION; AMENDING SECTIONS 3-10-601, 7-32-2203,  
 20 46-18-201, AND 46-18-236, MCA; AND PROVIDING EFFECTIVE  
 21 DATES."

STATEMENT OF INTENT

22  
 23  
 24 A statement of intent is required for this bill because  
 25 [section 4] grants the department of institutions authority

1 to define the costs of incarceration for persons convicted  
 2 of a felony who are housed in local jails and to establish a  
 3 per diem rate for reimbursements to local governments.

4 It is the intent of the legislature that, in defining  
 5 the costs of incarceration, the department of institutions  
 6 consider the actual expenses of local governments in housing  
 7 inmates in local jails, including:

- 8 (1) the cost of operating and maintaining the jail; and
- 9 (2) the cost of providing inmates with necessary food,  
 10 clothing, bedding, and other services, except for medical  
 11 care. Medical care must be paid as provided in 7-32-2222.

12 In addition, it is the intent of the legislature that,  
 13 in establishing a per diem rate for reimbursements to local  
 14 governments, the department of institutions adopt a rate  
 15 that is fair and agreed upon by the department and each unit  
 16 of local government. The rate must be based on the average  
 17 daily costs of incarceration in each local jail used to  
 18 house convicted felons.

19 Furthermore, it is expressly intended that no  
 20 reimbursements by the department may exceed the amount  
 21 appropriated by the legislature for that purpose. Finally,  
 22 nothing in this bill is intended to limit the provisions of  
 23 7-32-2242 as they may apply to the department of  
 24 institutions.

25



-2- INTRODUCED BILL  
 HB 319

1 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

2 NEW SECTION. Section 1. Definitions. As used in  
3 [sections 1 through 4], the following definitions apply:

4 (1) "Jail" means any facility used for the confinement  
5 of adults accused or convicted of criminal offenses.

6 (2) "Local government" means a county or a city-county  
7 consolidated government.

8 (3) "Regional jail" means a jail established and  
9 maintained by two or more local governments, as authorized  
10 in 7-32-2201(1).

11 (4) "State prison inmate" means a person convicted of a  
12 felony who is committed to a correctional institution within  
13 the jurisdiction of the department of institutions, as  
14 provided in 46-18-201.

15 NEW SECTION. Section 2. State aid for local jails. (1)  
16 There is a program to provide state aid for local government  
17 jails.

18 (2) Under the program, the state:

19 (a) is authorized to provide state grants for the  
20 planning, construction, or renovation of regional jails, as  
21 provided in [section 3]; and

22 (b) shall provide state reimbursements for the cost of  
23 housing convicted felons in local jails, as provided for in  
24 [section 4].

25 NEW SECTION. Section 3. Grants for regional jails --

1 application -- criteria. (1) The board of crime control may  
2 award grants to local governments for the planning,  
3 construction, or renovation of regional jails. Grants may  
4 not exceed 25% of the total cost of planning, construction,  
5 or renovation.

6 (2) Local governments participating in the  
7 establishment of a regional jail may apply to the board of  
8 crime control for a grant authorized under subsection (1).  
9 The application must include a regional jail plan developed  
10 by participating local governments. The plan must include  
11 alternatives to incarceration that local governments and the  
12 courts should develop and implement to prevent jail  
13 overcrowding and to reduce the need for jail space.

14 (3) Jails funded under this section must comply with  
15 state jail standards adopted by the board of crime control  
16 and authorized under [LC 70].

17 NEW SECTION. Section 4. State reimbursements for  
18 housing state prisoners in local jails. (1) The department  
19 of institutions shall reimburse local governments for the  
20 costs of incarceration for persons convicted of a felony who  
21 are housed in local jails and who:

22 (a) have violated the conditions of their probation or  
23 parole; or

24 (b) are state prison inmates.

25 (2) The department shall define the costs of

1 incarceration and establish a per diem rate for  
2 reimbursements to local governments. Reimbursements by the  
3 department may not exceed the amount appropriated by the  
4 legislature for that purpose during the fiscal year.

5 (3) In defining the costs of incarceration, the  
6 department shall consider the actual expenses of local  
7 governments in housing inmates in local jails, including:

- 8 (a) the cost of operating and maintaining the jail; and  
9 (b) the cost of providing inmates with necessary food,  
10 clothing, bedding, and other services, except for medical  
11 care.

12 **Section 5.** Section 7-32-2203, MCA, is amended to read:

13 "7-32-2203. ~~Who may be confined in a--detention--center~~  
14 jail. Detention-centers-are A jail may be used as follows:

- 15 (1) for the detention of persons committed in order to  
16 secure their attendance as witnesses in criminal cases;  
17 (2) for the detention of persons charged with crime and  
18 committed for trial;  
19 (3) for the confinement of persons committed for  
20 contempt or upon civil process or by other authority of law;  
21 (4) for the confinement of persons sentenced to  
22 imprisonment therein upon conviction of a crime;  
23 (5) for the confinement of persons convicted of a  
24 felony who have violated conditions of their probation or  
25 parole;

1 ~~(5)(6)~~ for the confinement of ~~persons-sentenced-to--the~~  
2 ~~state--prison~~ state prison inmates, as agreed upon by the  
3 ~~state-and-the--administrator--in--charge--of--the--detention~~  
4 ~~center~~ department of institutions and units of local  
5 government that have suitable jails."

6 **Section 6.** Section 46-18-201, MCA, is amended to read:

7 "46-18-201. Sentences that may be imposed. (1) Whenever  
8 a person has been found guilty of an offense upon a verdict  
9 or a plea of guilty, the court may:

- 10 (a) defer imposition of sentence, excepting sentences  
11 for driving under the influence of alcohol or drugs, for a  
12 period, except as otherwise provided, not exceeding 1 year  
13 for any misdemeanor or for a period not exceeding 3 years  
14 for any felony. The sentencing judge may impose upon the  
15 defendant any reasonable restrictions or conditions during  
16 the period of the deferred imposition. Reasonable  
17 restrictions or conditions may include:

- 18 (i) jail base release;  
19 (ii) jail time not exceeding 180 days;  
20 (iii) conditions for probation;  
21 (iv) restitution;  
22 (v) payment of the costs of confinement;  
23 (vi) payment of a fine as provided in 46-18-231;  
24 (vii) payment of costs as provided in 46-18-232 and  
25 46-18-233;

1 (viii) payment of costs of court---appointed  
 2 court-appointed counsel as provided in 46-8-113;  
 3 (ix) community service;  
 4 (x) any other reasonable conditions considered  
 5 necessary for rehabilitation or for the protection of  
 6 society; or  
 7 (xi) any combination of the above.  
 8 (b) suspend execution of sentence up to the maximum  
 9 sentence allowed for each particular offense. The sentencing  
 10 judge may impose on the defendant any reasonable  
 11 restrictions or conditions during the period of suspended  
 12 sentence. Reasonable restrictions or conditions may include  
 13 any of those listed in subsections (1)(a)(i) through  
 14 (1)(a)(xi).  
 15 (c) impose a fine as provided by law for the offense;  
 16 (d) require payment of costs as provided in 46-18-232  
 17 or payment of costs of court-appointed counsel as provided  
 18 in 46-8-113;  
 19 (e) commit the defendant to a correctional institution,  
 20 with or without a fine as provided by law for the offense,  
 21 subject to the provisions of subsection (10);  
 22 (f) impose any combination of subsections (1)(b)  
 23 through (1)(e).  
 24 (2) If any financial obligation is imposed as a  
 25 condition under subsection (1)(a), sentence may be deferred

1 for a period not exceeding 2 years for any misdemeanor or  
 2 for a period not exceeding 6 years for any felony,  
 3 regardless of whether any other conditions are imposed.  
 4 (3) If any restrictions or conditions imposed under  
 5 subsection (1)(a) or (1)(b) are violated, the court shall  
 6 consider any elapsed time and either expressly allow part or  
 7 all of it as a credit against the sentence or reject all or  
 8 part as a credit and state its reasons in the order. Credit,  
 9 however, must be allowed for jail time already served.  
 10 (4) Except as provided in 46-18-222, the imposition or  
 11 execution of the first 2 years of a sentence of imprisonment  
 12 imposed under the following sections may not be deferred or  
 13 suspended: 45-5-103, 45-5-202(3) relating to aggravated  
 14 assault, 45-5-302(2), 45-5-303(2), 45-5-401(2), 45-5-503(2)  
 15 and (3), 45-9-101(2), (3), and (5)(d), 45-9-102(3), and  
 16 45-9-103(2).  
 17 (5) Except as provided in 46-18-222, the imposition or  
 18 execution of the first 10 years of a sentence of  
 19 imprisonment imposed under 45-5-102 may not be deferred or  
 20 suspended.  
 21 (6) Except as provided in 46-18-222, imposition of  
 22 sentence in a felony case may not be deferred in the case of  
 23 a defendant who has been convicted of a felony on a prior  
 24 occasion, whether or not the sentence was imposed,  
 25 imposition of the sentence was deferred, or execution of the

1 sentence was suspended.

2 (7) If the victim was less than 16 years old, the  
3 imposition or execution of the first 30 days of a sentence  
4 of imprisonment imposed under 45-5-502(3), 45-5-503,  
5 45-5-504, 45-5-505, or 45-5-507 may not be deferred or  
6 suspended. Section 46-18-222 does not apply to the first 30  
7 days of such imprisonment.

8 (8) In imposing a sentence on a defendant convicted of  
9 a sexual offense as defined in 46-23-502, the court may not  
10 waive the registration requirement provided in 46-18-254,  
11 46-18-255, and Title 46, chapter 23, part 5.

12 (9) A person convicted of a sexual offense, as defined  
13 in 46-23-502, and sentenced to imprisonment in the state  
14 prison shall enroll in the educational phase of the prison's  
15 sexual offender program.

16 (10) Commitment of a person to a correctional  
17 institution within the jurisdiction of the department of  
18 institutions must be to the department, not to a particular  
19 institution. The department shall assign each person  
20 committed to its custody to an appropriate correctional  
21 institution or correctional program. The department may  
22 transfer an inmate from one institution to another in a  
23 manner consistent with the sentence imposed by the court and  
24 in accordance with the treatment, training, and security  
25 needs in each circumstance."

1 NEW SECTION. Section 7. Definitions. As used in  
2 [sections 7 through 15], unless the context requires  
3 otherwise, the following definitions apply:

4 (1) "Board" means the board of examiners provided for  
5 in 2-15-1007.

6 (2) "Bonds" means bonds, notes, or other obligations  
7 issued by the board under the provisions of this part.

8 NEW SECTION. Section 8. Authorization of bonds for  
9 regional jails. (1) The board may issue and sell bonds in an  
10 amount not exceeding \$10 million payable from revenue  
11 deposited in the jail bond account created in [section 15]  
12 and from any other funds legally available or pledged for  
13 the payment of bonds.

14 (2) Bonds issued by the board must bear interest at a  
15 rate determined by the board and must mature at times, not  
16 later than 20 years from the date of issue, subject to  
17 redemption at earlier times and prices and under terms and  
18 conditions determined by the board prior to the issuance of  
19 the bonds.

20 (3) In all other respects, the board shall prescribe  
21 the form and denomination of the bonds, determine the place  
22 or places for the payment of principal and interest on the  
23 bonds, and do whatever is lawful and necessary for their  
24 issuance and payment.

25 (4) Bonds and any appurtenant interest coupons must be

1 signed by the members of the board, and the bonds must be  
 2 issued under the great seal of the state of Montana. The  
 3 bonds and coupons may be signed with facsimile signatures  
 4 and issued under facsimile seal in the manner and subject to  
 5 the limitations prescribed by law. The state treasurer shall  
 6 keep a record of all bonds issued and sold under [sections 7  
 7 through 15].

8 (5) All proceeds from the issuance of the bonds may be  
 9 used only for the purposes of providing grants to local  
 10 governments for the planning, construction, or renovation of  
 11 regional jails, as provided in [section 3]. All proceeds  
 12 must be disbursed in a manner and at the times directed by  
 13 the board of crime control.

14 NEW SECTION. Section 9. Presumption of validity of  
 15 bonds. After issuance by the board, all bonds are  
 16 conclusively presumed to be fully authorized by and issued  
 17 under the laws of the state, and any person or governmental  
 18 unit is estopped from questioning their proper  
 19 authorization, sale, issuance, or delivery by the board.

20 NEW SECTION. Section 10. Signatures of board members.  
 21 Bonds bearing the signature of members of the board on the  
 22 date of the signing of the bonds are valid obligations,  
 23 notwithstanding that before the delivery of the bonds and  
 24 payment for the bonds, any of the persons whose signatures  
 25 appear on the bonds have ceased to be members.

1 NEW SECTION. Section 11. Negotiability of bonds. Bonds  
 2 issued by the board are negotiable instruments under the  
 3 Uniform Commercial Code, subject to the provisions for  
 4 registration of bonds.

5 NEW SECTION. Section 12. Tax exemption of bonds --  
 6 other exemptions. (1) Bonds issued under [sections 7 through  
 7 15] and their transfer and income, including any profits  
 8 made on their sale, are free from taxation by the state or  
 9 any political subdivision or other instrumentality of the  
 10 state, except for inheritance, estate, and gift taxes.

11 (2) The board is not required to pay recording or  
 12 transfer fees or taxes on instruments recorded by it.

13 NEW SECTION. Section 13. Nonimpairment by the state.  
 14 In accordance with the constitutions of the United States  
 15 and the state of Montana, the state pledges that it will not  
 16 in any way impair the obligations of any agreement between  
 17 the board and the holders of bonds issued under [sections 7  
 18 through 15].

19 NEW SECTION. Section 14. Credit of state pledged. The  
 20 full faith and credit and taxing power of the state is  
 21 pledged for the payment of all bonds issued under [sections  
 22 7 through 15].

23 NEW SECTION. Section 15. Jail bond account. (1) There  
 24 is a jail bond account in the debt service fund type  
 25 established in 17-2-102.

1 (2) All collections of revenue under 46-18-236(1)(b)  
2 must be deposited in the account and are statutorily  
3 appropriated as provided in 17-7-502(4) to the board to be  
4 used to pay the principal and interest on bonds issued under  
5 [sections 7 through 15] and to accumulate and maintain the  
6 required reserves attributable to these bonds.

7 **Section 16.** Section 46-18-236, MCA, is amended to read:

8 \*46-18-236. Imposition of charge charges upon  
9 conviction or forfeiture -- administration. (1) Except as  
10 provided in subsection (2), there must be imposed by all  
11 courts of original jurisdiction on a defendant upon his  
12 conviction for any conduct made criminal by state statute or  
13 upon forfeiture of bond or bail, ~~a--charge--that-is~~ in  
14 addition to other taxable court costs, fees, or fines, ~~as~~  
15 follows the following charges:

16 (a) \$10 for each misdemeanor ~~charge~~; and

17 (b) the greater of \$20 or 10% of the fine levied for  
18 each felony ~~charge~~; and

19 (b) \$10 for each felony and each misdemeanor, except  
20 for nonmoving parking violations and not including  
21 violations of the fuel conservation speed limit.

22 (2) If a convicting court determines under 46-18-231  
23 and 46-18-232 that the defendant is not able to pay the fine  
24 and costs or that he is unable to pay within a reasonable  
25 time, the court ~~must~~ shall waive payment of the charge

1 charges imposed by this section.

2 (3) The charge charges imposed by this section ~~is are~~  
3 not ~~a-fine~~ finer and must be imposed in addition to any fine  
4 and may not be used in determining the jurisdiction of any  
5 court.

6 (4) When the payment of a fine is to be made in  
7 installments over a period of time, the charge charges  
8 imposed by this section must be collected from the first  
9 payment made and each subsequent payment as necessary if the  
10 first payment is not sufficient to cover the charge charges.

11 (5) The charges collected under subsection (1), except  
12 those collected by a justice's court, must be deposited with  
13 the appropriate local government finance officer or  
14 treasurer. If a city municipal court or city or town court  
15 is the court of original jurisdiction, the charges collected  
16 under subsection (1) must be deposited with the city or town  
17 finance officer or treasurer. If a district court is the  
18 court of original jurisdiction, the charges collected under  
19 subsection (1) must be deposited with the county finance  
20 officer or treasurer. If the court of original jurisdiction  
21 is a court within a consolidated city-county government  
22 within the meaning of Title 7, chapter 3, the charges  
23 collected under subsection (1) must be deposited with the  
24 finance officer or treasurer of the consolidated government.

25 (6) (a) A city or town finance officer or treasurer may



1 retain the charges collected under subsection (1)(a) by a  
2 city municipal court or a city or town court and may use  
3 that money for the payment of salaries of the city or town  
4 attorney and his deputies.

5 (b) Each county finance officer or treasurer may retain  
6 the charges collected under subsection (1)(a) by district  
7 courts for crimes committed or alleged to have been  
8 committed within that county. The county finance officer or  
9 treasurer shall use the money for the payment of salaries of  
10 its deputy county attorneys and for the payment of other  
11 salaries in the office of the county attorney, and any funds  
12 not needed for such those salaries may be used for the  
13 payment of any other county salaries.

14 (7) Within 5 days after the last day of the month, each  
15 local government finance officer or treasurer shall pay the  
16 amount deposited with him under subsection (1)(b) in the  
17 previous month to the state treasurer for deposit in the  
18 jail bond account established in [section 15] to be used to  
19 pay the principal of and interest on bonds issued under  
20 [sections 7 through 15] and to accumulate and maintain the  
21 required reserve attributable to the bonds."

22 **Section 17.** Section 3-10-601, MCA, is amended to read:

23 **\*3-10-601. Collection and disposition of fines,**  
24 **penalties, forfeitures, and fees.** (1) Each justice of the  
25 peace shall collect the fees prescribed by law for justices'

1 courts and shall pay them into the county treasury of the  
2 county wherein in which he holds office, on or before the  
3 10th day of each month, to be credited to the general fund  
4 of the county.

5 (2) All fines, penalties, and forfeitures that this  
6 code requires to be imposed, collected, or paid in a  
7 justice's court must, for each calendar month, be paid by  
8 the justice's court on or before the 5th day of the  
9 following month to the treasurer of the county in which the  
10 justice's court is situated.

11 (3) The county treasurer shall, in the manner provided  
12 in 15-1-504, distribute money received under subsection (2)  
13 as follows:

14 (a) of the funds collected under 46-18-236(1)(a):  
15 (a)(i) 50% to the state treasurer; and  
16 (b)(ii) 50% to the county general fund;  
17 (b) all of the funds collected under 46-18-236(1)(b) to  
18 the state treasurer for deposit in the jail bond account  
19 established in [section 15] to be used to pay the principal  
20 of and interest on bonds issued under [sections 7 through  
21 15] and to accumulate and maintain the required reserve  
22 attributable to the bonds.

23 (4) The state treasurer shall distribute money received  
24 under subsection (3)(a)(i) as follows:

25 (a) 23% to the state general fund;

1 (b) 10% to the fish and game account in the state  
2 special revenue fund;

3 (c) 12.5% to the state highway account in the state  
4 special revenue fund;

5 (d) 36% to the traffic education account in the state  
6 special revenue fund;

7 (e) 0.6% to the department of livestock account in the  
8 state special revenue fund;

9 (f) 16.9% to the crime victims compensation account in  
10 the state special revenue fund; and

11 (g) 1% to the department of family services special  
12 revenue account for the battered spouses and domestic  
13 violence grant program."

14 NEW SECTION. Section 18. Code commissioner instruction  
15 -- name change. The code commissioner is instructed to  
16 substitute the term "jail" for the term "detention center"  
17 wherever the term "detention center" appears in Title 7,  
18 chapter 32, parts 21, 22, and 42.

19 NEW SECTION. Section 19. Codification instruction. (1)  
20 [Sections 1 through 4] are intended to be codified as an  
21 integral part of Title 7, chapter 32, and the provisions of  
22 Title 7, chapter 32, apply to [sections 1 through 4].

23 (2) [Sections 7 through 15] are intended to be codified  
24 as an integral part of Title 17, chapter 5, and the  
25 provisions of Title 17, chapter 5, apply to [sections 7

1 through 15].

2 NEW SECTION. Section 20. Coordination instruction. If  
3 Bill No. [LC 70] is not passed and approved, then  
4 [section 3(3)] of [this act] is void.

5 NEW SECTION. Section 21. Severability. If a part of  
6 [this act] is invalid, all valid parts that are severable  
7 from the invalid part remain in effect. If a part of [this  
8 act] is invalid in one or more of its applications, the part  
9 remains in effect in all valid applications that are  
10 severable from the invalid applications.

11 NEW SECTION. Section 22. Requirements for approval of  
12 state debt -- severability. (1) Because [sections 8 and 14]  
13 authorize the creation of a state debt, a vote of two-thirds  
14 of the members of each house is required for enactment of  
15 [sections 8 and 14].

16 (2) If [sections 8 and 14] are not approved by the  
17 required vote, [sections 1 through 3, 7 through 17, and 19  
18 through 21] are void. The remaining sections of [this act]  
19 are valid and remain in effect in all valid applications  
20 upon enactment.

21 NEW SECTION. Section 23. Effective dates. (1)  
22 [Sections 15 through 22 and this section] are effective July  
23 1, 1991.

24 (2) [Sections 1 through 14] are effective July 1, 1992.

-End-

STATE OF MONTANA - FISCAL NOTE  
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0319, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:


A bill for an act entitled: "An act establishing a program to provide state aid for local government jails; authorizing state grants to local governments for the planning, construction, or renovation of regional jails; requiring state reimbursements for the cost of housing convicted felons in local jails; allowing the use of local jails to house probation and parole violators; further allowing use of local jails to house state prison inmates; creating a state debt by authorizing issuance of general obligation bonds to finance state grants for regional jails; imposing an additional charge on each person convicted of certain offenses for the purpose of servicing bonds sold to fund state grants for regional jails; providing a statutory appropriation; amending sections 3-10-601, 7-32-2203, 46-18-201, and 46-18-236, MCA; and providing effective dates."

ASSUMPTIONS:

1. This bill establishes programs to provide aid and reimbursement to local governments in support of existing and future jails.
2. This bill authorizes use of jails to house probation and parole violators and prison inmates at the discretion of the Department of Institutions (DOI).
3. This bill requires DOI to reimburse jails for the costs of confinement.
4. This bill mandates commitment of convicted offenders to DOI rather than a specific institution and leaves placement of those offenders to the discretion of the department.
5. This bill authorizes issuance of general obligation bonds.
6. The jail bond account will be sufficient to retire the debt. Department of Administration has no way to estimate the revenues to this account. Annual payments on \$10 million of bonds are approximately \$1 million per year under current interest rates of 7%.
7. General fund will not be used to retire the debt.
8. Costs addressed in this bill affect the grant process of the Montana Board of Crime Control (MBCC). Grant applications would be requested beginning July 1, 1992 with two funding cycles per fiscal year.
9. It is estimated that between 5 to 10 applications would be received during FY92 and there would be \$200 for per diem in FY93 for the review committee.
10. It is assumed there will be no extraordinary or substantial increase in grant review, award, or reporting procedures above the current level MBCC grant process. Therefore, the grant process will be incorporated into Crime Control's existing grant program without additional staff and only minimal increased operating costs.
11. It is assumed promulgating administrative rules (ARM) will not be required.
12. Assumes enactment of HB0070 companion legislation for jail standards.
13. Assumes general fund will be needed for operating costs.

FISCAL IMPACT:

see next page

  
ROD SUNDSTED, BUDGET DIRECTOR      1-28-91      DATE  
Office of Budget and Program Planning

  
HOWARD TOOLE, PRIMARY SPONSOR      1/30/91      DATE

Fiscal Note for HB0319, as introduced

**HB 319**

Fiscal Note Request for HB0319, as introduced.

Form BD-15

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FISCAL IMPACT:

Department of Institutions:

	FY 92			FY 93		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
<u>Expenditures:</u>						
Operating Expenses	66,120	443,270	377,150	66,120	744,230	678,110
<u>Funding:</u>						
Other/Debt Service (07)	66,120	443,270	377,150	66,120	744,230	678,110

Department of Administration:

	FY 92			FY 93		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
<u>Expenditures:</u>						
Debt Service	0	1,000,000	1,000,000	0	1,000,000	1,000,000
<u>Funding:</u>						
Other/Debt Service (07)	0	1,000,000	1,000,000	0	1,000,000	1,000,000

Montana Board of Crime Control:

	FY 92			FY 93		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
<u>Expenditures:</u>						
Personal Services	0	0	0	0	200	200
Operating Costs	0	0	0	0	3,000	3,000
Grants	0	0	0	0	10,000,000	10,000,000
<u>Total</u>	0	0	0	0	10,003,200	10,003,200
<u>Funding:</u>						
General Fund (01)	0	0	0	0	3,200	3,200
Other/Bond Issue (07)	0	0	0	0	10,000,000	10,000,000
<u>Total</u>	0	0	0	0	10,003,200	10,003,200
<u>Revenues:</u>						
Issuance of Jail Bonds	0	0	0	0	10,000,000	10,000,000
Net Change	0	0	0	0	(3,200)	(3,200)

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

Combined counties or local governments would have to form and enter into inter-local agreements to qualify as a regional jail. If a grant is awarded the state would provide 25% and local government would be required to provide 75% of the costs for the planning, construction, or renovation of a regional jail.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

1. Regionalized jails may lead to cost savings for counties or local governments due to consolidation of costs and efficiency.
2. Section 14 states that the full faith and credit of the state is pledged for the bond payment. If the jail bond account revenue stream is not adequate, it is possible that the general fund may have to be used to retire the debt.

APPROVED BY COMMITTEE  
ON JUDICIARY

HOUSE BILL NO. 319

INTRODUCED BY TOOLE, HALLIGAN, J. RICE, BROOKE, STRIZICH

BY REQUEST OF THE JOINT INTERIM SUBCOMMITTEE

ON ADULT AND JUVENILE DETENTION

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A PROGRAM TO PROVIDE STATE AID FOR LOCAL GOVERNMENT JAILS; AUTHORIZING STATE GRANTS TO LOCAL GOVERNMENTS FOR THE PLANNING, CONSTRUCTION, OR RENOVATION OF REGIONAL JAILS; REQUIRING STATE REIMBURSEMENTS FOR THE COST OF HOUSING CONVICTED FELONS IN LOCAL JAILS; ALLOWING THE USE OF LOCAL JAILS TO HOUSE PROBATION AND PAROLE VIOLATORS; FURTHER ALLOWING USE OF LOCAL JAILS TO HOUSE STATE PRISON INMATES; CREATING A STATE DEBT BY AUTHORIZING ISSUANCE OF GENERAL OBLIGATION BONDS TO FINANCE STATE GRANTS FOR REGIONAL JAILS; IMPOSING AN ADDITIONAL CHARGE ON EACH PERSON CONVICTED OF CERTAIN OFFENSES FOR THE PURPOSE OF SERVICING BONDS SOLD TO FUND STATE GRANTS FOR REGIONAL JAILS; PROVIDING A STATUTORY APPROPRIATION; AMENDING SECTIONS 3-10-601, 7-32-2203, 46-18-201, AND 46-18-236, MCA; AND PROVIDING EFFECTIVE DATES."

STATEMENT OF INTENT

A statement of intent is required for this bill because [section 4] grants the department of institutions authority

to define the costs of incarceration for persons convicted of a felony who are housed in local jails and to establish a per diem rate for reimbursements to local governments.

It is the intent of the legislature that, in defining the costs of incarceration, the department of institutions consider the actual expenses of local governments in housing inmates in local jails, including:

- (1) the cost of operating and maintaining the jail; and
- (2) the cost of providing inmates with necessary food, clothing, bedding, and other services, except for medical care. Medical care must be paid as provided in 7-32-2222.

In addition, it is the intent of the legislature that, in establishing a per diem rate for reimbursements to local governments, the department of institutions adopt a rate that is fair and agreed upon by the department and each unit of local government. The rate must be based on the average daily costs of incarceration in each local jail used to house convicted felons.

Furthermore, it is expressly intended that no reimbursements by the department may exceed the amount appropriated by the legislature for that purpose. Finally, nothing in this bill is intended to limit the provisions of 7-32-2242 as they may apply to the department of institutions.

SECOND READING

HB 319



1 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

2 NEW SECTION. **Section 1. Definitions.** As used in  
3 [sections 1 through 4], the following definitions apply:

4 (1) "Jail" means any facility used for the confinement  
5 of adults accused or convicted of criminal offenses.

6 (2) "Local government" means a county or a city-county  
7 consolidated government.

8 (3) "Regional jail" means a jail established and  
9 maintained by two or more local governments, as authorized  
10 in 7-32-2201(1).

11 (4) "State prison inmate" means a person convicted of a  
12 felony who is committed to a correctional institution within  
13 the jurisdiction of the department of institutions, as  
14 provided in 46-18-201.

15 NEW SECTION. **Section 2. State aid for local jails.** (1)  
16 There is a program to provide state aid for local government  
17 jails.

18 (2) Under the program, the state:

19 (a) is authorized to provide state grants for the  
20 planning, construction, or renovation of regional jails, as  
21 provided in [section 3]; and

22 (b) shall provide state reimbursements for the cost of  
23 housing convicted felons in local jails, as provided for in  
24 [section 4].

25 NEW SECTION. **Section 3. Grants for regional jails --**

1 **application -- criteria.** (1) The board of crime control may  
2 award grants to local governments for the planning,  
3 construction, or renovation of regional jails. Grants may  
4 not exceed 25% of the total cost of planning, construction,  
5 or renovation.

6 (2) Local governments participating in the  
7 establishment of a regional jail may apply to the board of  
8 crime control for a grant authorized under subsection (1).  
9 The application must include a regional jail plan developed  
10 by participating local governments. The plan must include  
11 alternatives to incarceration that local governments and the  
12 courts should develop and implement to prevent jail  
13 overcrowding and to reduce the need for jail space.

14 (3) Jails funded under this section must comply with  
15 state jail standards adopted by the board of crime control  
16 and authorized under [LC 70].

17 NEW SECTION. **Section 4. State reimbursements for**  
18 **housing state prisoners in local jails.** (1) The department  
19 of institutions shall reimburse local governments for the  
20 costs of incarceration for persons convicted of a felony who  
21 are housed in local jails and who:

22 (a) have violated the conditions of their ~~probation-or~~  
23 parole; or

24 (b) are state prison inmates.

25 (2) The department shall define the costs of

1 incarceration and establish a per diem rate for  
 2 reimbursements to local governments. Reimbursements by the  
 3 department may not exceed the amount appropriated by the  
 4 legislature for that purpose during the fiscal year.

5 (3) In defining the costs of incarceration, the  
 6 department shall consider the actual expenses of local  
 7 governments in housing inmates in local jails, including:

- 8 (a) the cost of operating and maintaining the jail; and
- 9 (b) the cost of providing inmates with necessary food,  
 10 clothing, bedding, and other services, except for medical  
 11 care.

12 **Section 5.** Section 7-32-2203, MCA, is amended to read:

13 **"7-32-2203. Who may be confined in a--detention--center**  
 14 **jail. Detention-centers-are A jail may be** used as follows:

- 15 (1) for the detention of persons committed in order to  
 16 secure their attendance as witnesses in criminal cases;
- 17 (2) for the detention of persons charged with crime and  
 18 committed for trial;
- 19 (3) for the confinement of persons committed for  
 20 contempt or upon civil process or by other authority of law;
- 21 (4) for the confinement of persons sentenced to  
 22 imprisonment therein upon conviction of a crime;
- 23 (5) for the confinement of persons convicted of a  
 24 felony who have violated conditions of their probation or  
 25 parole;

1 ~~45~~(6) for the confinement of ~~persons-sentenced-to--the~~  
 2 ~~state--prison~~ state prison inmates, as agreed upon by the  
 3 ~~state-and-the--administrator--in--charge--of--the--detention~~  
 4 ~~center~~ department of institutions and units of local  
 5 government that have suitable jails."

6 **Section 6.** Section 46-18-201, MCA, is amended to read:

7 **"46-18-201. Sentences that may be imposed.** (1) Whenever  
 8 a person has been found guilty of an offense upon a verdict  
 9 or a plea of guilty, the court may:

- 10 (a) defer imposition of sentence, excepting sentences  
 11 for driving under the influence of alcohol or drugs, for a  
 12 period, except as otherwise provided, not exceeding 1 year  
 13 for any misdemeanor or for a period not exceeding 3 years  
 14 for any felony. The sentencing judge may impose upon the  
 15 defendant any reasonable restrictions or conditions during  
 16 the period of the deferred imposition. Reasonable  
 17 restrictions or conditions may include:

- 18 (i) jail base release;
- 19 (ii) jail time not exceeding 180 days;
- 20 (iii) conditions for probation;
- 21 (iv) restitution;
- 22 (v) payment of the costs of confinement;
- 23 (vi) payment of a fine as provided in 46-18-231;
- 24 (vii) payment of costs as provided in 46-18-232 and  
 25 46-18-233;



1 (viii) payment of costs of ~~court---~~appointed  
 2 court-appointed counsel as provided in 46-8-113;  
 3 (ix) community service;  
 4 (x) any other reasonable conditions considered  
 5 necessary for rehabilitation or for the protection of  
 6 society; or  
 7 (xi) any combination of the above.  
 8 (b) suspend execution of sentence up to the maximum  
 9 sentence allowed for each particular offense. The sentencing  
 10 judge may impose on the defendant any reasonable  
 11 restrictions or conditions during the period of suspended  
 12 sentence. Reasonable restrictions or conditions may include  
 13 any of those listed in subsections (1)(a)(i) through  
 14 (1)(a)(xi).  
 15 (c) impose a fine as provided by law for the offense;  
 16 (d) require payment of costs as provided in 46-18-232  
 17 or payment of costs of court-appointed counsel as provided  
 18 in 46-8-113;  
 19 (e) commit the defendant to a correctional institution,  
 20 with or without a fine as provided by law for the offense,  
 21 subject to the provisions of subsection (10);  
 22 (f) impose any combination of subsections (1)(b)  
 23 through (1)(e).  
 24 (2) If any financial obligation is imposed as a  
 25 condition under subsection (1)(a), sentence may be deferred

1 for a period not exceeding 2 years for any misdemeanor or  
 2 for a period not exceeding 6 years for any felony,  
 3 regardless of whether any other conditions are imposed.  
 4 (3) If any restrictions or conditions imposed under  
 5 subsection (1)(a) or (1)(b) are violated, the court shall  
 6 consider any elapsed time and either expressly allow part or  
 7 all of it as a credit against the sentence or reject all or  
 8 part as a credit and state its reasons in the order. Credit,  
 9 however, must be allowed for jail time already served.  
 10 (4) Except as provided in 46-18-222, the imposition or  
 11 execution of the first 2 years of a sentence of imprisonment  
 12 imposed under the following sections may not be deferred or  
 13 suspended: 45-5-103, 45-5-202(3) relating to aggravated  
 14 assault, 45-5-302(2), 45-5-303(2), 45-5-401(2), 45-5-503(2)  
 15 and (3), 45-9-101(2), (3), and (5)(d), 45-9-102(3), and  
 16 45-9-103(2).  
 17 (5) Except as provided in 46-18-222, the imposition or  
 18 execution of the first 10 years of a sentence of  
 19 imprisonment imposed under 45-5-102 may not be deferred or  
 20 suspended.  
 21 (6) Except as provided in 46-18-222, imposition of  
 22 sentence in a felony case may not be deferred in the case of  
 23 a defendant who has been convicted of a felony on a prior  
 24 occasion, whether or not the sentence was imposed,  
 25 imposition of the sentence was deferred, or execution of the

1 sentence was suspended.

2 (7) If the victim was less than 16 years old, the  
3 imposition or execution of the first 30 days of a sentence  
4 of imprisonment imposed under 45-5-502(3), 45-5-503,  
5 45-5-504, 45-5-505, or 45-5-507 may not be deferred or  
6 suspended. Section 46-18-222 does not apply to the first 30  
7 days of such imprisonment.

8 (8) In imposing a sentence on a defendant convicted of  
9 a sexual offense as defined in 46-23-502, the court may not  
10 waive the registration requirement provided in 46-18-254,  
11 46-18-255, and Title 46, chapter 23, part 5.

12 (9) A person convicted of a sexual offense, as defined  
13 in 46-23-502, and sentenced to imprisonment in the state  
14 prison shall enroll in the educational phase of the prison's  
15 sexual offender program.

16 (10) Commitment of a person to a correctional  
17 institution within the jurisdiction of the department of  
18 institutions must be to the department, not to a particular  
19 institution. The department shall assign each person  
20 committed to its custody to an appropriate correctional  
21 institution or correctional program. The department may  
22 transfer an inmate from one institution to another in a  
23 manner consistent with the sentence imposed by the court and  
24 in accordance with the treatment, training, and security  
25 needs in each circumstance."

1 NEW SECTION. Section 7. Definitions. As used in  
2 [sections 7 through 15], unless the context requires  
3 otherwise, the following definitions apply:

4 (1) "Board" means the board of examiners provided for  
5 in 2-15-1007.

6 (2) "Bonds" means bonds, notes, or other obligations  
7 issued by the board under the provisions of this part.

8 NEW SECTION. Section 8. Authorization of bonds for  
9 regional jails. (1) The board may issue and sell bonds in an  
10 amount not exceeding \$10 million payable from revenue  
11 deposited in the jail bond account created in [section 15]  
12 and from any other funds legally available or pledged for  
13 the payment of bonds.

14 (2) Bonds issued by the board must bear interest at a  
15 rate determined by the board and must mature at times, not  
16 later than 20 years from the date of issue, subject to  
17 redemption at earlier times and prices and under terms and  
18 conditions determined by the board prior to the issuance of  
19 the bonds.

20 (3) In all other respects, the board shall prescribe  
21 the form and denomination of the bonds, determine the place  
22 or places for the payment of principal and interest on the  
23 bonds, and do whatever is lawful and necessary for their  
24 issuance and payment.

25 (4) Bonds and any appurtenant interest coupons must be

1 signed by the members of the board, and the bonds must be  
 2 issued under the great seal of the state of Montana. The  
 3 bonds and coupons may be signed with facsimile signatures  
 4 and issued under facsimile seal in the manner and subject to  
 5 the limitations prescribed by law. The state treasurer shall  
 6 keep a record of all bonds issued and sold under [sections 7  
 7 through 15].

8 (5) All proceeds from the issuance of the bonds may be  
 9 used only for the purposes of providing grants to local  
 10 governments for the planning, construction, or renovation of  
 11 regional jails, as provided in [section 3]. All proceeds  
 12 must be disbursed in a manner and at the times directed by  
 13 the board of crime control.

14 NEW SECTION. Section 9. Presumption of validity of  
 15 bonds. After issuance by the board, all bonds are  
 16 conclusively presumed to be fully authorized by and issued  
 17 under the laws of the state, and any person or governmental  
 18 unit is estopped from questioning their proper  
 19 authorization, sale, issuance, or delivery by the board.

20 NEW SECTION. Section 10. Signatures of board members.  
 21 Bonds bearing the signature of members of the board on the  
 22 date of the signing of the bonds are valid obligations,  
 23 notwithstanding that before the delivery of the bonds and  
 24 payment for the bonds, any of the persons whose signatures  
 25 appear on the bonds have ceased to be members.

1 NEW SECTION. Section 11. Negotiability of bonds. Bonds  
 2 issued by the board are negotiable instruments under the  
 3 Uniform Commercial Code, subject to the provisions for  
 4 registration of bonds.

5 NEW SECTION. Section 12. Tax exemption of bonds --  
 6 other exemptions. (1) Bonds issued under [sections 7 through  
 7 15] and their transfer and income, including any profits  
 8 made on their sale, are free from taxation by the state or  
 9 any political subdivision or other instrumentality of the  
 10 state, except for inheritance, estate, and gift taxes.

11 (2) The board is not required to pay recording or  
 12 transfer fees or taxes on instruments recorded by it.

13 NEW SECTION. Section 13. Nonimpairment by the state.  
 14 In accordance with the constitutions of the United States  
 15 and the state of Montana, the state pledges that it will not  
 16 in any way impair the obligations of any agreement between  
 17 the board and the holders of bonds issued under [sections 7  
 18 through 15].

19 NEW SECTION. Section 14. Credit of state pledged. The  
 20 full faith and credit and taxing power of the state is  
 21 pledged for the payment of all bonds issued under [sections  
 22 7 through 15].

23 NEW SECTION. Section 15. Jail bond account. (1) There  
 24 is a jail bond account in the debt service fund type  
 25 established in 17-2-102.

1 (2) All collections of revenue under 46-18-236(1)(b)  
 2 must be deposited in the account and are statutorily  
 3 appropriated as provided in 17-7-502(4) to the board to be  
 4 used to pay the principal and interest on bonds issued under  
 5 [sections 7 through 15] and to accumulate and maintain the  
 6 required reserves attributable to these bonds.

7 **Section 16.** Section 46-18-236, MCA, is amended to read:

8 \*46-18-236. Imposition of charge charges upon  
 9 conviction or forfeiture -- administration. (1) Except as  
 10 provided in subsection (2), there must be imposed by all  
 11 courts of original jurisdiction on a defendant upon his  
 12 conviction for any conduct made criminal by state statute or  
 13 upon forfeiture of bond or bail, ~~a--charge--that-is~~ in  
 14 addition to other taxable court costs, fees, or fines, as  
 15 follows the following charges:

16 (a) \$10 for each misdemeanor ~~charge~~; and

17 (b) the greater of \$20 or 10% of the fine levied for  
 18 each felony ~~charge~~; and

19 (b) \$10 for each felony and each misdemeanor, except  
 20 for nonmoving parking violations and not including  
 21 violations of the fuel conservation speed limit.

22 (2) If a convicting court determines under 46-18-231  
 23 and 46-18-232 that the defendant is not able to pay the fine  
 24 and costs or that he is unable to pay within a reasonable  
 25 time, the court ~~must~~ shall waive payment of the charge

1 charges imposed by this section.

2 (3) The charge charges imposed by this section ~~is~~ are  
 3 not ~~a-fine~~ fines and must be imposed in addition to any fine  
 4 and may not be used in determining the jurisdiction of any  
 5 court.

6 (4) When the payment of a fine is to be made in  
 7 installments over a period of time, the charge charges  
 8 imposed by this section must be collected from the first  
 9 payment made and each subsequent payment as necessary if the  
 10 first payment is not sufficient to cover the charge charges.

11 (5) The charges collected under subsection (1), except  
 12 those collected by a justice's court, must be deposited with  
 13 the appropriate local government finance officer or  
 14 treasurer. If a city municipal court or city or town court  
 15 is the court of original jurisdiction, the charges collected  
 16 under subsection (1) must be deposited with the city or town  
 17 finance officer or treasurer. If a district court is the  
 18 court of original jurisdiction, the charges collected under  
 19 subsection (1) must be deposited with the county finance  
 20 officer or treasurer. If the court of original jurisdiction  
 21 is a court within a consolidated city-county government  
 22 within the meaning of Title 7, chapter 3, the charges  
 23 collected under subsection (1) must be deposited with the  
 24 finance officer or treasurer of the consolidated government.

25 (6) (a) A city or town finance officer or treasurer may

1 retain the charges collected under subsection (1)(a) by a  
 2 city municipal court or a city or town court and may use  
 3 that money for the payment of salaries of the city or town  
 4 attorney and his deputies.

5 (b) Each county finance officer or treasurer may retain  
 6 the charges collected under subsection (1)(a) by district  
 7 courts for crimes committed or alleged to have been  
 8 committed within that county. The county finance officer or  
 9 treasurer shall use the money for the payment of salaries of  
 10 its deputy county attorneys and for the payment of other  
 11 salaries in the office of the county attorney, and any funds  
 12 not needed for such those salaries may be used for the  
 13 payment of any other county salaries.

14 (7) Within 5 days after the last day of the month, each  
 15 local government finance officer or treasurer shall pay the  
 16 amount deposited with him under subsection (1)(b) in the  
 17 previous month to the state treasurer for deposit in the  
 18 jail bond account established in [section 15] to be used to  
 19 pay the principal of and interest on bonds issued under  
 20 [sections 7 through 15] and to accumulate and maintain the  
 21 required reserve attributable to the bonds."

22 **Section 17.** Section 3-10-601, MCA, is amended to read:  
 23 "3-10-601. Collection and disposition of fines,  
 24 penalties, forfeitures, and fees. (1) Each justice of the  
 25 peace shall collect the fees prescribed by law for justices'

1 courts and shall pay them into the county treasury of the  
 2 county wherein in which he holds office, on or before the  
 3 10th day of each month, to be credited to the general fund  
 4 of the county.

5 (2) All fines, penalties, and forfeitures that this  
 6 code requires to be imposed, collected, or paid in a  
 7 justice's court must, for each calendar month, be paid by  
 8 the justice's court on or before the 5th day of the  
 9 following month to the treasurer of the county in which the  
 10 justice's court is situated.

11 (3) (A) The county treasurer shall, in the manner  
 12 provided in 15-1-504, distribute money received under  
 13 46-18-236(1)(A) AND subsection (2) OF THIS SECTION as  
 14 follows:

15 ~~{a}--of-the-funds-collected-under-46-18-236(1){a}:~~

16 {a}(i) 50% to the state treasurer; and

17 {b}(ii) 50% to the county general fund.

18 (b) THE COUNTY TREASURER SHALL, IN THE MANNER PROVIDED  
 19 IN 15-1-504, DISTRIBUTE all of the funds collected under  
 20 46-18-236(1)(b) to the state treasurer for deposit in the  
 21 jail bond account established in [section 15] to be used to  
 22 pay the principal of and interest on bonds issued under  
 23 [sections 7 through 15] and to accumulate and maintain the  
 24 required reserve attributable to the bonds.

25 (4) The state treasurer shall distribute money received

1 under subsection (3)(a)(i) as follows:

2 (a) 23% to the state general fund;

3 (b) 10% to the fish and game account in the state  
4 special revenue fund;

5 (c) 12.5% to the state highway account in the state  
6 special revenue fund;

7 (d) 36% to the traffic education account in the state  
8 special revenue fund;

9 (e) 0.6% to the department of livestock account in the  
10 state special revenue fund;

11 (f) 16.9% to the crime victims compensation account in  
12 the state special revenue fund; and

13 (g) 1% to the department of family services special  
14 revenue account for the battered spouses and domestic  
15 violence grant program."

16 **NEW SECTION. Section 18. Code commissioner instruction**  
17 -- name change. The code commissioner is instructed to  
18 substitute the term "jail" for the term "detention center"  
19 wherever the term "detention center" appears in Title 7,  
20 chapter 32, parts 21, 22, and 42.

21 **NEW SECTION. Section 19. Codification instruction.** (1)  
22 [Sections 1 through 4] are intended to be codified as an  
23 integral part of Title 7, chapter 32, and the provisions of  
24 Title 7, chapter 32, apply to [sections 1 through 4].

25 (2) [Sections 7 through 15] are intended to be codified

1 as an integral part of Title 17, chapter 5, and the  
2 provisions of Title 17, chapter 5, apply to [sections 7  
3 through 15].

4 **NEW SECTION. Section 20. Coordination instruction.** If  
5 Bill No. [LC 70] is not passed and approved, then  
6 [section 3(3)] of [this act] is void.

7 **NEW SECTION. Section 21. Severability.** If a part of  
8 [this act] is invalid, all valid parts that are severable  
9 from the invalid part remain in effect. If a part of [this  
10 act] is invalid in one or more of its applications, the part  
11 remains in effect in all valid applications that are  
12 severable from the invalid applications.

13 **NEW SECTION. Section 22. Requirements for approval of**  
14 **state debt -- severability.** (1) Because [sections 8 and 14]  
15 authorize the creation of a state debt, a vote of two-thirds  
16 of the members of each house is required for enactment of  
17 [sections 8 and 14].

18 (2) If [sections 8 and 14] are not approved by the  
19 required vote, [sections 1 through 3, 7 through 17, and 19  
20 through 21] are void. The remaining sections of [this act]  
21 are valid and remain in effect in all valid applications  
22 upon enactment.

23 **NEW SECTION. Section 23. Effective dates.** (1)  
24 [Sections 15 through 22 and this section] are effective July  
25 1, 1991.

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1 (2) [Sections 1 through 14] are effective July 1, 1992.

-End-