

SENATE BILL NO. 194

INTRODUCED BY WATERMAN
BY REQUEST OF THE DEPARTMENT OF
CORRECTIONS AND HUMAN SERVICES

IN THE SENATE

JANUARY 19, 1993 INTRODUCED AND REFERRED TO COMMITTEE
ON JUDICIARY.

FIRST READING.

FEBRUARY 4, 1993 COMMITTEE RECOMMEND BILL
DO PASS. REPORT ADOPTED.

PRINTING REPORT.

SECOND READING. DO PASS AS AMENDED.

FEBRUARY 9, 1993 ENGROSSING REPORT.

THIRD READING, PASSED.
AYES, 50; NOES, 0.

TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 10, 1993 INTRODUCED AND REFERRED TO COMMITTEE
ON JUDICIARY.

FIRST READING.

MARCH 8, 1993. COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.

MARCH 16, 1993 RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

MARCH 18, 1993

RECEIVED FROM HOUSE.

SECOND READING, AMENDMENTS
CONCURRED IN.

MARCH 19, 1993

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

Sonata BILL NO. 194

INTRODUCED BY
Myron Water
BY REQUEST OF THE DEPARTMENT OF
CORRECTIONS AND HUMAN SERVICES

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE RATES THAT PRERELEASE CENTER RESIDENTS ARE OBLIGATED TO PAY; PROVIDING A METHOD OF DETERMINING CRITERIA AND RATES; AND AMENDING SECTION 53-1-501, MCA."

STATEMENT OF INTENT

A statement of intent is required for this bill because the bill gives the department of corrections and human services authority to adopt administrative rules. The department shall adopt rules that establish criteria and a procedure for determining ability to pay per diem rates for room, board, or services or for a combination of room, board, and services for persons committed to or placed in community corrections programs operated by the department. The department shall adopt rules and procedures for the establishment of rates and charges to residents in any community correctional program that is under contract with the department.

It is the intent of the legislature that the amount assessed by these programs be subject to the resident's

ability to pay and that the department may not make an assessment that would place an undue financial burden on the resident.

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

Section 1. Section 53-1-501, MCA, is amended to read: "53-1-501. Rates for board, and room, and services charged by the department. (1) The department of corrections and-human-services shall establish and--charge--reasonable rates-for-board-and-room per diem rates for room, board, and services for persons placed in or committed to any residential a community correctional programs program operated by the department. The-department-is-directed-to establish-policies-and-rules-to-implement--the--charging--of reasonable--rates--of--board--and--room--for--such--programs operated-by-the-department.

(2) The per diem rate must be based on the gross daily budgeted cost of operating a community-based correctional program, excluding the cost of ancillary services not directly identified with resident care, divided by the full-time equivalent resident load.

(3) The department shall assess on a monthly basis to each resident the full per diem charge, a proportionate share of the per diem charge, or no per diem charge, plus the full ancillary charge, a proportionate share of the

1 ancillary charge, or no ancillary charge, based upon the
2 resident's ability to pay.

3 (4) The department shall prescribe rules that establish
4 criteria and a procedure for determining ability to pay. The
5 department may not make an assessment that would place an
6 undue financial burden on the resident and shall consider
7 court-ordered restitution, fines, and child support when
8 making this determination.

9 (5) The department shall prescribe rules and procedures
10 for the establishment of rates and charges to residents in
11 any community correctional program that is under contract
12 with the department and that provides room, board, or
13 services or any combination of room, board, and services to
14 residents of those facilities or programs. The amount
15 assessed by these programs must be subject to the resident's
16 ability to pay, based on the rates established as the basis
17 for assessed charges, and subject to approval by the
18 department."

-End-

APPROVED BY COMMITTEE
ON JUDICIARY

Senate BILL NO. 194

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14 residents of those facilities or programs. The amount
15 assessed by these programs must be subject to the resident's
16 ability to pay, based on the rates established as the basis
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BY REQUEST OF THE DEPARTMENT OF
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7 THAT PRERELEASE CENTER RESIDENTS ARE OBLIGATED TO PAY;
8 PROVIDING A METHOD OF DETERMINING CRITERIA AND RATES; AND
9 AMENDING SECTION 53-1-501, MCA."

STATEMENT OF INTENT

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14 services authority to adopt administrative rules. The
15 department shall adopt rules that establish criteria and a
16 procedure for determining ability to pay per diem rates for
17 room, board, or services or for a combination of room,
18 board, and services for persons committed to or placed in
19 community corrections programs operated by the department.
20 The department shall adopt rules and procedures for the
21 establishment of rates and charges to residents in any
22 community correctional program that is under contract with
23 the department.

24 It is the intent of the legislature that the amount
25 assessed by these programs be subject to the resident's

1 ability to pay and that the department may not make an
2 assessment that would place an undue financial burden on the
3 resident.

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

6 Section 1. Section 53-1-501, MCA, is amended to read:

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8 charged by the department. (1) The department of corrections

9 and human services shall establish and charge reasonable

10 rates for board and room per diem rates for room, board, and

11 services for persons placed in or committed to any

12 residential a community correctional programs program

13 operated by the department. The department is directed to

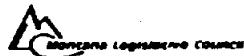
14 establish policies and rules to implement the charging of

15 reasonable rates of board and room for such programs

16 operated by the department.

{2}--The--per-diem-rate-must-be-based-on-the-gross-daily
budgeted-cost-of-operating--a--community-based--correctional
program--excluding--the--cost--of--ancillary--services--not
directly--identified--with--resident--care,--divided--by-the
full-time-equivalent-resident-load.

22 ~~t37--The department shall assess on a monthly basis to~~
23 ~~each--resident--the--full--per--diem--charge,--a--proportionate~~
24 ~~share--of--the--per--diem--charge,--or--no--per--diem--charge,--plus~~
25 ~~the--full--ancillary--charge,--a--proportionate--share--of--the~~



1 ancillary-charge, or no ancillary--charge,--based--upon--the
2 resident's-ability-to-pay.

3 t4)--The-department-shall-prescribe-rules-that-establish
4 criteria-and-a-procedure-for-determining-ability-to-pay.--The
5 department--may--not--make-an-assessment-that-would-place-an
6 undue-financial-burden-on-the-resident--and--shall--consider
7 court-ordered--restitution--fines,--and--child-support-when
8 making-this-determination.

9 t5)(2) The department shall prescribe rules and
10 procedures for the establishment of rates and charges to
11 residents in any community correctional program that is
12 under contract with the department and that provides room,
13 board, or services or any combination of room, board, and
14 services to residents of those facilities or programs. The
15 amount assessed by these programs must be subject to the
16 resident's ability to pay, based on the rates established as
17 the basis for assessed charges, and subject to approval by
18 the department."

-End-

HOUSE STANDING COMMITTEE REPORT

March 5, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary report that
Senate Bill 194 (third reading copy -- blue) be concurred in as
amended.

Signed: Russell L. Fagg
Russ Fagg, Chair

And, that such amendments read:

Carried by: Rep. Brooke

1. Page 2, line 16.

Following: "department."

Insert: "The department may adopt rules allowing it to order part
of a person's employment income to be used to pay
restitution, fines, and child or spousal support."

-END-

HOUSE

SB 194

Committee Vote:

Yes 17, No 1

501532SC.HPF

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(2)--The--per-diem-rate-must-be-based-on-the-gross-daily budgeted-cost-of-operating--a--community-based--correctional program--excluding--the--cost--of--ancillary--services--not directly--identified--with--resident--care--divided--by--the full-time-equivalent-resident-load;
(3)--The-department-shall-assess-on-a-monthly--basis--to

1 each--resident--the--full--per--diem-charge,--a-proportionate
2 share-of-the-per-diem-charge,--or--no-per--diem--charge,--plus
3 the--full--ancillary--charge,--a--proportionate-share-of-the
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-End-