

1 House BILL NO. 88
 2 INTRODUCED BY Rep. Dennis Mackay - Liberal
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT INCLUDING CAPITAL CONSTRUCTION COSTS IN THE
 5 REASONABLE COSTS OF CONFINING A PERSON IN A DETENTION CENTER; AND AMENDING SECTION
 6 7-32-2242, MCA."

7
 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 9

10 **Section 1.** Section 7-32-2242, MCA, is amended to read:

11 **"7-32-2242. Use of detention center -- payment of costs.** (1) Local government, state, and federal
 12 law enforcement and correctional agencies may use any detention center for the confinement of arrested
 13 persons and the punishment of offenders, under conditions imposed by law and with the consent of the
 14 governing body responsible for the detention center.

15 (2) (a) If a person is confined in a detention center by an arresting agency not responsible for the
 16 operation of the detention center, the costs of holding the person in confinement must be paid by the
 17 arresting agency at a rate that is agreed upon by the arresting agency and the detention center and that
 18 covers the reasonable costs of confinement, ~~excluding~~ including capital construction costs, ~~except as~~
 19 ~~provided in subsection (2)(b).~~

20 (b) If a city or town commits a person to the detention center of the county in which the city or
 21 town is located for a reason other than detention pending trial ~~for~~ or detention for service of a sentence
 22 for violating an ordinance of that city or town, the costs must be paid by the county. If the department of
 23 corrections and human services is the arresting agency and the inmate is a probation violator, the costs
 24 must be paid by the county in which the district court that retains jurisdiction over the inmate is located.

25 (c) Payments must be made to the government unit responsible for the detention center or to the
 26 administrator operating a private detention center under an agreement provided for in 7-32-2201, upon
 27 presentation of a claim to the arresting agency.

28 (3) If a person is a fugitive from justice from an out-of-state jurisdiction, the costs, including
 29 medical expenses, of holding the person in a detention center pending extradition must be paid by the
 30 out-of-state jurisdiction."

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0088, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act including capital construction costs in the reasonable costs of confining a person in a detention center.

ASSUMPTIONS:

Dept. of Corrections and Human Services (DCHS):

1. The DCHS obtained some information on construction costs for the Cascade County detention center. These figures are also used by the Departments of Justice and Fish, Wildlife and Parks in this fiscal note. The assumptions from DCHS follow:
 - Capital construction costs are estimated at \$10 million for a detention center.
 - Interest rate on \$10 million, 30 year bonds is 7.2%.
 - Yearly payment on 30 year bonds is \$814,545.85.
 - Daily costs on debt service are \$2,231.64 (814,545.85/365 days).
 - A \$10 million detention center houses 100 average daily population (ADP).
 - Daily debt service per ADP is \$22.32 (\$2,231.64/100).

Dept. of Justice:

2. The Dept. of Justice has current contracts with counties that range from \$20-40 a day. All of these contracts expire 6/30/95 and are currently under negotiation. For this fiscal note, the average cost of \$34 a day is used for projections.
3. Justice spent \$722,581 on prisoner per diem in FY94. In the last two fiscal years, the average increase was 10% per year. This 10% increase is carried through to FY95, FY96, and FY97 in the calculations.
4. At the daily \$22.32 ADP rate, Justice will be responsible for 25,716 prisoner days in FY96 and 28,287 days in FY97.
5. All counties will take advantage of this bill and apply it to present facilities.
6. The Highway Patrol budget operating costs for prisoner per diem is funded from the state special revenue gas tax account.

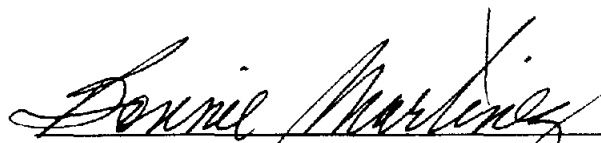
Dept. of Fish, Wildlife and Parks (FWP):

7. FWP has responsibility for approximately 130 days of detention per year.
8. The average cost of detention is \$35 per day per individual.
9. The detention facility bills the agency for detention costs of individuals placed. Since FWP doesn't have a contract with detention centers, the department must pay the going rate requested.
10. If the DCHS debt service assumptions of \$22.32 are used, the cost for detention will increase \$2,902 per year.

(Continued)

 1-13-95

DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning


BONNIE MARTINEZ, PRIMARY SPONSOR DATE

Fiscal Note for HB0088, as introduced

HB 88

(continued)

FISCAL IMPACT:

Expenditures:

	<u>FY96</u> <u>Difference</u>	<u>FY97</u> <u>Difference</u>
<u>HIGHWAY PATROL:</u>		
Operating costs	573,981	631,366
Funding:		
State special revenue (02)	573,981	631,366
 <u>FISH, WILDLIFE, and PARKS:</u>		
Operating costs	2,902	2,902
Funding:		
State special revenue (02)	2,902	2,902

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

Minimal increase of funds to county detention facilities.

TECHNICAL NOTES:

The bill needs to be clarified as to whether capital construction costs are for future construction, existing and/or past building projects.

STATE OF MONTANA - FISCAL NOTE

Revised Fiscal Note for HE0088, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act including capital construction costs in the reasonable costs of confining a person in a detention center.

ASSUMPTIONS:

Dept. of Corrections and Human Services (DCHS):

1. The DCHS obtained some information on construction costs for the Cascade County detention center. These figures are also used by the Departments of Justice and Fish, Wildlife and Parks in this fiscal note. The assumptions from DCHS follow:
 - Capital construction costs are estimated at \$10 million for a detention center.
 - Interest rate on \$10 million, 30 year bonds is 7.2%.
 - Yearly payment on 30 year bonds is \$814,545.85.
 - Daily costs on debt service are \$2,231.64 (814,545.85/365 days).
 - A \$10 million detention center houses 100 average daily population (ADP).
 - Daily debt service per ADP is \$22.32 (\$2,231.64/100).

Dept. of Justice:

2. The Dept. of Justice has current contracts with counties that range from \$20-40 a day. All of these contracts expire 6/30/95 and are currently under negotiation. For this fiscal note, the average cost of \$34 a day is used for projections.
3. Justice spent \$722,581 on prisoner per diem in FY94. In the last two fiscal years, the average increase was 10% per year. This 10% increase is carried through to FY95, FY96, and FY97 in the calculations.
4. At the daily \$22.32 ADP rate, Justice will be responsible for 25,716 prisoner days in FY96 and 28,287 days in FY97.
5. All counties will take advantage of this bill and apply it to present facilities.
6. The Highway Patrol budget operating costs for prisoner per diem is funded from the state special revenue gas tax account.

Dept. of Fish, Wildlife and Parks (FWP):

7. FWP has responsibility for approximately 130 days of detention per year.
8. The average cost of detention is \$35 per day per individual.
9. The detention facility bills the agency for detention costs of individuals placed. Since FWP doesn't have a contract with detention centers, the department must pay the going rate requested.
10. If the DCHS debt service assumptions of \$22.32 are used, the cost for detention will increase \$2,902 per year.

Dept. of Family Services (DFS):

11. In FY94, DFS incurred costs of \$40,802 for 252 days of detention in local detention centers to hold aftercare clients for the Juvenile Corrections Division.
12. DFS projects there will be 850 days of detention purchased in FY95 by the division.
13. Based on FY95 days of detention and increased cost of \$22.32 per day, the Juvenile Corrections Division impact will be \$18,972 per year.
14. Detention costs are not eligible for federal reimbursement.

(Continued)

Dave Lewis 1-23-95
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

Roy Grinde
LARRY GRINDE, PRIMARY SPONSOR DATE
Sponsor changed 1-23-95
Revised Fiscal Note for HE0088, as introduced
Roy HB 88-#2

FISCAL IMPACT:

Expenditures:

	<u>FY96</u>	<u>FY97</u>
	<u>Difference</u>	<u>Difference</u>
<u>HIGHWAY PATROL:</u>		
Operating costs	573,981	631,366
Funding:		
State special revenue (02)	573,981	631,366
 <u>FISH, WILDLIFE, and PARKS:</u>		
Operating costs	2,902	2,902
Funding:		
State special revenue (02)	2,902	2,902
 <u>FAMILY SERVICES:</u>		
Operating costs	18,972	18,972
Funding:		
General Fund (01)	18,972	18,972

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

Minimal increase of funds to county detention facilities.

TECHNICAL NOTES:

The bill needs to be clarified as to whether capital construction costs are for future construction, existing and/or past building projects.