

**JBC STAFF FISCAL ANALYSIS  
HOUSE APPROPRIATIONS COMMITTEE**

CONCERNING TREATMENT OF INDIVIDUALS WITH SUBSTANCE USE DISORDERS WHO COME INTO CONTACT WITH THE CRIMINAL JUSTICE SYSTEM, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

Prime Sponsors: Reps. Herod and Kennedy  
Sens. Donovan and Priola

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**Appropriation Items of Note**

**Appropriation Already Added to Bill, Amendment in Packet**

**General Fund Impact**

**Significant Cost Increase in Second Year**

**Fiscal Impact of Bill as Amended to Date**

The most recent Legislative Council Staff Revised Fiscal Note (attached) reflects the fiscal impact of the bill as of 03/17/20.

<b>XXX</b>	<b>No Change:</b> Attached LCS Fiscal Note accurately reflects the fiscal impact of the bill
	<b>Update:</b> Fiscal impact has changed due to <i>new information or technical issues</i>
	<b>Update:</b> Fiscal impact has changed due to <i>amendment adopted</i> after LCS Fiscal Note was prepared
	<b>Non-Concurrence:</b> JBC Staff and Legislative Council Staff disagree about the fiscal impact of the bill

**Amendments in This Packet for Consideration by Appropriations Committee**

<b>Amendment</b>	<b>Description</b>
J.002	Staff-prepared appropriation amendment
L.010	Bill Sponsor amendment - changes fiscal impact

**Current Appropriations Clause in Bill**

The bill includes an appropriation clause that appropriates \$1.15 million General Fund to the Department of Human Services.

**Description of Amendments in This Packet**

**J.002** Staff has prepared amendment **J.002** (attached) to amend the bill's current clause and to appropriate a total of \$2,059,872 General Fund in FY 2020-21 as follows:

- \$1,484,872 to the Department of Corrections, which amount is based on the assumption that the Department will require an additional 16.7 FTE; and
- \$575,000 to the Department of Human Services.

**L.010** Bill Sponsor amendment **L.010** (attached) amends the bill to eliminate the fiscal impact in a number of ways, including:

- Allows, rather than requires, facilities to provide opioid agonists and opioid antagonists and strongly encourages facilities to maintain a person's treatment for opioid use disorder during a person's incarceration or time in custody and allows a facility to contract with community providers to do so.
- Requires the use of existing safe disposal and substance use treatment resources created by the Office of Behavioral Health, rather than creating new requirements.
- Specifies that certain requirements do not apply if safe station personnel are not available to assist a person that arrives at the safe station for disposal of a controlled substance.
- Modifies the section related to continuity of care for persons released from jail to require jails to provide an existing list of substance use providers to the person being released, rather than requiring jails to perform services such as pre-scheduling appointments.
- Requires jails to provide Medicaid reenrollment paperwork to the person when the person enters the jail and to file the paperwork with the county department of health and human services upon the person's release.
- Removes the appropriations clause that appropriates \$1.15 million General Fund to the Department for criminal justice diversion programs.

Additionally, the amendment codifies the meaning of "criminal justice diversion programs" and that the Office of Behavioral Health in the Department of Human Services may contract with these diversion programs to perform mobile crisis services.

If the Committee adopts amendment L.010, it should **not** adopt J.002.

**Points to Consider**

*General Fund Impact*

The Joint Budget Committee has proposed a budget package for FY 2020-21 based on the following:

## HB20-1017

## JBC Staff Analysis

- the May 12, 2020, Office of State Planning and Budgeting revenue forecast;
- a school finance bill placeholder for a reduction of \$723.8 million General Fund;
- a placeholder for the reduction of \$202.0 million General Fund through one or more non-JBC package bills; and
- an adjusted statutory General Fund reserve percentage of 3.84 percent equal to \$402.0 million.

This bill requires a General Fund appropriation of \$2,059,872 for FY 2020-21, thereby decreasing the proposed fiscal year-end General Fund reserve or increasing the proposed placeholder reductions by the same amount.

### *Future Fiscal Impact*

The Joint Budget Committee has proposed a budget package for FY 2020-21. The budget package bills reduce or eliminate some appropriations and transfers, and suspend or delay other appropriations and transfers. These bills also augment the amount of money available in the General Fund. Many of these changes apply for FY 2020-21 only, and thus require scheduled increases in General Fund appropriations and transfers in FY 2021-22 and subsequent fiscal years.

This bill, as currently drafted, requires a General Fund appropriation of \$2,059,872 General Fund for FY 2020-21. It is projected to require \$4,493,077 General Fund in FY 2021-22, further increasing the base General Fund commitment in that fiscal year. This further reduces the amount of General Fund available for appropriations and obligations by the same amount.

Amendment **L.010** reduces the General Fund appropriation for FY 2020-21 and in future years.