

Amendment - 2nd Reading/2nd House-tan - Requested by: Josh Kassmier - (S) Committee of the Whole

- 2025

69th Legislature 2025

Drafter: Julie Johnson,

HB0863.001.014

HOUSE BILL NO. 863

INTRODUCED BY L. JONES, J. ESP, C. GLIMM, D. BEDEY, B. MERCER, E. TILLEMANN, K. WALSH

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING STATE FINANCE LAWS;

ESTABLISHING A DAILY RATE FOR DETENTION CENTERS; PROVIDING AN APPROPRIATION;

AMENDING SECTION SECTIONS 7-32-2242 AND 17-7-102, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

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

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

(2) (a) Except as provided in 7-32-2245, if a person is confined in a detention center by an arresting agency not responsible for the operation of the detention center, the actual costs of holding the person in confinement must be paid by the arresting agency unless otherwise agreed to by the arresting agency and the operator of the detention center.

(b) If a city or town commits a person to the detention center of the county in which the city or town is located for a reason other than detention pending trial for or detention for service of a sentence for violating an ordinance of that city or town, the costs must be paid by the county, except as provided in 7-32-2245. If the department of corrections is the arresting agency and the inmate is a probation violator, the costs must be paid by the county in which the district court that retains jurisdiction over the inmate is located, except as provided in 7-32-2245.

(c) The department of corrections is responsible to pay actual costs for defendants following the pronouncement of sentence pursuant to 46-19-101.

(d) Payments must be made to the government unit responsible for the detention center or to the

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1 administrator operating a private detention center under an agreement provided for in 7-32-2201 on
2 presentation of a claim to the arresting agency.

3 (e) For the purposes of this section, "actual costs" of in reference to a detention center ~~is defined~~
4 ~~as the greater of:~~

5 ~~(i) the daily per inmate provider rate for crossroads correctional facility less 10%; or~~

6 ~~(ii) \$82~~ means \$85.30 a day.

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

10
11 **Section 2.** Section 17-7-102, MCA, is amended to read:

12 **"17-7-102. (Temporary) Definitions.** As used in this chapter, the following definitions apply:

13 (1) "Additional services" means different services or more of the same services.

14 (2) "Agency" means all offices, departments, boards, commissions, institutions, universities,
15 colleges, and any other person or any other administrative unit of state government that spends or encumbers
16 public money by virtue of an appropriation from the legislature under 17-8-101.

17 (3) "Approving authority" means:

18 (a) the governor or the governor's designated representative for executive branch agencies;

19 (b) the chief justice of the supreme court or the chief justice's designated representative for judicial
20 branch agencies;

21 (c) the speaker for the house of representatives;

22 (d) the president for the senate;

23 (e) appropriate legislative committees or a designated representative for legislative branch
24 agencies; or

25 (f) the board of regents of higher education or its designated representative for the university
26 system.

27 (4) (a) "Base budget" means the resources for the operation of state government that are of an

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ongoing and nonextraordinary nature in the current biennium. The base budget for the state general fund and state special revenue funds may not exceed that level of funding authorized by the previous legislature.

(b) The term does not include:

(i) funding for water adjudication if the accountability benchmarks contained in 85-2-271 are not met;

(ii) funding for petroleum storage tank leak prevention if the accountability benchmarks in 75-11-521 are not met.

(5) "Budget amendment" means a temporary appropriation as provided in Title 17, chapter 7, part 4.

(6) "Budget stabilization reserve" means the amount of unappropriated fund balance in the budget stabilization reserve fund up to 16% of all general revenue appropriations in the second year of the biennium.

(7) "Emergency" means a catastrophe, disaster, calamity, or other serious unforeseen and unanticipated circumstance that has occurred subsequent to the time that an agency's appropriation was made, that was clearly not within the contemplation of the legislature and the governor, and that affects one or more functions of a state agency and the agency's expenditure requirements for the performance of the function or functions.

(8) "Funds subject to appropriation" means those funds required to be paid out of the treasury as set forth in 17-8-101.

(9) "General revenue appropriations" means appropriations from the general fund ~~or~~ and the school equalization and property tax reduction account in 20-9-336.

(10) "Necessary" means essential to the public welfare and of a nature that cannot wait until the next legislative session for legislative consideration.

(11) "New proposals" means requests to provide new nonmandated services, to change program services, to eliminate existing services, or to change sources of funding. For purposes of establishing the present law base, the distinction between new proposals and the adjustments to the base budget to develop the present law base is to be determined by the existence of constitutional or statutory requirements for the proposed expenditure. Any proposed increase or decrease that is not based on those requirements is

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1 considered a new proposal.

2 (12) "Operating reserve" means an amount equal to 8.3% of all general revenue appropriations in
3 the second year of the biennium.

4 (13) "Present law base" means that level of funding needed under present law to maintain
5 operations and services at the level authorized by the previous legislature, including but not limited to:

6 (a) changes resulting from legally mandated workload, caseload, or enrollment increases or
7 decreases;

8 (b) changes in funding requirements resulting from constitutional or statutory schedules or
9 formulas;

10 (c) inflationary or deflationary adjustments; and

11 (d) elimination of nonrecurring appropriations.

12 (14) "Program" means a principal organizational or budgetary unit within an agency.

13 (15) "Requesting agency" means the agency of state government that has requested a specific
14 budget amendment.

15 (16) "University system unit" means the board of regents of higher education; office of the
16 commissioner of higher education; university of Montana, with campuses at Missoula, Butte, Dillon, and
17 Helena; Montana state university, with campuses at Bozeman, Billings, Havre, and Great Falls; the agricultural
18 experiment station, with central offices at Bozeman; the forest and conservation experiment station, with central
19 offices at Missoula; the cooperative extension service, with central offices at Bozeman; the bureau of mines and
20 geology, with central offices at Butte; the fire services training school at Great Falls; and the community
21 colleges supervised and coordinated by the board of regents pursuant to 20-15-103. (Terminates June 30,
22 2028--sec. 11, Ch. 269, L. 2015.)

23 **17-7-102. (Effective July 1, 2028) Definitions.** As used in this chapter, the following definitions
24 apply:

25 (1) "Additional services" means different services or more of the same services.

26 (2) "Agency" means all offices, departments, boards, commissions, institutions, universities,
27 colleges, and any other person or any other administrative unit of state government that spends or encumbers

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(3) "Approving authority" means:

(a) the governor or the governor's designated representative for executive branch agencies;

(b) the chief justice of the supreme court or the chief justice's designated representative for judicial branch agencies;

(c) the speaker for the house of representatives;

(d) the president for the senate;

(e) appropriate legislative committees or a designated representative for legislative branch agencies; or

(f) the board of regents of higher education or its designated representative for the university system.

(4) "Base budget" means the resources for the operation of state government that are of an ongoing and nonextraordinary nature in the current biennium. The base budget for the state general fund and state special revenue funds may not exceed that level of funding authorized by the previous legislature.

(5) "Budget amendment" means a temporary appropriation as provided in Title 17, chapter 7, part 4.

(6) "Budget stabilization reserve" means the amount of unappropriated fund balance in the budget stabilization reserve fund up to 16% of all general revenue appropriations in the second year of the biennium.

(7) "Emergency" means a catastrophe, disaster, calamity, or other serious unforeseen and unanticipated circumstance that has occurred subsequent to the time that an agency's appropriation was made, that was clearly not within the contemplation of the legislature and the governor, and that affects one or more functions of a state agency and the agency's expenditure requirements for the performance of the function or functions.

(8) "Funds subject to appropriation" means those funds required to be paid out of the treasury as set forth in 17-8-101.

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(10) "Necessary" means essential to the public welfare and of a nature that cannot wait until the next legislative session for legislative consideration.

(11) "New proposals" means requests to provide new nonmandated services, to change program services, to eliminate existing services, or to change sources of funding. For purposes of establishing the present law base, the distinction between new proposals and the adjustments to the base budget to develop the present law base is to be determined by the existence of constitutional or statutory requirements for the proposed expenditure. Any proposed increase or decrease that is not based on those requirements is considered a new proposal.

(12) "Operating reserve" means an amount equal to 8.3% of all general revenue appropriations in the second year of the biennium.

(13) "Present law base" means that level of funding needed under present law to maintain operations and services at the level authorized by the previous legislature, including but not limited to:

(a) changes resulting from legally mandated workload, caseload, or enrollment increases or decreases;

(b) changes in funding requirements resulting from constitutional or statutory schedules or formulas;

(c) inflationary or deflationary adjustments; and

(d) elimination of nonrecurring appropriations.

(14) "Program" means a principal organizational or budgetary unit within an agency.

(15) "Requesting agency" means the agency of state government that has requested a specific budget amendment.

(16) "University system unit" means the board of regents of higher education; office of the commissioner of higher education; university of Montana, with campuses at Missoula, Butte, Dillon, and Helena; Montana state university, with campuses at Bozeman, Billings, Havre, and Great Falls; the agricultural experiment station, with central offices at Bozeman; the forest and conservation experiment station, with central offices at Missoula; the cooperative extension service, with central offices at Bozeman; the bureau of mines and geology, with central offices at Butte; the fire services training school at Great Falls; and the community

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colleges supervised and coordinated by the board of regents pursuant to 20-15-103."

NEW SECTION. Section 3. Appropriation. (1) There is appropriated \$100,000 from the Montana-Ireland trade and development special revenue account to the department of commerce for the biennium beginning July 1, 2025, for implementing the provisions of Senate Bill No. 320.

(2) It is the intent of the legislature that the appropriation be included in the base budget for the department of commerce for the biennium beginning July 1, 2027.

COORDINATION SECTION. Section 4. Coordination instruction. If both House Bill No. 643 and [this act] are passed and approved and if both contain a section that amends 7-32-2242, then the section amending 7-32-2242 in House Bill No. 643 is void.

NEW SECTION. Section 5. Effective date. [This act] is effective July 1, 2025.

- END -