

**JBC STAFF FISCAL ANALYSIS  
HOUSE APPROPRIATIONS COMMITTEE**

CONCERNING MEASURES TO MANAGE THE STATE PRISON POPULATION.

Prime Sponsors: Representative Herod  
Senator Gonzales

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**Appropriation Items of Note**

**Appropriation Required Amendment in Packet**

**General Fund Impact**

**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 01/31/20.

**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 01/31/20.

	<b>No Change:</b> Attached LCS Fiscal Note accurately reflects the fiscal impact of the bill
<b>XXX</b>	<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

The Legislative Council Staff (LCS) estimate of the FY 2019-20 cost of housing inmates at Centennial South is \$815 less than the corresponding estimate by Joint Budget Committee (JBC) Staff. This difference is the result of JBC staff's failure to fully communicate to LCS staff how inmate labor costs are being treated in the Department of Corrections (DOC) supplemental bill. As a consequence, the appropriation indicated in the fiscal note is \$815 too low. LCS staff agrees with this analysis.

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

<b>Amendment</b>	<b>Description</b>
J.001	Staff-prepared appropriation amendment
J.002	Staff-prepared appropriation amendment

**Current Appropriations Clause in Bill**

The bill requires but does not contain an appropriation clause.

**Description of Amendments in This Packet**

**J.001** Staff has prepared amendment **J.001** (attached) to add a provision appropriating \$250,000 General Fund to the Department of Corrections for FY 2020-21 for a study of how to end the use of private prisons to incarcerate individuals in Colorado.

**J.002** Staff has prepared amendment **J.002** (attached) to add a provision appropriating \$5,511,167 total funds (\$5,450,197 General Fund, \$60,970 cash funds) and 37.0 FTE for operation of Centennial South in FY 2019-20. An explanation of this appropriation is contained in the first of the *Points to Consider*.

Staff has not prepared an appropriation for operation of Centennial South in FY 2020-21 because the Joint Budget Committee (JBC) plans to put the entire FY 2020-21 appropriation for operation of Centennial South in the Long Bill if H.B. 20-1019 becomes law before the Long Bill is introduced. If H.B. 20-1019 is not law when the Long Bill is introduced, the FY 2020-21 appropriation for Centennial South may be added to this bill.

**The Committee should adopt both J.001 and J.002.**

**Points to Consider**

1. The unexpected closure of a private prison in Colorado Springs on March 7 is creating overcrowding in the Department of Corrections (DOC). Centennial South has sufficient space to handle the overcrowding but current statute allows it to hold no more than 126 inmates starting two months after vacancies in state male prisons fall below two percent, which happened on January 21. Thus 126 inmates can be placed in Centennial South on March 21, an authorization that expires on Sept. 1. The DOC supplemental bill can't be used to place more than 126 inmates at Centennial South because supplementals can only contain appropriations that are consistent with current law. For this reason, the JBC recommended that appropriations for inmate use of Centennial South be divided between the DOC supplemental bill and a "set aside" that will fund an unspecified separate bill. That special bill will alter statute to allow more Centennial South beds to be used. The \$3,095,025 appropriation in the DOC supplemental bill provides funding to (1) feed, clothe, provide medical care, etc. for the additional inmates who are being moved to state prisons, and (2) open and

## **HB20-1019**

## **JBC Staff Analysis**

operate 126 beds at Centennial South. The \$5,511,167 in the set aside funds the FY 2019-20 costs of additional Centennial South beds. The combined appropriation in the set aside and the DOC supplemental bill is \$8,606,192 (\$8,524,032 General Fund, \$82,160 cash funds) and 37.0 FTE. The FY 2020-21 total cost is \$20,768,701 (\$20,604,381 General Fund, \$164,320 cash funds) and 210.4 FTE.

2. The JBC has proposed a supplemental budget package for FY 2019-20 based on the December 2019 Legislative Council Staff revenue forecast. The JBC has included as part of its FY 2019-20 supplemental budget package \$5,511,167 General Fund to be appropriated for implementation of an unspecified special bill that will open Centennial South for use by more inmates. H.B. 1019 opens Centennial South for use by 650 inmates and amendment J.002 contains an appropriation that equals the amount set aside in the JBC supplemental package for an unspecified bill.

3. The \$250,000 General Fund appropriation for FY 2020-21 in J.001 for a private-prison study will reduce by \$250,000 the amount of General Fund available for other special bills enacted this session that require FY 2020-21 General Fund appropriations.