

# FISCAL NOTE

**Bill #:** SB0107

**Title:** Use of two-way electronic audio-video communication in mental illness proceedings

**Primary**

**Sponsor:** Eve Franklin

**Status:** As Introduced-Revised

\_\_\_\_\_  
Sponsor Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chuck Swysgood, Budget Director

\_\_\_\_\_  
Date

## Fiscal Summary

	<b><u>FY2002</u></b> <b><u>Difference</u></b>	<b><u>FY2003</u></b> <b><u>Difference</u></b>
<b>Expenditures:</b>		
General Fund	7,800	8,190
State Special Revenue	7,200	7,200
<b>Revenue:</b>		
General Fund	0	0
State Special Revenue	7,200	7,200
<b>Net Impact on General Fund Balance:</b>	<b>(\$7,800)</b>	<b>(\$8,190)</b>

<b><u>Yes</u></b>	<b><u>No</u></b>		<b><u>Yes</u></b>	<b><u>No</u></b>	
	X	Significant Local Gov. Impact		X	Technical Concerns
	X	Included in the Executive Budget		X	Significant Long-Term Impacts
	X	Dedicated Revenue Form Attached		X	Family Impact Form Attached

## Fiscal Analysis

### ASSUMPTIONS:

#### **Department of Public Health and Human Services**

1. The Montana State Hospital estimates that approximately 5 hearings would be held per month, or 60 per year.
2. The current rate published for METNET Interactive Video is \$100 per hour for 672 Kbps. It is assumed each hearing would be charged a minimum of one hour. In addition, each site is charged a \$15.00 site fee. The total cost would be \$130 per hearing.
3. The current METNET rate is estimated to inflate by 5% from FY02 to FY03.

4. Local governments will be responsible for any and all equipment necessary to access interactive video system.

**Governor's Office**

5. There are 10-20 individuals sent to Warm Springs each month on emergency detentions.
6. 50 percent of these emergency detentions go to commitment hearings, or 5 to 10 per month.
7. The individuals have right to counsel at the commitment hearings. This is usually a public defender in the country of residence. This bill would not change the use of a public defender in the county, but Section 1 (2) does allow the individual to request that counsel from the Board of Visitors to be present at the hospital during the electronic hearing. The Board of Visitors attorney would not represent the individual, but would merely be present at the electronic hearing, since the public defender would be in the county of residence.
8. A minimum of 1.5 or 2 hours would be needed for the Board of Visitors attorney to become familiar with the case and be present at the hearing. At the estimated 5 commitment hearings, this would be 7.5 to 10 hours per month, which would result in an approximate 10 percent increase in workload. This could not be absorbed by current staff. A contract attorney would have to be retained, estimated at \$60/hour x 10 hours per month x 12 months = \$7,200.
9. The Board of Visitors would bill the counties for providing this service. State special revenue authority would be needed to expend the funds.

FISCAL IMPACT:

	<u>FY2002 Difference</u>	<u>FY2003 Difference</u>
<b>Department of Public Health and Human Services</b>		
<u>Expenditures:</u>		
Operating Expenses	\$7,800	\$8,190
<u>Funding:</u>		
General Fund (01)	\$7,800	\$8,190
<b>Governor's Office</b>		
<u>Expenditures:</u>		
Operating Expenses	\$7,200	\$7,200
<u>Funding:</u>		
State Special Revenue (02)	\$7,200	\$7,200
<u>Revenue:</u>		
State Special Revenue (02)	\$7,200	\$7,200
<u>Net Impact to Fund Balance (Revenue minus Expenditure):</u>		
General Fund (01)	(\$7,800)	(\$8,190)
State Special Revenue (02)	(\$0)	(\$0)