

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1970-01
Bill No.: HB 836
Subject: Prisons and Jails; Corrections Department; Agriculture and Animals
Type: Original
Date: March 25, 2013

Bill Summary: This proposal requires the Department of Corrections facilities to maintain a garden and use produce from the garden to supplement the facilities' food supply.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on FTE	0	0	0

- Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).
- Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Corrections (DOC)** state currently, many of the correctional institutions maintain small gardens. The offenders tend to these gardens for the purpose of giving back to the communities they have taken from and this is part of the Restorative Justice Program. This is accomplished through donating the produce reaped from these gardens to local community charitable organizations.

Some institutions may be able to expand their gardens, but in order to allow offenders from all DOC facilities the opportunity to tend to them, the gardens would have to be located inside the secure perimeter. They would have to be located inside as many offenders at DOC's medium and high custody level prisons would be unable to obtain security clearance to work in gardens located outside the perimeter fence.

Unfortunately, in most institutions there is not enough land inside the secure perimeter to grow a garden, especially one large enough to accommodate the nutritional needs of the offender population housed at that site. Therefore if this legislation were to pass, additional land would have to be located adjacent to the existing prison and additional fencing (quite expensive) would need to be purchased and installed to ensure public safety is not impacted negatively. In addition, DOC would no longer be able to donate produce to the community charitable organizations as the offenders would be consuming the produce. Many of these organizations have come to rely on these donations. Additionally, most facilities would not have the refrigeration space to keep a large quantity of fresh produce refrigerated to lengthen the shelf life of the produce.

Other issues in producing and serving fresh vegetables and fruit to consider:

- added cost of garden/farm equipment, supplies and fuel;
- enough produce would need to be grown to feed the total population of offenders at a meal (e.g. just not serve corn to one or two housing units). This could entail feeding 500 to 2900 offenders at a meal;
- some DOC correctional centers do not have the land or the correct type of soil needed for the size of gardens needed to support feeding their total population a variety of produce;
- the added cost of crates/containers for storage and distribution;
- the labor costs for staff and offenders;
- availability of staff to supervise offenders and maintain equipment; and
- added utility cost (e.g. water for irrigation systems)

RS:LR:OD

ASSUMPTION (continued)

In summary, the potential fiscal impact for the DOC due to passage of this proposal is unknown but expected to be a significant amount per each year.

Oversight assumes DOC facilities would not be required to purchase additional land in order to comply with this proposal. The proposal does not state how much produce should be generated by this garden, or how many meals should be supplemented; just that the facility should have and maintain a produce garden. Therefore, Oversight assumes the correctional facilities would ‘make do’ with what land is available to them. Oversight assumes DOC would incur some additional expense to create and maintain the gardens, and could potentially, realize a slight savings in food expense if enough produce is generated by these gardens. Oversight will assume both the potential costs and potential savings to be small, and will not reflect an impact on the fiscal note.

According to the DOC budget books, the “average cost of food and equipment per inmate per day” is projected to be \$2.374 in FY 2014.

<u>FISCAL IMPACT - State Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

The proposed legislation appears to have no direct fiscal impact.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Corrections



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