

Fiscal Estimate - 2023 Session

Original Updated Corrected Supplemental

LRB Number 23-4428/1		Introduction Number AB-0757	
Description climate control in state correctional institutions and county jails and houses of correction and making an appropriation			
Fiscal Effect			
State:			
<input type="checkbox"/> No State Fiscal Effect			
<input type="checkbox"/> Indeterminate			
<input checked="" type="checkbox"/> Increase Existing Appropriations		<input type="checkbox"/> Increase Existing Revenues	<input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget
<input type="checkbox"/> Decrease Existing Appropriations		<input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<input type="checkbox"/> Create New Appropriations		<input type="checkbox"/> Decrease Costs	
Local:			
<input type="checkbox"/> No Local Government Costs			
<input type="checkbox"/> Indeterminate			
1. <input type="checkbox"/> Increase Costs	3. <input type="checkbox"/> Increase Revenue	5. Types of Local Government Units Affected	
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Towns	<input type="checkbox"/> Village <input type="checkbox"/> Cities
2. <input type="checkbox"/> Decrease Costs	4. <input type="checkbox"/> Decrease Revenue	<input type="checkbox"/> Counties	<input type="checkbox"/> Others <input type="checkbox"/> 0
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> School Districts	<input type="checkbox"/> WTCS Districts
Fund Sources Affected		Affected Ch. 20 Appropriations	
<input checked="" type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS		20.410(1)(a), 20.410(1)(aa), and 20.410(1)(e)	
Agency/Prepared By		Authorized Signature	Date
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Fiscal Estimate Narratives

DOC 1/22/2024

LRB Number	23-4428/1	Introduction Number	AB-0757	Estimate Type	Original
Description climate control in state correctional institutions and county jails and houses of correction and making an appropriation					

Assumptions Used in Arriving at Fiscal Estimate

STATE

This bill requires that the temperature in each housing unit in state correctional institutions, county jails and house of corrections is kept between 68 and 76 degrees Fahrenheit at all times. The bill requires the warden or superintendent of a state correctional institution or the county sheriff or person in charge of a county jail or house of correction to record the temperatures in all housing facility common areas and two random cells located in substantially different areas of each housing unit on any day that the outdoor temperature is below 10 degrees Fahrenheit or above 90 degrees Fahrenheit and requires the Department of Corrections (DOC) to report that temperature data to the legislature on an annual basis. Institutions will be able to accomplish this requirement using existing staff, however it may impose a significant time burden when done in addition to other required duties.

This bill also directs the DOC to prepare for the legislature a report on the order heating, ventilation or air conditioning (HVAC) systems in correctional institutions would be upgraded. The DOC is directed to have one-third of correctional institutions upgraded by May 1, 2027, another one-third by May 1, 2029, and the final one-third of state institutions and county jails by May 1, 2033. This bill provides the DOC \$200,000 in FY24 to complete the prioritization report and \$65,000,000 in FY25 for the installation and operation of HVAC systems in correctional institutions.

The Department currently uses two versions of conditioned air; traditional air conditioning, which is kept at 74 degrees and tempered air, which removes the humidity from the air and is kept at 76 degrees. As of August 2020, Department policy requires all new construction to have conditioned air. Additionally, any time a building is remodeled or improved in such a way that adding air conditioning or tempering is possible, it is included in the design process.

The DOC estimates the mandated HVAC upgrade prioritization report to cost \$500,000. This estimate is based on a recently completed roofing study for the Department which cost \$188,000. The roofing study was less time and labor intensive than an HVAC study would require.

The Department estimates at least 4,000,000 sq. ft of Persons in our Care (PIOC) housing space will require HVAC installation. Based on recent project bidding, the Department estimates a minimum cost of \$30/sft. In 2023 dollars, this project will require at least \$120,000,000 for HVAC equipment and installation. On capital projects of this magnitude, the Department assumes a 10% yearly inflation on construction costs – meaning in 2024 dollars, this project will require \$132,000,000. However, many DOC facilities were not built or designed to utilize HVAC equipment and older facilities will require extensive retrofitting at a minimum cost of \$45/sft. This retrofitting may require using existing PIOC living space to house equipment, lowering population capacity at many institutions. In addition, facilities were not designed to take on the additional electrical needs of the HVAC systems necessitating electrical upgrades at each institution at an additional and indeterminate cost. Finally, the HVAC and electrical upgrades would lead to an indeterminate increase in fuel/utilities cost for each institution.

The Department has concerns with the required timeline for HVAC upgrades at institutions. First, the DOC is not capable of managing this project with the existing Capital Budget staff. The Department's Bureau of Budget and Facilities management would need at least 7.00 additional GPR-funded FTE (2.00 Engineers, 4.00 Project Managers, 1.00 Budget Analyst) for the duration of the planning and remodeling process. These staff would have an annual GPR cost of \$750,000. Second, the Department currently sees a 2-3 year lead time for equipment for HVAC upgrades; a project of this scale will require at least 5 years lead time for the equipment to be manufactured, which means installation could not begin until 2029 at the earliest. Third, this level of construction is highly invasive and would lead to significant disruption to institution operations as more contractors would be coming in and out of the facilities and housing units would have to be closed during the construction process requiring PIOC be moved to different housing units/institutions. Should the department

not have bed capacity to move PIOC's to other facilities, this could mean utilizing contract beds at an annual per capita cost of \$18,800. Finally, the Department is concerned about the availability of contractors; as there are not currently enough state certified HVAC contractors to complete the scope of work in this proposal.

LOCAL

With respect to local detention facilities, the counties are bound by Department of Safety and Professional Services (DSPS) regulations which, via both the International Building Code and the International Residential Code, require that interior spaces that are intended for human occupancy need to be able to maintain a minimum interior temperature of 68 degrees at a point 3 feet above the floor. This requirement can be met through active systems, passively, or a combination of the two methods. These regulations and codes do not set a requirement for a maximum temperature in buildings, though there are ventilation system requirements and reasonable standards for comfort. As DOC does not have data indicating whether or not each county jail maintains air conditioning, it is unclear whether and to what extent this bill's temperature requirements for local detention facilities would require counties to modify their existing buildings, and thus DOC cannot estimate whether and to what extent this bill would increase costs for local governments. Costs could be substantial if counties had to extensively retrofit their existing facilities to achieve full compliance with the bill.

The bill's requirement that local detention facility staff record temperature readings on days the outdoor temperature reaches below 10 degrees Fahrenheit or above 90 degrees Fahrenheit could have a staffing impact on those facilities. Likewise, the bill's requirement that DOC report that temperature data to the legislature on an annual basis would also have a staffing impact, as DOC would need to develop a system for the collection and organization of this data, would need to provide training and ongoing support to the counties for that system, and would need to annually analyze and compile the data submitted through that system for the required report. The precise staffing costs of these tasks is unknown, since the Department would collaborate with counties in designing a system that minimizes the amount of time they need to submit the required data. It is unclear how much staff time would be required to develop, implement, and maintain that system, and how much would be required annually to analyze and report the data collected by that system.

Long-Range Fiscal Implications